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From LD 1196 to Maine Schools: An Evaluation of Antidiscrimination Language in Education Policy

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From LD 1196 to Maine Schools: An Evaluation of Antidiscrimination Language in Education Policy



A Capstone Project Proposal
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Abstract

Since the passage of the antidiscrimination law LD 1196 in 2005, Maine schools have been encouraged to utilize new language outlined in the law which protects gay, lesbian, bisexual, and transgender students from discrimination. This study evaluated antidiscrimination language in a sample of Maine's school administrative unit policies and individual school handbook policies to determine to what extent LD 1196's protections were incorporated to the policies. The evaluation found that school administrative units were much more likely than individual schools to have antidiscrimination policies with the protections outlined in LD 1196. Many administrative unit and school policies lack language protecting students experiencing discrimination based on gender identity and expression.

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Background

In December of 2005, the Maine Legislature enacted LD 1196, “An Act to Extend Civil Rights Protections to All People Regardless of Sexual Orientation,” which extended civil rights protections to all people regardless of sexual orientation or gender identity and expression (Appendix c).

Sexual orientation is defined as a person’s emotional and sexual attraction to other people based on that person’s gender. **Gender expression** refers to an individual characteristics and behaviors such as appearance, dress, mannerisms, speech patterns, and social interactions that are perceived as masculine or feminine. **Gender identity** refers to a person’s internal, deeply-felt sense of being either male, female, something other, or in between” (Cho, 2004).

The protections offered in LD 1196 extend to areas such as employment, public accommodations, housing, credit, and education. In education, the locally elected council, which determines educational policy for a city, town, or other regional area (commonly known as **school committees or school boards**), must demonstrate “compliance” with the law, by adopting policies that reflect the language in found in the State law (Maine School Management Association, 2010). Thus, school boards usually adopt an **antidiscrimination policy (or nondiscrimination policy)**, a statute, code of ethics, or piece of civil rights legislation which prohibits of various forms of discrimination (Russo, 2006).

School board policies determine the content of all school administrative unit/district policies, which in turn govern individual school handbooks (reference books of rules, policies, and behavioral expectations written for students and parents, compiled and distributed by individual schools) in that district. **Schools** (public and private K-12 learning institutions) then implement those policies. Although the process of policy dissemination may sound like a seamless transition from State law to school handbook, the actual process is much less predictable. School boards are legally free to “tailor” the language of their antidiscrimination policy, even if that means removing protections for

gay, lesbian, bisexual, transgender, and transsexual (**GLBT**) children. Schools are also permitted to reinterpret the legal language of district policies when writing their more accessible handbooks (although many handbooks explicitly defer to district policy). This process could result in policy distortions, including the exclusion of LD 1196's protections from antidiscrimination policies.

School administrative units and schools that exclude this language from their policies may make themselves vulnerable to legal action should an incident of harassment or discrimination motivated by bias based on sexual orientation occur (Assistant Attorney General Thomas Harnett, personal communication, February 3, 2010). Currently, there is now way to know to what extent school districts and schools have adopted LD 1196's language. This study will examine a sample of education policy language and evaluate the extent of protections for GLBT students. The study *will not* examine to what extent these policies have been implemented or enforced in schools.

In 2008, an unpublished report on education policies in Maine schools found that protections for GLBT youth were still lacking. *The LGBTQ Youth Commission Report To The Maine Governor's Children's Cabinet*, studied school administrative unit policies and found that, "the focus appears to be primarily on prohibited behaviors, and does not specifically address issues related to sexual orientation, gender expression or LGBTQ youth. Nor do many articulate positive strategies for the affirmation of diversity in order to create a caring school climate." These findings were not subsequently addressed by the governor, or any other group. Unfortunately, the methodology of the study was not published, so it is unclear if policymakers took the results seriously. In 2009, my own brief scan of school and district policies confirmed what the study had found—that protections for "sexual orientation" were missing from many. This study was designed to systematically assess those policies.

Little is known regarding LD 1196's impact on education policies. According to Charlotte Bates, Director of Policy and Resource Services at the Maine School Management Association, there are no groups or agencies charged with documenting the level of legal protections within individual schools' handbooks, or administrative units'

antidiscrimination policies (Personal communication, February 2010). Again, the lack of reliable studies on the adoption of LD 1196 in education policy suggests a need for policy evaluation in this area. This study will examine the translation of State policy into administrative unit policy and school handbook policy in order to evaluate the presence and consistency of certain protections.

This study will also be focusing on the wording of transgender-specific protections present in LD 1196. **Transgender** people are individuals expressing a non-normative gender expression, or who identify with a gender other than the one assigned to them at birth. This category may encompass people who identify as straight, gay, transsexual, intersex, etc. LD 1196 offers transgender people protection through its prohibition on discrimination based on the “gender identity and expression.” However, the State law does not explicitly add gender identity and expression to list of protected categories, rather it adds "sexual orientation" which is then further defined as “a person's actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression.” The wording of the law may make it difficult for school officials to 1) Recognize that there is a difference between sexual orientation and gender identity and/or expression, and 2) Understand whether they need to define sexual orientation within their policy, or at least add “gender identity” and “gender expression” as a protected categories in order to protect themselves and transgender students (Currah et al., 2000). This study attempts to document the transmission of LD 1196’s language through the various levels of school administration.

While some scholars have chosen to examine on-the-ground implementation within schools, this study focuses on the education policies themselves. Although the statewide law protects all residents from discrimination based on sexual orientation and gender identity or expression, district and school policies are often the first lines of defense for most students (or teachers) facing discrimination. Studies have shown that schools without GLBT specific protections ultimately leave their GLBT populations more exposed to discrimination and harassment, regardless of state policy (Griffin, 2002; Cahill, 2004; Ryan 2003; California Safe Schools Coalition/ Tide Center, 2005). In addition,

schools without these protections have historically exposed themselves to expensive lawsuits (Stader, 2007; Cahill 2004). Schools are always the first responders in cases of school-based discrimination, thus it is imperative for Mainers to know whether their schools are keeping their policies up to date.

Study Overview

This paper will present the results of a two-part qualitative study which explores the extent of adoption of LD 1196's language in Maine's education policies. The first part of the study will document and evaluate 94 school administrative unit antidiscrimination policies. The second part will document and evaluate a sample of 46 individual school handbook antidiscrimination policies. The study will attempt to answer the following questions:

- **Which school administrative units have adopted policies that reflect the most current revisions to the state's antidiscrimination law? Has the antidiscrimination policy dissemination process in education consistently translated State policy into district and school policy?**
- **Based on the prevalence of observed protections for gender identity and expression, how effective is State law in communicating the need for transgender-specific protections?**
- **Based the timing of changes to policies and codes, what is the likely effect of LD 1196 on the adoption of LGBT specific language?**
- **If protections for sexuality and gender identity and expression are not universal, does population size correlate with those schools or districts that have the protections, versus those that do not?**

Using these questions as a guide, this study will attempt to make sense of the descriptive data gathered in the analysis. The study does not answer questions of causation (why do certain schools or districts have a certain policy?), but does observe obvious patterns in regards to the quality of policies (do all policies adopted after a

certain date have the same type of language?). Similarly, the study cannot answer questions about effectiveness (does the policy get implemented in schools?); rather it tells us whether a school has a policy that we would want them to implement in the first place. Answers to the above questions will be presented in the results section.

Literature Review

The Discrimination Problem

The importance of protecting young people from discrimination and harassment is well-documented (Cahill et al., 2004; Ryan et al; 2003; Griffin et al; 2002; Button et al; 1997; Sausa, 2005). Studies show that students who experience anti-GLBT harassment or violence have lower academic performance than their peers. Indeed, GLBT youth are more likely to be homeless or attempt suicide compared to peers (Cahill et al., 2004). Research also shows that transgender youth are even more vulnerable than their gender-conforming gay or bisexual peers, and face significantly more violence by peers and harassment by adults (Sausa, 2005; Ryan et al., 2003). Despite the difficulties for GLBT students, young people are self-identifying as gay and lesbian or transgender at younger ages than ever before, which can expose them to increased risk of harassment and violence in school. The vast majority of children in school hear anti-gay slurs on a regular basis (Cahill et al; 2004; Button, et al; 1997). In a national study of school districts, Button et al. (1997) found that schools had institutionalized bias against GLBT students. Even the majority of gay and lesbian teachers were not open about their sexuality for fear of retribution or discrimination by administrators or colleagues.

American schools can be very damaging places for GLBT youth (and teachers). The population of GLBT students in Maine is not nearly as well studied, but what research exists suggests that this state suffers from the same kinds of institutionalized discrimination. A five-year study published in 2005 interviewed 85 self-selected GLBT people, more than a dozen of which were students from all over the state. The study found 15 serious incidents of discrimination and harassment in Maine schools (Wessler, 2005). Even without regular or systematic studies of Maine school climates, it is likely

that GLBT students are at risk of harassment and discrimination in schools, despite the statewide law banning such behavior.

While the discrimination problem is clearly of utmost importance for students, it is also important to recognize that school districts and schools can also suffer if they do not implement policies that protect GLBT students. Under the Equal Protection Clause of the Fourteenth Amendment, or Title IX, student-on-student sexual harassment, when unaddressed, can become a very damaging liability for schools. As authors Stader and Garcia (2007) point out, although Title IX does not specifically provide a right to action (resulting in possible monetary damages) for discrimination based on sexual orientation or gender identity,

If a student can demonstrate that the harassment resulted from his or her perceived sexual orientation and nonconformity with normative gender roles, or that the harassment was of a sexual nature because of his or her perceived sexual orientation then the student may have a Title IX claim.

Indeed, recent Title IX cases have shown that legal challenges are often decided in favor of the student. In a 1996 case (*Nabozny v. Podlesny*) of sexual-orientation harassment, the Seventh Circuit court found that school administrators failed to address complaints of harassment, awarding the student \$900,000 in a settlement. There are many more federal cases with the same result. In Maine, legal challenges are not as common. However, since the passage of LD 1996 four sexual orientation complaints in education have been filed with the Maine Human Rights Commission. Two were withdrawn with benefits, and two were withdrawn without benefits. Another case is currently pending (Personal Communication with John Gause, 2010).

Policy as the Solution

Health professionals agree that establishing and enforcing antidiscrimination policies is the most critical (and least controversial) way to protect GLBT students (Button et al. 2007; Cahill et al., 2004, Griffin et al., 2002). Unfortunately, these policies have been slow to find their way into our schools. In a national survey of schools Button et al.

(2007) found that even in cities or towns with GLBT-friendly antidiscrimination policies, the majority of schools had not yet adopted the appropriate language. This is also the only major study to systematically review school policies with concern to sexual orientation and gender identity. A review of the literature confirms that there are no published studies concerning the adoption of Maine's antidiscrimination policy, either generally, or in schools. This study proposes to find out whether Maine's school administrative units and schools have consistently updated their policies to reflect the language in LD 1196.

Background on Transgender Protections

The literature addressing transgender-specific language in antidiscrimination policies is extremely limited. Most studies focus on antidiscrimination policies and policy problems that specifically address protections of real or perceived *sexual orientation*, rather than gender identity and expression. Even so, this study relies heavily on these studies for the literature review because they overlap with transgender policy studies in two important ways: often gender and sexuality protections are added to an antidiscrimination policy at the same time (this is the case in Maine, where transgender protections are actually defined under the subheading of sexual orientation), which makes their implementation process fraught with many of the same challenges. Second, the LGBT community identifies itself as an advocate for transgender individuals, and given the extremely limited amount of research targeting the unique experiences of transgender youth, the research provided by umbrella LGBT groups is too important to disregard at this time. This being said, the gay, lesbian, and bisexual populations studied don't share the same characteristics or challenges as transgender people, even if struggles for legal protections are related.

National Trends in Antidiscrimination Policy Adoption

GLSEN (Gay, Lesbian, Straight Education Network) estimates that 82% of students in the US attend a school in a state without protections for gender identity and expression (2004). The remaining 18% of students are assumed to have protection under a

statewide or citywide law (like the one in Maine), although no national studies of individual school districts have been conducted in order to confirm these protections are being written into education policy. Barbara Rienzo, James Button, and Kenneth Wald (1996) have looked at geographic and political characteristics correlated with the successful adoption of antidiscrimination policies (with sexual orientation protections only) in 126 American cities and towns with and without the policy. Their findings suggest that ordinances are less likely to be found in cities or towns where population size is below critical level (25,000 or more). In addition, communities without ordinances were those with a lower proportion of blacks, college attendees, and non-family households. They were also places where Democratic support was weaker, gay rights laws were fewer, and where church membership was higher. This kind of research is important because it addresses the larger social and political climates in which school districts operate.

Another set of researchers have looked specifically at *school or school district* antidiscrimination successes and failures. The California Safe Schools Coalition (2005) studied their state's implementation of antidiscrimination laws with protections for sexuality and gender (though the two were not necessarily found together) one year after the passage of a statewide antidiscrimination law. The study surveyed school districts and found that 6% of participating districts lacked protections for gay and lesbian students, while 60% lacked protections for transgender students. This finding is also echoed in a study of California's schools in which a national school climate survey asked 672 California students about their school policies and climate (Kosciw, Diaz, & Greytak, 2008). Only 26% of students reported that their school had a comprehensive policy with sexuality *and* gender identity and expression protections. Clearly, adoption of antidiscrimination policies in schools has been difficult to enforce, even in a state like California with a very clear antidiscrimination law on the books.

Research Methods

Units of Analysis

The unit of analysis in the first part of this study was school administrative units that oversee two or more schools. In the second part the study examined private and public K-12 schools. Although the study could have collected data from administrative units only, that option was less desirable for two reasons: 1) individual school policies are clearly effected by administrative unit codes, but they are often different from these, and 2) the individual school policies will theoretically have the most direct impact on children who attend school, and thus these policies should be a significant part of the study.

Data Collection Procedures

Data collection occurred primarily through the collection of secondary data in the form of antidiscrimination policies, and through the collection of secondary data on school administrative unit demographics (population size). Data collection occurred January through April of 2010.

The sample of school administrative units was drawn from a Maine Department of Education-generated list of all administrative units and their schools. Due the large number of districts in Maine (approximately 180) and limited resources with which to examine them, only administrative units with two or more schools were selected. No special education administrative units were selected. Districts in which two or more schools were overseen by more than one policymaking body (each had school had its own school board) were also excluded. These criteria produced a list of 106 administrative units.

In late February, 2010 administrative unit policies were collected by searching administrative unit and school board websites and identifying policies with the National School Board Association code for Antidiscrimination/Equal Opportunity and Affirmative Action Policies, which is "AC." The online search method produced 70 policies, and 36 administrative units did not have policies posted online. In early March, the 36

administrative units were then mailed a letter (using superintendent contact information available through the Maine Department of Education), requesting a hard copy of their policy. As of April 15th, 24 policies were collected using this method. 12 Policies could not be located through either of these methods (websites did not post the policy and the letter requesting the policy did not receive a response), and were treated as missing data (they were not counted in the final analysis). The total number of administrative unit policies collected was 94.

In selecting individual schools for examination, a state-generated list of all public and private K-12 schools was obtained on the Maine Department of Education website (<http://www.maine.gov/education/eddir/1schdata.txt>). Because of time and resource constraints a sample, but not all, school policies were examined. The literature suggested that population size may have an impact on whether or not administrative units adopted their state's antidiscrimination policy. Consequently this study was designed to examine the differences in school policies resulting from population differences in Maine communities. For the sample of schools, at least 3 schools were selected from each administrative unit that met the 25,000 population threshold levels found by Rienzo et al. (Portland, Bangor, and Lewiston, according to the 2000 Census). In order to get a larger sample of Maine's most populous schools, at least one school from each administrative unit within a city or town with a population of 15,000 or more (of which there were 10) was also selected. The rest of the sample was randomly drawn from the remaining towns, whose populations range from less than 1000 to 14,000, and were geographically located in all areas of the state. This sample may over-represent larger schools, but since this study is not trying to prove causation or generalize at the state level, there was little need to randomize the sample. The total sample size was 113 schools.

