



**TESTIMONY OF MARY L. BONAUTO for GLBTQ LEGAL ADVOCATES
& DEFENDERS & EQUALITY MAINE**

**LD 1512 – OUGHT TO PASS
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
May 4, 2021**

Senator Rafferty, Representative Brennan, and Honorable Members of the Committee on Education and Cultural Affairs: Good Morning. My name is Mary Bonauto, and I am an attorney at GLBTQ Legal Advocates & Defenders (GLAD). GLAD is a legal rights organization that works throughout New England and nationally to create a just society free of discrimination based on gender identity and expression, HIV status, and sexual orientation. Joining us in this testimony is EqualityMaine.

GLAD and EqualityMaine are supportive of the overall concept and goals of LD 1512, *An Act To Create the Office of the Education Ombudsman and To Establish a Commission To Study the Creation of a Reporting and Response System To Assist Public Schools in Addressing Incidents of Bias, Discrimination and Harassment*.

We are supportive of a study commission as set forth in section 2 of the bill, and are supportive of the concept of an ombudsperson in section 1 of the bill. As to section 1, we have a number of comments.

- We agree with dedicated resources to address the duties identified in the proposed §973 and on a state-wide level, but are curious as to whether the Department of Education can or already does this role, and whether it can continue to do so across administrations.
- To the extent this new Ombudsperson would help to harmonize differing local policies into statewide polices, we support that clarity and believe it would assist communities across the state in building positive, respectful, learning environments for students and teachers and staff.
- For qualifications, we respectfully recommend adding a qualification for cultural competencies as well as experience with restorative justice and other alternatives to school exclusion.
- We have questions about the other duties as well, and would like to see data collection to enhance the policy and problem- solving this position seeks to bring forward and to the public reporting in §976.
- Given the numbers of students with multiple ACEs, who are low income, and who are LGBT (as documented by MIHYS year after year), we believe the position would benefit from those lenses as well.

As to section 2 of the bill, we agree that a DEI focus is needed with respect to the pressing issues of bias, harassment and discrimination in public schools, whether as to students, staff or teachers. Too often, historically marginalized students, including BIPOC students and students



with disabilities, are caught at both ends – both as targets and as those disciplined. In addition, we respectfully offer the following thoughts for your consideration.

- For the scope of work, we would like to see dedicated, enhanced, and creative efforts to build schools as zones of mutual respect that help prepare students for success in a diverse and ever-changing world and in which teachers and staff are able to support student learning and development.
- For duties, we would like to see the commission examine existing state policy changes on all matters identified in the scope of work and make recommendations, if warranted, into new or revised policy. In addition, we believe the discipline framework needs to be updated, even revamped. We believe it should include (a) educating students about acting with mutual respect across perceived differences, and (b) systems of accountability that emphasize student learning about the consequences of their actions as well as methods for students to take responsibility for their actions that do not rely on exclusionary punishments. Compare 20-A MRS §6554 (2) (defining alternative discipline in anti-bullying law).
- For investigation and planning, we believe prevention strategies are an essential tool to fulfill the charge to “address” or “combat” bias, harassment and discrimination. For example, DOE-led efforts to build positive school climates, and to foster the use of positive behavioral interventions and supports are promising and important.
- While we agree with “document[ing],” we believe statewide and school-specific demographic data collection is an essential ingredient to understanding whether our policies are effective, have adverse impacts, and can be improved and how to continue to improve training.
- We also agree the Commission should take stock of existing training and also make training recommendations for staff and schools statewide. We would add that student and community-based education is important, too, particularly as regards the unique school-based mission of welcoming and including everyone, regardless of perceived differences, and the concomitant necessity of according dignity and respect to all persons.

In sum, GLAD and EQME are supportive of the concepts in this bill and urge favorable action.

Sincerely yours,

Mary L. Bonauto, Esq.
Civil Rights Project Director
GLBTQ Legal Advocates & Defenders
mbonauto@glad.org
257 Deering Ave., #203
Portland ME 04103