

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 235

S. P. 89

In Senate, January 18, 1973

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Tanous of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Governing Disclosure of School Records.

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

R. S., T. 20, § 806, additional. Title 20 of the Revised Statutes is amended by adding a new section 806 to read as follows:

§ 806. School records

Public and private schools, elementary, secondary and post-secondary shall be required to secure written permission from the person or agency having legal custody, if the student is a minor, before releasing school records. No person other than school personnel or the student in question may have access to written school records or any information contained therein except:

1. Written consent. With the expressed written consent of the student or, in the case of a minor, the person or agency having legal custody;
2. Orders. In compliance with a judicial order, or orders of administrative agencies where those agencies have the power of subpoena, in which case the person or agency having legal custody or the student, or both, should be notified of the school's compliance.

"School personnel" shall be defined to include teachers and other school officials within the district who have a legitimate educational interest and the Commissioner of Educational and Cultural Services and his officers or subordinates, so long as the intended use of the information is consistent with the commissioner's statutory powers and responsibilities.

Where permission is required for the release of school records, such notification shall include the nature of the information sought and the individual or agency to whom the information will be released.

The school may provide anonymous data from its records for outside research purposes without informed consent under conditions where the likelihood of identifying any individual because of his unique characteristics is not possible.

Under no circumstances except as outlined in subsection 2 shall a school release information which has been gathered by any nonschool agency or individual, including, but not limited to, psychiatric or psychological evaluations, caseworkers' reports and delinquency reports.

STATEMENT OF FACT

The purpose of this bill is reflected in the title.