Locating individual school antidiscrimination policies on school websites was much more challenging than finding school administrative unit policies. Student handbooks were only available on less than half of the school websites. Some schools did not have websites at all. Titles of the school policies were less uniform than administrative unit

policies, but were identified by searching student handbooks for sets of rules with titles like “Code of Conduct,” or “Harassment Policy,” “Antidiscrimination Policy,” or variations thereof. The online search in mid-March produced 43 handbook policies and 18 administrative unit policies (some schools referred you to their administrative unit’s policy, rather than posting a handbook).

In mid-March the schools that did not provide a handbook or district policy online were sent a letter (using principal contact information from the Maine Department of Education website) requesting a hard copy of their antidiscrimination policy. This inquiry produced an additional 10 administrative unit policies and 3 handbook policies. In sum 46 handbook policies and 28 administrative unit policies were collected. The remaining 39 school policies that could not be located by either method (websites did not post a handbook, and no response to the letter requesting the policy) were considered missing data. Because the search produced a respectable sample of handbook policies, and because many of the administrative unit policies gathered had already been evaluated in the first part of the study, only the 46 handbook policies were evaluated.

In total, the study was able to evaluate 89% of the original sample of district policies, but just 40% of the original sample of school handbook policies.

	Administrative Unit Policies	School Handbook Policies
Found on Web	70	43
Found by Requesting Hard Copy	24	3
Missing	12	39
District Policy Provided		28
Potential Policies Available	106	113
Total Policies Acquired	94	46

Sample Size and Data Collection

Both the literature and the findings suggest that administrative unit and school size have an impact on the contents of policy. The study was able to confirm this relationship because it oversampled the schools policies from larger districts (selecting a more representative sample of schools would have produced too few schools in large districts for reliability). The larger districts and schools consistently performed better in the evaluation process. Although the study did not try to explain the strength or direction of the relationship between policies and population, this correlation may be important to future work which may explore causation. This finding also suggests that energy and resources might be best directed at improving smaller district and school policies, which are less likely to have strong protections.

Limited access to policies in smaller and remote communities also may have caused the study to report stronger overall results than would be the case if they had been included. Sampling all schools and districts certainly could have made the reliability of the results stronger. Similarly, if there had been more time and resources for data collection, perhaps another round of calls or letters could have increased the number of policies received from schools. However, the results gathered from the samples in this study can still be considered valid and reliable. Schools from all over the state, in every region, were sampled. Schools of every size, public and private were sampled. Districts from every part of the state, in every region were also sampled. Ultimately, the study does reflect a good range of education policies in Maine.

Demographic data on school administrative districts was also collected in order to examine how population size might correlate with the strength of policy. Data on population was collected from the Maine Department of Education. A list of school administrative units by student enrollment size was obtained by going to the Maine Department of Education's website, visiting their data center, searching for student data and then sorting by student enrollment. A list of the 15 largest and smallest administrative units evaluated can be found in the appendix (f).

Finally, data collection occurred through informal conversations with state officials, education consultants, and interest groups, who provided information about the responsibilities for implementation and enforcement of LD 1196. These conversations were invaluable for learning how the law has been interpreted and enforced over the past 5 years. To locate relevant officials a snowballing technique was used. The first contact was at the Maine Human Rights Commission. The snowballing technique produced interviews with 1 education policy consultant, 2 legal experts, and 1 advocate. Three of the interviews were conducted via email, and one was conducted via email and over the phone. Interviewees received a short description of the project and goals of the interview. Questions were tailored to each person's position and experience. A general questionnaire is attached.

Evaluation Tool

In order to prepare the secondary data for further analysis, all policies and codes of conduct were evaluated using a tool (Appendix A) which used the following criteria to evaluate the level of compliance with State law:

- Protected Categories
 - Does the policy or code provide for protection for "sexual orientation" and "gender identity or expression"?
- Definitions
 - Does the policy or code define Sexual Orientation or Gender Identity or Expression?
- Actual or Perceived
 - Does "actual or perceived" modify the above protected categories?
- Association
 - Does the policy or code explicitly prohibit harassment on the basis of association (which would cover harassment of students with LGBT parents)?
- Discrimination
 - Does the policy or code prohibit "discrimination?"
- Retaliation

- Does the policy or code prohibit retaliation against any person who reports discriminatory or harassing behaviors?
- Activities Covered
 - Does the policy or code cover any activity or program occurring on the grounds of a covered institution during the hours in which school is in session, all school-related and school-sponsored programs or activities, and transportation on a school bus to or from school or a school-related or school sponsored program or activity?
- People Covered
 - Does the policy or code cover students, teachers, employees, and staff?
- Implementing Policies and Procedures
 - Does the language authorize a group or individual to promulgate rules and regulations to implement the policy or code?

In addition to evaluating policies based on the above criteria, information about when the policy was last modified was collected. A policy log (Appendix d), documented the process of data collection.

Threats to Validity & Reliability

The validity of the findings may be challenged on a variety of fronts, all of which have been addressed in the course of the research. The following threats to validity were addressed:

Inappropriate or Inconsistent Evaluation of Policies: In order to avoid inappropriate or inconsistent evaluation of policies, the following precautionary measures were taken:

1. A review national and state literature covering model antidiscrimination policy guidelines (NCLR, 2006, Currah et al., 2000) was undertaken, and their policy recommendations served as a guide for the proposed policy evaluation tool.
2. The tool was tested on 5 policies and 5 codes and appropriate changes to the tool were made where necessary.
3. A legal professional reviewed the tool to ensure its compliance with the Maine Human Rights Act.

4. After evaluating a small number of school administrative unit policies, an impartial researcher also evaluated those policies and crosschecked the two sets of results. Any discrepancies are found were re-evaluated until consistency in the evaluation process was achieved.

Representative Samples: The samples of administrative units and individual schools were not random. However, considerable effort went into finding representative samples that would best inform policymakers of differences between large and small administrative units and schools. Districts and schools from every region of the state were contacted. Larger schools were over-sampled, to ensure that schools at or above the population threshold correlated with increased protections (25,000) were adequately represented. Larger Districts were also over represented, but without regard to population thresholds (the requirement was that the districts oversee 2 or more schools). Again, the districts were located in all regions of the state, making them a diverse set of demographic and socioeconomic characteristics.

False or Missing Data: It is possible that online searches for antidiscrimination policies produced outdated language that does not reflect the most current protections. However, if the school has not updated their website with the current language, it may be safe to assume that students and parents, and even some administrators are unaware of the new changes, and could revert to the oldest version in cases of discrimination.

It is also possible that a search of the administrative unit or school website did not provide the appropriate policies. If antiharassment or antidiscrimination policies were not found on the administrative unit website, a letter was then sent to the contact person for the administrative unit asking that a physical copy be provided.

Researcher bias: My position is that administrative units and schools should take measures to adopt policies in line with State law. I hope that this study will help school officials continue with that work. In order to ensure that my inventory does not reflect

any bias, I had another researcher cross-check a sample of my work. I also made sure not to evaluate any schools that I have attended.

Data Analysis

Data analysis occurred in late March, 2010 after all secondary data had been collected. The first step was to evaluate each policy based on the criteria in the policy evaluation tool. Each administrative policy was evaluated based on the nine criteria, and the results coded in the matrix of compliance. Each school handbook policy was then evaluated, and those results placed into a separate matrix. The codes were a way to simplify the results and to make counting results easier. Codes ranged in value from 0 to 3. Policies that exhibited the least amount of compliance with the LD 1196 were given 0 codes, with ascending numbers signifying more protection for GLBT students. For example, a policy which did not include “sexual orientation” or “gender identity or expression” in its list of protected categories received a 0 code because it was least compliant with LD 1196. A policy that included “sexual orientation” as a protected category received a 1 code, and a policy that included both “sexual orientation” and “gender identity or expression” received a 3 code. The codes signify approximate levels of legal protection, but should not be considered interval data (the valued space between the codes is not necessarily the same within or between criteria). Overall scores for schools were not created, as there is no reliable data on which factors are most important legally, and to what degree.

A quick note on coding: Some policies had sexual orientation protection for employees but not students, others vice versa. That situation was assumed to be an error on the part of school board officials when revising the policy. If sexual orientation was present in either category, it was counted it as a protection for all.

After all the codes were assigned, the number of codes within each criterion was tallied. From that data the following findings emerged.

Results

School Administrative Units

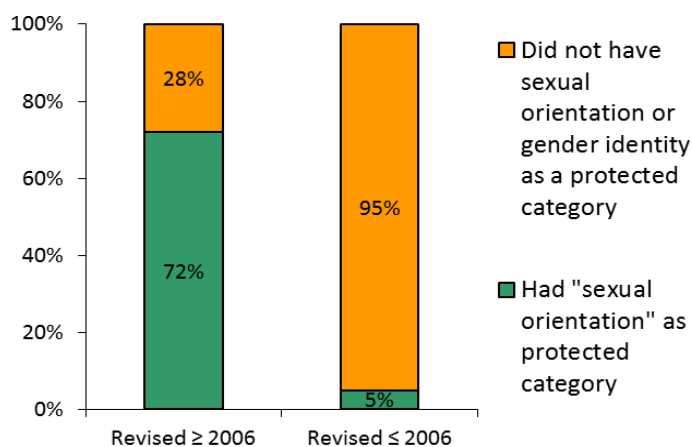
One of the most important findings of this study is the fact that the vast majority of administrative units evaluated (approximately 78%) currently include “sexual orientation” as a protected category in their antidiscrimination policy (Figure 1).

Although it is impossible to know if these policies are actually being implemented, we do know that most school districts have adopted policies that comply with state law. An examination of district policy revision dates also suggests that LD 1196 may

have had an impact on district policy language. Of those policies that listed “sexual orientation” as a protected category 72% were revised in 2006 or later (after the passage of LD 1196 in 2005). Of those policies without “sexual orientation” as a protected category, 95% had not been updated since the passage of LD 1196 (Figure 1). In other words, policies revised before the passage of LD 1196 almost never have protections for “sexual orientation.” The majority of policies revised after the passage of LD 1196 included “sexual orientation” as a protected category. Unfortunately, 40 of the 94 administrative units examined have not updated their policy since 2005 or earlier.

As predicted, the 15 largest school administrative units were much more likely to have updated their policies since 2006, and to have included “sexual orientation” in their list of protected categories. Of the 15 largest administrative units evaluated, 13 included “sexual orientation” as a protected category. Of the 15 smallest administrative

Figure 1. Revision Dates and Protected Categories



units 7 failed to provide policies, 4 had policies that included “sexual orientation” as a protected category, and 4 did not include “sexual orientation” as a protected category.

As for revision dates of the 15 largest administrative units, 7 had last updated their policies in 2005 or earlier, while 8 had updated their policies in 2006 or later (Figure 2).

Of the 15 smallest administrative units, 7 failed to respond, 2 failed to date their policy, 1 updated their policy in

2006, and 5 had updated

their policies in 2005 or

earlier. Again, large

districts were more likely

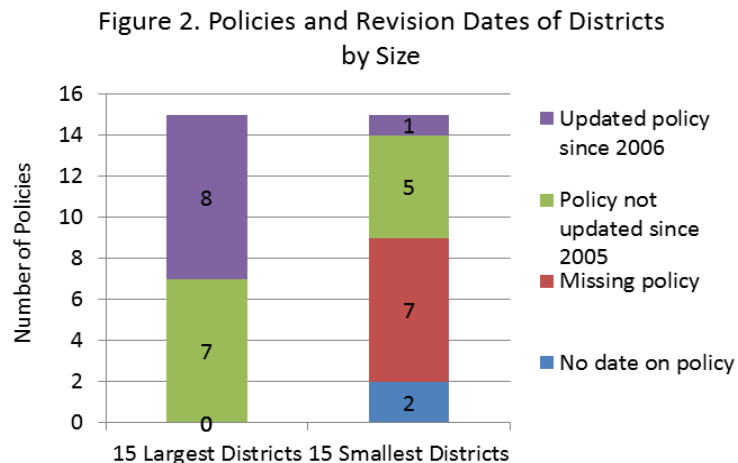
to have updated their

policy since LD 1196, and

to have included “sexual

orientation” as a protected

category.



Note that this study of administrative units over-sampled larger districts, which means that the percentage of policies updated in 2005 or earlier would be even larger if this study had sampled all administrative units. In other words, an evaluation of all district policies would produce a smaller percentage of policies with very current revision dates. As a consequence, the percentage of schools listing “sexual orientation” in their list of protected categories might also be smaller.

Given the over-sampling of those administrative units which are most likely to have updated policies, the study might have found that the majority of districts would also hold up well when evaluated by the other evaluation tool criteria. Unfortunately, that was not always the case. Even though many policies included “sexual orientation” in their list of protected categories, many other elements of a strong policy seemed to be missing from their language. The definition of sexual orientation was present in only 35% of policies with “sexual orientation” as a protected category (Table 1). This detail is extremely important because without the definition, students, parents, teachers, and

administrators have little way of knowing that discrimination based on gender identity and expression is also not permitted.

Table 1. District Policies: Categorical Protections

Criteria	Code	Total Number of Policies	Percentage of Policies
Protected Categories	0= Neither are protected	19	20.2%
	1= Sexual Orientation is protected	73	77.7%
	2= Gender Identity and/or expression is protected	0	0.0%
	3= Sexual Orientation & Gender Identity are protected	2	2.1%
Definitions	0=Neither sexual orientation or gender identity/expression is defined/definitions are inadequate	68	72.3%
	1=Sexual Orientation is defined	0	0.0%
	2=Sexual Orientation is defined using gender identity and/or expression	26	35.6%
	3=Both are sexual orientation and gender identity/expression are defined	0	0.0%
Actual or Perceived	0="actual or perceived" modifies no categories or definitions	68	72.3%
	1="actual or perceived" some categories and definitions	26	27.7%
	2="actual or perceived" all categories and definitions	0	0.0%

With definitions, another pattern of policy language emerges in respect to revision dates. All policies that included a definition of sexual orientation (that included gender identity and expression) were adopted in 2008 or later.

One of the more positive findings was that all of the policies protected people from discrimination (which is, of course, the whole point of writing the policy). Also, most of the policies (95%) protected all groups of people (staff, faculty, students, and any others involved in school activities) and 95% of policies specified implementing procedures and responsibilities (Table 2).

Table 2. District Policies: Discrimination, Procedures, and People

Criteria	Code	Total Number of Policies	% Policies
Discrimination	0=Discrimination language not present	0	0.0%
	1=Discrimination language present	94	100.0%
People Covered	0=Policy covers only certain groups	4	4.3%
	1=Policy covers all groups	90	95.7%
Implementing Policies and Procedures	0=The policy does not include implementing language	5	5.3%
	1= The policy includes implementing language	89	94.7%

While the above findings suggest that some of the more basic elements of discrimination policies are being attended to, there were other elements that almost never made it into the policy. For example, 99% of policies failed to protect people from discrimination based on association (whether a person has a relative or friend who falls into a protected category). Only 1 (1%) policies prohibited discrimination based on retaliation (resulting from a reported incident). And 10% of policies failed to specify

which school activities, if any, were covered by their policy (Table 3). These elements are important to any antidiscrimination policy, and ideally, all Maine schools would include them. Not doing so is a potential liability.

