

# MAINE STATE LEGISLATURE

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DMC  
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L.D. 1820

Date: 6/13/19 Majority (Filing No. H-591)

EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
129TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1297, L.D. 1820, Bill, "An Act To Amend the Laws Governing Investigations by School Entities into Holders of Credentials"

Amend the bill in section 1 in §13025 in subsection 1 by striking out all of paragraphs A and B (page 1, lines 7 to 15 in L.D.) and inserting the following:

~~'A. "Boundaries" means the physical, emotional and social structures that ensure that interactions with a student have a legitimate academic purpose.~~

B. "Covered investigation" means an investigation by a school entity into the conduct of a holder of a credential that a school entity has a reasonable expectation would affect the credential holder's employment or contracted service because the alleged conduct involves alcohol, illegal drugs, physical abuse, emotional abuse, ~~violating boundaries~~, inappropriate contact between a credential holder and a student, stalking, or similar behavior that ~~may endanger~~ endangers the health, safety or welfare of a student.'

Amend the bill in section 1 in §13025 in subsection 3 in the last line (page 1, line 33 in L.D.) by inserting after the following: "holder," the following: "The credential holder who is the subject of the report may submit to the department a written rebuttal to the report. The written rebuttal must be placed in the department's investigative file."

Amend the bill in section 1 in §13025 in subsection 4 in the first line (page 1, line 34 in L.D.) by striking out the following: "notify school entities" and inserting the following: '~~notify school entities~~ act'

Amend the bill in section 1 in §13025 in subsection 4 in paragraph B in the 3rd to the last line (page 2, line 20 in L.D.) by striking out the following: "entity that the credential" and inserting the following: 'entity if that credential'

Amend the bill in section 1 in §13025 in subsection 4 by adding after paragraph B the following:

'C. The department shall destroy copies of all records and reports related to a finding resulting in discipline, suspension or termination of a credential holder if the finding

COMMITTEE AMENDMENT

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resulting in that discipline, suspension or termination is reversed upon appeal at the school entity level.'

Amend the bill by inserting after section 1 the following:

**'Sec. 2. Work group; report.** The Department of Education shall convene a work group of stakeholders, including but not limited to the Maine School Management Association, the Maine Education Association and the Office of the Attorney General, to study and report to the Joint Standing Committee on Education and Cultural Affairs, no later than February 1, 2020 on recommendations and suggested legislation to improve the law regarding investigations into educator credential holders. The Joint Standing Committee on Education and Cultural Affairs may report out a bill to the Second Regular Session of the 129th Legislature on the subject matter of the report.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment, which is the majority report of the committee, does the following.

1. It clarifies that "covered investigation" means an investigation by a school entity into the conduct of a holder of a credential that a school entity has a reasonable expectation would affect the credential holder's employment or contracted service because the alleged conduct involves alcohol, illegal drugs, physical abuse, emotional abuse, inappropriate contact between a credential holder and a student, stalking or similar behavior that endangers the health, safety or welfare of a student. It removes the phrase "violating boundaries" from the definition.

2. It provides that a credential holder who is the subject of a final report produced in support of a school entity's decision to discipline, suspend or terminate the credential holder may submit to the Department of Education a written rebuttal to the report and that the written rebuttal must be placed in the department's investigative file.

3. It requires the department to destroy copies of all records and reports related to a finding resulting in discipline, suspension or termination of a credential holder if the finding resulting in that discipline, suspension or termination is reversed upon appeal at the school entity level.

4. It directs the department to convene a work group to study and report to the Joint Standing Committee on Education and Cultural Affairs no later than February 1, 2020 on recommendations and suggested legislation to improve the law regarding investigations into credential holders.

**FISCAL NOTE REQUIRED**

(See attached)

**COMMITTEE AMENDMENT**



# 129th MAINE LEGISLATURE

LD 1820

LR 2508(02)

**An Act To Amend the Laws Governing Investigations by School Entities into Holders of Credentials**

**Fiscal Note for Bill as Amended by Committee Amendment**

*A(H-591)*

**Committee: Education and Cultural Affairs**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Additional costs to the Department of Education to implement the requirements of this legislation and to the Office of the Attorney General to participate in the workgroup can be absorbed within existing budgeted resources.