

# MAINE STATE LEGISLATURE

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Education Private School Records  
Private Schools' Records

20 M.R.S.A. § 51.3  
20 M.R.S.A. § 106.7

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September 23, 1977

To: Fred Douglas  
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From: Joseph E. Brennan  
Attorney General

Subject: Private School Records

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QUESTION:

"May a private school withhold records of the accomplishment of each student and not forward these to the school to which the pupil transfers using as a reason the fact of unpaid bills?"

ANSWER:

A private school must forward "the records of the accomplishment of each pupil" to the school which the pupil has transferred to. It may not withhold those records because of any unpaid bills owed by the student to the private school.

REASONS:

Pursuant to 20 M.R.S.A. § 51.3, paragraph B, the State Board of Education has the affirmative obligation of establishing "requirements for approval and accreditation of elementary and secondary schools." On January 15, 1976, the State Board of Education adopted "Procedures and Standards for Basic Approval of Schools, Public and Private, Grades K-12 and Schools for Exceptional Children." The requirements set forth in this document require

Mr. Fred Douglas  
September 23, 1977  
Page Two


that the "Records of the accomplishment of each pupil shall be maintained at least quarterly and forwarded to other schools when students transfer." Pursuant to 20 MRSA § 102.7 (Studies to be Taught):

"the Commissioner may remove basic approval from any school for cause. Whenever a school fails to meet the requirements, the Commissioner shall give due notice and shall hold a hearing. If the school fails to comply and does not take necessary remedial action, the Commissioner may remove basic approval."

It is my opinion that the term "requirements" used in Section 51.3, paragraph B, and Section 102.7, refer in each instance to the requirements adopted by the State Board of Education on January 15, 1976.

Therefore, as a condition for a school to maintain its approval status for attendance and tuition purposes, it must comply with the requirements adopted by the State Board of Education. Since one of those requirements is to forward records of students who transfer to another school, then a private school shall forward the records of a former student to the school which the student has transferred to.

If a private school fails to forward those records, then it will have failed to meet the requirements set forth by the State Board of Education and the Commissioner may initiate action to remove the private school's basic approval.

  
JOSEPH E. BRENNAN  
Attorney General

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