

MAINE STATE LEGISLATURE

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**STATE OF MAINE
SENATE
120TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 492, L.D. 1581, Bill, "An Act to Allow the Department of Human Services Abuse and Neglect Investigators Access to Certain Baxter School for the Deaf Records"

Amend the bill by striking out all of section 4 and inserting in its place the following:

'Sec. 4. 22 MRSA §4088, sub-§7 is enacted to read:

7. Access to records related to Governor Baxter School for the Deaf. Notwithstanding Title 20-A, section 6101, subsection 2, when the team is conducting an investigation of a person at the Governor Baxter School for the Deaf who is subject to licensure by the Department of Education, the Governor Baxter School for the Deaf and the Department of Education shall disclose to the team records related to:

A. Background checks related to the person;

B. The person's credentials;

C. Any conduct on the part of the person related to the allegation; and

D. Any action taken by the Governor Baxter School for the Deaf or the Department of Education in response to conduct of any person at the Governor Baxter School for the Deaf that is similar to the allegation.'

Further amend the bill by inserting at the end before the summary the following:

COMMITTEE AMENDMENT

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FISCAL NOTE

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The additional costs associated with providing access to certain documents required in certain investigations can be absorbed by the Department of Education and the Governor Baxter School for the Deaf utilizing existing budgeted resources.'

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SUMMARY

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This amendment replaces section 4 of the bill and specifically limits the information that the out-of-home abuse and neglect investigating team may review relating to a person at the Governor Baxter School for the Deaf who is subject to licensure by the Department of Education. The information is necessary for the team to make a determination about the person who is the subject of the investigation, as well as whether the school has acted appropriately in response to the conduct that was alleged.

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The school and the Department of Education must disclose to the team records related to the following:

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1. Background checks related to the person who is the subject of the investigation. The team can review the information that the school or the department has collected or note when a background check was not completed;

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2. The person's credentials. The team can review the education, training and experience of the person to help understand the context of the alleged conduct, as well as review whether the person had the appropriate background for the position;

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3. Any conduct on the part of the person related to the allegation. The team will be able to determine if the alleged conduct was an isolated occurrence or simply one episode in a series of similar or escalating instances; and

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4. Any action the school or the Department of Education took in response to the conduct of any person at the school that is similar to the conduct alleged. This allows the team to review what sanctions, if any, have been imposed upon similar conduct.

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The amendment also adds a fiscal note to the bill.