

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill 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 B, §78 and affected by §80, is repealed and the following enacted in its place: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. Access to confidential information under this subsection may be granted to the extent that relevant information is needed by:

(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.

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

(1) To investigate or prosecute complaints; or

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

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

SUMMARY

This amendment, which is the minority report of the Joint Standing Committee on Education and Cultural Affairs, strikes and replaces the bill to accomplish the following.

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

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

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

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

FISCAL NOTE REQUIRED

(See attached)