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S.P. 893

In Senate, February 3, 2026

An Act to Protect Students by Ensuring Schools Have Complete Information About School Employees and Applicants for Employment

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

A handwritten signature in dark ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator ROTUNDO of Androscoggin.
Cosponsored by Representative MOONEN of Portland and
Senators: DUSON of Cumberland, PIERCE of Cumberland, RAFFERTY of York,
Representatives: BRENNAN of Portland, CARLOW of Buxton, MCINTYRE of Lowell,
MITCHELL of Cumberland.

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

2 **Sec. 1. 20-A MRSA §6101, sub-§2, ¶B**, as amended by PL 1995, c. 547, §4, is
3 further amended by amending subparagraph (6) to read:

4 (6) Complaints, charges of misconduct, replies to complaints and charges of
5 misconduct and memoranda and other materials pertaining to disciplinary action.
6 Notwithstanding this subparagraph or any other law or rule to the contrary, this
7 information and any other information obtained by a school entity in an
8 investigation of an employee or applicant for employment regarding conduct
9 involving alcohol; illegal drugs; physical abuse; emotional abuse; inappropriate
10 contact between an employee and a student or an employee and another employee;
11 harassment as described in Title 5, chapter 337-A; sexual assault as described in
12 Title 17-A, chapter 11; stalking as described in Title 17-A, section 210-A; sexual
13 exploitation of a minor as described in Title 17-A, chapter 12; or similar behavior
14 that endangers the health, safety or welfare of a student or another employee must
15 be shared with other school entities as provided in section 13025. For purposes of
16 this subparagraph, "school entity" has the same meaning as in section 13025,
17 subsection 1, paragraph C;

18 **Sec. 2. 20-A MRSA §13004, sub-§2, ¶A**, as enacted by PL 1981, c. 693, §§5 and
19 8, is amended to read:

20 A. School boards ~~and~~, superintendents and school entities screening applicants for
21 employment or investigating credential holders pursuant to section 13025;

22 **Sec. 3. 20-A MRSA §13025**, as amended by PL 2023, c. 643, Pt. Z, §2, is further
23 amended by amending the section headnote to read:

24 **§13025. Investigations of credential holders; hiring requirements for applicants**

25 **Sec. 4. 20-A MRSA §13025, sub-§1, ¶B**, as amended by PL 2019, c. 403, §1, is
26 further amended to read:

27 B. "Covered investigation" means an investigation by a school entity into the conduct
28 of a holder of a credential that a school entity has a reasonable expectation would affect
29 the credential holder's employment or contracted service because the alleged conduct
30 involves alcohol; illegal drugs; physical abuse; emotional abuse; inappropriate
31 contact between a credential holder and a student; or a credential holder and another
32 credential holder; harassment as described in Title 5, chapter 337-A; sexual assault as
33 described in Title 17-A, chapter 11; stalking as described in Title 17-A, section 210-A;
34 sexual exploitation of a minor as described in Title 17-A, chapter 12; or similar
35 behavior that endangers the health, safety or welfare of a student or another credential
36 holder.

37 **Sec. 5. 20-A MRSA §13025, sub-§3**, as amended by PL 2019, c. 403, §1, is
38 repealed and the following enacted in its place:

39 **3. Duties of school entities; covered investigations.** The following provisions apply
40 to school entities conducting covered investigations of credential holders.

41 A. A school entity shall begin a covered investigation upon learning of alleged conduct
42 involving alcohol; illegal drugs; physical abuse; emotional abuse; inappropriate contact

1 between a credential holder and a student or a credential holder and another credential
2 holder; harassment as described in Title 5, chapter 337-A; sexual assault as described
3 in Title 17-A, chapter 11; stalking as described in Title 17-A, section 210-A; sexual
4 exploitation of a minor as described in Title 17-A, chapter 12; or similar behavior that
5 endangers the health, safety or welfare of a student or another credential holder by a
6 credential holder. Any notice is sufficient; a formal complaint is not required to initiate
7 a covered investigation.

8 B. A school entity shall notify the department immediately if a credential holder who
9 is the subject of a covered investigation leaves the school entity's employment for any
10 reason prior to the conclusion of the covered investigation.

11 C. A school entity shall complete a covered investigation once it has been initiated.

12 D. A school entity shall notify the department immediately if a credential holder is
13 disciplined, suspended or terminated because of a covered investigation in which the
14 school entity determined that a student's or another credential holder's health, safety or
15 welfare was endangered.

16 E. The school entity shall provide to the department any final report produced in
17 support of the school entity's decision to discipline, suspend or terminate the credential
18 holder. The credential holder who is the subject of the report may submit to the
19 department a written rebuttal to the report. The written rebuttal must be placed in the
20 department's investigative file.

21 **Sec. 6. 20-A MRSA §13025, sub-§3-A** is enacted to read:

22 **3-A. Duties of school entities; applicants for employment.** The following
23 provisions apply to school entities when hiring applicants for employment.

