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

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

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

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

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

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

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

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

a school entity, the department shall notify the superintendent or the chief administrative officer of that school entity if that credential holder left employment with a school entity prior to or upon the completion of a covered investigation of that credential holder.

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

SUMMARY

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

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

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

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

FISCAL NOTE REQUIRED

(See attached)