

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2026

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Legislative Document

No. 2192

S.P. 893

In Senate, February 3, 2026

### **An Act to Protect Students by Ensuring Schools Have Complete Information About School Employees and Applicants for Employment**

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

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

A handwritten signature in dark ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator ROTUNDO of Androscoggin.  
Cosponsored by Representative MOONEN of Portland and  
Senators: DUSON of Cumberland, PIERCE of Cumberland, RAFFERTY of York,  
Representatives: BRENNAN of Portland, CARLOW of Buxton, MCINTYRE of Lowell,  
MITCHELL of Cumberland.

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

2       **Sec. 1. 20-A MRSA §6101, sub-§2, ¶B**, as amended by PL 1995, c. 547, §4, is  
3 further amended by amending subparagraph (6) to read:

4           (6) Complaints, charges of misconduct, replies to complaints and charges of  
5 misconduct and memoranda and other materials pertaining to disciplinary action.  
6 Notwithstanding this subparagraph or any other law or rule to the contrary, this  
7 information and any other information obtained by a school entity in an  
8 investigation of an employee or applicant for employment regarding conduct  
9 involving alcohol; illegal drugs; physical abuse; emotional abuse; inappropriate  
10 contact between an employee and a student or an employee and another employee;  
11 harassment as described in Title 5, chapter 337-A; sexual assault as described in  
12 Title 17-A, chapter 11; stalking as described in Title 17-A, section 210-A; sexual  
13 exploitation of a minor as described in Title 17-A, chapter 12; or similar behavior  
14 that endangers the health, safety or welfare of a student or another employee must  
15 be shared with other school entities as provided in section 13025. For purposes of  
16 this subparagraph, "school entity" has the same meaning as in section 13025,  
17 subsection 1, paragraph C;

18       **Sec. 2. 20-A MRSA §13004, sub-§2, ¶A**, as enacted by PL 1981, c. 693, §§5 and  
19 8, is amended to read:

20           A. School boards ~~and~~, superintendents and school entities screening applicants for  
21 employment or investigating credential holders pursuant to section 13025;

22       **Sec. 3. 20-A MRSA §13025**, as amended by PL 2023, c. 643, Pt. Z, §2, is further  
23 amended by amending the section headnote to read:

24       **§13025. Investigations of credential holders; hiring requirements for applicants**

25       **Sec. 4. 20-A MRSA §13025, sub-§1, ¶B**, as amended by PL 2019, c. 403, §1, is  
26 further amended to read:

27           B. "Covered investigation" means an investigation by a school entity into the conduct  
28 of a holder of a credential that a school entity has a reasonable expectation would affect  
29 the credential holder's employment or contracted service because the alleged conduct  
30 involves alcohol; illegal drugs; physical abuse; emotional abuse; inappropriate  
31 contact between a credential holder and a student; or a credential holder and another  
32 credential holder; harassment as described in Title 5, chapter 337-A; sexual assault as  
33 described in Title 17-A, chapter 11; stalking as described in Title 17-A, section 210-A;  
34 sexual exploitation of a minor as described in Title 17-A, chapter 12; or similar  
35 behavior that endangers the health, safety or welfare of a student or another credential  
36 holder.

37       **Sec. 5. 20-A MRSA §13025, sub-§3**, as amended by PL 2019, c. 403, §1, is  
38 repealed and the following enacted in its place:

39       **3. Duties of school entities; covered investigations.** The following provisions apply  
40 to school entities conducting covered investigations of credential holders.

41           A. A school entity shall begin a covered investigation upon learning of alleged conduct  
42 involving alcohol; illegal drugs; physical abuse; emotional abuse; inappropriate contact

1 between a credential holder and a student or a credential holder and another credential  
2 holder; harassment as described in Title 5, chapter 337-A; sexual assault as described  
3 in Title 17-A, chapter 11; stalking as described in Title 17-A, section 210-A; sexual  
4 exploitation of a minor as described in Title 17-A, chapter 12; or similar behavior that  
5 endangers the health, safety or welfare of a student or another credential holder by a  
6 credential holder. Any notice is sufficient; a formal complaint is not required to initiate  
7 a covered investigation.

8 B. A school entity shall notify the department immediately if a credential holder who  
9 is the subject of a covered investigation leaves the school entity's employment for any  
10 reason prior to the conclusion of the covered investigation.