Table 3. District Policies: Association, Retaliation, and Activities

Criteria	Code	Total Number of Policies	Percentage of Policies
Association	0=Association language absent	93	98.9%
	1=Association language present	1	1.1%
Retaliation	0= No prohibition on retaliation	93	98.9%
	1= Prohibition present	1	1.1%
Activities Covered	0= Activities not specified	10	10.6%
	1= Activities specified	84	89.4%

None of the 26 policies that included the definition of sexual orientation specifically defined gender identity or expression. This is not all that surprising since LD 1196 does not specifically define gender identity and expression (although the Maine Human Rights Commission does do so in its interpretation of the law). However, it is concerning since most people probably are not familiar with those terms and could be much better informed if it were present in the policy. Another troubling finding is that of the 73 policies that included "sexual orientation" as a protected category only 26 (36%) used the modifier "actual or perceived" at least some of the time. This protection is important because it protects students from discrimination regardless of how they personally identify themselves. These findings suggest that while the phrase, "sexual orientation" was highly likely to be found in district antidiscrimination policies most other GLBT specific protections were largely absent.

The evaluation process revealed that many of the district policies had identical contents. This suggested that the language was taken from a template. Most likely, as school boards updated their policies the vast majority took the new language directly from a template, probably provided by the Maine School Management Association. The evaluation revealed 4 types of policies:

- Type 1: This policy does include sexual orientation as a protected category.
- Type 2: This policy included sexual orientation but did not define it. The majority of policies fell into this category.
- Type 3: Recently updated policies that included sexual orientation and defined the term.
- Type 4: Catch-all category for miscellaneous policies. These were all worded differently and had different levels of protection.

All types except Type 4 had nearly identical wording within that type. This made coding the contents a fairly quick and consistent process. Once the policy type was identified, the coding was remarkably consistent with other policies of that type. The hardest policies to code were type 4. These made up less than 1/4th of the policies. Although some type 4 policies had merits, they tended to offer less protection than their boilerplate counterparts. The fact that the boilerplate policies were almost unanimously adopted when and if school boards did revise their policies suggests that model policies have an extremely powerful influence on the final language adopted by school boards.

Given the great power of policy templates, it should not surprise us to learn that elements excluded from those policies almost never made it into district and school policy. This fact becomes clear when we look at gender identity and expression. Not a single administrative unit policy attempted to define gender identity or expression, even though it would greatly increase the strength and clarity of the policy. The last and most current model policy provided by the Maine School Management Association (and used in almost all policies adopted since 2008) also does not include this definition (Appendix g). Similar observations occur in regards to protections for retaliation, and the addition

of the words “actual or perceived,” which don’t appear in the vast majority of policies or the boilerplate policy.

Assuming that the template policies offer strong legal language and are easy to adopt, the benefits of updating a policy regularly should be apparent to school board members. The risks of delaying revisions are many. An evaluation of type 2 policies found that some listed “sexual orientation” as a protected category, but used a now-defunct disclaimer at the bottom of the policy stating that those filing complaints for discrimination for sexual orientation would have no recourse if they brought their case to the Maine Human Rights Commission. The great irony here is that these schools were probably pioneers in LGBT protections (the added sexual orientation to their antidiscrimination policies before they were legally bound to do so), but today their outdated policies are more likely than others to misinform GLBT communities about their rights.

Schools

The most important finding regarding school handbook policies is that they did not perform nearly as well as their parent (administrative unit) policies. School handbook policies were much more likely than administrative unit policies to receive 0 codes for almost all criteria. The only exception was for retaliation and association. Compared to districts, schools handbooks were somewhat more likely to prohibit retaliation resulting from a reported incident, and were somewhat more likely to protect people from discrimination based on association. Unfortunately, the school handbooks were much less likely than administrative policies to offer key protections found in LD 1196. School policies included “sexual orientation” in their list of protected categories only 43% of the time (Table 4). Not one handbook policy defined sexual orientation or included gender identity or expression as a protected category. These findings suggest that school administrative units are not doing a very good job making sure that school policies offer the same levels of GLBT protections as district policies.

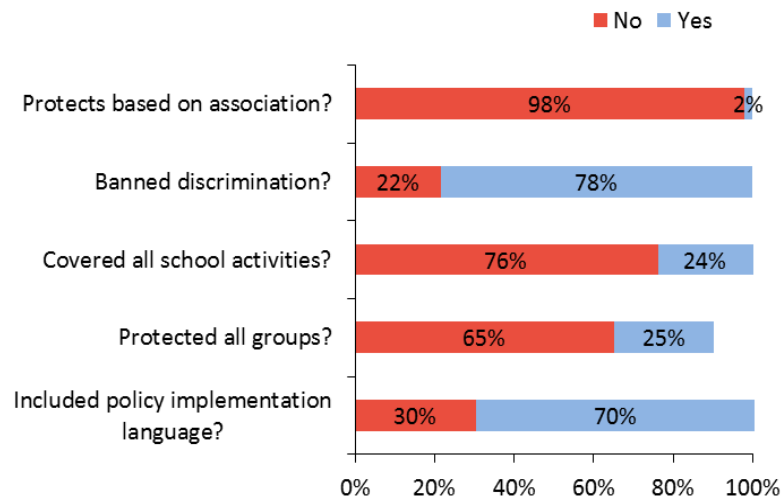
Table 4. School Policies: Categorical Protections

Criteria	Code	Total Number of Policies	Percentage of Policies
Protected Categories	0= Neither are protected	26	56.5%
	1= Sexual Orientation is protected	20	43.5%
	2= Gender Identity and/or expression is protected	0	0.0%
	3= Sexual Orientation & Gender Identity are protected	0	0.0%
Definitions	0=Neither is defined/definitions are inadequate	46	100.0%
	1=Sexual Orientation is defined	0	0.0%
	2=Gender identity and/or expression is defined	0	0.0%
	3=Both are defined	0	0.0%
Actual or Perceived	0="actual or perceived" modifies no categories or definitions	45	97.8%
	1="actual or perceived" some categories and definitions	1	2.2%
	2="actual or perceived" all categories and definitions	0	0.0%

Even the most basic antidiscrimination protections were lacking in school handbooks. 76% of policies did not cover all activities or programs occurring on the grounds of a covered institution during the hours in which school is in session (Figure 3). 65% of policies did not protect all groups in school (teachers, students, staff, and others participating in school activities). And amazingly, 22% of handbooks (more than 1 in 5) did not prohibit discrimination. These results suggest a serious policy inadequacy at the school level.

The sample of school handbooks was relatively small (46 policies), which means that there is a good chance that this study has not captured the full extent of school policy strengths and weaknesses. Of

Figure 3. School Policy Criteria Results



special concern is the lack of response from very small schools (especially in Washington County). Generally speaking, the smaller the school, the shorter the school handbook will be, and the less likely it is that a nondiscrimination policy is present. If more small schools were evaluated, we may have found even fewer adequate policies.

Another methodological challenge was the fact that many schools provided links to or hard copies of their district policies, rather than provide their own handbook policy. There is no way of knowing whether schools simply do not have their own handbook policies, or whether they were not forthcoming in posting them or providing them upon request. On the one hand, it is not a bad thing that school staff members defer to their district policies when asked to provide them (because district policies typically provide more protections for GLBT students), but it does not tell us whether the district policies are actually used when cases of antidiscrimination are brought forward.

Although many school handbook policies specifically refer to district policies, and often reproduce portions of the policies in their handbooks, almost none attempt to offer more details than the parent policy. Administrators might argue that the handbook should not be as wordy as the district policies because the purpose of the handbook is to translate the legal language of the school board into something parents can understand. Schools simply highlight the most basic and important rules and procedures

that guide everyday functions. But this is not necessarily the case. Some policies have detailed descriptions of procedure, and elaborate definitions of terms (most sexual harassment policies fall under this category), and yet others may or may not be mentioned at all. Clearly, if a policy is very complicated, it could take more words, not less, to explain the concept in plain language. Much of what gets talked about in a handbook may depend on how frequently schools need to deal with a particular problem. Discrimination may be one of the problems that rarely surfaces at schools and therefore gets less attention.

All of these theories tend to raise more questions about handbooks than they answer. Another reason why we do not know why the content of district policies is not getting consistently translated into school policies is because handbook policies offer less information with which we might be able to explain this phenomenon. For example, information about revisions that was so useful for looking at district policies is no longer useful here. School handbooks are almost always updated each year. This means that theoretically, each handbook policy is updated much more frequently than administrative unit policy. But unlike the administrative unit policy, the handbook contains many different policies, only some of which may be updated regularly. In other words, there is really no way of knowing exactly when a handbook's harassment or discrimination policy was last examined or changed. The problem may be that the handbook policies are not examined frequently enough. Or, the problem may be that the school staff is unable to cross reference board policy with school policy because they lack the skills needed to reliably translate board policy into school policy.

Ultimately, a school's reasons for having an outdated or inadequate antidiscrimination policy are not the primary concern. The fact is that many schools do not have policies that mirror their administrative unit policies, which puts the district at risk should an incident of discrimination occur. District administrators will ultimately bear responsibility for any lawsuit or settlement. It is in their best interest to see that all of their schools have the latest policies in their handbooks.

Information Access

School handbooks were surprisingly hard to find. Some schools did not have websites, and many that did had very few resources on the site. Similarly, the response to letters

Table 5. Handbook and Policy Availability

Availability	Percent	Total Policies
Handbooks or district policies available through website	38%	61
Handbooks or District Policies available through request	27%	13
Handbooks not online and did not respond to request	35%	39
District Policies available through website	66%	70
District Policies available through request	23%	24
District Policies not online or did not respond to request	11%	12

asking for handbook or district policies was equally disappointing. Of the 52 letters sent, only 13 schools responded (Table 5). While 65% of schools made either a handbook or district policy available online or through written request, 35% of schools did neither. Website searches were most successful when schools were either, public schools, large schools (especially high schools), from large administrative units, or were from wealthier communities (more able to afford comprehensive websites).

This suggests that schools with more resources were better able to maintain a website and to post handbooks. It does not explain why schools did not provide a hardcopy of their handbook when asked to do so.

Administrative units offered considerably more access, especially via district websites. 66% of the sample administrative units had policies available online. Another 23% of administrative units did not have policies available online but provided them upon request. 11% of administrative units did not post policies or make them available upon request. Overall, the process of collecting the administrative unit policies was efficient and thorough. The protocol helped to locate nearly all of the policies that it set out to examine, using an internet search and letters to superintendents. Access to administrative unit policies was enhanced by the fact that many of them had good

websites. However, this raises the question of whether this would have been the case if the study had examined many of the smaller districts that may or may not have expended limited resources to create a website.

Transgender Protections

The three kinds of protections for transgender students that were evaluated in this study were 1) “gender identity and/or expression” listed as a protected category, 2) definitions of gender identity and/or expression gender identity, and 3) gender identity and/or expression included in the definition of sexual orientation. The study found that just 2 administrative units listed “gender identity and expression” as a protected category, and of the 73 policies that included "sexual orientation" as a protected category, only 26 (36%) included gender identity by defining sexual orientation. There were no policies that defined the terms gender identity or expression. In sum, the vast majority of administrative units made no mention of gender identity or expression, which may leave transgender students (and parents of those students) wondering whether they would be protected under their district’s policy.

School handbook policies fared even worse. No handbook policy mentioned gender identity or expression, either as a protected category or in a definition. This is surprising considering that 20 school handbook policies (or 44%) included sexual orientation as a protected category (though none defined it).

What these findings suggest is that the transgender specific protections offered by LD 1196 have not been effectively translated into district policies, and that protections have been further eroded as they are translated into school policy. Although some might argue that policies with “sexual orientation” listed as a protected category are legally protecting transgender students (because the state has defined the term for them in statute), it is difficult to make the argument that administrative units and schools are aware of the definition and prepared to enforce the gender identity and expression component. It is even more difficult to make the argument that parents and students are aware that gender identity and expression is included in the definition of

sexual orientation. Although gender identity and expression are becoming more common in policy language (all policies that include it in the definition of sexual orientation were updated in 2008 or later), there are still policies being adopted today (three in 2010 already) that do not define sexual orientation.

There are a few possible explanations for why school boards and school staff are not including transgender protections in education policy. The first possible explanation is that neither group understands that gender identity and expression are covered by the law. This would not be surprising given the fact that LD 1196 itself obscures the distinction by placing gender identity within the definition of sexual orientation. This explanation is more satisfying because it suggests school administrators are responsible for benign neglect. Another possible explanation is that school administrators believe sexual orientation and gender identity are the same thing, and therefore there is no need to define them. But both of these explanations are quickly losing explanatory power for two reasons: 1) The Maine Human Rights Commission often reminds district superintendents to update their policies. The latest reminder to update policies with the category and definition of sexual orientation went out in January 2010 (see appendix h). Even if administrators and schools did not hear about it from the Maine Human Rights Commission, they would have heard it from the media. A recent proposal by the Commission drew a huge amount of attention to the issue of transgender protections in schools (Porter, 2010). The outcry against the new gender identity and expression recommendations was so intense that the Commission tabled their recommendations until a formal public meeting could be held. Clearly, if schools did not know about gender identity and expression before, they will now.

The final and most disturbing explanation is that school administrators are purposefully excluding gender identity and expression from their policies. The events described above suggest that this explanation may have some credibility. It seems that the most influential groups in education policy are balking at guidelines that suggest transgender students should have equal access to all school activities and spaces, without exception. According to one Maine Public Broadcasting piece (Porter, 2010), spokespeople from

the Maine School Board Association and the Maine Principle's Association are reluctant to accept the recommendations that require schools to give transgender students unrestricted access to the bathrooms or sports teams that best fit their gender identity. The Director of the Office of Equal Opportunity at the University of Maine also wrote a letter to the Maine Human Rights Commission (Kimble, 2010) requesting that schools be able to use their judgment to decide which accommodations (whether a transgender student is allowed to play on the sports team one identifies with, for example) will be granted. She also requested that schools be given the power to ask for "proof" of someone's sexual orientation or gender identity before accommodations are considered. If granted, these allowances would fly in the face of the protections offered under LD 1196. The guidelines should not permit schools to treat transgender students differently than other students, by requiring proof of gender identity from transgender students but not non-transgender students. However, if some of the most powerful educational institutions publicly bristle at unconditional protections for transgender students, it probably means that many school districts and schools are also deeply committed to their ability to treat transgender students differently.

The debate around the guidelines suggests that transgender protections may not be as easily adopted as those protections for gender conforming gays and lesbians. Considering the amount of hostility produced by the proposed Commission's guidelines (which are *not* legally binding), it is not hard to imagine that many schools are also privately reluctant to adopt gender identity and expression language in their antidiscrimination policies (which are quite binding). The Maine Human Rights Commission has touched a nerve within the school community and now it is much easier to see how antidiscrimination policy language is affected by the policy environment. It will be critical for the Commission to find guidelines that protect transgender students and that have the support of very influential groups like the Maine School Management Association. If either one of these criteria is not met, gender identity and expression will most likely continue to be absent from our school antidiscrimination policies.

The Significance for Future Research

This qualitative study has provided a solid foundation for future work, by 1) documenting and evaluating the majority of administrative unit policies in the state, 2) documenting and evaluating a sample of school handbooks in the state. The results of this study can be considered a policy baseline against which further progress may be measured. In addition, the study has identified which administrative units or schools have not yet updated their policies, so that policymakers will be in a position to provide additional resources to those entities. They will also be in a position to understand how future modifications to the State antidiscrimination policy might be implemented within the current system.

Limitations

The limitations of this study are many. This study did not explain why or how policy adoption or revision at the administrative unit or school level happened. It did, however, explore patterns of policy adoption and suggest possible relationships. The study does not provide a list of all antidiscrimination policies in all schools; however it provides a sample of administrative unit and schools and policies large enough to allow for an evaluation of the overall education policy universe.

