

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



128th MAINE LEGISLATURE

SECOND SPECIAL SESSION-2018

Legislative Document

No. 1924

H.P. 1366

House of Representatives, August 28, 2018

An Act To Improve Information Sharing Relating to Investigations of Educators

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

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GINZLER of Bridgton. (GOVERNOR'S BILL)

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

2 **Sec. 1. 20-A MRSA §13001-A, sub-§11-A** is enacted to read:

3 **11-A. School entity.** "School entity" means an approved private school, school
4 administrative unit, school of the unorganized territory and school operated by the State.

5 **Sec. 2. 20-A MRSA §13025**, as amended by PL 2017, c. 235, §29 and affected by
6 §41, is repealed and the following enacted in its place:

7 **§13025. Investigations**

8 **1. Subpoenas.** When conducting an investigation relating to the credentialing of
9 personnel under chapter 501 and this chapter and rules of the state board, the
10 commissioner may issue subpoenas for education records relevant to that investigation.

11 **2. Duties of school entities.** A school entity shall notify the department within 15
12 days of the school entity's initiating an investigation into a holder of a credential and shall
13 notify the department immediately if the credential holder is put on administrative leave,
14 suspended or terminated as part of an investigation. The notification must include the
15 matter being investigated. Within 5 business days after completion of an investigation,
16 the school entity shall notify the department of the final outcome of the investigation,
17 including, but not limited to, any actions taken and any final report produced.

18 **3. Duties of department.** The department shall notify school entities in accordance
19 with this subsection.

20 A. The department shall notify a school entity within 15 days of the department's
21 initiating an investigation into a holder of a credential who works for the school
22 entity and shall notify the school entity immediately if the department takes action on
23 that credential. Within 5 business days after completion of an investigation, the
24 department shall notify each school entity for which the credential holder works of
25 the final outcome of the investigation, including, but not limited to, any actions taken
26 and any final report produced.

27 B. Immediately upon receipt from a school entity of notification pursuant to
28 subsection 2 of an investigation or administrative leave, suspension or termination,
29 the department shall notify all other school entities for which the credential holder
30 works that the credential holder is being investigated or has been placed on
31 administrative leave, suspended or terminated as part of an investigation. The
32 department shall notify each school entity for which the credential holder works of
33 the final outcome of the investigation, including, but not limited to, any actions taken
34 and any final report produced, immediately upon receipt of that information from the
35 investigating school entity.

36 **4. Confidentiality.** Any records received by a school entity under subsection 3 are
37 confidential pursuant to section 13004, subsection 2-A, paragraph A.

1

SUMMARY

2 This bill requires that a school entity notify the Department of Education when it
3 opens an investigation into a holder of a department-issued credential and provide all
4 final reports on that investigation to the department. It requires that the department notify
5 a school entity when it is investigating a holder of a department-issued credential who
6 works for the school entity and requires the department to provide all final reports on the
7 outcome of that investigation to all school entities for which that credential holder works.
8 When a school entity notifies the department of an investigation into a credential holder,
9 the department must then notify all the school entities for which that credential holder
10 works of the investigation and provide to them all final reports the department receives.
11 The bill defines "school entity."