

Testimony of Mary E. Small
Joint Standing Committee on Education and Cultural Affairs
April 7, 2021
(LD 1189) An Act to Amend the Teacher Certification Statutes

Senator Raffety, Representative Brennan and members of the Education Committee, I am Mary Small of Bath and a former Senate Chair and 16-year member of the Education Committee. In past Legislatures, a tribute was expected when a former member of a committee returned to testify before that committee. Due to COVID-19, I am unable to appear before the Education Committee in person but let me assure you a two-pound box of chocolates was purchased for the committee and of that box several chocolate covered coconut candies remain.

I am testifying today in opposition to several sections of LD 1189, specifically Sec. 10. 20-A MRSA §13020, sub-§3, 3.

“Evidence that an applicant for initial certification or renewal has ~~injured the health or welfare of a child through physical or sexual abuse or exploitation~~ been convicted in any state or federal court of a criminal offense involving the physical or sexual abuse or exploitation of a child within 5 years of the application for initial certification or renewal is grounds for a denial of a certificate.”

Upon reading that language I was appalled that the Department was in favor of allowing convicted child molesters to be certified five years after their conviction. Imagine my chagrin when I learned after several attempts at reading and understanding the proposed language that it had been passed in 1983 while I was in the Legislature. What was likely an attempt to deal with some pretty horrific cases of child abuse in the 80’s now stands out as an open invitation for convicted child molesters to come to Maine to be certified. This flies in the face of Maine’s Fingerprinting Law that Rep. Brennan and I worked to pass in the 90’s. Indeed, I do not believe that Representative Brennan ever intended to open up Maine’s classrooms to child abusers or molesters regardless of when their conviction occurred. The language becomes more egregious when they remove “~~injured the health or welfare of a child through physical or sexual abuse or exploitation~~” because now a person applying for a certificate must have been convicted of abuse before they can be denied, and we hear of many cases where there is a preponderance of evidence but the case does not go to trial because of the age or potential emotional damage to the child.

Removing the “good moral character” language also leads me to wonder what exactly the Department of Education is looking for in the professionals that will be teaching Maine’s children. I acknowledge that this phrase is ambiguous, and any criteria must be standardized to be used fairly. By putting in language requiring the State Board of Education to adopt rules that outline good moral character it will make the determination less arbitrary and people going into the profession will understand from the beginning what is acceptable and what is not. Certainly, as society changes, so will the rules on good moral character and rulemaking will allow the criteria to be reviewed and changed as warranted.

In closing, I ask the Education Committee to rework the sections dealing with convicted child abusers to ban them for life. In addition the language “injured the health or welfare of a child through physical or sexual abuse or exploitation” should be left in the statutes with perhaps an appeals process set up with the Commissioner or State Board. Finally, I would request that good moral character be left in the law with appropriate rulemaking outlining the criteria for that judgement.

I would like to close with some words that were persuasive when we had Legislators attempting to repeal portions of Maine’s Fingerprinting Law and Governor King stepped up and vetoed the repeal law. His words in that veto address are as true now as they were in 2000.

“Let there be no doubt that the overwhelming majority of these extraordinary people who serve our children are of outstanding and unblemished character. Unfortunately, however, tragic experience has also taught us

that in any large group of individuals, there are likely to be a small minority who pose a threat to society, in this case, to the very children entrusted to their care. The law which this bill would repeal is in no way an accusation or indictment of any individual or group; it is instead a simple recognition of our responsibility to take cognizance of this unfortunate, but compelling, statistical fact. The damage that even a handful of the wrong people can do to children is immeasurable and the victims of such damage will be scarred for life.”

Thank you for your consideration.