

TESTIMONY NEITHER FOR NOR AGAINST

L.D. 2192

AN ACT TO PROTECT STUDENTS BY ENSURING SCHOOLS HAVE
COMPLETE INFORMATION ABOUT SCHOOL EMPLOYEES
AND APPLICANTS FOR EMPLOYMENT

February 24, 2026

Senator Rafferty, Representative Murphy, and members of the Education and Cultural Affairs Committee, I am Eileen King, Deputy Executive Director of Maine School Management Association, testifying on behalf of the legislative committees of the Maine School Boards Association and Maine School Superintendents Association neither for nor against L.D. 2192.

We appreciate Senator Rotundo's leadership in bringing this important issue forward and her willingness to engage stakeholders in a thoughtful and constructive dialogue. We strongly support the development of a comprehensive, transparent process that results in the hiring of high-quality, law-abiding professionals who are well-suited to serve Maine's students in every role across a school district. Ensuring student safety and maintaining public trust are shared priorities. At the same time, we remain very concerned that, as currently drafted, the bill violates due process for employees and creates a significant administrative burden for districts related to compliance and reporting requirements.

Due Process

The right to due process for staff members is one that school districts take very seriously when a staff member faces allegations of misconduct. The safety of our students is of, course, a vital priority, but we also want to make sure that allegations of misconduct are substantiated.

We oppose multiple provisions of L.D. 2192 that would not allow for that due process.

Specifically, this bill requires applicants to report if they have ever been investigated, "even if the investigation resulted in a finding that the allegations were false or not substantiated." If allegations are credible and/or substantiated, our state should, of course, do everything possible to make sure future employers are aware and make sure children are protected. However, as currently written, we believe this provision could have harmful consequences, with unproven allegations following an educator for up to 20 years.

Potential Administrative Burden

L.D. 2192 also adds a list of new requirements in the job application and vetting process that school officials worry could overburden many schools – particularly those in rural communities.

Among the new requirements, schools would be required to:

- Ask any job applicants for a list of all former employers, over the past two decades, in which the applicant worked at a school or had direct contact with children
- Verify and review the applicant's employment history and request, from every past employer, information regarding potential investigations and/or misconduct

Superintendents have real concerns that this verification and review process, which would need to be completed within 90 days, could represent a significant new burden. Over a 20-year period, an applicant could have a dozen or more employers, and school districts would be required to contact each one, verify, and document this information. We also are unsure how situations would be handled if a former employer no longer exists.

This additional administrative burden could most affect our smaller, more rural districts without dedicated human resources departments. These districts would either have to hire more staff or slow down hiring. We are concerned that the lengthy timeline in L.D. 2192 could result in vacant teaching positions remaining unfilled for longer periods, which would hurt students left without a certified teacher at their front of their classrooms.

Potential Solutions:

Even with these concerns, our Associations are fully in support of improving information sharing, and we would support multiple policy strategies identified in this bill. They include:

- **Requiring Job Applicants to Disclose Past Investigations:** MSMA already includes several questions on our sample job applications requiring applicants to disclose past discipline and/or misconduct. We believe some of the questions mandated in L.D. 2192 would be too broad (such as requiring disclosure of any investigations, even if they were found to be false), but we would support mandating certain questions statewide. We also would support requiring that an applicant provide documentation regarding the outcome of any past investigations and ensuing discipline.
- **Expanded Information Sharing Between Districts:** Superintendents support the intent of Section 1 of this bill, which would allow for districts to share more documentation regarding investigations when evaluating an applicant's fitness for employment. We believe this additional disclosure could potentially strengthen due process: superintendents could better share details of investigations where employee misconduct was substantiated, and could also provide more details regarding investigations where an employee was not found to have committed misconduct. We would ask for one language change here, and would instead mandate sharing of this information "upon request" of a hiring school district.
- **Expanded Information Sharing From Districts to DOE:** MSMA worked with the Right to Know Advisory Committee last summer on other statute changes that we believe could also address this issue. That language, which we expect will also be coming out as a bill later this session, is attached to our testimony, and it would require districts to report to the state if "a credential holder that is credibly alleged to have engaged in misconduct that may lead to a covered investigation leaves the school entity's employment for any reason."

If this language was added to statute, it would tighten the hiring process and reduce gaps in this process.

School boards and superintendents believe that these approaches, combined, would better protect children and provide due process for employees without overwhelming school district offices. We would be happy to work with you and other stakeholders towards finding a policy solution.

Thank you again for your time and consideration, and I am happy to take any questions you might have.

(School Unit)
_____ Street
_____, Maine _____
(207) ____ - _____

(SAMPLE) APPLICATION FOR NON-TEACHING POSITION

THE (School Unit) DOES NOT DISCRIMINATE IN THE OPERATION OF ITS EDUCATIONAL AND EMPLOYMENT POLICIES AND WILL HONOR ALL APPROPRIATE LAWS RELATIVE TO DISCRIMINATION.

Date _____

Position applying for:

Name _____

(Bus Driver, Custodian, Secretary, Educational Technician, Cafeteria Worker, etc.)

