

DRAFT PROPOSAL: Teacher confidentiality
For Advisory Committee discussion 11/17/08

Sec. 1. 20-A MRS §13004, sub-§2-A is repealed and the following enacted in its place:

~~**2-A. Complaints confidential.** Complaints, charges or accusations made and investigated pursuant to section 13020, replies to those complaints, charges or accusations, and any other information or materials that may result in action to deny, revoke or suspend certification are confidential. Any charges or information filed by the commissioner with the District Court in support of a petition to revoke or suspend certification and any decision of the court are public records. The department shall report all denials, revocations, suspensions, surrenders and reinstatements of certification that are not under appeal or still subject to appeal to a national association of state directors of teacher education and certification within 30 days of the action. In reports to the national association of state directors of teacher education and certification, the department may not disclose any information designated in this subsection as confidential.~~

2-A. Complaints, replies, investigations, decisions; national clearinghouse.
This subsection governs the confidentiality of records concerning complaints, charges, accusations, replies, investigations and certification decisions.

A. Complaints, charges or accusations made and investigated pursuant to section 13020, replies to those complaints, charges or accusations, and any other information or materials that may result in action to deny, revoke or suspend certification are confidential.

B. Any charges or information filed by the commissioner with the District Court in support of a petition to revoke or suspend certification and any decision of the court are public records.

C. The following information concerning final written decisions relating to disciplinary action taken by the commissioner against persons holding certifications are public records:

(1) Name of the person;

(2) The type of action taken, consisting of denial, revocation, suspension, surrender or reinstatement;

(3) The relevant dates of the action;

(4) The type of certification and endorsements held, including relevant dates;

(5) The schools where the person was or is employed; and

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(6) The dates of employment.

D. The department shall report all denials, revocations, suspensions, surrenders and reinstatements of certification that are not under appeal or still subject to appeal, **and the grounds for the action taken**, to a national association of state directors of teacher education and certification within 30 days of the action. In reports to the national association of state directors of teacher education and certification, the department may not disclose any information designated in *paragraph A* as confidential.

(New language is in *italics*.)

Please note that although this draft does not include public release of the reasons for action by the commissioner, the Legislative Subcommittee has not yet taken a position on whether such information should be released.

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