



Criminal Justice and Public Safety Committee, Maine Legislature  
Testimony of GLBTQ Legal Advocates & Defenders (GLAD)  
By Mary L. Bonauto, Maine attorney and resident  
Re: Public Hearing on LD 1791, An Act to Allow Certain Retired Law Enforcement Officers  
and Trained Law Enforcement Officers To Serve As School Security Officers

February 3, 2020

Dear Chairpersons Senator Deschambault and Representative Warren, and Members of the  
Committee on the Criminal Justice and Public Safety Committee:

My name is Mary Bonauto, and I am a resident of Portland, a parent of two high school  
students in the Portland Public Schools, and an attorney at GLBTQ Legal Advocates &  
Defenders (GLAD). GLAD is a non-profit legal organization that seeks equal justice under  
law for LGBTQ people and people living with HIV and AIDS through litigation, legislation,  
and public information, both in New England and nationally.

GLAD has several concerns and questions about this bill, LD 1971, *An Act to Allow Certain  
Retired Law Enforcement Officers and Trained Law Enforcement Officers To Serve As School  
Security Officers*.

First, this bill is in the wrong committee at the wrong time.

- It purports to insert into the *education code* (Title 20-A) the standards for  
“qualification” of a “school security officer.” (LD 1971, § 1, creating a new 20-A  
MRSA § 6556 called “Qualification of school security officer”). With all respect to  
this Committee, the Department of Education addresses safety (see, e.g.,  
<https://www.maine.gov/doe/schools/security/safety>). We would all be better served if  
the Department of Education first assesses whether statewide hiring standards are  
necessary and then crafts its own legislation for consideration.
- The Department of Education is currently creating a model Memorandum of  
Understanding (MOU) for the relationship between “school resource officers” (SROs)  
and school systems. LD 1791 attempts to promote hiring of retired law enforcement  
personnel. Before passing this bill, it is pertinent to understand the scope of  
responsibilities of SROs – and it is unclear if this bill considers “school security  
officers” to be SROs.

Second, this bill raises serious alarms about a “school security officer” with respect to the  
roles, training, and accountability of such persons to schools, students, and the larger  
community.

- This bill provides no clarification as to the definition of a “school security officer,” how such a person compares to an SRO, how the officer would handle the complex issues of law enforcement in an educational setting geared to youth development as opposed to on the street, and where student privacy rights apply, among other things. *See* Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g – h (protection of pupil rights).
- It is also extremely concerning that this bill seeks to exempt “school security officers” from standard training and certification requirements when they are acting in a law enforcement role at schools. (LD 1971 § 4, adding “school security officers” to the narrow list of law enforcement officials exempt from state standards). The existing list of exempt individuals in 25 M.R.S.A. § 2801-B, such as harbor masters, judicial marshals, and municipal shellfish conservation wardens, bears no resemblance to persons actively providing “security” to schools. If anything, even more training should be required for law enforcement personnel at schools, given the primary role of educators is to keep students in school and learning, even when they make mistakes. The enormous developmental differences between young people and adults and the very differing walks of life from which students arrive at school also suggest more training should be necessary.
- In addition, retired individuals are, by definition, separated from their previous agencies. As a result, they are not bound by the state-mandated policies that normally apply to law enforcement agencies, including in the areas of importance in schools, such as the need for policies relating to physical force, bias crimes, conducting interviews (with students), and more. *See* 25 M.R.S.A. § 2803-B (Requirements of law enforcement agencies).

GLAD urges an ought not to pass on LD 1971. Thank you for the opportunity to submit testimony, and please do not hesitate to contact me with any further questions.

Sincerely yours,



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GLAD Civil Rights Project Director

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