When will you be available? _____

(Position location)

Address _____

Phone _____

Email address _____

EDUCATION: Transcripts, including grades, from all post-secondary schools attended must be provided. It is essential that this section be completed accurately.

| School Attended | Address | No. of Yrs. Attended | Graduated/Degree |
|-----------------|---------|----------------------|------------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

SPECIAL SKILLS:

Do you hold a valid drivers license? State: _____ Endorsement: _____

To be completed by clerical applicants: Typing: ___ Yes ___ No WPM ___
Shorthand: ___ Yes ___ No WPM ___

What office software applications have you had experience with?

What other special skills, certifications or licenses do you have that may be relevant to this position? _____

EXPERIENCE: Please list all previous employment starting with the most recent job held. Use the back of the page if necessary. Please account for any gaps in employment during the past ten years on the back of page.

| From (month/year) | To | Position | Duties | Employer |
|----------------------|----|----------|--------|----------|
| to | | | | |

BACKGROUND:

Have you ever been disciplined, discharged, or asked to resign from a prior position? Yes ___ No ___

Have you ever resigned from a prior position after a complaint had been received against you or your conduct was under investigation or review? Yes ___ No ___

If applicable, has your contract in a prior position ever been non-renewed? Yes ___ No ___

If applicable, have you ever not been nominated for re-employment in a prior position or ever had your nomination for re-employment not be approved? Yes ___ No ___

Have you ever been investigated for discrimination, sexual abuse or harassment of another person? Yes ___ No ___

Have you ever had a professional license or certificate suspended or revoked in any state, or have you ever voluntarily surrendered, temporarily or permanently, a professional license or certificate in any state? Yes ___ No ___

If you have answered YES to any of the previous questions, provide full details on an additional sheet.

REFERENCES: List three, two of whom are most recent supervisors, who can comment on your ability and whom we may contact.

| Name | Position | Address | Phone |
|------|----------|---------|-------|
| | | | |
| | | | |
| | | | |

My signature below constitutes authorization to check my employment history, including without limitation, criminal arrest and conviction record checks, reference checks, and release of investigatory information possessed by any state, local or federal agency, including but not limited to permitted disclosures from the Maine Department of Education pursuant to 20-A MRSA § 13025. I understand and agree that any final offer of employment will be contingent upon satisfactory completion of this process.

I further authorize those persons, agencies or entities that the (School Unit) contacts in connection with my employment application to fully provide the (School Unit) any information on the matters set forth above, including the circumstances around any separation from employment. I expressly waive in connection with any request for or provision of such information, any claims, including without limitation, defamation, emotional distress, invasion of privacy, or interference with contractual relations that I might otherwise have against the (School Unit) its agents and officials or against any provider of such information.

I understand that information submitted in and with this application may be disclosed to a screening and/or interviewing committee, which may include board members, administrators, other staff, and members of the community. I give my consent to this disclosure.

I understand and agree that omitting essential facts or providing any false or misleading information on this application or during the employment screening process shall be fully sufficient grounds to refuse to employ me or, if I have been employed, to immediately dismiss me.

Signature

Date

Printed Name

NOTE: ALL APPLICATION MATERIALS BECOME THE PROPERTY OF THE (SCHOOL UNIT). NONE WILL BE RETURNED. PROVIDING ANY FALSE OR MISLEADING INFORMATION ON THIS APPLICATION OR IN THE APPLICATION OR EMPLOYMENT SCREENING PROCESS SHALL BE FULLY SUFFICIENT GROUNDS TO REFUSE TO EMPLOY THE APPLICANT OR, IF THE APPLICANT HAS BEEN EMPLOYED, TO IMMEDIATELY DISMISS THE APPLICANT/EMPLOYEE.

NOTE: EMPLOYMENT CANNOT BE FINALIZED UNTIL THE APPLICANT HAS COMPLETED REQUIREMENTS FOR COMPLETE BACKGROUND CHECKS AND FINGERPRINTING AS REQUIRED BY MAINE STATE STATUTE.

NOTE: PRIOR CRIMINAL HISTORY, CONVICTION, OR OTHER DISPOSITION IS NOT NECESSARILY AN AUTOMATIC DISQUALIFICATION FROM EMPLOYMENT. THE CIRCUMSTANCES OF EACH SITUATION WILL BE CAREFULLY ASSESSED.

**DRAFT Legislation Proposed by Public Employee Disciplinary Records Subcommittee
Right to Know Advisory Committee
November 2025**

Sec. 1. 20-A MRSA §13025, sub-§3 is 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 the conclusion of the covered investigation or if a credential holder that is credibly alleged to have engaged in misconduct that may lead to a covered investigation leaves the school entity's employment for any reason. 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, ¶B is amended to read:

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,~~ or the leaving of employment by a credential holder that is credibly alleged to have engaged in misconduct that may lead to a covered investigation, 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 the completion of a covered investigation of that credential holder.

SUMMARY

This draft amends the laws related to investigations of credentialed educators to clarify that a school is required to notify the Department of Education if a credential holder that is alleged to have engaged in misconduct that could lead to an investigation leaves the school entity's employment for any reason.