24 A. Prior to offering to hire an applicant for employment, a school entity shall require
25 the applicant to provide:

26 (1) A list, including the name, address, telephone number and other relevant
27 contact information of the applicant's:

28 (a) Current employer;

29 (b) Former employers within the last 20 years that were school entities; and

30 (c) Former employers within the last 20 years where the applicant was
31 employed in a position that involved direct contact with children;

32 (2) A written authorization that consents to and authorizes the disclosure of
33 information and release of records requested under this subsection and that releases
34 employers from liability that may arise from the disclosure of information and
35 release of records; and

36 (3) A written statement as to whether the applicant:

37 (a) Has ever been the subject of any investigation by any employer, state
38 licensing agency, law enforcement agency or department of health and human
39 services regarding conduct involving alcohol; illegal drugs; physical abuse;
40 emotional abuse; inappropriate contact between the applicant and a student or
41 the applicant and another employee; harassment as described in Title 5, chapter
42 337-A; sexual assault as described in Title 17-A, chapter 11; stalking as

1 described in Title 17-A, section 210-A; sexual exploitation of a minor as
2 described in Title 17-A, chapter 12; or similar behavior that endangers the
3 health, safety or welfare of a student or another employee, even if the
4 investigation resulted in a finding that the allegations were false or not
5 substantiated;

6 (b) Has ever been disciplined, discharged or asked to resign from employment
7 or has resigned from or otherwise separated from any employment while
8 allegations of conduct involving alcohol; illegal drugs; physical abuse;
9 emotional abuse; inappropriate contact between the applicant and a student or
10 the applicant and another employee; harassment as described in Title 5, chapter
11 337-A; sexual assault as described in Title 17-A, chapter 11; stalking as
12 described in Title 17-A, section 210-A; sexual exploitation of a minor as
13 described in Title 17-A, chapter 12; or similar behavior that endangers the
14 health, safety or welfare of a student or an employee were pending or under
15 investigation or due to an adjudication or finding of any of the same; or

16 (c) Has ever had a credential, license, professional license or certificate
17 suspended, surrendered or revoked while allegations of conduct involving
18 alcohol; illegal drugs; physical abuse; emotional abuse; inappropriate contact
19 between the applicant and a student or the applicant and another employee;
20 harassment as described in Title 5, chapter 337-A; sexual assault as described
21 in Title 17-A, chapter 11; stalking as described in Title 17-A, section 210-A;
22 sexual exploitation of a minor as described in Title 17-A, chapter 12; or similar
23 behavior that endangers the health, safety or welfare of a student or an
24 employee were pending or under investigation or due to an adjudication or
25 finding of any of the same.

26 An applicant who provides false information or fails to disclose required information
27 is subject to discipline, including denial of employment, and may be subject to
28 professional discipline.

29 B. Prior to offering to hire an applicant for employment, a school entity shall conduct
30 a review of the employment history of the applicant by contacting employers listed
31 pursuant to paragraph A, subparagraph (1) to verify employment history and to request
32 the following information:

33 (1) The dates of employment of the applicant; and

34 (2) A statement as to whether the applicant:

35 (a) Was ever the subject of any investigation by any employer, state licensing
36 agency, law enforcement agency or department of health and human services
37 regarding conduct involving alcohol; illegal drugs; physical abuse; emotional
38 abuse; inappropriate contact between the applicant and a student or the
39 applicant and another employee; harassment as described in Title 5, chapter
40 337-A; sexual assault as described in Title 17-A, chapter 11; stalking as
41 described in Title 17-A, section 210-A; sexual exploitation of a minor as
42 described in Title 17-A, chapter 12; or similar behavior that endangers the
43 health, safety or welfare of a student or an employee, even if the investigation
44 resulted in a finding that the allegations were false or the alleged conduct was
45 not substantiated;

1 (b) Was disciplined, discharged or asked to resign from employment or
2 resigned from or otherwise separated from any employment while allegations
3 of conduct involving alcohol; illegal drugs; physical abuse; emotional abuse;
4 inappropriate contact between the applicant and a student or the applicant and
5 another employee; harassment as described in Title 5, chapter 337-A; sexual
6 assault as described in Title 17-A, chapter 11; stalking as described in Title
7 17-A, section 210-A; sexual exploitation of a minor as described in Title 17-A,
8 chapter 12; or similar behavior that endangers the health, safety or welfare of
9 a student or an employee were pending or under investigation or due to
10 adjudication or finding of any of the same; or

11 (c) Has ever had a credential, license, professional license or certificate
12 suspended, surrendered or revoked while allegations of conduct involving
13 alcohol; illegal drugs; physical abuse; emotional abuse; inappropriate contact
14 between the applicant and a student or the applicant and another employee;
15 harassment as described in Title 5, chapter 337-A; sexual assault as described
16 in Title 17-A, chapter 11; stalking as described in Title 17-A, section 210-A;
17 sexual exploitation of a minor as described in Title 17-A, chapter 12; or similar
18 behavior that endangers the health, safety or welfare of a student or an
19 employee were pending or under investigation or due to an adjudication or
20 finding of any of the same.

