

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 249

S. P. 123

In Senate, February 1, 1979

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

Presented by Senator McBreairty of Aroostook.

Cosponsor: Senator Carpenter of Aroostook.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Clarify the Publication of School Records.

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

20 MRSA §§ 968 and 969 are enacted to read:

§ 968. Personnel records; school records

1. Public records. The term "public records," as defined in Title 1, section 402, subsection 3, shall not apply to:

A. Working papers, research material, records and examinations prepared for and used specifically in the examination or evaluation of applicants for positions within any school administrative unit;

B. Applications, resumes, performance evaluation material, records of disciplinary actions, interoffice or intra-office memoranda or other correspondence deemed to be related to the personal history of public school employees or applicants for public school employment; and

C. Interoffice and intra-office memoranda or working papers used in the preparation of materials to be considered by public school committees or boards of directors.

§ 969. 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 a personnel file for that employee. These reviews shall take place at the location where the personnel files are maintained and during normal office hours. For the purposes 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

This bill permits materials contained in school personnel files, employment examinations, evaluation of school employees and materials used in preparation for school board meetings to be exempt from the Freedom of Access Law. It also permits school employees to examine their personnel files.