

# Maine's Current Laws & Policies Regarding LGBTQIA2S+ Rights in Schools

**November 2024:** These laws have not changed as a result of the 2024 election.

## Maine Human Rights Act

### §4601. Right to freedom from discrimination in education

The opportunity for an individual at an educational institution to participate in all educational, counseling and vocational guidance programs, all apprenticeship and on-the-job training programs and all extracurricular activities without discrimination because of sex, sexual orientation or gender identity, a physical or mental disability, ancestry, national origin, race, color or religion is recognized and declared to be a civil right.

### §4602. Unlawful educational discrimination

1. It is unlawful educational discrimination in violation of this Act, on the basis of sex, sexual orientation or gender identity, physical or mental disability, ancestry, national origin, race, color or religion, to:

- A. Exclude a person from participation in, deny a person the benefits of, or subject a person to, discrimination in any academic, extracurricular, research, occupational training or other program or activity;
- B. Deny a person equal opportunity in athletic programs;
- C. Apply any rule concerning the actual or potential familial status or marital status of a person or to exclude any person from any program or activity because of pregnancy or related conditions or because of sex or sexual orientation or gender identity.

## Doe v. RSU 26

This 2014 case in Maine was the first in which any U.S. state supreme court held that transgender students had the right to use the bathroom of their gender identity. If a school divides any individual who does something at or with their school into gender-based groups, transgender and gender expansive students have the right to participate with the group which best aligns with their gender identity.

## Maine Human Rights Commission's 2016 Memo

This memo interprets how the Doe v. RSU 26 decision affects the application of the Maine Human Rights Act to transgender and gender expansive students. See back side for excerpts.

## Other Student Rights

- Any school that allows extracurricular clubs must allow a GSTA (Gay, Straight, & Transgender Alliance) if requested.
- All students can express their identity through words, clothing, etc. if they choose to do so.

# Maine Human Rights Commission's 2016 Memo Excerpts

- **Privacy:** "In the event that the student and their parent/legal guardian do not agree with regard to the student's sexual orientation, gender identity, or gender expression, the educational institution should, whenever possible, abide by the wishes of the student with regard their gender identity and expression while at school."
- **Pronouns:** "If a student so chooses, the educational institution's employees should be required to address the student by the student's chosen name and use pronouns consistent with the student's gender identity. The educational institution should also, at the request of any student, instruct its students to address the student by the student's chosen name and use pronouns consistent with the student's gender identity. Inadvertent slips and honest mistakes will not be considered a violation of the Act, but a pattern of refusal to acknowledge a student's gender identity by using their chosen name and pronouns may be considered to constitute such a violation."



## Resources

### MHRC's 2016 Memo

[https://www.maine.gov/mhrc/sites/maine.gov.mhrc/files/inline-files/20160113\\_g.pdf](https://www.maine.gov/mhrc/sites/maine.gov.mhrc/files/inline-files/20160113_g.pdf)



### Maine Human Rights Act: Anti-Discrimination Laws in Education

<https://www.maine.gov/mhrc/laws-guidance/education>



### Anti-Bullying Laws

<https://www.mainelegislature.org/legis/statutes/20-a/title20-Asec6554.html>



### Maine Department of Education LGBTQ+ Resources

<https://www.maine.gov/doe/lgbtq>

