

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
109TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. S-166)

COMMITTEE AMENDMENT "A" to S.P. 123, L.D. 249, Bill, "AN ACT to Clarify the Publication of School Records."

Amend the Bill by striking out everything after the enacting clause and inserting in its place the following:

'20 MRSA §§ 807 and 808 are enacted to read:

§807. Personnel Records

Record of directory information.

1. Each school administrative unit shall maintain a record of directory information pertaining to each employee of the administrative unit that contains the following information: name, residence address, date and place of birth, date of employment by the administrative unit, regular and extracurricular duties and subjects taught since the commencement of employment by the administrative unit, post-secondary educational institutions attended, major and minor fields of study as recognized by those institutions, degrees received and dates degrees were awarded. The record of directory information with respect to each employee shall be open to inspection and copying by any member of the general public.

Confidential information.

2. Records and documents, including written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained that is in the possession or custody of any school administrative unit pertaining to an employee or an applicant for employment or to the immediate family of either, shall be confidential insofar as such records and documents contain or

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reflect information in any of the following categories:

- A. All information, working papers and examinations used
← in the examination or evaluation of all applicants for
← employment;
- B. Medical information of any kind, including information
← pertaining to diagnosis or treatment of mental or
← emotional disorders;
- C. Performance evaluations, personal references and other
← reports and evaluations reflecting on the quality or
← adequacy of the employee's work or general character;
- D. Credit information;
- E. Except as provided by subsection 1, →
← the personal history, general character or conduct of
← the employee or any member of the employee's immediate
← family; and
- F. Complaints, charges of misconduct, replies thereto, and
← memoranda and other materials pertaining to disciplinary
action.

Disciplinary action.

3. /Any written record of a decision involving disciplinary
action taken with respect to an employee by the governing body of
the school administrative unit shall not be included within any
category of confidential information set forth in subsection 2.

§808. Personnel file; review

The Superintendent of Schools shall, upon written request from
an employee or former employee, provide the employee or former
employee or his duly authorized representative with an opportunity
to review his personnel file, if the Superintendent of Schools has

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a personnel file for that employee. These reviews shall take place at the location where the personnel files are maintained and during normal school hours. For the purpose of this section, a personnel file shall include, but not be limited to, any formal or informal employee evaluations and reports relating to the employee's character, credit, work habit, compensation and benefits which the Superintendent of Schools has in his possession.'

Statement of Fact

The purpose of this amendment is to identify those specific portions of personnel records which are to be a matter of public record and those portions which are to be confidential.

Reported by the Committee on Education.

Reproduced and distributed pursuant to Senate Rule 11-A.

May 9, 1979

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