

MAINE STATE LEGISLATURE

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L.D. 2291

Date: 4-11-08

(Filing No. H-998)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST SPECIAL SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 912,
L.D. 2291, Bill, "An Act To Amend Teacher Confidentiality Laws"

Amend the amendment in the first paragraph after the title in the first and 2nd lines (page 1, lines 11 and 12 in amendment) by striking out the following: "in section 1 in subsection 2-A in the 2nd line (page 1, line 5 in L.D.) by striking out the following: "13001" and inserting the following: '1300+ 13020' " and inserting the following: 'by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 20-A MRSA §13004, sub-§2-A, as enacted by PL 1983, c. 470, §11 and amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is repealed and the following enacted in its place:

- 2-A. Confidentiality. The provisions of this subsection govern confidentiality.
- A. Complaints and responses pursuant to section 13020 and any other information or materials that may result in an action to deny, revoke or suspend certification are confidential, except when submitted in court proceedings to revoke or suspend certification.
- B. If a complaint under section 13020 is based upon a criminal conviction or upon information that has become generally known to the public, the department may comment publicly on the existence and status of the complaint but shall otherwise preserve confidentiality in accordance with this subsection.
- C. Except for information designated confidential under section 6102 or section 6103, the department may release relevant information that is designated confidential under paragraph A to:
 - (1) A national association of state directors of teacher education and certification to which the State belongs;
 - (2) Other public authorities that are considering reciprocal action or that are investigating a person's certification in another jurisdiction; or
 - (3) Law enforcement agencies in aid of their investigations.

HOUSE AMENDMENT

1 D. This subsection may not prohibit the department from using or releasing relevant
2 information as necessary:

3 (1) To investigate or prosecute complaints; or

4 (2) To report, curtail or prevent criminal conduct.

5 E. The department may publish and release as public information statistical
6 summaries of complaints and dispositions as long as the release of such information
7 does not jeopardize the confidentiality of individually identifiable information.' '

8 **SUMMARY**

9 This amendment accomplishes the following.

10 1. It permits access to confidential information on denials, revocations and
11 suspensions of teacher certification to the extent that the information is needed by a
12 national association of state directors of teacher education and certification, in aid of an
13 investigation by other jurisdictions investigating qualifications for certification or
14 considering reciprocal disciplinary action or by law enforcement agencies in aid of an
15 investigation.

16 2. It authorizes the Department of Education to comment publicly on the existence
17 and status of a complaint when the complaint is based on a criminal conviction or upon
18 information that has become generally known to the public.

19 3. It allows the Department of Education to use relevant information to investigate or
20 prosecute complaints or to report, curtail or prevent criminal conduct.

21 4. It authorizes the Department of Education to disseminate as public information
22 statistical summaries of complaints and dispositions as long as the dissemination does not
23 jeopardize the confidentiality of individually identifiable information.

24 **SPONSORED BY:** 
25 **(Representative SIMPSON)**

26 **TOWN: Auburn**