Finally, this research is only the very beginning of the work that needs to be done if we are to understand how to effectively protect gay, lesbian, bisexual, and transgender students. Adoption of antidiscrimination policies alone cannot protect children from harassment and exclusion. Continual enforcement and evaluation of such each policy is essential for success, as is a supportive community. Health professionals recommend that schools take a variety of other steps to nurture and protect their student populations. Transgender and student populations are especially in need of further support. Many schools are now moving towards special staff trainings and more extensive policies which address the appropriate use of pronouns, and bathroom and locker room usage. Indeed, the Maine Human Rights Commission has recently suggested that such policies are absolutely necessary to protect transgender students,

and to protect Maine schools from lawsuits. In the future more work will be needed to find out to what extent our current policies are working, both alone, and in conjunction with other protections. Researchers should pursue policies that work and find out how they too can be implemented in Maine's schools.

Recommendations

The data from this study suggests that there are many areas in which education policy should be brought into compliance with LD 1196. The following recommendations suggest ways for stakeholders (The Maine Human Rights Commission, the Maine School Board Association, the Maine Principal's Association, concerned parents, or special interest groups) to bring about those changes most effectively and efficiently.

Short Term Recommendations

- The Maine School Management Association could strengthen their current antidiscrimination policy template by including protections against retaliation and association and by defining gender identity and expression (see descriptions on page 12). The evidence suggests that almost all districts that update their policies will use the exact same language as the template policy.
- The Maine Human Rights Commission could notify all administrative units that have not updated their policies since 2005 (those identified in this study) that their policy may not be in compliance with LD 1196. A model policy could also be provided.
- All superintendents could send reminders to their school principals reminding them to keep their school handbooks current in regards to administrative unit language governing discrimination. Special attention should be paid to the smallest schools, which may not have many resources to devote to this task.

- Concerned parents or student advocacy groups (gay straight alliances, civil rights teams) could examine their own administrative unit policies and school handbooks and request that the language be updated where needed.
- The Maine Human Rights Commission could publish clear guidelines for the equal treatment of transgender students in schools. These guidelines could bring further attention to the need to include gender identity and expression in antidiscrimination policies. It is critical that the Maine School Management Association supports the guidelines and incorporates them into its nondiscrimination policy template where possible.
- The Maine Human Rights Commission could work with the Maine School Management Association to craft a model *student handbook* policy for nondiscrimination. This policy should be disseminated to all school principals. Again, adoption of model policies has been nearly universal at the district level, so using them at the school level might speed the adoption of the appropriate policy language.
- School administrators should make every effort to post their antidiscrimination policies online if they have a website. If they do not have a website, policies need to be made available upon request. Increased visibility of policies might also encourage more regular updates.

Long Term Recommendations

- In two years, re-evaluate antidiscrimination policies using these same methods. This data will indicate if progress has been made since the completion of this study. Schools that have not updated their policies since 2005 will need further reminders to update their policies.
- If the Maine School Management Association's template does not incorporate protections against retaliation or association or if it does not incorporate any new guidelines provided by the Maine Human Rights Commission with a reasonable amount of time, the Commission should

address the issue with the Association. If the two organizations cannot come up with a strong policy, the Commission may consider publishing its own model antidiscrimination policy that reflects the language in LD 1196.

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Key Terms

Antidiscrimination policy (or nondiscrimination policy): A public policy term that refers to statutes, codes of ethics, and civil rights legislation for the prohibition of various forms of discrimination (Russo, 2006).

Gender expression: “Refers to an individual’s characteristics and behaviors such as appearance, dress, mannerisms, speech patterns, and social interactions that are perceived as masculine or feminine” (Cho, 2004).

Gender identity: “Refers to a person’s internal, deeply-felt sense of being either male, female, something other, or in between” (Cho, 2004).

GLBT: An umbrella term for gay, lesbian, bisexual, transgender, and transsexual people.

Sexual orientation: “Refers to a person’s emotional and sexual attraction to other people based on the gender of the other person. A person may identify their sexual orientation as heterosexual, lesbian, gay, bisexual, or queer. It is important to understand that sexual orientation and gender identity are two different things. Not all transgender youth identify as gay, lesbian, bisexual, or queer. And not all gay, lesbian, bisexual, and queer youth display gender non-conforming characteristics” (Cho, 2004).

School: A public learning institution, grades K-12.

School Administrative Unit/District: Any State-recognized administrative unit (which, for purposes of this study, oversees 2 or more schools). Units are governed by policies adopted by school boards.

School Board/School Committee: A locally elected council which determines educational policy for a city, town, or other regional area.

School Handbook/Student Handbook: A reference book of rules, policies, and behavioral expectations written for students and parents, compiled and distributed by individual schools.

Transgender: Umbrella term for individuals expressing a non-normative gender expression, or who identify with a gender other than the one assigned to them at birth. This category may encompass people who identify as straight, gay, transsexual, intersex, etc.

Anti-Discrimination Policy Evaluation Tool

Appendix A

Directions: Use the following criteria to evaluate policy contents

Criteria	Protected Categories	Definitions
Evaluation Question	Does the policy or code provide for protection for either of the following <i>specific</i> categories: "sexual orientation" and "gender identity or expression"?	Does the policy or code define Sexual Orientation or Gender Identity and/or expression?
Example of a model policy	"No student . . . shall be subjected to discrimination based on a person's actual or perceived . . . sexual orientation, gender identity or expression. "	<p>Gender Identity and expression:</p> <p>--Included in sexual orientation: "<i>The term 'sexual orientation' means a person's actual or perceived heterosexuality, bisexuality, homosexuality, gender identity, or gender expression.</i>"</p> <p>--As a separate category: "The term 'gender identity' means an individual's gender-related identity, whether or not that identity is different from that traditionally associated with that individual's assigned sex at birth, including, but not limited to, a gender identity that is transgender or androgynous."</p> <p>"Gender identity" means having an identity, expression, or physical characteristics not traditionally associated with one's biological sex or one's sex at birth, including transsexual, transvestite and transgendered, and including a person's attitudes, preferences, beliefs and practices pertaining thereto."</p> <p>--Included in sex: "'Gender' has the same meaning as 'sex' as that term is used in state or federal anti-discrimination legislation and shall be broadly interpreted to include sexual stereotyping and persons who are known or assumed to be transgendered."</p> <p>Sexual Orientation: "<i>The term 'sexual orientation' means a person's actual or perceived heterosexuality, bisexuality, homosexuality, gender identity, or gender expression.</i>"</p>
Codes	0= Neither are protected 1= Sexual Orientation is protected 2= Gender Identity and/or expression is protected 3= Sexual Orientation & Gender Identity are protected	0=Neither sexual orientation or gender identity/expression is defined/definitions are inadequate 1=Sexual Orientation is defined 2=Sexual Orientation is defined using gender identity and/or expression 3=Both are sexual orientation and gender identity/expression are defined

Anti-Discrimination Policy Evaluation Tool

Appendix A

Directions: Use the following criteria to evaluate policy contents

Criteria	Actual or Perceived	Association	Discrimination	Retaliation
Evaluation Question	Does "actual or perceived" modify the protected categories?	Does the policy or code explicitly prohibit harassment on the basis of association (which would cover harassment of students with LGBT parents)?	Does the policy or code prohibit "discrimination?"	Does the policy or code prohibit retaliation against any person who reports discriminatory or harassing behaviors?
Example of a model policy	Language can be present in either the policy itself (see protected categories example), or definitions of terms (see example of definition of sexual orientation).	"Harassment of and discrimination and violence against students on the basis of real or perceived identity or expression of . . . sex or gender . . . or sexual orientation, on the basis of stereotypes of persons identified by these categories, or on the basis of association with others identified by these categories are prohibited by any student or school employee . . ."	" No student shall be subjected to discrimination..."	"Retaliation against a student by another student or school employee for asserting or alleging a violation of this act is prohibited."
Codes	0="actual or perceived" modifies no categories or definitions 1="actual or perceived" some categories and definitions 2="actual or perceived" all categories and definitions	0=Association language absent 1=Association language present	0=Discrimination language not present 1=Discrimination language present	0= No prohibition on retaliation 1= Prohibition present

Anti-Discrimination Policy Evaluation Tool

Appendix A

Directions: Use the following criteria to evaluate policy contents

Criteria	Activities Covered	People Covered	Implementing Policies and Procedures
Evaluation Question	Does the policy or code cover any activity or program occurring on the grounds of a covered institution during the hours in which school is in session, all school-related and schools-sponsored programs or activities?	Does the policy or code cover students, teachers, employees, and staff?	Does the policy or code authorize a group or individual to implement and enforce the policy or code?
Example of a model policy	"[harassment, intimidation or bullying] that "takes place on school property, at any school sponsored function or on a school bus . . ."	"It is an unfair discriminatory practice (1) to discriminate in any manner in the full utilization of or benefit from any educational institution, or the services rendered thereby to any person . . ."	"The Board delegates to the Superintendent the responsibility for implementing this policy. The [School Unit Name] Affirmative Action Plan will include designation of an Affirmative Action Officer who will be responsible for ensuring compliance with all Federal and State requirements related to nondiscrimination. The Affirmative Action Officer will be appointed by the Superintendent and will be a person with direct access to the Superintendent."
Codes	0= Activities not specified 1= Activities specified	0=Policy covers only certain groups 1=Policy covers all groups	0=The policy does not include implementing language 1= The policy includes implementing language

Questionnaire/Script

Date: _____ Respondent agrees to be interviewed? y__ n__
Name of Respondent: _____ Position of Respondent: _____
Interview type: email _____ in-person _____ phone _____
Length of Interview: _____

Script:

Hello _____,

I am a graduate student at the Muskie School of Public Service and I'm doing some research on Maine's anti-discrimination policy and its applications to education. Could direct me to someone who could tell me more about this topic?

My project will be examining antidiscrimination policies in school and evaluating their compliance with state laws. The purpose of this conversation is to better understand how implementation and evaluation is occurring in Maine. Would you be willing to speak with me?

Before we begin you should understand that your participation is completely voluntary. To participate you must be 18 years or older. You can abstain from answering any questions for any reason. The notes from this conversation are for my own use, and will not be shared with anyone else or made public without your express permission.

If you have further questions or concerns you may contact my project supervisor, Michel Lahti at 228-8541, or the University of Southern Maine's Office of Research Compliance at 228-8434.

-What is your current position?

-Can you tell me a bit about how you see your role in implementing and enforcing this law?

-In what ways are schools encouraged or discouraged to have an antidiscrimination policy that reflects the language of the state law?

-If a school is looking to protect themselves (from legal action) and their students (from discrimination), what kind of language should they strive for in an antidiscrimination policy? Do you have a model policy?

-Does anyone work with school districts or schools to ensure up to date anti-discrimination policies are on the books? If so, does anyone track which schools are in compliance with the State's law?

Appendix B

-If a school district or school does not have a policy in place, or the policy excludes certain protections, is the school liable even without an occurrence of discrimination?

-Sexual orientation is a tricky word in antidiscrimination policies, because in State law, the term is defined in a way that includes gender identity and expression. If a school has a policy with sexual orientation in it, but the word is not defined, does this mean that they have not included gender identity and expression in their policy? What are the legal consequences, if any, of this scenario?

-I am creating a tool which would help me systematically evaluate the extent of legal protections in antidiscrimination policies. Would you be willing to look this over and give me feedback as to which elements of a policy are most important?

Thank you for your participation. May I follow up later if I have more questions? Thank you!

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §4552, as amended by PL 1993, c. 327, §1, is further amended to read:

§4552. Policy

To protect the public health, safety and welfare, it is declared to be the policy of this State to keep continually in review all practices infringing on the basic human right to a life with dignity, and the causes of these practices, so that corrective measures may, where possible, be promptly recommended and implemented, and to prevent discrimination in employment, housing or access to public accommodations on account of race, color, sex, sexual orientation, physical or mental disability, religion, ancestry or national origin; and in employment, discrimination on account of age or because of the previous assertion of a claim or right under former Title 39 or Title 39-A and in housing because of familial status; and to prevent discrimination in the extension of credit on account of age, race, color, sex, sexual orientation, marital status, religion, ancestry or national origin; and to prevent discrimination in education on account of sex, sexual orientation or physical or mental disability.

Sec. 2. 5 MRSA §4553, sub-§6-A, as enacted by PL 1979, c. 350, §1, is amended to read:

6-A. Normal retirement age. "Normal retirement age" means the specified age, the years of service requirement or any age and years of service combination at which a member may become eligible for retirement benefits. This subsection ~~shall~~ may not be construed to require the mandatory retirement of a member or to deny employment to any person based solely on ~~his~~ that person's normal retirement age.

Sec. 3. 5 MRSA §4553, sub-§9-C is enacted to read:

9-C. Sexual orientation. "Sexual orientation" means a person's actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression.

Sec. 4. 5 MRSA §4553, sub-§10, ¶E, as amended by PL 1983, c. 578, §2, is further amended to read:

E. In determining whether ~~any~~ a person is acting as an agent or employee of another person so as to make such other person responsible for ~~his~~ that person's acts, the question of whether the specific acts performed were

actually authorized or subsequently ratified ~~shall~~ is not be controlling; ~~and~~

Sec. 5. 5 MRSA §4553, sub-§10, ¶F, as enacted by PL 1983, c. 578, §2, is amended to read:

F. Unlawful educational discrimination as defined and limited by subchapter ~~V-B~~. 5-B; and

Sec. 6. 5 MRSA §4553, sub-§10, ¶G is enacted to read:

G. Discrimination in employment, housing, public accommodation, credit and educational opportunity on the basis of sexual orientation, except that a religious corporation, association or organization that does not receive public funds is exempt from this provision with respect to:

(1) Employment, as is more fully set forth in section 4553, subsection 4 and section 4573-A;

(2) Housing, as is more fully set forth in section 4553, subsection 6, paragraph C; and

(3) Educational opportunity, as is more fully set forth in section 4602, subsection 4.

Any for-profit organization owned, controlled or operated by a religious association or corporation and subject to the provisions of the Internal Revenue Code, 26 United States Code, Section 511(a) is not covered by the exemptions set forth in this paragraph.

Sec. 7. 5 MRSA §4566, sub-§6, as amended by PL 1991, c. 99, §3, is further amended to read:

6. Advisory groups. To create local or statewide advisory agencies and conciliation councils to aid in effectuating the purposes of this Act. The commission may study or may empower these agencies and councils to study the problems of discrimination in all or specific fields of human relationships when based on race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, and foster good will among the groups and elements of the population of the State. Agencies and councils may make recommendations to the commission for the development of policies and procedures. Advisory agencies and conciliation councils created by the commission ~~shall~~ must be composed of representative citizens serving without pay, but with reimbursement for actual and necessary traveling expenses;

Sec. 8. 5 MRSA §4566, sub-§10, as amended by PL 1991, c. 99, §4, is further amended to read:

10. Publications. To publish results of investigations and research to promote good will and minimize or eliminate discrimination based on race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin;

Sec. 9. 5 MRSA §4566, sub-§11, as amended by PL 1991, c. 99, §5, is further amended to read:

11. Reports. To report to the Legislature and the Governor at least once a year describing the investigations, proceedings and hearings the commission has conducted and the outcome and other work performed by the commission, and to make recommendations for further legislation or executive action concerning abuses and discrimination based on race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, or other infringements on human rights or personal dignity; and

Sec. 10. 5 MRSA §4571, as amended by PL 1991, c. 99, §6, is further amended to read:

§4571. Right to freedom from discrimination in employment

The opportunity for an individual to secure employment without discrimination because of race, color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin is recognized as and declared to be a civil right.

