

Senator Rafferty, Representative Brennan and distinguished members of the Education and Cultural Affairs Committee,

My name is Kimberly Simmons, from Portland Maine. I hold a doctorate in sociology and have taught college courses related to social justice for more than 2 decades. I am testifying today in opposition to LD 618.

Below I will address many of the substantive concerns I have about this bill. In summary though, I ask you to vote against this bill as it misinterprets and misconstrues Critical Race Theory and Social and Emotional Learning. The concerns listed as prohibitions of instruction gravely mischaracterize these fields. The concerns are also contradictory, and the overall stated intent - to reduce prejudice and discrimination in Maine's classrooms - undermined by the specific (and confusing) prohibitions.

If you agree with the worry that prejudices or discriminatory behaviors are practiced in schools, and do not believe the Maine Human Rights Act goes far enough in protecting students from discrimination based on race or sex, I encourage you to support LD 1610 which would enshrine equal protection into Maine's Constitution.

I do believe that racism and sexism interfere with students' academic success. The results of the [Maine Youth Integrative Health Study](#) are extremely concerning and highlight the disproportionate experiences of violence for girls, LGBTQ and students of color in Maine. We need more tools to address these ongoing problems, including more robust investments in social and emotional learning for prevention and intervention. Prevention work is in fact required by Federal Title IX rules and a State law that contradicts Title IX is extremely problematic. Similarly, Maine law requires teaching about Wabanaki Studies and Genocide. These teachings necessarily include a component of CRT in its broadest definition. LD 618 will not help us make our schools more equal. It could, however, encourage harassment of teachers at a time when we need to retain, support and recruit educators in Maine.

What Is Critical Race Theory?

LD 618, An Act to Eliminate Critical Race Theory, Social and Emotional Learning and Diversity, Equity and Inclusion from School Curricula misuses the term Critical Race Theory. The definitions provided below suggest a fundamental misunderstanding of the body of work that has been developed since Kimberlé Crenshaw coined the conceptual phrase in the 1970s. Scholars such as John Powell, Patricia Williams, Patricia Hill Collins and Derrick Bell were challenged to consider how we might address ongoing patterns of discrimination and inequality that persisted after the landmark 1964 Act was enacted. Civil Rights laws are vital tools for preventing some forms of racial discrimination but are not panaceas for eradicating prejudice, or addressing many forms of racial disparities, including economic disparities and ongoing disparities in healthcare and health outcomes, housing, sentencing, and access to leadership roles. Critical Race Theory investigates the multiple pathways that maintain racial categories, racial differentiation and racial inequalities and consider the possibilities and limits of legal interventions for addressing discrimination. Questions about other forms of interventions - social, cultural, interpersonal, educational, etc.- have been sparked by interdisciplinary readings of CRT. Many of us work in fields informed by this scholarship but do not consider ourselves Critical Race Theorists, as this is a form of specialization and expertise that must be earned.

Current CRT projects may ask “why do we continue to document racial discrimination, almost 60 years after the 1964 Civil Rights Act? What else can we do to address discrimination in our communities?” These questions are aligned with the stated goals of LD 614. K-12 students must understand foundational concepts about race as a social concept to be ready to learn at the college level. CRT serves as a framework to depersonalize conversations about race and racism, shifting the focus of inquiry away from individuals and toward historical structures and persistent patterns. Most of us do not engage CRT scholarship formally, but may find the orientation of questioning useful for addressing bias in our own lives and communities.

What Is Social and Emotional Learning?

Social and emotional learning (SEL) recognizes that students need to regulate their emotions to be “ready to learn.” Building skills for navigating our tempers, learning to share, learning patience, navigating separation anxiety, and developing the skills for friendship are simply part of all young children’s development. The ability to understand ourselves and each other, and work in groups, is simply a core 21st century competency and it is hard to imagine K-12 curricula not including this element.

As a parent. I am extremely grateful that SEL grew as a field. My eldest daughter was so smart but so shy as a young child. All of her academic energy might have gone to hiding if teachers had not worked with her and with all the children on navigating the social space of school. She graduated from Brown University and currently works as a software engineer - and I credit the support she got as a young child with her current success. I could teach her to read but I could not teach her to navigate working with different kinds of teachers or other kids – that is a core project of school.

As a faculty member, I wish to see more SEL curricula for Maine students. College students who cannot understand themselves as learners and self-regulate cannot cope well with the transition to higher ed. Students need to know how to manage their stress and anxieties, how to make new friends, how to effectively participate in group discussions and how to manage their tempers to be successful in college.

Addressing the Prohibitions:

A. One race or sex is inherently better than another race or sex;

This seems to be a core value in our Country and State and certainly a value reflected in Critical Race Theory. CRT asks, “why and how do we maintain social inequalities

when we collectively agree that there is not a race of sex inherently better than another?”. This point actually encourages more Critical Race Theory in our curriculum.