11 C. A school entity shall complete a covered investigation once it has been initiated.

12 D. A school entity shall notify the department immediately if a credential holder is  
13 disciplined, suspended or terminated because of a covered investigation in which the  
14 school entity determined that a student's or another credential holder's health, safety or  
15 welfare was endangered.

16 E. The school entity shall provide to the department any final report produced in  
17 support of the school entity's decision to discipline, suspend or terminate the credential  
18 holder. The credential holder who is the subject of the report may submit to the  
19 department a written rebuttal to the report. The written rebuttal must be placed in the  
20 department's investigative file.

21 **Sec. 6. 20-A MRSA §13025, sub-§3-A is enacted to read:**

22 **3-A. Duties of school entities; applicants for employment.** The following  
23 provisions apply to school entities when hiring applicants for employment.

24 A. Prior to offering to hire an applicant for employment, a school entity shall require  
25 the applicant to provide:

26 (1) A list, including the name, address, telephone number and other relevant  
27 contact information of the applicant's:

28 (a) Current employer;

29 (b) Former employers within the last 20 years that were school entities; and

30 (c) Former employers within the last 20 years where the applicant was  
31 employed in a position that involved direct contact with children;

32 (2) A written authorization that consents to and authorizes the disclosure of  
33 information and release of records requested under this subsection and that releases  
34 employers from liability that may arise from the disclosure of information and  
35 release of records; and

36 (3) A written statement as to whether the applicant:

37 (a) Has ever been the subject of any investigation by any employer, state  
38 licensing agency, law enforcement agency or department of health and human  
39 services regarding conduct involving alcohol; illegal drugs; physical abuse;  
40 emotional abuse; inappropriate contact between the applicant and a student or  
41 the applicant and another employee; harassment as described in Title 5, chapter  
42 337-A; sexual assault as described in Title 17-A, chapter 11; stalking as

1 described in Title 17-A, section 210-A; sexual exploitation of a minor as  
2 described in Title 17-A, chapter 12; or similar behavior that endangers the  
3 health, safety or welfare of a student or another employee, even if the  
4 investigation resulted in a finding that the allegations were false or not  
5 substantiated;

6 (b) Has ever been disciplined, discharged or asked to resign from employment  
7 or has resigned from or otherwise separated from any employment while  
8 allegations of conduct involving alcohol; illegal drugs; physical abuse;  
9 emotional abuse; inappropriate contact between the applicant and a student or  
10 the applicant and another employee; harassment as described in Title 5, chapter  
11 337-A; sexual assault as described in Title 17-A, chapter 11; stalking as  
12 described in Title 17-A, section 210-A; sexual exploitation of a minor as  
13 described in Title 17-A, chapter 12; or similar behavior that endangers the  
14 health, safety or welfare of a student or an employee were pending or under  
15 investigation or due to an adjudication or finding of any of the same; or

16 (c) Has ever had a credential, license, professional license or certificate  
17 suspended, surrendered or revoked while allegations of conduct involving  
18 alcohol; illegal drugs; physical abuse; emotional abuse; inappropriate contact  
19 between the applicant and a student or the applicant and another employee;  
20 harassment as described in Title 5, chapter 337-A; sexual assault as described  
21 in Title 17-A, chapter 11; stalking as described in Title 17-A, section 210-A;  
22 sexual exploitation of a minor as described in Title 17-A, chapter 12; or similar  
23 behavior that endangers the health, safety or welfare of a student or an  
24 employee were pending or under investigation or due to an adjudication or  
25 finding of any of the same.

26 An applicant who provides false information or fails to disclose required information  
27 is subject to discipline, including denial of employment, and may be subject to  
28 professional discipline.