Sec. 11. 5 MRSA §4572, sub-§1, ¶¶A, B and C, as amended by PL 1991, c. 885, Pt. E, §7 and affected by §47, are further amended to read:

A. For any employer to fail or refuse to hire or otherwise discriminate against any applicant for employment because of race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, because of the applicant's previous assertion of a claim or right under former Title 39 or Title 39-A or because of previous actions taken by the applicant that are protected under Title 26, chapter 7, subchapter ~~V-B~~ 5-B; or, because of those reasons, to discharge an employee or discriminate with respect to hire, tenure, promotion, transfer, compensation, terms, conditions or privileges of employment or any other matter directly or indirectly related to employment; or, in recruiting of individuals for employment

or in hiring them, to utilize any employment agency that the employer knows or has reasonable cause to know discriminates against individuals because of their race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, because of their previous assertion of a claim or right under former Title 39 or Title 39-A or because of previous actions that are protected under Title 26, chapter 7, subchapter ~~V-B~~ 5-B;

- (1) This paragraph does not apply to discrimination governed by Title 39-A, section 353;

B. For any employment agency to fail or refuse to classify properly, refer for employment or otherwise discriminate against any individual because of race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, because of the individual's previous assertion of a claim or right under former Title 39

or Title 39-A or because of previous actions taken by the individual that are protected under Title 26, chapter 7, subchapter ~~V-B~~ 5-B; or to comply with an employer's request for the referral of job applicants if a request indicates either directly or indirectly that the employer will not afford full and equal employment opportunities to individuals regardless of their race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, because of previous assertion of a claim or right under former Title 39 or Title 39-A or because of previous actions that are protected under Title 26, chapter 7, subchapter ~~V-B~~ 5-B;

C. For any labor organization to exclude from apprenticeship or membership or to deny full and equal membership rights to any applicant for membership because of race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, because of the applicant's previous assertion of a claim or right under former Title 39 or Title 39-A or because of previous actions taken by the applicant that are protected under Title 26, chapter 7, subchapter ~~V-B~~ 5-B; or, because of those reasons, to deny a member full and equal membership rights, expel from membership, penalize or otherwise discriminate with respect to hire, tenure, promotion, transfer, compensation, terms, conditions or privileges of employment, representation, grievances or any other matter directly or indirectly related to membership or employment, whether or not authorized or required by the constitution or bylaws of that labor organization or by a collective labor agreement or other contract; to fail or refuse to classify properly or refer for employment or otherwise discriminate

against any member because of race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, because of the member's previous assertion of a claim or right under former Title 39 or Title 39-A or because of previous actions taken by the member that are protected under Title 26, chapter 7, subchapter ~~V-B~~ 5-B; or to cause or attempt to cause an employer to discriminate against an individual in violation of this section, except that it is lawful for labor organizations and employers to adopt a maximum age limitation in apprenticeship programs, if the employer or labor organization obtains prior approval from the Maine Human Rights Commission of any maximum age limitation employed in an apprenticeship program. The commission shall approve the age limitation if a reasonable relationship exists between the maximum age limitation employed and a legitimate expectation of the employer in receiving a reasonable return upon the employer's investment in an apprenticeship program. The employer or labor organization bears the burden of demonstrating that such a relationship exists;

Sec. 12. 5 MRSA §4572, sub-§1, ¶D, as amended by PL 1995, c. 393, §12, is further amended to read:

D. For any employer, employment agency or labor organization, prior to employment or admission to membership of any individual, to:

(1) Elicit or attempt to elicit information directly or indirectly pertaining to race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, any previous assertion of a claim or right under former Title 39 or Title 39-A or any previous actions that are protected under Title 26, chapter 7, subchapter ~~V-B~~ 5-B;

(2) Make or keep a record of race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, any previous assertion of a claim or right under former Title 39 or Title 39-A or any previous actions that are protected under Title 26, chapter 7, subchapter ~~V-B~~ 5-B, except under physical or mental disability when an employer requires a physical or mental examination prior to employment, a privileged record of that examination is permissible if made and kept in compliance with this Act;

(3) Use any form of application for employment, or personnel or membership blank containing questions or entries directly or indirectly pertaining to race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, any previous assertion of a claim or right under former Title 39 or Title 39-A or any previous actions that are protected under Title 26, chapter 7, subchapter ~~V-B~~ 5-B. This section does not prohibit any officially recognized government agency from keeping records permitted to be kept under this Act in order to provide free services to individuals requesting rehabilitation or employment assistance;

(4) Print, publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification or discrimination based upon race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, any previous assertion of a claim or right under former Title 39 or Title 39-A or any previous actions that are protected under Title 26, chapter 7, subchapter ~~V-B~~ 5-B; or

(5) Establish, announce or follow a policy of denying or limiting, through a quota system or otherwise, employment or membership opportunities of any group because of the race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, the previous assertion of a claim or right under former Title 39 or Title 39-A or because of previous actions that are protected under Title 26, chapter 7, subchapter ~~V-B~~ 5-B, of that group; or

Sec. 13. 5 MRSA §4581, first ¶, as amended by PL 1991, c. 99, §12, is further amended to read:

The opportunity for an individual to secure decent housing in accordance with the individual's ability to pay, and without discrimination because of race, color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status is hereby recognized as and declared to be a civil right.

Sec. 14. 5 MRSA §4582, 2nd, 3rd and 4th ¶¶, as amended by PL 1991, c. 99, §14, are further amended to read:

For any owner, lessee, sublessee, managing agent or other person having the right to sell, rent, lease or manage a housing

accommodation, or any agent of these to make or cause to be made any written or oral inquiry concerning the race or color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status of any prospective purchaser, occupant or tenant of the housing accommodation; or to refuse to show or refuse to sell, rent, lease, let or otherwise deny to or withhold from any individual housing accommodation because of the race or color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status of the individual; or to issue any advertisement relating to the sale, rental or lease of the housing accommodation ~~which~~ that indicates any preference, limitation, specification or discrimination based upon race or color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status; or to discriminate against any individual because of race or color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status in the price, terms, conditions or privileges of the sale, rental or lease of any housing accommodations or in the furnishing of facilities or services in connection with any housing accommodations; or to evict or attempt to evict any tenant of any housing accommodation because of the race or color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status of the tenant;

For any real estate broker or real estate sales person, or agent of one of them, to fail or refuse to show any applicant for a housing accommodation any accommodation listed for sale, lease or rental, because of the race or color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status of the applicant or of any intended occupant of the accommodation, or to misrepresent, for the purpose of discriminating because of the race or color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status of the applicant or intended occupant, the availability or asking price of a housing accommodation listed for sale, lease or rental; or for any reason to fail to communicate to the person having the right to sell or lease the housing accommodation any offer for the same made by any applicant; or in any other manner to discriminate against any applicant for housing because of race or color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status of the applicant or of any intended occupant of the housing accommodation, or to make or cause to be made any written or oral inquiry or record concerning the race or color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status of any applicant or intended occupant, or to accept for listing any housing accommodation when the person having the

right to sell or lease the same has directly or indirectly indicated an intention of discriminating among prospective tenants or purchasers on the ground of their race or color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status, or when the broker knows or has reason to know that the person having the right to sell or lease the housing accommodation has made a practice of discrimination since July 1, 1972;

For any person to whom application is made for a loan or other form of financial assistance for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, whether secured or unsecured, or agent of the person, to make or cause to be made any oral or written inquiry concerning the race or color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status of any individual seeking financial assistance, or of existing or prospective occupants or tenants of housing accommodations; or to discriminate in the granting of financial assistance, or in the terms, conditions or privileges relating to the obtaining or use of any financial assistance, against any applicant because of the race or color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status of the applicant or of the existing or prospective occupants or tenants;

Sec. 15. 5 MRSA §4583, as amended by PL 1991, c. 99, §19, is further amended to read:

§4583. Application

Nothing in this Act may be construed to prohibit or limit the exercise of the privilege of every person and the agent of any person having the right to sell, rent, lease or manage a housing accommodation to set up and enforce specifications in the selling, renting, leasing or letting or in the furnishings of facilities or services in connection with the facilities ~~which~~ that are not based on the race, color, sex, sexual orientation, physical or mental disability, religion, country of ancestral origin, familial status or the receipt of public assistance payments of any prospective or actual purchaser, lessee, tenant or occupant. Nothing in this Act may be construed to prohibit or limit the exercise of the privilege of every person and the agent of any person making loans for or offering financial assistance in the acquisition, construction, rehabilitation, repair or maintenance of housing accommodations, to set standards and preferences, terms, conditions, limitations or specifications for the granting of loans or financial assistance ~~which~~ that are not based on the race, color, sex, sexual orientation, physical or mental disability, religion, country of ancestral origin,

familial status or the receipt of public assistance payments of the applicant for a loan or financial assistance or, of any existing or prospective owner, lessee, tenant or occupant of housing accommodation.

Sec. 16. 5 MRSA §4591, as amended by PL 1991, c. 99, §20, is further amended to read:

§4591. Equal access to public accommodations

The opportunity for every individual to have equal access to places of public accommodation without discrimination because of race, color, sex, sexual orientation, physical or mental disability, religion, ancestry or national origin is recognized as and declared to be a civil right.

Sec. 17. 5 MRSA §4592, sub-§§1 and 2, as amended by PL 1995, c. 393, §22, are further amended to read:

1. Denial of public accommodations. For any public accommodation or any person who is the owner, lessor, lessee, proprietor, operator, manager, superintendent, agent or employee of any place of public accommodation to directly or indirectly refuse, discriminate against or in any manner withhold from or deny the full and equal enjoyment to any person, on account of race or color, sex, sexual orientation, physical or mental disability, religion, ancestry or national origin, any of the accommodations, advantages, facilities, goods, services or privileges of public accommodation, or in any manner discriminate against any person in the price, terms or conditions upon which access to accommodation, advantages, facilities, goods, services and privileges may depend.

For purposes of this subsection, unlawful discrimination also includes, but is not limited to:

A. The imposition or application of eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages or accommodations, unless the criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages or accommodations being offered;

B. A failure to make reasonable modifications in policies, practices or procedures, when modifications are necessary to afford the goods, services, facilities, privileges, advantages or accommodations to individuals with disabilities, unless, in the case of a private entity, the

private entity can demonstrate that making the modifications would fundamentally alter the nature of the goods, services, facilities, privileges, advantages or accommodations;

C. A failure to take steps that may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless, in the case of a private entity, the private entity can demonstrate that taking those steps would fundamentally alter the nature of the good, service, facility, privilege, advantage or accommodation being offered or would result in an undue burden;

D. A private entity's failure to remove architectural barriers and communication barriers that are structural in nature in existing facilities and transportation barriers in existing vehicles and rail passenger cars used by an establishment for transporting individuals, not including barriers that can be removed only through the retrofitting of vehicles or rail passenger cars by the installation of a hydraulic or other lift, where the removal is readily achievable;

When the entity can demonstrate that the removal of a barrier under this paragraph is not readily achievable, a failure to make the goods, services, facilities, privileges, advantages or accommodations available through alternative methods if alternative methods are readily achievable; and

E. A qualified individual with a disability, by reason of that disability, being excluded from participation in or being denied the benefits of the services, programs or activities of a public entity, or being subjected to discrimination by any such entity;

2. Communication, notice or advertisement. For any person to directly or indirectly publish, display or communicate any notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of any place of public accommodation are refused, withheld from or denied to any person on account of race or color, sex, sexual orientation, physical or mental disability, religion, ancestry or national origin, or that the patronage or custom of any person belonging to or purporting to be of any particular race or color, sex, sexual orientation, physical or mental disability, religion, ancestry or national origin is unwelcome, objectionable or not acceptable, desired or solicited, or that the clientele is restricted to any particular race or color, sexual orientation, physical or mental disability, religion, ancestry or national

origin. The production of any communication, notice or advertisement purporting to relate to any place of accommodation is presumptive evidence in any action that the action was authorized by its owner, manager or proprietor;

Sec. 18. 5 MRSA §4595, as repealed and replaced by PL 1975, c. 770, §40, is amended to read:

§4595. Right to freedom from discrimination solely on basis of age, race, color, sex, sexual orientation, marital status, ancestry, religion or national origin in any credit transaction

The opportunity for every individual to be extended credit without discrimination solely because of any one or more of the following factors: Age age; race; color; sex; sexual orientation; marital status; ancestry; religion or national origin is recognized as and declared to be a civil right.

Sec. 19. 5 MRSA §4596, as repealed and replaced by PL 1975, c. 770, §41, is amended to read:

§4596. Unlawful credit extension discrimination

It ~~shall be~~ is unlawful credit discrimination for any creditor to refuse the extension of credit to any person solely on the basis of any one or more of the following factors: Age age; race; color; sex; sexual orientation; marital status; ancestry; religion or national origin in any credit transaction. It ~~shall~~ is not ~~be~~ unlawful credit discrimination to comply with the terms and conditions of any bona fide group credit life, accident and health insurance plan, for a financial institution extending credit to a married person to require both the husband and the wife to sign a note and a mortgage and to deny credit to persons under the age of 18 or to consider a person's age in determining the terms upon which credit will be extended.

Sec. 20. 5 MRSA §4601, as repealed and replaced by PL 1991, c. 824, Pt. A, §4, is amended to read:

§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 and all apprenticeship and on-the-job training programs without discrimination because of sex, sexual orientation, a physical or mental disability, national origin or race is recognized and declared to be a civil right.

Sec. 21. 5 MRSA §4602, sub-§4 is enacted to read:

4. Unlawful education discrimination on the basis of sexual orientation. It is unlawful education discrimination in violation of this Act, on the basis of sexual orientation, 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 family or marital status of a person or to exclude any person from any program or activity because of their sexual orientation;

D. Deny admission to the institution or program or to fail to provide equal access to any information about an institution or program through recruitment; or

E. Deny financial assistance availability and opportunity.

The provisions in this subsection relating to sexual orientation do not apply to any education facility owned, controlled or operated by a bona fide religious corporation, association or society.

Sec. 22. 5 MRSA §4612, sub-§4, ¶A, as amended by PL 1993, c. 303, §2, is further amended to read:

A. If the commission finds reasonable grounds to believe that unlawful discrimination has occurred, and further believes that irreparable injury or great inconvenience will be caused the victim of such discrimination or to members of a racial, color, sex, sexual orientation, physical or mental disability, religious, ~~or~~ or nationality group or age group if relief is not immediately granted, or if conciliation efforts under subsection 3 have not succeeded, the commission may file in the Superior Court a civil action seeking such relief as is appropriate, including temporary restraining orders.

SUMMARY

This bill forbids the denial of rights in employment, housing, public accommodations, credit and education opportunity to individuals based on their sexual orientation.

