

§14. Limited authority of public schools and postsecondary educational institutions to consent for entry into nonpublic areas and to access records

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

A. "Education record" has the same meaning as in the federal Family Educational Rights and Privacy Act of 1974, 20 United States Code, Section 1232g(a)(4), and its implementing regulations. [PL 2025, c. 770, §2 (NEW).]

B. "Law enforcement officer" has the same meaning as defined in Title 16, section 638, subsection 2 and includes a "federal officer" as defined in Title 25, section 1502-A, subsection 1. [PL 2025, c. 770, §2 (NEW).]

C. "Nonpublic area" means an area of a building or facility that the public is not free to enter or access and includes a restricted access area within a building or facility that is otherwise predominately open to the public. "Nonpublic area" also includes all areas within a building or facility during any time that the building or facility is closed for operation. [PL 2025, c. 770, §2 (NEW).]

D. "Public school" means a "public preschool program" as defined in section 1, subsection 23-A; a "publicly supported secondary school" as defined in section 1, subsection 23-B; and a "public school" as defined in section 1, subsection 24. [PL 2025, c. 770, §2 (NEW).]

E. "State postsecondary educational institution" means a university within the University of Maine System; a college within the Maine Community College System; and the Maine Maritime Academy. [PL 2025, c. 770, §2 (NEW).]

[PL 2025, c. 770, §2 (NEW).]

2. Voluntary consent for entry into nonpublic areas prohibited. A person acting on behalf of a public school or state postsecondary educational institution may not provide voluntary consent permitting a law enforcement officer to enter a nonpublic area of the public school or state postsecondary educational institution for immigration enforcement purposes. [PL 2025, c. 770, §2 (NEW).]

3. Voluntary consent to access education records prohibited. A person acting on behalf of a public school or state postsecondary educational institution may not provide voluntary consent permitting a law enforcement officer to access education records for immigration enforcement purposes. This subsection may not be construed to prevent a person acting on behalf of a public school or state postsecondary educational institution from disclosing education records in response to a request from a law enforcement officer to the extent that the disclosure is required by a court order or by state or federal law.

[PL 2025, c. 770, §2 (NEW).]

4. Mandatory compliance activities. Notwithstanding subsections 2 and 3, if a public school or state postsecondary educational institution is required by federal law to permit a law enforcement officer to inspect specific records or to conduct interviews regarding the eligibility of noncitizens to work in the United States or to attend school in the United States:

A. The public school or state postsecondary educational institution shall designate a nonpublic area within the public school or state postsecondary educational institution where federal immigration officials may conduct these inspections and interviews; and [PL 2025, c. 770, §2 (NEW).]

B. The public school or state postsecondary educational institution may permit law enforcement officers to access a specific location to verify eligibility for employment or school attendance, if federal law requires that law enforcement officers be provided access to that specific location

within the public school or state postsecondary educational institution when conducting these inspections and interviews. [PL 2025, c. 770, §2 (NEW).]
[PL 2025, c. 770, §2 (NEW).]

5. Required policy and guidance. Each public school and state postsecondary educational institution in the State shall adopt the model policies and guidance published by the Attorney General under Title 5, section 200-O or establish equivalent policies and guidance as required by Title 5, section 200-O, subsection 2.
[PL 2025, c. 770, §2 (NEW).]

6. Violation; exemption. Prior to the date that a public school or state postsecondary educational institution adopts, or is required to adopt, whichever is earlier, a policy and guidance pursuant to Title 5, section 200-O, subsection 2, a person acting on behalf of the public school or state postsecondary educational institution does not violate subsection 2 or subsection 3 if the person provides voluntary consent permitting a law enforcement officer to enter a nonpublic area of a public school or state postsecondary educational institution or to access education records and if the person is acting in good faith.
[PL 2025, c. 770, §2 (NEW).]

7. Other educational facilities. A private preschool, private elementary school, private secondary school or private postsecondary educational institution that is not subject to subsection 5 may, but is not required to, adopt the model policies and guidance or an amendment to the model policies and guidance published by the Attorney General pursuant to Title 5, section 200-O, subsection 1.
[PL 2025, c. 770, §2 (NEW).]

REVISOR'S NOTE: §14 Wabanaki studies specialist (As enacted by PL 2025, c. 762, §1 is REALLOCATED TO TITLE 20-A, §15)

SECTION HISTORY

PL 2025, c. 770, §2 (NEW).

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