



129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 2166

H.P. 1550

House of Representatives, March 17, 2020

**An Act To Implement the Recommendations of the Work Group on
the Laws Governing Investigations by School Entities into Holders
of Credentials**

Reported by the Majority from the Joint Standing Committee on Education and Cultural
Affairs pursuant to Public Law 2019, chapter 403, section 2.

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

ROBERT B. HUNT
Clerk

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

2 **Sec. 1. 20-A MRSA §13025, sub-§3**, as amended by PL 2019, c. 403, §1, is
3 further amended to read:

4 **3. Duties of school entities.** A school entity shall notify the department immediately
5 if a credential holder who is the subject of a covered investigation leaves the school
6 entity's employment for any reason prior to or upon the conclusion of the covered
7 investigation. A school entity shall notify the department immediately if a credential
8 holder is disciplined, suspended or terminated as a result of a covered investigation in
9 which the school entity determined that a student's health, safety or welfare was
10 endangered. The school entity shall provide to the department any final report produced
11 in support of the school entity's decision to discipline, suspend or terminate the credential
12 holder. The credential holder who is the subject of the report may submit to the
13 department a written rebuttal to the report. The written rebuttal must be placed in the
14 department's investigative file.

15 **Sec. 2. 20-A MRSA §13025, sub-§4**, as amended by PL 2019, c. 403, §1, is
16 further amended to read:

17 **4. Duties of department.** The department shall act in accordance with this
18 subsection.

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

27 B. Immediately upon receipt from a school entity of notification pursuant to
28 subsection 3 of the discipline, suspension or termination of a credential holder, or the
29 leaving of employment by a credential holder prior to the completion of a covered
30 investigation of that credential holder, the department shall notify the superintendent
31 or chief administrative officer of all other school entities for which the credential
32 holder works, as reported to the department under section 13026, that the credential
33 holder was disciplined, suspended or terminated as a result of a covered investigation,
34 or that the credential holder left employment prior to completion of a covered
35 investigation. If a credential holder provides consent as part of that credential
36 holder's application for employment with a school entity, the department shall notify
37 the superintendent or the chief administrative officer of that school entity if that
38 credential holder left employment with a school entity prior to or upon the
39 completion of a covered investigation of that credential holder.

40 C. The department shall destroy copies of all records and reports related to a finding
41 resulting in discipline, suspension or termination of a credential holder if the finding

1 resulting in that discipline, suspension or termination is completely reversed upon
2 appeal at the school entity level.

3 **SUMMARY**

4 The majority of the Joint Standing Committee on Education and Cultural Affairs
5 voted to report out this committee bill to implement the recommendations of the work
6 group formed pursuant to Public Law 2019, chapter 403 to study the issue of
7 investigations of educator credential holders. The bill does the following.

8 1. It provides that a school entity must notify the Department of Education
9 immediately if a credential holder who is the subject of a covered investigation leaves the
10 school's employment upon the conclusion of the covered investigation and that if a
11 credential holder provides consent as part of that credential holder's application for
12 employment, the department must notify the school if that credential holder left
13 employment with a school entity upon completion of a covered investigation.

14 2. It provides that the Department of Education must notify a school entity
15 immediately, rather than within 15 business days, of the department's initiating an
16 investigation into a holder of a credential who works for that school entity.

17 3. It provides that the Department of Education must destroy copies of records and
18 reports related to a finding resulting in discipline, suspension or termination of a
19 credential holder if the finding resulting in that discipline, suspension or termination is
20 completely reversed upon appeal at the school entity level.

21 **FISCAL NOTE REQUIRED**

22 **(See attached)**



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LD 2166

LR 3249(01)

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Investigations by School Entities into Holders of Credentials**

**Fiscal Note for Original Bill
Committee: Education and Cultural Affairs
Fiscal Note Required: Yes**

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Education to implement the requirements of this legislation can be absorbed within existing budgeted resources.