Appendix D: Policy Collection Log

District	Date Found	Location Description	Website	Policy Title	Date Last modified	Reference location	Notes
Auburn School Department	2/27/2010	District Website	http://www.auburnschl.edu/edu	Nondiscrimination/Equal	1-Oct-08	District Policy Folder	
Augusta Department of Public Schools	3/24/2010	Mail Request		Non-Discrimination	11-Jul-07	District Policy folder	
Baileyville School Department	Missing						
Bangor School Department	3/10/2010	Mail Request		BANGOR SCHOOL DEPARTMENT	27-Jan-10	District Policy Folder	
Biddeford School Department	3/10/2010	Mail Request	http://www.biddefordschools.org/AC	NONDISCRIMINATION/EQUAL	8-Jul-08	District Policy Folder	
Brewer School Department	3/2/2010	District Website	https://docs.google.com/leaf?i	NONDISCRIMINATION/EQUAL	3-Nov-08	web	
Brunswick School Department	3/10/2010	Mail Request		NONDISCRIMINATION/EQUAL	5/14/2008	Hard Copy	
Calais School Department	missing						
Cape Elizabeth School Department	2/27/2010	District Website	http://www.cape.k12.me.us/pol	AC-Affirmative Action	12-Oct-04	Web page	
Deer Isle-Stonington CSD 13	3/2/2010	School Website	http://www.dise.s.org/images/st	AFFIRMATIVE ACTION	9/19/2002	District Policy Folder	It's on page 30
East Millinocket School Department	3/10/2010	Mail Request		NONDISCRIMINATION/EQUAL	3/8/2005	District Policy Folder	
Easton School Department/ Union 113	3/10/2010	Mail Request		NONDISCRIMINATION/EQUAL	14-Jun-04	District Policy Folder	
Eastport School Department	Missing						
Falmouth School Department	2/26/2010	School Board Site	http://www.falmouthschools.o	NONDISCRIMINATION/EQUAL	18-May-09	District Policy Folder	
Five Town CSD	4/2/2010	School Board Site	http://www.fivetowns.net/	Nondiscrimination/Equal	6/4/2003	District Policy Folder	
Gorham School System Department	2/27/2010	District Website	http://www.gorhamschools.org	NONDISCRIMINATION/EQUAL	9-Apr-03	District Policy Folder	
Greenville School Department	3/2/2010	District Website	http://www.ghs.akers.org/Superi	NONDISCRIMINATION/EQUAL	24-Feb-03	District Policy Folder	
Hermon School Department	3/9/2010	Mail Request		NONDISCRIMINATION/EQUAL	2/10/2003	Hard Copy	
Jay School Department	2/27/2010	District Website	http://www.jayschools.org/Dow	NONDISCRIMINATION/EQUAL	13-Apr-06	District Policy Folder	
Kittery School Department	2/27/2010	District Website	http://www.kitteryschools.org/	NONDISCRIMINATION/EQUAL	5-Jul-94	District Policy Folder	
Lewiston School Department	2/27/2010	School committee	http://www.lewistonpublicschoo	NONDISCRIMINATION/EQUAL	22-May-06	District Policy Folder	
Lisbon School Department	3/2/2010	District Website	http://www.lisbonschoolsme.or	NONDISCRIMINATION/EQUAL	10-Nov-08	District Policy Folder	
Machias School Department	Missing						
Madawaska School Department	2/27/2010	District Website	http://www.madawaskaschools	NON-DISCRIMINATION	14-Apr-99	District Policy Folder	
Moosabec CSD	2/27/2010	District Website	http://www.union103.org/MCS	NONDISCRIMINATION/EQUAL	1-Jul-03	webpage	
MSAD 27	2/27/2010	District Website	http://www.sad27.k12.me.us/i	NONDISCRIMINATION/EQUAL	1-Jun-05	District Policy Folder	
MSAD 46	2/27/2010	School Board Website	http://www.sad46.org/policies/	POLICY NON DISCRIMINATION	10/6/1999	District Policy Folder	
Portland Public Schools	2/28/2010	District Website	http://www.portlandschools.org	NONDISCRIMINATION/EQUAL	6-Nov-02	web	
RSU 01	2/28/2010	District Website	http://www.rsu1.org/pictures/p	NONDISCRIMINATION/EQUAL	21-Jul-08	District Policy Folder	
RSU 02	2/26/2010	District Website	http://www.kidsrsu.org/images/	NONDISCRIMINATION/EQUAL	2/9/2009	District Policies Folder	
RSU 03/ MSAD 3	2/27/2010	School Board website	http://webserver.msad3.org/sad	Non-Discrimination	1985	District Policy Folder	
RSU 04	3/2/2010	District Website	http://www.rsu4.org/Forms/pol	NONDISCRIMINATION/EQUAL	1/6/2010	District Policy Folder	
RSU 05	3/2/2010	District Website	http://rsu5.org/sites/default/file	NONDISCRIMINATION/EQUAL	5/27/2009	District Policy Folder	
RSU 06/ MSAD 6	2/27/2010	District Website	http://www.sad6.k12.me.us/pol	Non-Discrimination	1-Feb-99	District Policy Folder	
RSU 09/ MSAD 9/Mt. Blue Regional School District	3/2/2010	District Website	http://policybook.msad9.org/02	NONDISCRIMINATION/EQUAL	2/24/2009	web	
RSU 10		Missing					

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District	Date Found	Location Description	Website	Policy Title	Date Last modified	Reference location	Notes
RSU 11/MSAD 11	3/2/2010	District Website	http://www.msad11.org/node/	NONDISCRIMINATION/EQUAL	3-Dec-09	web	
RSU 12/ MSAD 12	2/27/2010	District Website	http://www.sad12.com/School	M.S.A.D. #12 POLICY	13-Aug-02	District Policy Folder	Misinforms readers
RSU 13	3/10/2010	Mail Request		NONDISCRIMINATION/EQUAL	8/22/2000	District Policy Folder	
RSU 14 (Windham School Department)	3/2/2010	District Website	http://www.windham.k12.me.us	NONDISCRIMINATION/EQUAL	6/13/2007	District Policy Folder	
RSU 15/ MSAD 15	2/27/2010	District website	http://www.msad15.org/Home	NONDISCRIMINATION/EQUAL	10/20/2004	web	
RSU 16	2/28/2010	District Website	http://www.poland-7.k12.me.us/Act	Poland: NON-DISCRIMINATION	Poland: October 2003	District Policy Folder	
RSU 17/MSAD 17	2/27/2010	District Website	http://wdb.sad17.k12.me.us/Act	NONDISCRIMINATION/EQUAL	11/19/2007	web	
RSU 18	3/2/2010	District Website	http://www.rsu18.org/co/RSUN	NONDISCRIMINATION/EQUAL	2/12/2009	District Policy Folder	
RSU 19	3/2/2010	District Website	http://rsu19.org/assets/files/pol	NONDISCRIMINATION/EQUAL	5/19/2009	District Policy Folder	
RSU 20	2/27/2010	District Website	http://www.rsu20.org/departm	NONDISCRIMINATION/EQUAL	9/22/2009	Webpage	
RSU 21	2/27/2010	School Board Policy Book	http://www.rsu21.net/PolicyBo	Nondiscrimination/Equal	07/20/09	Webpage	
RSU 22/MSAD 22	4/2/2010	School Board Site	http://www.sad22.us/files/u3/A	AC - NONDISCRIMINATION	6-Aug-08	web	page 4
RSU 23	2/28/2010	District Website	http://www.rsu23.org/RSU_23	Dayton: NONDISCRIMINATION	Dayton: June 20, 2002	District Policy Folder	
RSU 24	2/27/2010	District website	http://www.rsu24.org/manilla/	NONDISCRIMINATION/EQUAL	30-Jun-09	Webpage	
RSU 25	3/2/2010	District Website	http://www.orlandu91.k12.me	NONDISCRIMINATION/EQUAL	20-Oct-09	District Policy Folder	
RSU 26 (Glenburn School Dept.)	2/27/2010	District website	http://www.glenburn.k12.me.u	Nondiscrimination/Equal	11-Nov-08	District Policy Folder	
RSU 28/ MSAD 28	2/27/2010	District Website	http://www.fivetowns.net/ftad	NONDISCRIMINATION/EQUAL	11/14/2001	District Policy Folder	
RSU 29/MSAD 29	3/10/2010	Mail Request		NONDISCRIMINATION/EQUAL	3-May-99	District Policy Folder	
RSU 30/ MSAD 30	2/27/2010	District website	http://www.msad30.org/MSAD	NONDISCRIMINATION/EQUAL	No dates present	District Policy Folder	
RSU 31/ MSAD 31	3/10/2010	Mail Request		NONDISCRIMINATION/EQUAL	5/16/2007	District Policy Folder	
RSU 32/ MSAD 32	Missing						
RSU 33/ MSAD 33	2/27/2010	District website	http://www.msad33.org/Policie	Nondiscrimination/Equal	6-Mar-06	District Policy Folder	
RSU 34	2/28/2010	District Website	http://www.otsd.org/Policies/A	NONDISCRIMINATION/EQUAL	17-Jun-09	District Policy Folder	
RSU 35/ MSAD 35	2/27/2010	District Website	http://www.msad35.net/?q=AC	NONDISCRIMINATION/EQUAL	25-Feb-09	web	
RSU 36/ MSAD 36	3/9/2010	Mail Request		NONDISCRIMINATION/EQUAL	12-Nov-09	Hard Copy	
RSU 37/ SAD 37	3/9/2010	Mail Request		NONDISCRIMINATION/EQUAL	16-Feb-00	Hard Copy	
RSU 38	3/11/2010	Mail Request		SCHOOL UNION #42/CSD #10	27-Jun-05	District Policy Folder	Note that the policy
RSU 39 (Caribou School Dept.)	3/2/2010	District Website	http://www.rsu39.org/Administ	NONDISCRIMINATION/EQUAL	18-Jun-08	District Policy Folder	
RSU 40/MSAD 40	2/27/2010	District website	http://www.msad40.org/files/A	NON-DISCRIMINATION	21-Jul-05	District Policy Folder	
RSU 41/ SAD 41	2/27/2010	District Website	http://www.msad41.us/Central	NONDISCRIMINATION/EQUAL	4-Feb-04	District Policy Folder	
RSU 42/ SAD 42	Missing						
RSU 44/MSAD 44	2/27/2010	District Website	http://www.sad44.org/policies/	Nondiscrimination/Equal	3/10/2009	web	
RSU 45/MSAD 45	3/9/2010	Mail Request		Nondiscrimination/Equal	10/7/2002	Hard Copy	
RSU 49/MSAD 49	2/27/2010	District Website	http://www.msad49.org/District	Policy AC Nondiscrimination	Revised 10-3-1991	web	
RSU 51/MSAD 51	2/27/2010	District Website	http://district.msad51.org/Pages	Nondiscrimination Policy and	24-Jan-00	District Policy Folder	
RSU 52/MSAD 52	2/27/2010	District Website		NONDISCRIMINATION/EQUAL	Sep-09	District Policy Folder	
RSU 53/MSAD 53	3/10/2010	Mail Request		Equal Employment	5-Jan-04	District Policy Folder	
RSU 54/MSAD 54	4/2/2010	District Website	http://www.msad54.org/district	NONDISCRIMINATION/EQUAL	5-Mar-10	District Policy Folder	

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District	Date Found	Location Description	Website	Policy Title	Date Last modified	Reference location	Notes
RSU 55/MSAD 55	27-Feb	District Website		NONDISCRIMINATION/EQUAL	3-Feb-10	District Policy Folder	
RSU 56/ MSAD 56	2/27/2010	District Website	http://www.msad56.org/policies	NONDISCRIMINATION	5-May-98	District Policy Folder	
RSU 57/ MSAD 57	2/27/2010	District Website	http://fc.sad57.k12.me.us/AC%	NONDISCRIMINATION/EQUAL	9-May-07	District Policy Folder	
RSU 58/ MSAD 58	3/9/2010	Mail Request		NONDISCRIMINATION/EQUAL	26-Aug-99	Hard Copy	
RSU 59/ MSAD 59	2/27/2010	District Website	http://www.sad59.k12.me.us/Sc	NONDISCRIMINATION/EQUAL	6/18/2007	web	
RSU 60/MSAD 60	2/27/2010	District Website	http://www.sad60.k12.me.us/	NONDISCRIMINATION/EQUAL	19-Oct-00	District Policies Folder	
RSU 61/MSAD 61	2/27/2010	District Website	http://www.sad61.k12.me.us/W	Non-Discrimination/Eg	6-Mar-06	web	
RSU 63/ MSAD 63	3/22/2010	Mail Request		Nondiscrimination/Equal	5/19/2008	Hard Copy	
RSU 64/MSAD 64	3/9/2010	Mail Request		Nondiscrimination	3/24/2003	Hard Copy	
RSU 65/ MSAD 65	Missing						
RSU 67	2/27/2010	District Website	http://www.rsu67.org/rsu67/do	NONDISCRIMINATION/EQUAL	16-Aug-06	District Policy Folder	
RSU 68/ MSAD 68	2/27/2010	District Website	http://www.sad68.org/Policies/	NONDISCRIMINATION/EQUAL	4/3/2007	web	
RSU 70/ MSAD 70	Missing						
RSU 72/MSAD 72	3/10/2010	Mail Request		NONDISCRIMINATION / EQUAL	4/14/1999	District Policy Folder	
RSU 74/ MSAD 74	2/28/2010	District Website		NON DISCRIMINATION	2/4/2009	District Policy Folder	
RSU 75/MSAD 75	2/28/2010	District Website	http://www.link75.org/sad75ne	ACTION	No date provided	web	
RSU 79/MSAD 01	3/9/2010	Mail Request		NON DISCRIMINATION	13-Jan-03	Hard Copy	
RSU 80/MSAD 04	2/27/2010	District Website	http://www.sad4.com/policy_b	NONDISCRIMINATION/EQUAL	6-Oct-09	web	
RSU 83/MSAD 13	Missing						
RSU 86/MSAD 20	Missing						
RSU 87/MSAD 23	3/10/2010	Mail Request		NONDISCRIMINATION/EQUAL	22-Jul-04	District Policy Folder	
RSU 88/MSAD 24	3/10/2010	Mail Request		NONDISCRIMINATION/EQUAL	No Date	District Policy Folder	
RSU 89/MSAD 25	Missing						
Sanford School Department	2/28/2010	District Website	http://www.sanford.org/vertical	NONDISCRIMINATION/EQUAL	19-Mar-07	District Policy Folder	
Scarborough School Department	2/28/2010	District Website	http://www.scarborough.k12.me	NONDISCRIMINATION/EQUAL	3-Oct-02	District Policy Folder	
South Portland School Department	3/2/2010	District Website	http://www.spsd.org/policy/Poli	NONDISCRIMINATION/EQUAL	14-May-01	District Policy Folder	
Waterville Public Schools	3/2/2010	District Website	http://web.wtvl.k12.me.us/policies	NONDISCRIMINATION	19-Oct-98	web	Different from policy
Wells-Ogunquit CSD-CSD 18	3/2/2010	District Website	http://wocsd.org/district_policies	NONDISCRIMINATION/EQUAL	11/18/2009	District Policy Folder	
Westbrook School Department	3/2/2010	District Website	http://www.westbrookschools.org	NONDISCRIMINATION/EQUAL	20-May-08	District Policy Folder	Page 8
Winthrop Public Schools	4/2/2010	District Website	http://winthrop.schools.org/whs	Affirmative Action	27-Jul-94	Web	
Yarmouth School Department	3/2/2010	District Website	http://webapps.yarmouth.k12.m	NONDISCRIMINATION/EQUAL	No date	web	
York School Department	3/2/2010	District Website	http://www.yorkschools.org/pol	NONDISCRIMINATION/EQUAL	9/3/08	web	