B. By virtue of the individual's race or sex, an individual is inherently racist, sexist or oppressive, whether consciously or unconsciously;

What does “inherently” mean? CRT and most social science research on inequality focuses on the structural, policy, and psychological conditions that encourage or discourage patterns of prejudice and discrimination. Psychological and behavioral science research on [implicit bias](#) does not ascribe inherence, but rather looks to understand how and why our brains maintain “fast” associations that reflect prejudices when our slower consciousness might wish to emphasize different criteria. Conscious and unconscious patterns of bias are important to understand so that we can change our responses that reflect these biases. Again, understanding and applying learnings from these bodies of literature seem consistent with the goal of reducing bias in school. (Work by [Jennifer Eberhardt, PhD](#) or [Project Implicit](#) at Harvard are good introductions to this field)

C. An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;

This is a strawhorse argument, given Maine Human Rights Laws that prohibit discrimination based on race or sex or other protected classes. To ensure this, this Legislature is encouraged to enthusiastically support LD 1619 which would enshrine these protections in Maine’s constitution! CRT does not encourage adverse treatment of any racial group, and in fact exists to root out the places where racist adverse treatment remains despite our civil rights laws.

D. Members of one race or sex cannot and should not attempt to treat others without respect to race or sex;

This seems to assert that we should embrace “color blindness” and no sex differentiation? Significant literature on healthy child development argues for acknowledging our social differences as part of our identity formation. We all care about different parts of our heritage and we deserve to be treated with respect in our differences. Cultural and racial awareness and literacy are essential 21st century skills.

With regard to treating others differently without respect to sex – do supporters of LD 618 actually embrace sex-blindness? While some [preschools in Sweden](#) discourage sex differentiation, this has not been a popular move in the United States. It seems unlikely that advocates for this bill genuinely want teachers prohibited from acknowledging sex differences in the classroom, which would include using gendered language including pronouns of any kind, maintaining sex segregated activities like locker rooms and sports?

Acknowledging sex and gender identities, social identity categories and differences does not immediately suggest that there will be discrimination based on those categories. Again, projects like CRT investigate the relationships between identity categories and discrimination and propose new ways to dismantle this connection without denying individual identity as important to people.

E. An individual's moral character is necessarily determined by the individual's race or sex;

I begin all of my sociology courses with the caveat “People Are Not Patterns.” CRT and other social science investigates patterns, knowing we can not make specific deductions from these patterns but that understanding patterns is essential for dismantling structural discrimination. Individuals are not social systems; we can condemn white supremacy without condemning all white people, we can condemn the Holocaust without condemning all Germans or Christians. If we do not condemn genocide, human rights abuses, or systemic discrimination and violence we are failing to transmit shared core values - the values of “All people are created equally, and the value to the right to life, liberty and the pursuit of happiness” that bind our social contract

with each other. Schools are not intended to be fully values-free spaces, but instead to reflect the cultural values of our society. Condemning white supremacy, misogyny, Anti-semitism and other forms of hatred toward identity groups should be agreeable to all of us, and is in fact part of what is reflected in this bill.

F. An individual should feel discomfort, guilt, anguish or any other form of psychological distress solely because of the individual's race or sex; and

This may be the most complicated part of this bill, for me. It is straightforward to assert that no one should be taught to be ashamed of ourselves for our race or sex. However, a long history of sexism has taught students to feel shame if they step outside of relatively narrow “boxes” of gender expression, especially during middle school. Dress codes, for example, can cause psychological distress for students, yet are often understood to be necessary for the collective. It seems to me that many experience discomfort at school based on race, sex, gender expression, and other protected categories and addressing this is essential for youth mental health. However, policing individual teachers to understand who and how misogyny or racism is expressed in this way seems to be an invitation for significant conflict and controversy. I hope and believe that the majority of teachers are doing their best in this challenging environment, and will continue to seek new information and resources to address disparities in mental health by race and sex (see the [Youth Health Survey](#) results). Curiously, attention to this would be understood as social and emotional learning.

G. Meritocracy or traits, such as having a work ethic, are racist or sexist or were created by members of a particular race to oppress members of another race.

This prohibition is simply too general. If we cannot teach that some traits come out of racist and sexist traditions, we simply cannot teach history. Yet most of our history is about how rules denying particular groups participation in an activity created disparities - the lack of a true meritocracy the problem. For example, I cannot teach about why women didn't run the Boston Marathon until 1967 without teaching that sports purposely

denied women access until Katherine Switzer participated despite rules barring her – this is a story of how the trait of marathon running seemed to be unique to men because of how the rules were created and that the changing of the rules changed how we understand the sport. Today men and women are equally represented and the marathon enrolls nonbinary runners as well. Exploring how the structure of marathons might reflect sexist biases because women were excluded at their formation invites design thinking to update the sport to address the needs of all participants - again a crucial response to point C in this bill. Understanding that social traits might reflect dominant group interests, habits or practices and those traits might change over time or place is an essential element of social studies. Curiosity in cultural differences and the capacity to learn from others and adapt ourselves for new situations and challenges is a part of our development we need to foster. SEL helps us prepare for growth into adulthood, where we will be asked to navigate a variety of social spaces.

Preventing conversation about differences, about social inequalities, about pathways to more equality and inclusion, and about how to understand our feelings and regulate our behavior in public will stunt our children's ability to navigate their future. Beyond simply refusing LD 618, I hope you will consider the importance of public conversations about identity, inclusion and belonging so that we prevent the continued conflation of these terms and ideas in our local districts, and so that we protect teachers and school systems trying to navigate the complexity of public space where everyone has a right to learn.

Thank you,

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