

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1876

H.P. 1316

House of Representatives, January 3, 2006

An Act To Inform Parents of Students' Privacy Rights

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 28, 2005. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FARRINGTON of Gorham.
Cosponsored by Senator BROMLEY of Cumberland and
Representatives: ADAMS of Portland, BRAUTIGAM of Falmouth, HARLOW of Portland.

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

4 Sec. 1. 20-A MRS §4010 is enacted to read:

6 **§4010. Dissemination of information by secondary schools**

8 1. Definitions. As used in this section, unless the
10 context otherwise indicates, the following terms have the
12 following meanings.

14 A. "School" means a secondary public school or a secondary
16 private school that receives, directly or through a school
18 administrative district or school administrative unit,
20 federal funding through the No Child Left Behind Act of
22 2001, 20 United States Code, Chapter 70. "School" does not
24 include a private secondary school that is exempt from the
26 provisions of 20 United States Code, Section 7908.

28 B. "Student information" means a student's name, address and
30 telephone number.

32 2. Information sent to parents or students at least 18
34 years of age; form. Each school shall mail to the parent of a
36 student in that school, or to a student who is at least 18 years
38 of age, a letter and a form as provided in this subsection.

40 A. The letter must state that:

42 (1) Federal law requires the school to disseminate
44 upon request student information to military recruiters
46 or an institution of higher education;

48 (2) The parent, or a student who is at least 18 years
of age, may choose to have the school not disseminate
student information either to military recruiters or
institutions of higher education or both; and

(3) The parent, or a student who is at least 18 years
of age, may indicate this option on a form and convey
the form or the relevant information on the form to the
school either by hand delivery, electronic means,
including e-mail and facsimile, or through regular
mail. An e-mail address and facsimile number must be
provided by the school for this purpose.

B. The form must be in generally the following configuration.

Form for parent:

2 I am the parent or legal guardian of
3 who is a student at Please do
4 not release my child's name, address or telephone number to
5 the following without my prior written consent (initial one
6 or both):

7Military Recruiters

8Institutions of Higher Education

9 Form for student at least 18 years of age:

10 I am a student at Please do not
11 release my name, address or telephone number to the
12 following without my prior written consent (initial one or
13 both):

14Military Recruiters

15Institutions of Higher Education

16 If a school sends out individual emergency contact information
17 forms, the school may meet the requirements of this subsection by
18 including the form required by paragraph B on the emergency
19 contact form.

20 **3. Prohibition on release of student information.** A school
21 that is notified by a parent or a student who is at least 18
22 years of age of that person's choice to not have the student
23 information released may not release that student's information.

24 **4. Rules.** The department shall adopt routine technical
25 rules pursuant to Title 5, chapter 375, subchapter 2-A to
26 implement the provisions of this section.

37 SUMMARY

38 The federal No Child Left Behind Act of 2001 requires
39 secondary schools that receive federal funding to provide a
40 student's name, address and telephone listing to military
41 recruiters and institutions of higher education. Schools are
42 required to notify parents of the requirements of the No Child
43 Left Behind Act, but this may be done through a letter in the
44 student handbook. A parent may request that such information not
45 be released.

46 This bill requires all secondary schools subject to the No
47 Child Left Behind Act of 2001 to provide each parent, or student
48 who is 18 years of age, with specific information regarding the

2 requirements of the No Child Left Behind Act. This bill also
3 requires the school to provide each parent, or a student who is
4 at least 18 years of age, with a form that allows the parent or
5 student to prohibit the school from providing information about
6 the student to military recruiters or institutions of higher
7 education or both. The parent or student may notify the school
8 of the parent's or student's option through a number of means,
including e-mail and regular mail.

10 If a school provides an emergency contact form to parents,
it may include the opt-out form on the emergency contact form.