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School	School type	Location	County	School Administrative Unit	Date Found	Location Description	Website	Policy Title	Date Last modified	Reference location	Notes
Albert S Hall School	Public	Waterville	Kennebec	Waterville Public Schools	3/24/2010	Given District policy				Hard Copy	
Camden-Rockport Elementary School	Public	Rockport	Knox	RSU 28/MSAD 28	3/22/2010	Given District policy				Hard Copy	
Durham Elementary School	Public	Durham	Androscoggin	RSU 05	3/18/2010	Given District policy	http://rsu5.org/adopted	NONDISCRIMINATION /EQUAL	27-May-09	Code Folder	
Ellsworth Elementary-Middle School	Public	Ellsworth	Hancock	RSU 24	3/22/2010	Given District policy				Code Folder	
Henry L Cottrell School	Public	Monmouth	Kennebec	RSU 02	3/22/2010	Given District policy				Hard Copy	
Lewiston Middle School	Public	Lewiston	Androscoggin	Lewiston School Department	3/18/2010	Given District policy		Student Discrimination &	19-Jun-06	Code folder	
Madawaska Middle/High School	Public	Madawaska	Aroostook	Madawaska School Department	3/18/2010	Given District policy	http://www.madawaskaschools.org	NONDISCRIMINATION /EQUAL	14-Apr-99	Code folder	Missing from handbook
Mt Desert Elementary School	Public	Mount Desert	Hancock	Mount Desert School Department	3/20/2010	Given District policy	http://maine.mdihs.us				
Sherwood Heights Elementary Sch	Public	Auburn	Androscoggin	Auburn School Department	3/20/2010	Given District policy					
Waterboro Elementary School	Public	Waterboro	York	RSU 57/MSAD 57	3/23/2010	Given District policy	fc.sad57.k12.me.us				
Jonesport Elementary School	Public	Jonesport	Washington	Jonesport School Department	3/18/2010	Given Jonesport School District Policy	http://www.union103.org/jnspt	NONDISCRIMINATION /EQUAL	1-Jul-03	Web	No exactly the same as district
Alfred Elementary School	Public	Alfred	York	RSU 57/MSAD 57	3/15/2010	Referred to District Site					
Biddeford Primary School	Public	Biddeford	York	Biddeford School Department	3/15/2010	Referred to District Site					
Brewer High School	Public	Brewer	Penobscot	Brewer School Department	3/16/2010	Referred to District Site					
Forest Hills Consolidated School	Public	Jackman	Somerset	RSU 82/MSAD 12	3/15/2010	Referred to District Site	http://www.sad12.com/School%				
Guilford Primary School	Public	Guilford	Piscataquis	RSU 80/MSAD 04	3/15/2010	Referred to District Site					
H B Emery Jr Memorial School	Public	Limington	York	RSU 06/MSAD 06	3/15/2010	Referred to District Site					
Houlton High School	Public	Houlton	Aroostook	RSU 29/MSAD 29	3/16/2010	Referred to District Site					
James F. Doughty School	Public	Bangor	Penobscot	Bangor School Department	3/13/2010	Referred to District Site					

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School	School type	Location	County	School Administrative Unit	Date Found	Location Description	Website	Policy Title	Date Last modified	Reference location	Notes
John F Kennedy Memorial School	Public	Biddeford	York	Biddeford School Department	3/15/2010	Referred to District Site					
Manchester School	Public	Windham	Cumberland	RSU 14	3/15/2010	Referred to District Site					
Mapleton Elementary School	Public	Mapleton	Aroostook	RSU 79/MSAD 01	3/15/2010	Referred to District Site					
Mary Snow School	Public	Bangor	Penobscot	Bangor School Department	3/13/2010	Referred to District Site					
North Elementary School	Public	Skowhegan	Somerset	RSU 54/MSAD 54	3/16/2010	Referred to District Site					
Orland Consolidated School	Public	Orland	Hancock	RSU 25	3/16/2010	Referred to District Site					
Sanford Jr High School	Public	Sanford	York	Sanford School Department	3/13/2010	Referred to District Site					
State Street School	Public	Brewer	Penobscot	Brewer School Department	3/16/2010	Referred to District Site					
Upper Kennebec Valley Senior HS	Public	Bingham	Somerset	RSU 83/MSAD 13	3/16/2010	Referred to District Site					
Vickery School	Public	Pittsfield	Somerset	RSU 53/MSAD 53	3/16/2010	Referred to District Site					
Edna Drinkwater School	Public	Northport	Waldo	RSU 20	3/24/2010	S Given Handbook		Affirmative Action Plan	2009	Hard Copy	
Exeter Consolidated School	Public	Exeter	Penobscot	MSAD 46	4/2/2010	S Given Handbook		Nondiscrimination Policy	2009	Hard Copy	
Bangor Christian Schools	Private Sectarian	Bangor	Penobscot	Bangor Christian Schools	3/13/2010	School website	http://www.bangorchristianschools.net/	Conduct	2009	web	
Bangor High School	Public	Bangor	Penobscot	Bangor School Department	3/13/2010	School website	http://www.bangorhighschools.net/	none	2009	Code Folder	Page 2
Boothbay Region Elem School	Public	Boothbay Harbor	Lincoln	Boothbay-Boothbay Hbr CSD	3/13/2010	School website	http://boothbayregionelementaryschools.net/	Harassment	2009	web	
Brunswick High School	Public	Brunswick	Cumberland	Brunswick School Department	3/13/2010	School website	http://www.brunswick.k12.me.us/	HARASSMENT POLICY (STUDENT)	2009	Code Folder	Page 31
Eight Corners Elementary School	Public	Scarborough	Cumberland	Scarborough School Department	3/13/2010	School website	http://www.scarborough.k12.me.us/	Nondiscrimination	2009	Code Folder	Page 13
Fairview School	Public	Auburn	Androscoggin	Auburn School Department	3/13/2010	School website	http://www.auburnschoolschi.edu/	None	2009	Code Folder	They don't have a policy in
Falmouth Middle School	Public	Falmouth	Cumberland	Falmouth School Department	3/15/2010	School website	http://www.falmouthschools.org/	EQUAL EDUCATIONAL	2008	Code Folder	Page 2

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School	School type	Location	County	School Administrative Unit	Date Found	Location Description	Website	Policy Title	Date Last modified	Reference location	Notes
Frank Jewett School	Public	Buxton	York	RSU 06/MSAD 06	3/15/2010	School website	http://www.sad6.k12.me.us/elev				
George Stevens Academy	Private - 60% Publicly Funded	Blue Hill	Hancock	George Stevens Academy	3/15/2010	School website	http://www.georgestevensacad	Harassment & Bullying	2009	Code Folder	Page 18 & 19
Gorham High School	Public	Gorham	Cumberland	Gorham School Department	3/15/2010	School website		Student Discrimination &	2008	Code Folder	Page 17
Greely High School	Public	Cumberland	Cumberland	RSU 51/MSAD 51	3/15/2010	School website	http://greely.msad51.org/Pages/	EXCERPT FROM MSAD #51 - HARASSMENT AND SEXUAL		Code Folder	Handbook refers to district
James Otis Kaler Elementary School	Public	South Portland	Cumberland	South Portland School Department	3/15/2010	School website	http://kaler.spsd.org/downloads		missing	Code Folder	Page 9
Jay High School	Public	Jay	Franklin	Jay School Department	3/15/2010	School website	http://jay.me-ish.schoolinsites.c	Harassment			
Kennebunk High School	Public	Kennebunk	York	RSU 21	3/15/2010	School website	http://khs.rsu21.net/documents	Notice of Nondiscrimination	2009	Code Folder	Page 43
Lake Region Vocational Center	Technology Center	Naples	Cumberland	RSU 61/MSAD 61	3/10/2010	School website	http://lake.region.maine.cte.org/	NON-DISCRIMINATION	2009	web	
Lawrence High School	Public	Fairfield	Somerset	RSU 49/MSAD 49	3/15/2010	School website	http://www.msad49.org/lhs/	Notice of Nondiscrimination	2007	Code Folder	Page 19
Lewiston High School	Public	Lewiston	Androscoggin	Lewiston School Department	3/13/2010	School website	http://www.lewiston.k12.me.us	POLICY ON NONDISCRIMINATION	2009	Code Folder	20
Lura Libby School	Public	Thomaston	Knox	RSU 13	3/15/2010	School website	http://www.sad50.k12.me.us/lis	Discrimination and Harassment	2006	Code Folder	Page 20
Lyman Elementary School	Public	Lyman	York	RSU 57/MSAD 57	3/15/2010	School website	http://fc.sad57.k12.me.us/~lyma			Code Folder	Handbook refers to district
Maine Central Institute	Private - 60% Publicly Funded	Pittsfield	Somerset	Maine Central Institute	3/15/2010	School website	http://www.mci-school.org/	Harassment	2008	Code folder	Page 39
Mildred L Day School	Public	Arundel	York	RSU 21	3/15/2010	School website	http://www.mci-school.org/	Title IX Provisions	2008	Code folder	page 6
Mt Ararat High School	Public	Topsham	Sagadahoc	RSU 75/MSAD 75	3/16/2010	School website	http://www.mta75.org/admin/	Affirmative Action Policy	2006	Code folder	Page 41
Newburgh Elementary School	Public	Newburgh	Penobscot	RSU 22/MSAD 22	3/16/2010	School website	http://www.sad22.us/files/u1/c	M.S.A.D. #22 Code of Conduct	2003	Code Folder	Page 2
Noble Middle School	Public	Berwick	York	RSU 60/MSAD 60	3/16/2010	School website	http://fc.sad60.k12.me.us/nms/	Code of Behavior	2009	Code Folder	Page 8
North Berwick Elementary School	Public	North Berwick	York	RSU 60/MSAD 60	3/16/2010	School website	http://fc.sad60.k12.me.us/nber/	Statement of nondiscrim	2006	Code Folder	Page 35
North Yarmouth Academy	Private Non-Sectarian	Yarmouth	Cumberland	North Yarmouth Academy	3/16/2010	School website	http://www.nya.org/about/han	Statement of nondiscrim	2009	Code Folder	Page 44

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School	School type	Location	County	School Administrative Unit	Date Found	Location Description	Website	Policy Title	Date Last modified	Reference location	Notes
Orono High School	Public	Orono	Penobscot	RSU 26	3/16/2010	School website	http://www.arono.u87.k12.me	Affirmative Action Policy	2009	web	
Penobscot Community School	Public	Penobscot	Hancock	Penobscot School Department	3/16/2010	School website	http://www.penobscotcommun	Affirmative Action	2007	web	
Presque Isle Middle School	Public	Presque Isle	Aroostook	RSU 79/MSAD 01	3/16/2010	School website	http://www.sad1.org/pims/han	Complaint Procedure for	2006	Code Folder	Page 2
Prides Corner School	Public	Westbrook	Cumberland	Westbrook School Department	3/13/2010	School website	http://www.edline.net/Resource	WESTBRO OK AFFIRMATI	2007	Code Folder	Page 15
Reeds Brook Middle School	Public	Hampden	Penobscot	RSU 22/MSAD 22	3/16/2010	School website	http://www.sad22.us/rb/sites/d		2009	Code Folder	22
Shead High School	Public	Eastport	Washington	Eastport School Department	3/16/2010	School website	http://www.shead.org/shead09	Unlawful Discrimination	2008	Code Folder	Page 36
South Portland High School	Public	South Portland	Cumberland	South Portland School Department	3/13/2010	School website	http://highschool.spsd.org/dow	Discrimination and Harassmen	2009	Code Folder	Page 29
St Brigid School	Private Sectarian	Portland	Cumberland	St Brigid School	3/16/2010	School website	http://www.sbrigidsc.com/paren	Nondiscriminatory Policy	2007	web	
St. Michael's	Private Sectarian	Augusta	Kennebec	St. Michael's Schools	3/13/2010	School website	http://www.stmichaelsmaine.org	School Safety/Harassment or	2009	Code Folder	Page 20
Stevens Brook School	Public	Bridgton	Cumberland	RSU 61/MSAD 61	3/16/2010	School website	http://www.sad61.k12.me.us/sb	Various titles	2009	Code folder	
Tripp Middle School	Public	Turner	Androscoggin	RSU 52/MSAD 52	3/16/2019	School website	http://www.msad52.org/tms/i	Harassment and Sexual		Code Folder	Page 26
Washburn School	Public	Auburn	Androscoggin	Auburn School Department	3/13/2010	School website	http://www.auburnschools.edu/ed	Affirmative Action	2008	Code Folder	Page 42
Waterville Senior High School	Public	Waterville	Kennebec	Waterville Public Schools	3/13/2010	School website	http://www.wshs.wtvl.k12.me.us/Prin	Non-Discrimination	2009	Code Folder	Page 42
Windsor Elementary School	Public	Windsor	Kennebec	RSU 12	3/16/2010	School website	http://www.union13.org/wind	Harassment/Sexual Harassmen	2005	web	
Woodside Elementary School	Public	Topsham	Sagadahoc	RSU 75/MSAD 75	3/16/2010	School website	http://www.link75.org/wds/offi	Affirmative Action	none	web	
Yarmouth High School	Public	Yarmouth	Cumberland	Yarmouth Schools	3/16/2010	School website	http://hs.yarmouth.k12.me.us/P	Code of Conduct	-	web	
Ashwood Waldorf School	Private Non-Sectarian	Rockport	Knox	Ashwood Waldorf School	3/24/2010	Supplied by Email				Email	
Athens Elementary School	Public	Athens	Somerset	RSU 59/MSAD 59	missing						
Baldwin Consolidated School	Public	Baldwin	Cumberland	RSU 55/MSAD 55	missing						

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School	School type	Location	County	School Administrative Unit	Date Found	Location Description	Website	Policy Title	Date Last modified	Reference location	Notes
Bay School	Private Non-Sectarian	Blue Hill	Hancock	Bay School	missing						
Bradford Elementary School	Public	Bradford	Penobscot	RSU 64/MSAD 64	missing						
Brooksville Elementary School	Public	Brooksville	Hancock	Brooksville School Department	missing						
Calais Elementary School	Public	Calais	Washington	Calais School Department	missing						
Cliff Island School	Public	Portland	Cumberland	Portland Public Schools	missing						
Connors-Emerson School	Public	Bar Harbor	Hancock	Bar Harbor School Department	missing						
East Auburn Community School	Public	Auburn	Androscoggin	Auburn School Department	missing						
Edgecomb Eddy School	Public	Edgecomb	Lincoln	Edgecomb School Department	missing						
Farwell Elementary School	Public	Lewiston	Androscoggin	Lewiston School Department	missing						
Harpwell Islands School	Public	Harpwell	Cumberland	RSU 75/MSAD 75	missing						
Hyde School	Private Non-Sectarian	Bath	Sagadahoc	Hyde School	missing						
Indian Island School	Indian Education	Indian Island	Penobscot	Indian Island	missing						
King Middle School	Public	Portland	Cumberland	Portland Public Schools	missing						
Long Island Elementary School	Public	Long Island	Cumberland	Long Island School Department	missing						
Lyman Moore Middle School	Public	Portland	Cumberland	Portland Public Schools	missing						
Millinocket Middle School	Public	Millinocket	Penobscot	Millinocket School Department	missing						
Newport Elementary School	Public	Newport	Penobscot	RSU 19	missing						
North Star Christian School	Private Sectarian	Hermon	Penobscot	North Star Christian School	missing						Contact for Handbook: North Star
Opal Myrick Elementary School	Public	East Millinocket	Penobscot	East Millinocket School Department	missing						

Appendix D: Policy Collection Log

School	School type	Location	County	School Administrative Unit	Date Found	Location Description	Website	Policy Title	Date Last modified	Reference location	Notes
Opportunity Training Center	Private Special Purpose	Presque Isle	Aroostook	Opportunity Training Center	missing						
Portland High School	Public	Portland	Cumberland	Portland Public Schools	Missing						
Richmond Middle School	Public	Richmond	Sagadahoc	RSU 02	missing						
Riley School Inc	Private Non-Sectarian	Rockport	Knox	Riley School Inc	missing						
Sabattus Primary School	Public	Sabattus	Androscoggin	RSU 04	missing						
Saco Middle School	Public	Saco	York	RSU 32	missing						
Samuel D Hanson School	Public	Buxton	York	RSU 06/MSAD 06	missing						
Sanford Regional Vocational Ctr	Technology Center	Sanford	York	Sanford School Department	missing						Was upset with the tenor of the letter.
Skyway Education Learning Center	Public	Presque Isle	Aroostook	RSU 79/MSAD 01	missing						
Somerset Valley Middle School	Public	Hartland	Somerset	RSU 19	missing						
Southport Central School	Public	Southport	Lincoln	Southport School Department	missing						
Stearns High School	Public	Millinocket	Penobscot	Millinocket School Department	missing						
Thornton Academy	Private - 60% Publicly Funded	Saco	York	Thornton Academy	missing						
Van Buren District Secondary Sch	Public	Van Buren	Aroostook	RSU 88/MSAD 24	missing						
Vivian E Hussey Primary	Public	Berwick	York	RSU 60/MSAD 60	missing						
Washington Academy	Private - 60% Publicly Funded	East Machias	Washington	Washington Academy	missing						
West Harpswell Elementary School	Public	Harpswell	Cumberland	RSU 75/MSAD 75	Missing						
Williams-Cone School	Public	Topsham	Sagadahoc	RSU 75/MSAD 75	missing						

