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HEALTH AND HUMAN SERVICES

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STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 64, L.D. 99, “An Act to Clarify Information Sharing Between the Department of Health and Human Services and Schools with Respect to Investigations of Child Abuse or Neglect”

Amend the bill by inserting before section 1 the following:

'Sec. 1. 20-A MRSA §6101, sub-§3, as amended by PL 1987, c. 620, §2, is amended by enacting at the end a new last blocked paragraph to read:

Records of complaints, charges of misconduct, investigations and disciplinary actions may be provided by the commissioner or the commissioner's designee to the Department of Health and Human Services when an investigation of child abuse or neglect in accordance with Title 22, section 4099-N, subsection 3 is in process.

Sec. 2. 22 MRSA §4099-N, sub-§3, as enacted by PL 2023, c. 248, §4, is amended to read:

3. School personnel. The investigation team may investigate an individual who is licensed or certified, who has applied for licensure or certification or who is subject to licensure or certification by the Department of Education and employed by a school organized under Title 20-A, Part 2.'

Amend the bill in section 1 in subsection 6 in the 4th and 5th lines (page 1, lines 6 and 7 in L.D.) by striking out the following: "or student registered in"

Amend the bill by inserting after section 1 the following:

'Sec. 2. 22 MRSA §7703, sub-§3, ¶D, as enacted by PL 1983, c. 691, §2, is amended to read:

D. A person having the legal responsibility or authorization to educate, care for, evaluate, treat or supervise a client or recipient of services of the facility. ~~This shall include~~ A person under this paragraph includes a member of a treatment team or group convened to plan for or treat a person named in a record, ~~provided that as long as the~~ identity of any reference, complainant, reporter of suspected abuse or neglect or other person is protected, when appropriate. A person under this paragraph includes the

1 superintendent of a school administrative unit, the chief administrator of a public
2 school not in a school administrative unit or the chief administrator of a private school;

3 **Sec. 3. 22 MRSA §7703, sub-§5**, as enacted by PL 1983, c. 691, §2, is amended to
4 read:

5 **5. Dissemination of confidential information.** Information released pursuant to
6 subsections 3 and 4 ~~shall~~ must be used solely for the purpose for which it was provided and
7 ~~shall may~~ not be further disseminated, except as provided in subsection 5-A.

8 **Sec. 4. 22 MRSA §7703, sub-§5-A** is enacted to read:

9 **5-A. Dissemination by Department of Education.** Reports of suspected child abuse
10 or neglect released in accordance with subsection 4, paragraph G may be disseminated by
11 the Department of Education to the superintendent of a school administrative unit, the chief
12 administrator of a public school not in a school administrative unit or the chief
13 administrator of a private school when neither the department nor the Department of
14 Education is investigating the reports of suspected child abuse or neglect released in
15 accordance with subsection 4, paragraph G or the school administrative unit, public school
16 or private school is determined by the department to be unaware of the information, as long
17 as the identity of or any reference to the complainant or reporter of suspected child abuse
18 or neglect is protected.'

19 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
20 number to read consecutively.

21 SUMMARY

22 This amendment clarifies that the Department of Health and Human Services
23 investigation team may investigate an individual who is certified by the Department of
24 Education, who has applied for licensure or certification or who is subject to licensure or
25 certification. The amendment removes from the bill language that allows an investigation
26 team to notify the superintendent of a school administrative unit, chief administrator of a
27 public school not in a school administrative unit or chief administrator of a private school
28 when there is a finding of out-of-home abuse or neglect against a student. It also clarifies
29 that the Department of Education can disseminate reports of suspected child abuse or
30 neglect occurring within a school to superintendents of school administrative units, chief
31 administrators of public schools not in a school administrative unit or chief administrators
32 of private schools when neither the Department of Health and Human Services nor the
33 Department of Education is investigating or it is determined that the school is unaware of
34 the information.