

§13004. List of persons credentialed; records confidential

1. Lists. The commissioner shall keep a list of credentialed individuals. This list is a public record. [PL 2017, c. 235, §3 (AMD); PL 2017, c. 235, §41 (AFF).]

2. Records confidential. Transcripts, recommendations and other documents submitted in support of an application for a credential or collected by the department for verification of credential records are confidential. They may be made available only to the following:

A. School boards and superintendents; [PL 1981, c. 693, §§5, 8 (NEW).]

B. Authorized personnel of the department in fulfilling assigned duties; and [PL 1981, c. 693, §§5, 8 (NEW).]

C. Individuals and their representatives who request to examine their own records. [PL 1981, c. 693, §§5, 8 (NEW).]

[PL 2017, c. 235, §3 (AMD); PL 2017, c. 235, §41 (AFF).]

2-A. Confidentiality. The provisions of this subsection govern confidentiality.

A. Complaints and responses pursuant to section 13020 and any other information or materials that may result in an action to deny, revoke or suspend a credential are confidential, except when submitted in court proceedings to revoke or suspend a credential. [PL 2017, c. 235, §3 (AMD); PL 2017, c. 235, §41 (AFF).]

B. Except for information designated confidential under section 6101 or section 6103, information designated confidential under paragraph A may be released or used by the department as necessary to:

(1) Complete its own investigations;

(2) Provide information to a national association of state directors of teacher education and certification to which the State belongs;

(3) Assist other public authorities to investigate an individual's credential in another jurisdiction;

(4) Report or prevent criminal misconduct or assist law enforcement agencies in their investigations; or

(5) Report child abuse or neglect under Title 22, section 4011-A. [PL 2017, c. 235, §3 (AMD); PL 2017, c. 235, §41 (AFF).]

C. The department may publish and release as public information statistical summaries of complaints and dispositions as long as the release of such information does not jeopardize the confidentiality of individually identifiable information. [PL 2009, c. 331, §1 (NEW).]

D. Notwithstanding paragraph A, the following information concerning final written decisions relating to disciplinary action taken by the commissioner against a person holding a credential is a public record:

(1) The name of the person;

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

(3) The grounds for the action taken;

(4) The relevant dates of the action;

(5) The type of credential and endorsements held, including relevant dates;

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

(7) The dates of employment. [PL 2017, c. 235, §3 (AMD); PL 2017, c. 235, §41 (AFF).]
[PL 2017, c. 235, §3 (AMD); PL 2017, c. 235, §41 (AFF).]

2-B. Addresses of credential holders and applicants. Home addresses held by the department of individuals with credentials or applicants for credentials in the State may be made available in response to the following:

A. Formal request from a commissioner or chief executive officer of other state agencies, including the judicial branch when access to that information may be necessary in carrying out an official function; and [PL 1987, c. 395, Pt. A, §86 (NEW).]

B. Formal request by majority vote of any joint standing committee of the Legislature when access to that information may be necessary in carrying out an official function. [PL 1987, c. 395, Pt. A, §86 (NEW).]

The use of these addresses by any other agency or department of government to which they may be furnished is limited to the purposes for which they are furnished and by the law under which they may be furnished. It is unlawful for any person to solicit, disclose, receive, make use of or authorize, knowingly permit, participate in or acquiesce in the use of, any list of or names of, or any information concerning, persons applying for or receiving assistance, directly or indirectly, derived from the records, papers, files or communications of the State or subdivisions or agencies, or acquired in the course of the performance of official duties. Any person violating this subsection must be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both. [PL 2017, c. 235, §3 (AMD); PL 2017, c. 235, §41 (AFF).]

3. Duplication costs. Individuals requesting copies of their records bear the costs of copying them. [PL 2017, c. 235, §3 (AMD); PL 2017, c. 235, §41 (AFF).]

4. Rules.

[PL 2017, c. 235, §3 (RP); PL 2017, c. 235, §41 (AFF).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 470, §11 (AMD). PL 1983, c. 806, §92 (AMD). PL 1987, c. 395, §A86 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2007, c. 666, §1 (AMD). PL 2009, c. 331, §1 (AMD). PL 2009, c. 567, §10 (AMD). PL 2017, c. 235, §3 (AMD). PL 2017, c. 235, §41 (AFF).

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