§13025. Investigations

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. [PL 2019, c. 403, §1 (RP).]

B. "Covered investigation" means an investigation by a school entity into the conduct of a school employee that a school entity has a reasonable expectation would affect the school employee's employment or contracted service because the alleged conduct involves alcohol; illegal drugs; physical abuse; emotional abuse; inappropriate contact between a school employee and a student or a school employee and another school employee; harassment as described in Title 5, chapter 337-A; sexual assault as described in Title 17-A, chapter 11; stalking as described in Title 17-A, section 210-A; sexual exploitation of a minor as described in Title 17-A, chapter 12; or similar behavior that endangers the health, safety or welfare of a student or another school employee. [PL 2025, c. 697, §1 (AMD).]

B-1. "School employee" means any person employed by a school, including, but not limited to, a credential holder, who is subject to the requirements of section 6103. [PL 2025, c. 697, §1 (NEW).]

C. "School entity" means an approved private school, school administrative unit, public charter school, education service center, school in the unorganized territory or school operated by the State. [PL 2019, c. 219, §6 (AMD).]

[PL 2025, c. 697, §1 (AMD).]

2. Subpoenas. When conducting an investigation relating to the credentialing of personnel under chapter 501 and this chapter and rules of the state board, the commissioner may issue subpoenas for education records relevant to that investigation.

[PL 2017, c. 477, §1 (NEW).]

2-A. Duties of superintendents. Upon receipt of a complaint related to alleged misconduct by a school employee, a superintendent of a school entity shall conduct a covered investigation. The superintendent shall notify the department immediately upon initiating a covered investigation. For the purposes of this subsection, misconduct means any conduct described in subsection 1, paragraph B.

[PL 2025, c. 697, §1 (NEW).]

3. Duties of school entities. A school entity shall immediately place on paid leave a school employee who is the subject of a covered investigation. A school entity shall notify the department immediately if a school employee 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. A school entity shall complete a covered investigation, even if the subject of the investigation resigns, is terminated or otherwise leaves employment with the school entity prior to the conclusion of the investigation. A school entity shall notify the department immediately of the findings and final outcome of any covered investigation, including, but not limited to, if the school entity determines that the allegations of misconduct were false or unsubstantiated or if a school employee is disciplined, suspended or terminated as a result of a covered investigation in which the school entity determined that a student's or another school employee'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 school employee. The school employee 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.

Prior to offering employment to an applicant, a school entity shall review the applicant's educator credentialing records or other school employee records maintained by the department to determine whether the applicant holds a valid and active certification appropriate for the position or is otherwise

eligible for employment and whether any notation has been entered on the applicant's records pursuant to subsection 4, paragraphs D and E, and, if so, the current status of that notation.
[PL 2025, c. 697, §1 (AMD).]

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 of the department's initiating an investigation into a school employee who works for the school entity and shall notify the school entity immediately if the department takes action against the school employee. Within 5 business days after completion of an investigation, the department shall notify each school entity for which the school employee 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. [PL 2025, c. 697, §1 (AMD).]

B. Immediately upon receipt from a school entity of notification pursuant to subsection 3 of the discipline, suspension or termination of a school employee, or the leaving of employment by a school employee prior to the completion of a covered investigation of that school employee, the department shall notify the superintendent or chief administrative officer of all other school entities for which the school employee works, as reported to the department under section 13026, that the school employee was disciplined, suspended or terminated as a result of a covered investigation, or that the school employee left employment prior to completion of a covered investigation. [PL 2025, c. 697, §1 (AMD).]

C. The department shall destroy copies of all records and reports related to a finding resulting in discipline, suspension or termination of a school employee if the finding resulting in that discipline, suspension or termination is reversed upon appeal at the school entity level. [PL 2025, c. 697, §1 (AMD).]

D. Upon receipt of notification from a school entity pursuant to subsection 3 of the initiation of a covered investigation, the department shall enter a notation on the educator credentialing records or other school employee records maintained by the department for that school employee indicating that a covered investigation is pending. The notation must be visible to superintendents and other authorized school administrators reviewing school employee records maintained by the department. For the purposes of this paragraph, "authorized school administrator" means a superintendent or any individual the superintendent designates to have superintendent-level capabilities in the department's online credentialing system. [PL 2025, c. 697, §1 (NEW).]

E. Upon receipt from a school entity of the outcome of a covered investigation, the department shall:

(1) If the investigation concludes with a finding that by a preponderance of the evidence the school employee committed misconduct, update the notation entered pursuant to paragraph D to reflect that finding; or

(2) If the investigation concludes, after all appeal rights are exhausted, with a finding that the school employee did not commit misconduct, remove the notation entered pursuant to paragraph D. [PL 2025, c. 697, §1 (NEW).]

[PL 2025, c. 697, §1 (AMD).]

5. Confidentiality. The department may share information that is confidential pursuant to section 6101 or 13004 with a school entity in accordance with subsection 4. A school entity that receives confidential information shall maintain the confidentiality of that information.
[PL 2019, c. 403, §1 (AMD).]

6. Rules.
[PL 2019, c. 403, §1 (RP).]

7. Certification hearing officers; immunity. The commissioner shall appoint a certification hearing officer for covered investigations. For the purposes of this section, while carrying out their official duties, certification hearing officers appointed pursuant to this subsection are considered state employees and are entitled to the immunity provided state employees under the Maine Tort Claims Act. [PL 2023, c. 643, Pt. Z, §2 (NEW).]

8. Required disclosure of substantiated investigation regardless of agreement. Notwithstanding any confidentiality clause or any agreement between the school entity and a school employee, if, by a preponderance of the evidence, a school entity determines through its covered investigation pursuant to subsection 3 that a school employee committed misconduct, the information pertaining to that covered investigation and findings of misconduct must be disclosed to the department and to any school entity that requests that information.
[PL 2025, c. 697, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 167, Pt. D, §1 (NEW). PL 2017, c. 235, §29 (AMD). PL 2017, c. 235, §41 (AFF). PL 2017, c. 477, §1 (RPR). PL 2019, c. 219, §6 (AMD). PL 2019, c. 403, §1 (AMD). PL 2023, c. 643, Pt. Z, §2 (AMD). PL 2025, c. 697, §1 (AMD).

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