

MAINE STATE LEGISLATURE

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L.D. 827

DATE: 2/27/96

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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 617, L.D. 827, Bill, "An Act to Provide for Record Checks of Elementary and Secondary Education Employees and Applicants"

Amend the bill by striking out all of sections 2 to 6 and inserting in their place the following:

Sec. 2. 20-A MRSA §6101, sub-§1, ¶¶E and F, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

E. Major and minor fields of study recognized by the post-secondary institutions attended; and

F. Degrees received and dates awarded; ~~and~~

Sec. 3. 20-A MRSA §6101, sub-§1, ¶G is enacted to read:

G. Criminal history record information obtained pursuant to section 6103.

Sec. 4. 20-A MRSA §6101, sub-§2, ¶B, as amended by PL 1987, c. 620, §1, is further amended to read:

B. Except as provided in paragraph A, information in any form relating to an employee or applicant for employment, or to the employee's immediate family, ~~shall~~ must be kept confidential if it relates to the following:

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COMMITTEE AMENDMENT "A" to H.P. 617, L.D. 827

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- (1) All information, working papers and examinations used in the examination or evaluation of all applicants for employment;
- (2) Medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;
- (3) Performance evaluations, personal references and other reports and evaluations reflecting on the quality or adequacy of the employee's work or general character compiled and maintained for employment purposes;
- (4) Credit information;
- (5) Except as provided by subsection 1, the personal history, general character or conduct of the employee or any member of the employee's immediate family;
- (6) Complaints, charges of misconduct, replies thereto to complaints and charges of misconduct and memoranda and other materials pertaining to disciplinary action;
- (7) Social security number; and
- (8) The teacher action plan and support system documents and reports maintained for certification purposes; and
- (9) Criminal history record information obtained pursuant to section 6103.

Sec. 5. 20-A MRS §6103 is enacted to read:

§6103. Criminal history record information conviction data

Beginning January 1, 1999, certification, authorization and renewal under chapters 501 and 502 are subject to the provisions of this section.

1. Conviction data obtained; reliance. The commissioner shall obtain criminal history record information containing a record of conviction data from the Maine Criminal Justice Information System for any person applying for certification, authorization or renewal. The commissioner may rely on information provided by the Maine Criminal Justice Information System within 24 months prior to the issuance of a certificate, authorization or renewal.

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2 2. Issuance restriction. Issuance of a certificate,
3 authorization or renewal to any person whose criminal history
4 record information includes a criminal conviction is subject to
5 the provisions of Title 5, chapter 341 and section 13020.

6 3. Confidentiality. Any information obtained pursuant to
7 the section is confidential.

8
9 4. Expenses. Notwithstanding Title 26, sections 594 and
10 629, the expense of obtaining the information required by this
11 section must be paid by the applicant.

12
13 **Sec. 6. Study committee.** The Commissioner of Education shall
14 convene a study committee to make recommendations on measures to
15 protect children through record checks of elementary and
16 secondary education employees and applicants for employment. The
17 study committee consists of representatives from the Maine
18 Education Association, the Maine School Management Association,
19 the Department of the Attorney General, the Department of
20 Education, the Bureau of State Police, and other groups
21 designated by the commissioner.

22 The study committee shall consider the following issues:

23
24 1. Requiring federal record checks for employees or
25 applicants for employment who are seeking certification,
26 authorization or renewal;

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28 2. Requiring federal and state record checks for employees
29 or applicants for employment who have contact with children but
30 whose positions do not require certification, authorization or
31 renewal;

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33 3. Whether the state record checks required in subsection 2
34 must be conducted at the state or local level; and

35
36 4. Whether allegation information concerning employees or
37 applicants for employment may be shared and by whom.

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39 The study committee shall present its report and any
40 recommendations to the joint standing committee of the
41 Legislature having jurisdiction over education and cultural
42 affairs by December 15, 1996.'

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44 Further amend the bill by inserting at the end before the
45 statement of fact the following:

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FISCAL NOTE

Teacher certification applicants, beginning January 1, 1999, will be required to pay for the expenses associated with obtaining criminal record history information. The additional costs incurred by the Department of Public Safety and the amount of additional dedicated revenue generated to cover those costs beginning in fiscal year 1998-99 can not be determined at this time.

The Department of Education and the Department of Public Safety will incur some minor additional costs to participate in the review of certain hiring practices for education employees. These costs can be absorbed within the departments' existing budgeted resources.'

STATEMENT OF FACT

This amendment narrows the provision of the bill requiring a record check for elementary and secondary education employees and applicants to a mandatory check of criminal conviction records. It requires the Commissioner of Education to obtain criminal conviction information from the Maine Criminal Justice Information System and allows the commissioner to rely on information provided up to 24 months prior to the date of issuance of the certification, authorization or renewal. It requires the applicant to pay the expense of obtaining this information. The amendment retains the provisions of the bill making criminal conviction information confidential. The amendment also establishes a study committee to make recommendations on further measures to protect children through improved hiring practices for education employees. The amendment also adds a fiscal note to the bill.