

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1714

H.P. 1173

House of Representatives, April 25, 1991

Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

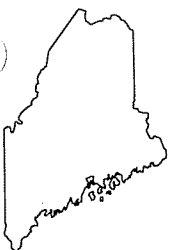
EDWIN H. PERT, Clerk

Presented by Representative GRAY of Sedgwick.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Protect the Rights of Parents and Guardians.



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

4 20-A MRSA c. 207-B is enacted to read:

6 CHAPTER 207-B

8 PERSONALITY TESTING

10 §4741. Short title

12 This Act is known and may be cited as the "Maine Parental Rights Act."

14 §4742. Definitions

16 As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

18 1. Academic test. "Academic test" means any instrument
20 used to assess a pupil's academic achievement, including standard
22 intelligence tests.

24 2. Instructional material. "Instructional material" means
26 any textbook, teacher manual, film, filmstrip, videotape,
audiotape, slides, plastic models and any other supplementary
material used in a school.

28 3. Patron. "Patron" means any legal resident of the school
30 administrative district.

32 4. Personality or adjustment test. "Personality or
34 adjustment test" means any test, scale, inventory or other
36 device, written or oral, for the collection of information
38 relative to a pupil's personality, environment, home life,
parental or family relationships, economic status, religious
beliefs, patriotism, sexual behavior or attitudes or
psychological or sociological problems.

40 5. Pupil. "Pupil" means any student under 18 years of age
enrolled in a public school.

42 6. Pupil records. "Pupil records" means all information on
44 the pupil recorded and retained by the school, school district,
46 or State, regardless of how the information is stored, and that
is used or expected to be used in whole or in part by the school
or any other school or official or agency of the State Government
or Federal Government.

48 §4743. Test, examination or treatment procedures

50 1. Consent required. Without the prior written consent of
52 a pupil's parent, a school may not require the pupil to submit to

2 any personality or adjustment test, any psychiatric or
4 psychological examination, test or treatment or any game,
activity or function for which the primary purpose is to reveal
information concerning the pupil's:

6 A. Political affiliations;

8 B. Mental, psychological or sociological problems;

10 C. Sex behavior or attitudes;

12 D. Illegal, antisocial, self-incriminating or demeaning
14 behavior;

16 E. Critical appraisals of other individuals with whom the
pupil has close family relationships;

18 F. Legally recognized privileges and analogous
20 relationships;

22 G. Family or individual income;

24 H. Religious beliefs; or

26 I. Patriotic beliefs.

28 2. Prior notice. Prior to a school administering any test,
30 examination, treatment or activity described in subsection 1, the
school must give parents reasonable notice of the intent to do so
and must make the contents of the test, examination, treatment
or activity available for inspection by the parent.

32 3. Voluntary participation. A pupil's participation in any
34 test, examination, treatment or activity described in subsection
36 1 is voluntary and may not be a class requirement. During the
38 administration of any test, examination, treatment or activity
described in subsection 1, the school must provide any pupil
choosing not to participate teacher-supervised classroom
instruction in academic skills.

40 **§4744. Access to instructional material and programs**

42 A school board shall keep on file and make available for
44 inspection to parents and patrons all instructional materials
46 used in the school administrative district. Parents and patrons
48 may inspect these materials at any time during regular office
hours. Before placing a pupil in a program funded as an
50 experimental, innovative, pilot or research program, the school
board shall inform the pupil's parent that the pupil is being
52 placed in such a program. If the parent objects to the
placement, the school board shall offer an alternative program or
course of activities for the pupil.

2 **§4745. Content of pupil records**

4 Pupil records must include an annual evaluation of the
6 pupil's progress in the basic skills of reading, language and
8 computation. This evaluation must be measured in terms of
10 national standard grade level norms.

12 **§4746. Access to and use of pupil records**

14 In addition to section 6001, the following govern the
16 dissemination of information about pupils under this Act in the
18 following circumstances.

20 **1. Access by parents.** Upon confirming a parent's identity,
22 the authorized personnel of a school district shall, upon
24 request, make available to the parent of a pupil the content of
26 the pupil's records. The parent must be permitted to be
28 accompanied by other persons chosen by the parent when the parent
30 reviews the contents of the pupil's records.

32 **2. Correction of records.** If any parent disputes the
34 accuracy of any item in the pupil's records, the parent may give
36 notice in writing to the principal, superintendent or other
38 designated school employee specifying in what manner the parent
40 believes the records are inaccurate. Within 15 days after
42 receiving a notice of the alleged inaccuracy, the principal,
44 superintendent or other designated school employee shall, in
46 writing, deny the alleged inaccuracy, admit the inaccuracy or
48 state that there has not been sufficient time to complete an
50 investigation. If the school authority admits the item is
52 inaccurate, the authority shall immediately correct the item in
the records and inform anyone who has previously received a
report containing the inaccurate information. If the school
authority states that the authority has not had sufficient time
to complete an investigation, the school authority shall
immediately investigate the matter to determine its accuracy. At
such time as the school authority does complete the investigation
and determines whether the item is accurate or inaccurate, the
authority shall so inform the parent. If the school authority
determines that the item was inaccurate, the authority shall
immediately correct the item in the records and inform anyone who
has previously received a report containing the inaccurate
information. The parent has the right to attach a written
response to any disputed item that can not be resolved.

3. Permissible use. Pupil records are confidential, except
that a school shall disclose a record under the following
circumstances:

A. To the parent of the pupil;