29 B. Prior to offering to hire an applicant for employment, a school entity shall conduct  
30 a review of the employment history of the applicant by contacting employers listed  
31 pursuant to paragraph A, subparagraph (1) to verify employment history and to request  
32 the following information:

33 (1) The dates of employment of the applicant; and

34 (2) A statement as to whether the applicant:

35 (a) Was ever the subject of any investigation by any employer, state licensing  
36 agency, law enforcement agency or department of health and human services  
37 regarding conduct involving alcohol; illegal drugs; physical abuse; emotional  
38 abuse; inappropriate contact between the applicant and a student or the  
39 applicant and another employee; harassment as described in Title 5, chapter  
40 337-A; sexual assault as described in Title 17-A, chapter 11; stalking as  
41 described in Title 17-A, section 210-A; sexual exploitation of a minor as  
42 described in Title 17-A, chapter 12; or similar behavior that endangers the  
43 health, safety or welfare of a student or an employee, even if the investigation  
44 resulted in a finding that the allegations were false or the alleged conduct was  
45 not substantiated;

1                   (b) Was disciplined, discharged or asked to resign from employment or  
2                   resigned from or otherwise separated from any employment while allegations  
3                   of conduct involving alcohol; illegal drugs; physical abuse; emotional abuse;  
4                   inappropriate contact between the applicant and a student or the applicant and  
5                   another employee; harassment as described in Title 5, chapter 337-A; sexual  
6                   assault as described in Title 17-A, chapter 11; stalking as described in Title  
7                   17-A, section 210-A; sexual exploitation of a minor as described in Title 17-A,  
8                   chapter 12; or similar behavior that endangers the health, safety or welfare of  
9                   a student or an employee were pending or under investigation or due to  
10                  adjudication or finding of any of the same; or

11                  (c) Has ever had a credential, license, professional license or certificate  
12                  suspended, surrendered or revoked while allegations of conduct involving  
13                  alcohol; illegal drugs; physical abuse; emotional abuse; inappropriate contact  
14                  between the applicant and a student or the applicant and another employee;  
15                  harassment as described in Title 5, chapter 337-A; sexual assault as described  
16                  in Title 17-A, chapter 11; stalking as described in Title 17-A, section 210-A;  
17                  sexual exploitation of a minor as described in Title 17-A, chapter 12; or similar  
18                  behavior that endangers the health, safety or welfare of a student or an  
19                  employee were pending or under investigation or due to an adjudication or  
20                  finding of any of the same.

21                  C. Prior to offering to hire an applicant for employment, a school entity shall check  
22                  the eligibility for employment or certification status of the applicant to determine  
23                  whether the applicant holds valid and active certification appropriate for the position  
24                  and is otherwise eligible for employment and whether the applicant has been the subject  
25                  of professional discipline.

26                  D. Prior to offering to hire an applicant for employment, a school entity shall request  
27                  records of previous covered investigations from the department.

28                  E. No later than 14 days after receiving a request for information under paragraph B,  
29                  an employer that has or had an employment relationship with the applicant shall  
30                  disclose to the school entity the information requested. Review of the employment  
31                  history may be conducted through telephonic, electronic or written communication. If  
32                  the review is conducted by telephone, the school entity shall document in writing the  
33                  results of the review. Information from former or current employers must be recorded  
34                  on a standardized form developed by the department.

35                  F. If after a school entity initially reviews information and receives an affirmative  
36                  response under paragraph A, subparagraph (3), divisions (a) to (c) or under paragraph  
37                  B, subparagraph (2), divisions (a) to (c) and the school entity decides to consider the  
38                  applicant for employment, that school entity shall request that former employers  
39                  provide additional material information regarding the matters disclosed.

40                  G. Former employers shall provide additional information requested under paragraph  
41                  F no later than 90 days after the school entity's request.

42                  H. A school entity may hire an applicant on a provisional basis for no more than 90  
43                  days pending the school entity's review of information and records received under this  
44                  subsection as long as the following are satisfied:

1           (1) The applicant has provided all the information and supporting materials  
2           required;

3           (2) The school entity has no knowledge of information regarding the applicant that  
4           would disqualify the applicant from employment; and

5           (3) The applicant swears that the applicant is not disqualified from employment.

6           I. A school entity may not enter into a collective bargaining agreement, an employment  
7           contract, an agreement for resignation or termination, a severance agreement or any  
8           other contract or agreement or take any other action that interferes with the operation  
9           of the mandated reporting of suspected abuse or neglect pursuant to Title 22, section  
10          4011-A.

11          J. Any provision of a collective bargaining agreement, an employment contract, an  
12          agreement for resignation or termination or a severance agreement that is executed,  
13          amended or entered into after the effective date of this subsection and that is contrary  
14          to this subsection is void.

