



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 59

H.P. 53

House of Representatives, January 14, 2015

An Act To Protect Students' Rights and Privacy Regarding Their School Records

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative FOLEY of Wells.
Cosponsored by Senator COLLINS of York and
Representatives: GERRISH of Lebanon, O'CONNOR of Berwick, POULIOT of Augusta,
PRESCOTT of Waterboro, STEARNS of Guilford.

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

2 **Sec. 1. 20-A MRSA §6001-C** is enacted to read:

3 **§6001-C. Dissemination of information by other schools; rules**

4 The dissemination of information about students not otherwise governed by section
5 6001 is governed by rules adopted by the commissioner; these rules must include
6 substantially the same prohibitions and standards set forth in the United States Family
7 Educational Rights and Privacy Act of 1974, Public Law 93-380, as amended by Public
8 Law 93-568, and the United States Education of All Handicapped Children Act, Public
9 Law 94-142. Rules adopted under this section are major substantive rules pursuant to
10 Title 5, chapter 375, subchapter 2-A.

11 **Sec. 2. Penalty.** Not later than January 15, 2016, the Commissioner of Education
12 shall report back to the Joint Standing Committee on Education and Cultural Affairs with
13 recommendations for an appropriate penalty for a violation of the Maine Revised
14 Statutes, Title 20-A, section 6001-C, including any necessary implementing legislation.
15 The Joint Standing Committee on Education and Cultural Affairs may report out a bill to
16 the Second Regular Session of the 127th Legislature to implement a penalty for a
17 violation of Title 20-A, section 6001-C.

18 **SUMMARY**

19 This bill directs the Commissioner of Education to adopt rules regarding
20 dissemination of student information by schools not covered under current law. These
21 rules are major substantive rules and must include substantially the same prohibitions and
22 standards regarding dissemination of student information as applicable to publicly funded
23 schools. The commissioner is required to recommend an appropriate penalty for a
24 violation of the rules to the Joint Standing Committee on Education and Cultural Affairs
25 no later than January 15, 2016.