

1 2	FIRST REGULAR SESSION
3 4	ONE HUNDRED AND TWELFTH LEGISLATURE
L	_egislative Document No. 833
	H.P. 562 House of Representatives, February 28, 1985 On Motion of Representative Brown of Gorham, referred to the Committee on Education. Sent up for concurrence and ordered printed. EDWIN H. PERT, Clerk
ł	Presented by Representative Scarpino of St. George. Cosponsored by Senator Hichens of York.
	STATE OF MAINE
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	IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-FIVE
	AN ACT to Establish the Maine Protection of Pupil Rights Act.
	Be it enacted by the People of the State of Maine as follows:
	20-A MRSA c. 202-A is enacted to read:
	CHAPTER 202-A
	PROTECTION OF PUPIL RIGHTS ACT
-	§4111. Short title
	This chapter shall be known and may be cited as the "Maine Protection of Pupil Rights Act."
-	§4112. Access to instructional material used in a research or experimentation program
	1. Materials available for inspection. All in- structional material, including teachers' manuals,

1	films, tapes, computer software or other supplemen-
2	tary instructional material to be used in connection
3	uith any necessary an amenimentation meetion
4	with any research or experimentation program or
	project shall be available for inspection by the par-
5	ents or guardians of the children engaged in that
6	program or project.
7	2. Definitions. As used in this section, unless
8	the context otherwise indicates, the following terms
9	have the following meanings.
2	nave one retrowing meanings.
10	A. "Research or experimentation program or
11	project" means any program or project in the pub-
12	lic schools of this State that is designed to ex-
13	plore or develop new or unproven teaching methods
14	or techniques.
14	or techniques.
15	<u>B. "Students" means persons not over age 21</u>
16	years who are enrolled in a program not above the
17	elementary or secondary education level.
± /	elementary of secondary education level.
18	§4113. Protection of students' privacy in examina-
19	tion, testing or treatment
20	1. Prohibition. No student may be required, as
21	part of any program, project, class, course or activ-
22	ity in the public schools of this State to submit,
23	without prior informed consent, to psychiatric exami-
24	nation, testing or treatment, or psychological exami-
25	nation, testing or treatment, in which the purpose is
26	to reveal information concerning one or more of the
27	
21	following:
28	A. Political affiliations;
29	B. Religious beliefs and practices;
30	C. Mental and psychological problems potentially
31	embarrassing to the student or his family;
01	embailabbing to the beadent of hib family,
32	D. Sex behavior and attitudes;
33	E. Illegal, antisocial, self-incriminating and
34	demeaning behavior;
5-1	demeaning benavior;
35	F. Critical appraisals of other individuals with
36	whom the student has close family relationships;
50	mion the seddene has crobe family relationships,

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1 G. Legally recognized privileged and analogous 2 relationships, such as those of lawyers, physi-3 cians and ministers; or 4 H. Income, other than that required by law to 5 determine eligibility for participation in a pro-6 gram or for receiving financial assistance under 7 a program. 8 2. Definitions. As used in subsection 1, unless the context otherwise indicates, the following terms 9 10 have the following meanings. 11 A. "Prior consent" means: (1) Prior consent of the student, if the 12 13 student is an adult or emancipated minor; or (2) Prior written consent of the parent or 14 15 guardian, if the student is an unemancipated 16 minor. B. "Psychiatric or psychological examination or 17 test" means a method of obtaining information, 18 19 including a group activity, that is designed to elicit information about attitudes, 20 habits, 21 traits, opinions, beliefs or feelings; and 22 C. "Psychiatric or psychological treatment" means an activity involving the planned, system-23 atic use of methods or techniques that is de-24 signed to affect behavioral, emotional or attitu-25 26 dinal characteristics of an individual or group. 27 28 STATEMENT OF FACT 29 The purpose of this bill is to establish the "Maine Protection of Pupil Rights Act." This Act re-30 31 quires that instructural material be available for 32 inspection by parents or guardians. It also restricts the types of psychological and psychiatric 33 examination and testing that children may be required 34 35 to participate in without prior consent. 36 1094021185

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