21 C. Prior to offering to hire an applicant for employment, a school entity shall check
22 the eligibility for employment or certification status of the applicant to determine
23 whether the applicant holds valid and active certification appropriate for the position
24 and is otherwise eligible for employment and whether the applicant has been the subject
25 of professional discipline.

26 D. Prior to offering to hire an applicant for employment, a school entity shall request
27 records of previous covered investigations from the department.

28 E. No later than 14 days after receiving a request for information under paragraph B,
29 an employer that has or had an employment relationship with the applicant shall
30 disclose to the school entity the information requested. Review of the employment
31 history may be conducted through telephonic, electronic or written communication. If
32 the review is conducted by telephone, the school entity shall document in writing the
33 results of the review. Information from former or current employers must be recorded
34 on a standardized form developed by the department.

35 F. If after a school entity initially reviews information and receives an affirmative
36 response under paragraph A, subparagraph (3), divisions (a) to (c) or under paragraph
37 B, subparagraph (2), divisions (a) to (c) and the school entity decides to consider the
38 applicant for employment, that school entity shall request that former employers
39 provide additional material information regarding the matters disclosed.

40 G. Former employers shall provide additional information requested under paragraph
41 F no later than 90 days after the school entity's request.

42 H. A school entity may hire an applicant on a provisional basis for no more than 90
43 days pending the school entity's review of information and records received under this
44 subsection as long as the following are satisfied:

1 (1) The applicant has provided all the information and supporting materials
2 required;

3 (2) The school entity has no knowledge of information regarding the applicant that
4 would disqualify the applicant from employment; and

5 (3) The applicant swears that the applicant is not disqualified from employment.

6 I. A school entity may not enter into a collective bargaining agreement, an employment
7 contract, an agreement for resignation or termination, a severance agreement or any
8 other contract or agreement or take any other action that interferes with the operation
9 of the mandated reporting of suspected abuse or neglect pursuant to Title 22, section
10 4011-A.

11 J. Any provision of a collective bargaining agreement, an employment contract, an
12 agreement for resignation or termination or a severance agreement that is executed,
13 amended or entered into after the effective date of this subsection and that is contrary
14 to this subsection is void.

15 Records and information received by a school entity pursuant to this subsection are
16 confidential and may be used only for the purpose of evaluating an applicant's fitness to be
17 hired or for continued employment. Information required by this subsection must include
18 all conduct of the applicant known by a previous employer, regardless of when the conduct
19 occurred.

20 **Sec. 7. 20-A MRSA §13025, sub-§4**, as amended by PL 2019, c. 403, §1, is further
21 amended to read:

22 **4. Duties of department.** ~~The department shall act in accordance with this subsection~~
23 ~~do the following.~~

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

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

1 C. The department shall ~~destroy~~ maintain copies of all records and reports related to a
2 finding resulting in discipline, suspension or termination of a credential holder even if
3 the finding resulting in that discipline, suspension or termination is reversed upon
4 appeal at the school entity level.

5 **Sec. 8. Report from Department of Education.** The Department of Education
6 shall summarize and report to the joint standing committees of the Legislature having
7 jurisdiction over education matters and judiciary matters changes in requests from schools
8 for information regarding investigations under the Maine Revised Statutes, Title 20-A,
9 section 13025, subsection 4. In collecting this information, the department shall compare
10 data from at least 2 years prior to the effective date of this Act with data from at least one
11 year after the effective date of the Act.

12 SUMMARY

13 This bill strengthens the duties of school entities and the Department of Education in
14 vetting applicants for school jobs and in investigating school employees who have
15 allegedly committed misconduct and effectively sharing relevant information to protect
16 students and other school employees. Specifically, the bill does the following.

17 1. It requires applicants to disclose any current or previous investigation by any
18 employer, state licensing agency, law enforcement agency or department of health and
19 human services regarding conduct involving alcohol, illegal drugs, physical abuse,
20 emotional abuse, inappropriate contact between the applicant and a student, stalking,
21 harassment, sexual assault, sexual exploitation of a minor or similar behavior that
22 endangers the health, safety or welfare of a student or another employee, even if the
23 investigation resulted in a finding that the allegations were false or not substantiated.

24 2. It requires schools to verify employment histories provided by an applicant with the
25 applicant's current and former employers and requires schools to provide that information
26 within 90 days.

27 3. It requires schools to notify the department if an employee who is being investigated
28 leaves employment before the investigation is completed.

29 4. It requires schools to ask the department about any current or previous investigations.

30 5. It clarifies that upon learning of alleged misconduct by an employee, the school must
31 begin an investigation; no formal complaint is necessary.

32 6. It specifies that once a school begins an investigation, it must complete the
33 investigation.

34 7. It specifies that a school must notify the department immediately if an employee is
35 disciplined, suspended or terminated because of a covered investigation in which the school
36 determined that a student's health, safety or welfare was endangered.

37 8. It directs the department to summarize and report to the joint standing committees
38 of the Legislature having jurisdiction over education matters and judiciary matters changes
39 in requests from schools for information regarding misconduct investigations. The
40 department must compare data from at least 2 years prior to the effective date of this
41 legislation with data from at least one year after the effective date of the legislation.