Appendix E: Policy Evaluation Matrix

District	Protected Categories	Definitions	Actual or Perceived	Association	Discrimination	Retaliation	Activities Covered	People Covered	Implementing Policies and Procedures
Auburn School Department	1	2	1	0	1	0	1	1	1
Augusta Department of Public Schools	3	0	0	0	1	0	0	1	0
Baileyville School Department									
Bangor School Department	1	0	0	0	1	1	1	1	1
Biddeford School Department	1	2	1	0	1	0	1	1	1
Brewer School Department	1	0	0	0	1	0	1	1	1
Brunswick School Department	1	0	0	0	1	0	1	1	1
Calais School Department									
Cape Elizabeth School Department	1	0	0	0	1	0	1	1	1
Deer Isle-Stonington CSD 13	1	0	0	0	1	0	1	0	1
East Millinocket School Department	0	0	0	0	1	0	1	1	1
Easton School Department/ Union 113	0	0	0	0	1	0	1	1	1
Eastport School Department									
Falmouth School Department	1	0	0	0	1	0	1	1	1
Five Town CSD	3	0	0	0	1	0	1	1	1
Gorham School System Department	1	0	0	0	1	0	1	1	1
Greenville School Department	0	0	0	0	1	0	1	1	1
Hermon School Department	1	0	0	0	1	0	1	1	1
Jay School Department	1	0	0	0	1	0	1	1	1
Kittery School Department	1	0	0	0	1	0	1	1	1
Lewiston School Department	1	0	0	0	1	0	1	1	1
Lisbon School Department	1	2	1	0	1	0	1	1	1
Machias School Department									
Madawaska School Department	0	0	0	0	1	0	1	1	1

Appendix E: Policy Evaluation Matrix

District	Protected Categories	Definitions	Actual or Perceived	Association	Discrimination	Retaliation	Activities Covered	People Covered	Implementing Policies and Procedures
Moosabec CSD	0	0	0	0	1	0	1	1	1
MSAD 27	1	0	0	0	1	0	1	1	1
MSAD 46	0	0	0	0	1	0	0	1	1
Portland Public Schools	1	0	0	0	1	0	1	1	1
RSU 01	1	0	0	0	1	0	1	1	1
RSU 02	1	2	1	0	1	0	1	1	1
RSU 03/ MSAD 3	0	0	0	0	1	0	0	1	1
RSU 04	1	0	0	0	1	0	1	1	1
RSU 05	1	2	1	0	1	0	1	1	1
RSU 06/ MSAD 6	1	0	0	0	1	0	0	1	1
RSU 09/ MSAD 9/Mt. Blue Regional School District	1	2	1	0	1	0	1	1	1
RSU 10									
RSU 11/MSAD 11	1	2	1	0	1	0	1	1	1
RSU 12/ MSAD 12	1	0	0	0	1	0	1	1	1
RSU 13	0	0	0	0	1	0	1	1	1
RSU 14 (Windham School Department)	1	0	0	0	1	0	1	1	1
RSU 15/ MSAD 15	1	0	0	0	1	0	1	1	1
RSU 16									
RSU 17/MSAD 17	1	0	0	0	1	0	1	1	1
RSU 18	1	0	0	0	1	0	1	1	1
RSU 19	1	2	1	0	1	0	1	1	1
RSU 20	1	2	1	0	1	0	1	1	1
RSU 21	1	2	1	0	1	0	1	1	1
RSU 22/MSAD 22	1	0	0	0	1	0	1	1	1
RSU 23	0	0	0	0	1	0	1	1	1
RSU 24	1	2	1	0	1	0	1	1	1

Appendix E: Policy Evaluation Matrix

District	Protected Categories	Definitions	Actual or Perceived	Association	Discrimination	Retaliation	Activities Covered	People Covered	Implementing Policies and Procedures
RSU 25	1	2	1	0	1	0	1	1	1
RSU 26 (Glenburn School Dept.)	1	0	0	0	1	0	1	1	1
RSU 28/ MSAD 28	1	0	0	0	1	0	1	1	1
RSU 29/MSAD 29	0	0	0	0	1	0	1	1	1
RSU 30/ MSAD 30	1	2	1	0	1	0	1	1	1
RSU 31/ MSAD 31	1	0	0	0	1	0	1	1	1
RSU 32/ MSAD 32									
RSU 33/ MSAD 33	1	0	0	0	1	0	1	1	1
RSU 34	1	2	1	0	1	0	1	1	1
RSU 35/ MSAD 35	1	2	1	0	1	0	1	1	1
RSU 36/ MSAD 36	1	0	0	0	1	0	1	1	1
RSU 37/ SAD 37	1	0	0	0	1	0	1	1	1
RSU 38	1	0	0	0	1	0	1	1	1
RSU 39 (Caribou School Dept.)	1	2	1	0	1	0	1	1	1
RSU 40/MSAD 40	1	0	0	0	1	0	0	1	0
RSU 41/ SAD 41	0	0	0	0	1	0	1	1	1
RSU 42/ SAD 42									
RSU 44/MSAD 44	1	2	1	0	1	0	1	1	1
RSU 45/MSAD 45	0	0	0	0	1	0	1	1	1
RSU 49/MSAD 49	0	0	0	0	1	0	1	1	0
RSU 51/MSAD 51	1	0	0	1	1	0	1	1	1
RSU 52/MSAD 52	1	0	0	0	1	0	1	1	1
RSU 53/MSAD 53	1	0	0	0	1	0	0	1	0
RSU 54/MSAD 54	1	2	1	0	1	0	1	1	1
RSU 55/MSAD 55	1	0	0	0	1	0	1	1	1
RSU 56/ MSAD 56	1	0	0	0	1	0	1	0	1

Appendix E: Policy Evaluation Matrix

District	Protected Categories	Definitions	Actual or Perceived	Association	Discrimination	Retaliation	Activities Covered	People Covered	Implementing Policies and Procedures
RSU 57/ MSAD 57	1	0	0	0	1	0	1	1	1
RSU 58/ MSAD 58	0	0	0	0	1	0	1	1	1
RSU 59/ MSAD 59	1	0	0	0	1	0	1	1	1
RSU 60/MSAD 60	0	0	0	0	1	0	1	1	1
RSU 61/MSAD 61	1	0	0	0	1	0	1	1	1
RSU 63/ MSAD 63	1	2	1	0	1	0	1	1	1
RSU 64/MSAD 64	0	0	0	0	1	0	0	1	1
RSU 65/ MSAD 65									
RSU 67	1	0	0	0	1	0	1	1	1
RSU 68/ MSAD 68	1	0	0	0	1	0	1	1	1
RSU 70/ MSAD 70	1	2	1	0	1	0	1	1	1
RSU 72/MSAD 72	1	0	0	0	1	0	1	1	1
RSU 74/ MSAD 74	1	2	1	0	1	0	1	1	1
RSU 75/MSAD 75	1	0	0	0	1	0	0	0	1
RSU 79/MSAD 01	0	0	0	0	1	0	1	1	1
RSU 80/MSAD 04	0	0	0	0	1	0	1	1	1
RSU 83/MSAD 13									
RSU 86/MSAD 20									
RSU 87/MSAD 23	0	0	0	0	1	0	1	1	1
RSU 88/MSAD 24	1	2	1	0	1	0	1	1	1
RSU 89/MSAD 25									
Sanford School Department	1	0	0	0	1	0	1	1	1
Scarborough School Department	1	0	0	0	1	0	1	1	1
South Portland School Department	1	0	0	0	1	0	1	1	1
Waterville Public Schools	1	0	0	0	1	0	0	0	0
Wells-Ogunquit CSD-CSD 18	1	2	1	0	1	0	1	1	1

Appendix E: Policy Evaluation Matrix

District	Protected Categories	Definitions	Actual or Perceived	Association	Discrimination	Retaliation	Activities Covered	People Covered	Implementing Policies and Procedures
Westbrook School Department	1	2	1	0	1	0	1	1	1
Winthrop Public Schools	0	0	0	0	1	0	0	1	1
Yarmouth School Department	1	2	1	0	1	0	1	1	1
York School Department	1	2	1	0	1	0	1	1	1

Appendix E: Policy Evaluation Matrix

School	Protected Categories	Definitions	Actual or Perceived	Association	Discrimination	Retaliation	Activities Covered	People Covered	Implementing Policies and Procedures
Albert S Hall School									
Camden-Rockport Elementary School									
Durham Elementary School									
Ellsworth Elementary-Middle School									
Henry L Cottrell School									
Lewiston Middle School									
Madawaska Middle/High School									
Mt Desert Elementary School									
Sherwood Heights Elementary Sch									
Waterboro Elementary School									
Jonesport Elementary School									
Alfred Elementary School									
Biddeford Primary School									
Brewer High School									
Forest Hills Consolidated School									
Guilford Primary School									
H B Emery Jr Memorial School									
Houlton High School									
James F. Doughty School									
John F Kennedy Memorial School									
Manchester School									
Mapleton Elementary School									
Mary Snow School									
North Elementary School									
Orland Consolidated School									
Sanford Jr High School									
State Street School									
Upper Kennebec Valley Senior HS									
Vickery School									
Edna Drinkwater School	0	0	0	0	0	0	0	0	1
Exeter Consolidated School	0	0	0	0	0	0	0	0	1
Bangor Christian Schools	0	0	0	0	0	0	0	0	0
Bangor High School	0	0	0	0	1	0	0	0	1
Boothbay Region Elem School	0	0	0	0	1	0	0	1	1
Brunswick High School	0	0	0	0	1	1	0	0	1
Eight Corners Elementary School	0	0	0	0	1	0	0	0	1
Fairview School	0	0	0	0	0	0	0	0	0
Falmouth Middle School	1	0	0	0	1	0	0	0	1
Frank Jewett School	1	0	0	0	1	0	0	0	0
George Stevens Academy	1	0	0	0	1	0	0	0	1
Gorham High School	1	0	0	0	1	1	1	0	1
Greely High School	1	0	1	1	1	1	0	1	1
James Otis Kaler Elementary School	1	0	0	0	1	0	1	1	1
Jay High School	1	0	0	0	1	0	0	0	1
Kennebunk High School	0	0	0	0	1	0	1	1	1
Lake Region Vocational Center	0	0	0	0	1	0	0	1	0
Lawrence High School	1	0	0	0	1	0	0	0	1
Lewiston High School	0	0	0	0	1	0	1	1	1

Appendix E: Policy Evaluation Matrix

[illegible]

Appendix F

15 Largest Administrative Entities	15 Smallest Administrative Entities
Auburn School Department	Baileyville School Department
Augusta Department of Public Schools	Deer Isle-Stonington CSD 13
Bangor School Department	East Millinocket School Department
Lewiston School Department	Easton School Department/ Union 113
Portland Public Schools	Eastport School Department
RSU 06/ MSAD 6	Machias School Department
RSU 14 (Windham School Department)	Moosabec CSD
RSU 17/MSAD 17	RSU 30/ MSAD 30
RSU 18	RSU 32/ MSAD 32
RSU 23	RSU 33/ MSAD 33
RSU 57/ MSAD 57	RSU 45/MSAD 45
RSU 60/MSAD 60	RSU 65/ MSAD 65
Sanford School Department	RSU 83/MSAD 13
Scarborough School Department	RSU 88/MSAD 24
South Portland School Department	RSU 89/MSAD 25

NONDISCRIMINATION/EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

The **[School Unit Name]** Board is committed to maintaining a workplace and learning environment that is free from illegal discrimination and harassment.

In accordance with applicable Federal and/or State laws and regulations, **[School Unit Name]** prohibits discrimination against and harassment of employees, candidates for employment, students and others with rights to admission or access to school programs, activities or premises on the basis of race, color, sex, sexual orientation, religion, ancestry or national origin, age, or disability. For the purpose of this policy, “sexual orientation” means a person’s actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression.

[NOTE: The Maine Human Rights Act (5 M.R.S.A. § 4551 et seq.) prohibits discrimination on the basis of sexual orientation. This policy includes the definition of “sexual orientation” provided in 5 M.R.S.A. § 4553(9-C).]

The Board delegates to the Superintendent the responsibility for implementing this policy. The **[School Unit Name]** Affirmative Action Plan will include designation of an Affirmative Action Officer who will be responsible for ensuring compliance with all Federal and State requirements related to nondiscrimination. The Affirmative Action Officer will be appointed by the Superintendent and will be a person with direct access to the Superintendent.

The Superintendent/Affirmative Action Officer shall be responsible for ensuring that notice of compliance with Federal and State civil rights laws is provided to all applicants for employment, employees, students, parents and others, as appropriate.

Legal Reference: Equal Employment Opportunities Act of 1972 (P.L. 92-261)
 amending Title VII of the Civil Rights Act of 1964 (42
 U.S.C. § 2000(e) et seq.)
 Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et
 seq.)
 Title VI of the Civil Rights Act of 1964 (P.L. 88-352)
 Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et
 seq.)
 Equal Pay Act of 1963 (29 U.S.C. § 206)
 Vocational Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.)
 Americans with Disabilities Act (42 U.S.C. § 12101 et seq.)
 Maine Human Rights Act (5 MRSA § 4551, et seq.)

Appendix G: MSMA Sample Non-Discrimination Policy

MAINE SCHOOL MANAGEMENT ASSOCIATION

NEPN/NSBA Code: AC

Cross Reference: **[School Unit Name]** Affirmative Action Plan
 ACAA-Harassment and Sexual Harassment of Students
 ACAB-Harassment and Sexual Harassment of School Employees

Adopted: _____

This is a required policy.

April 2008

PLEASE NOTE MSMA sample policies and other resource materials do not necessarily reflect official Association policy. They are not intended for verbatim replication. Sample policies should be used as a starting point for a board's policy development on specific topics. Rarely does one board's policy serve exactly to address the concerns and needs of all other school units. MSMA recommends a careful analysis of the need and purpose of any policy and a thorough consideration of the application and suitability to the individual school system.

MSMA sample policies and other resource materials may not be considered as legal advice and are not intended as a substitute for the advice of a board's own legal counsel.

MAINE SCHOOL MANAGEMENT ASSOCIATION

Maine Human Rights Act

ADMINISTRATIVE LETTER: 27

POLICY CODE: JBA

TO: Superintendents of Schools
FROM: Susan A. Gendron, Commissioner
DATE: January 5, 2010
RE: Maine Human Rights Act

As I am sure you are aware, Maine's anti-discrimination law, the Maine Human Rights Act, was amended in 2005 to prohibit discrimination on the basis of sexual orientation. Public schools are among the many entities in Maine that are subject to the Maine Human Rights Act.

In case you have not already done so, I am writing to notify you of the need to update your schools' anti-discrimination and anti-harassment policies to include sexual orientation. "Sexual orientation" is defined by the Act to include a person's actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression. Discrimination and harassment on the basis of sexual orientation is prohibited by the Act to the same extent as other protected classes, such as sex, race, and religion. Schools have a duty to protect students from harassment by establishing and enforcing anti-harassment policies, educating students and staff in the prevention of harassment, modeling appropriate behavior, monitoring student conduct, and responding quickly to harassment when it occurs. Your school policies should prohibit discrimination and harassment on the basis of all protected classes in the Act, which are race or color, sex, sexual orientation, physical or mental disability, religion, ancestry or national origin.

If you have questions about your schools' obligations under the Act, you may contact the Maine Human Rights Commission, (207) 624-6051.