

§4451-C. Notice; response

Before proceeding with any investigation regarding a complaint filed against a certificate holder, the division director, the committee or staff shall notify the certificate holder, the municipality, state agency or entity employing the certificate holder and the administrators of the jurisdiction in which the complaint originates of the content of a complaint filed against the certificate holder and that an investigation of the complaint may occur. Notice must be given as soon as possible, but no later than 60 days after the division director, the committee or staff receives the complaint or other pertinent information. [PL 2025, c. 684, §7 (NEW).]

1. Certificate holder response. The certificate holder has the right to respond to the complaint within 30 days of receiving notice of the complaint in all cases except those involving an emergency refusal to renew or an emergency suspension or revocation of a certificate, as described in Title 5, section 10004.

[RR 2025, c. 2, Pt. A, §134 (COR).]

2. Review and response by employer. Within 30 days of receiving notice of a complaint, the municipality, state agency or entity employing the certificate holder shall review the alleged conduct of the certificate holder or otherwise respond to the complaint and, notwithstanding any provision of law to the contrary, report the findings of the review to the division director along with a recommended disposition.

[PL 2025, c. 684, §7 (NEW).]

3. Jurisdiction's response. The administrators of the jurisdiction in which the complaint originates may respond to the division director with supplementary information and recommendations relevant to the complaint.

[PL 2025, c. 684, §7 (NEW).]

This section does not preclude a municipality, state agency or entity employing a certificate holder from investigating and taking appropriate action, up to and including termination of employment, before it receives notice from the division director, the committee or staff under this section, as long as the municipality, state agency or entity notifies the division director following its investigation if the investigation reveals reasonable cause to believe that a certificate holder has engaged in conduct subject to disciplinary action and provides to the division director the findings related to the conduct. [PL 2025, c. 684, §7 (NEW).]

This section does not preclude the division director from investigating the conduct of a certificate holder on the division director's own initiative. [PL 2025, c. 684, §7 (NEW).]

SECTION HISTORY

PL 2025, c. 684, §7 (NEW). RR 2025, c. 2, Pt. A, §134 (COR).

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