

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON EDUCATION AND
CULTURAL AFFAIRS**

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STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Education and Cultural Affairs

cultural affairs submit a request for consideration by the steering committee of the Maine Education Policy Research Institute to include a research project to investigate and address the costs associated with special education litigation and educational program materials.

The amendment also delays the reporting dates to ensure adequate time for review and adds an appropriations and allocations section.

Committee Amendment "C" (H-781)

This amendment is one of two minority reports of the committee. This amendment is the same as Committee Amendment "A" (H-779), except that it does not include the section regarding nontraditional limited purpose schools.

LD 1924

An Act To Improve Information Sharing Relating to Investigations of Educators

PUBLIC 477

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GINZLER P	OTP-AM	H-813

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

Committee Amendment "A" (H-813)

This amendment strikes and replaces the bill and does the following:

1. Adds a mandate preamble;
2. Adds a definition section to define "boundaries," "covered investigation" and "school entity";
3. Narrows the types of investigations that a school entity must notify the department of to a "covered investigation," which means an investigation by a school entity into the conduct of a holder of a credential that a school entity has a reasonable expectation would affect the credential holder's employment or contracted service because the conduct involves alcohol, illegal drugs, physical abuse, emotional abuse, violating boundaries, inappropriate contact between a credential holder and a student, stalking, or similar behavior that may endanger the health, safety or welfare of a student;
4. Specifies that a school entity must notify the Department of Education and the department must notify a school entity within 15 business days of the initiation of a covered investigation, and clarifies that the department must notify the superintendent or chief administrative officer of the school entity;
5. Clarifies that the department may share confidential information pertaining to credentialing and employee records with a school entity pursuant to this section and requires that a school entity that receives confidential information must maintain and ensure the confidentiality of that information; and
6. Directs the Commissioner of Education to adopt major substantive rules to identify the types of conduct for which the school entity must notify the department and develop procedures for maintaining and ensuring

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confidentiality.

Enacted Law Summary

Public Law 2017, chapter 477 does the following:

1. Requires a school entity to notify the Department of Education within 15 business days of initiating a covered investigation, immediately if the school entity puts a credential-holder on administrative leave, or suspends or terminates a credential-holder as part of the investigation, and within five business days, and in writing, of any final outcome of the investigation, and to provide any final report produced;
2. Requires the Department of Education to notify a school entity within 15 business days of initiating its own investigation into a credential-holder, immediately if the department takes action on the credential, and within five business days, in writing, of the final outcome of the investigation, and to provide any final written decision. The department is also required, upon receipt of notification from a school entity relating to a covered investigation, to immediately notify any other school entity where the credential-holder under investigation works of the investigation;
3. Permits the department to share confidential information that it receives pursuant to this law with a school entity and requires the school entity to maintain the confidentiality of that information; and
4. Directs the Commissioner of Education to adopt major substantive rules to include the identification of the types of conduct that a school entity must notify the department it is investigating and developing procedures for school entities to ensure the confidentiality of information received from the department.