

# MAINE STATE LEGISLATURE

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(NEW DRAFT OF H.P. 1455, L.D. 1966)  
(NEW TITLE)  
SECOND REGULAR SESSION

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

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Legislative Document

NO. 2475

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H.P. 1809                      House of Representatives, March 8, 1988  
Reported by Representative HANDY from the Committee on  
Education and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

Original bill sponsored by Representative BOST of Orono.  
Cosponsored by Senator ESTES of York, Representatives MATTHEWS  
of Caribou and GOULD of Greenville.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-EIGHT

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1                      **AN ACT to Clarify the Access of the**  
2                      **Commissioner of Educational and Cultural**  
3                      **Services to Employee Records for Certification**  
4                      **of Educational Personnel.**  
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6                      Be it enacted by the People of the State of Maine as  
7                      follows:

8                      Sec. 1.    20-A MRSA §6101, sub-§2, ¶B, as enacted  
9                      by PL 1981, c. 693, §§5, 8, is amended to read:

1 B. Except as provided in paragraph A, information  
2 in any form relating to an employee or applicant  
3 for employment, or to the employee's immediate  
4 family, shall be kept confidential if it relates  
5 to the following:

6 (1) All information, working papers and  
7 examinations used in the examination or  
8 evaluation of all applicants for employment;

9 (2) Medical information of any kind,  
10 including information pertaining to diagnosis  
11 or treatment of mental or emotional  
12 disorders;

13 (3) Performance evaluations, personal  
14 references and other reports and evaluations  
15 reflecting on the quality or adequacy of the  
16 employee's work or general character compiled  
17 and maintained for employment purposes;

18 (4) Credit information;

19 (5) Except as provided by subsection 1, the  
20 personal history, general character or  
21 conduct of the employee or any member of the  
22 employee's immediate family;

23 (6) Complaints, charges of misconduct,  
24 replies thereto and memoranda and other  
25 materials pertaining to disciplinary  
26 action; and

27 (7) Social security number; and

28 (8) The teacher action plan and support  
29 system documents and reports maintained for  
30 certification purposes.

31 Sec. 2. 20-A MRSA §6101, sub-§3, as amended by  
32 PL 1985, c. 506, Pt. A, §37, is further amended to  
33 read:

34 3. Commissioner's review. The commissioner shall

1 have access to any of the records or documents  
2 designated as confidential in this section for  
3 carrying out the commissioner's duties pursuant to  
4 sections 13001 to 13003 and chapter 502 section  
5 13020. Copies of any such records or documents shall  
6 simultaneously be provided to the employee.

7 The commissioner shall also have access to support  
8 system documents for carrying out the commissioner's  
9 certification and support system approval duties  
10 pursuant to chapter 502 and to other confidential  
11 employee records for carrying out the commissioner's  
12 school approval duties pursuant to chapter 206.

13 Sec. 3. 20-A MRSa §6102, as enacted by PL 1981,  
14 c. 693, §§ 5, 8, is amended to read:

15 §6102. Employee review

16 The following provisions apply to employee review  
17 of records.

18 1. Right to review. An employee or former  
19 employee of a school administrative unit, or the  
20 employee's representative, is entitled to review the  
21 employee's personnel file on written request to the  
22 superintendent if the superintendent of schools has a  
23 personnel file for the employee; following documents  
24 and reports:

25 A. The employee's teacher action plan and other  
26 support system documents and reports maintained  
27 for certification purposes upon written request to  
28 the custodian designated to maintain those records;

29 B. The employee's personnel file on written  
30 request to the superintendent if the  
31 superintendent of schools has a personnel file for  
32 the employee; and

33 C. Any confidential records or documents provided  
34 to the commissioner pursuant to section 6101,  
35 subsection 3, if the records or documents were not  
36 simultaneously provided to the employee.