15          Records and information received by a school entity pursuant to this subsection are  
16          confidential and may be used only for the purpose of evaluating an applicant's fitness to be  
17          hired or for continued employment. Information required by this subsection must include  
18          all conduct of the applicant known by a previous employer, regardless of when the conduct  
19          occurred.

20          **Sec. 7. 20-A MRSA §13025, sub-§4**, as amended by PL 2019, c. 403, §1, is further  
21          amended to read:

22          **4. Duties of department.** ~~The department shall act in accordance with this subsection~~  
23          ~~do the following.~~

24                A. The department shall notify the superintendent or chief administrative officer of a  
25                school entity within 15 business days of the department's initiating an investigation into  
26                a holder of a credential who works for the school entity and shall notify the school  
27                entity immediately if the department takes action on that credential. Within 5 business  
28                days after completion of an investigation, the department shall notify each school entity  
29                for which the credential holder works of the final outcome of the investigation,  
30                including, but not limited to, any actions taken, and shall provide to the school entity  
31                any final written decision.

32                B. Immediately upon receipt from a school entity of notification pursuant to subsection  
33                3 of the discipline, suspension or termination of a credential holder, or the leaving of  
34                employment by a credential holder prior to the completion of a covered investigation  
35                of that credential holder, the department shall notify the superintendent or chief  
36                administrative officer of all other school entities for which the credential holder works,  
37                as reported to the department under section 13026, that the credential holder was  
38                disciplined, suspended or terminated as a result of a covered investigation, or that the  
39                credential holder left employment prior to completion of a covered investigation. ~~If a~~  
40                ~~credential holder provides consent as part of that credential holder's application for~~  
41                ~~employment with a school entity, the~~ The department shall notify the superintendent  
42                or the chief administrative officer of that school entity if that credential holder left  
43                employment with a school entity prior to the completion of a covered investigation of  
44                that credential holder.

1 C. The department shall ~~destroy~~ maintain copies of all records and reports related to a  
2 finding resulting in discipline, suspension or termination of a credential holder even if  
3 the finding resulting in that discipline, suspension or termination is reversed upon  
4 appeal at the school entity level.

5 **Sec. 8. Report from Department of Education.** The Department of Education  
6 shall summarize and report to the joint standing committees of the Legislature having  
7 jurisdiction over education matters and judiciary matters changes in requests from schools  
8 for information regarding investigations under the Maine Revised Statutes, Title 20-A,  
9 section 13025, subsection 4. In collecting this information, the department shall compare  
10 data from at least 2 years prior to the effective date of this Act with data from at least one  
11 year after the effective date of the Act.

## 12 SUMMARY

13 This bill strengthens the duties of school entities and the Department of Education in  
14 vetting applicants for school jobs and in investigating school employees who have  
15 allegedly committed misconduct and effectively sharing relevant information to protect  
16 students and other school employees. Specifically, the bill does the following.

17 1. It requires applicants to disclose any current or previous investigation by any  
18 employer, state licensing agency, law enforcement agency or department of health and  
19 human services regarding conduct involving alcohol, illegal drugs, physical abuse,  
20 emotional abuse, inappropriate contact between the applicant and a student, stalking,  
21 harassment, sexual assault, sexual exploitation of a minor or similar behavior that  
22 endangers the health, safety or welfare of a student or another employee, even if the  
23 investigation resulted in a finding that the allegations were false or not substantiated.

24 2. It requires schools to verify employment histories provided by an applicant with the  
25 applicant's current and former employers and requires schools to provide that information  
26 within 90 days.

27 3. It requires schools to notify the department if an employee who is being investigated  
28 leaves employment before the investigation is completed.

29 4. It requires schools to ask the department about any current or previous investigations.

30 5. It clarifies that upon learning of alleged misconduct by an employee, the school must  
31 begin an investigation; no formal complaint is necessary.

32 6. It specifies that once a school begins an investigation, it must complete the  
33 investigation.

34 7. It specifies that a school must notify the department immediately if an employee is  
35 disciplined, suspended or terminated because of a covered investigation in which the school  
36 determined that a student's health, safety or welfare was endangered.

37 8. It directs the department to summarize and report to the joint standing committees  
38 of the Legislature having jurisdiction over education matters and judiciary matters changes  
39 in requests from schools for information regarding misconduct investigations. The  
40 department must compare data from at least 2 years prior to the effective date of this  
41 legislation with data from at least one year after the effective date of the legislation.