

# MAINE STATE LEGISLATURE

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DATE: 5-19-03

(Filing No. S-189 )

EDUCATION AND CULTURAL AFFAIRS

Reported by:

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STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 96, L.D. 262, Bill, "An Act To Require That Disciplinary, Attendance and Health Records Be Included in the Records That Follow a Student Who Transfers to Another School"

Amend the bill in section 1 by striking out all of subsection 2 and inserting in its place the following:

'2. Transfer of records. Upon application of a student to transfer to another school administrative unit in this State or to enroll at a school administrative unit in this State from an educational program or school for juveniles located in or operated by a correctional facility or a school outside of the State, and upon the written request of the superintendent of the school administrative unit into which the student seeks admission, school administrators at the school administrative unit from which the student is transferring shall provide all of the student's education records, including disciplinary records, attendance records, health records other than confidential health records for which consent for dissemination has not been obtained and special education records, to school administrators at the school administrative unit to which the student is seeking a transfer. Confidential health records may be provided under this subsection only if the school administrator at the school administrative unit from which the student is transferring receives the authorization or consent necessary for the dissemination of information contained in the following records:

COMMITTEE AMENDMENT

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A. Records concerning information on a person's HIV infection status, including the results of an HIV test, as those records are described in Title 5, section 19203-D;

B. Records concerning information on a person's alcohol and other drug abuse treatment as those records are described in Title 5, section 20047;

C. Records concerning information on a person's health care and treatment as those records are described in Title 22, section 1711-C; and

D. Records concerning information on a person's mental health treatment as those records are described in Title 34-B, section 1207.'

### SUMMARY

This amendment retains the provisions of the bill and clarifies that a student's health records, including records and information pertaining to HIV infection status, health care and treatment, mental health treatment and alcohol and other substance abuse treatment, may not be disseminated as part of a student's health records without the authorization or consent necessary under existing state statutes.

**FISCAL NOTE REQUIRED**  
(See attached)

121st Maine Legislature  
Office of Fiscal and Program Review



**LD 262**

**An Act to Require That Disciplinary, Attendance and Health Records Be  
Included in the Records That Follow a Student Who Transfers to  
Another School**

**LR 1292(02)**

**Fiscal Note for Bill as Amended by Committee Amendment "A" S-189**

**Committee: Education and Cultural Affairs**

**Fiscal Note Required: Yes**

**Fiscal Note**

Current Cost - State Mandate

**State Mandate**

**New or Expanded Activity**

According to the Department of Education, most school units already include these records when a student transfers to another school. The administrative costs to those school units that do not already include these records is expected to be minimal.

**Unit Affected**

School

**Costs**

Insignificant