

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1370

S.P. 425

In Senate, March 21, 2019

An Act To Address Violent Behavior in the Classroom

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MILLETT of Cumberland.
Cosponsored by Representative McCREA of Fort Fairfield and
Senators: CARPENTER of Aroostook, CARSON of Cumberland, DIAMOND of Cumberland,
DILL of Penobscot, SANBORN, H. of Cumberland, VITELLI of Sagadahoc, Representatives:
INGWERSEN of Arundel, KORNFIELD of Bangor.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 20-A MRSA §262**, as enacted by PL 1999, c. 781, §1, is repealed and the
3 following enacted in its place:

4 **§262. Violence prevention and intervention**

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

7 A. "Administrator" has the same meaning as in section 13001-A, subsection 1.

8 B. "Assigned public school employee" means a public school employee chosen by
9 the local president of the applicable bargaining unit to investigate violent behavior.

10 C. "School grounds" has the same meaning as in section 6554, subsection 2,
11 paragraph E.

12 D. "Violent behavior" means intentional physical aggression by a student against a
13 public school employee while on school grounds.

14 **2. Technical assistance.** The commissioner shall provide technical assistance to
15 school administrative units that request assistance in the provision of violence prevention
16 and intervention training programs for teachers, school staff and students. The assistance
17 must emphasize conflict resolution education, peer mediation and early identification and
18 response to signs of violence.

19 **3. Investigation into violent behavior.** A school administrative unit shall
20 immediately investigate any allegation of violent behavior. The investigation must be
21 conducted by an administrator and an assigned public school employee. If the allegation
22 of violent behavior is substantiated, the school administrative unit shall, in consultation
23 with the public school employee who was subjected to the violent behavior, institute an
24 action plan to avoid future violent behavior. The action plan must be instituted prior to
25 the student's return to regular school attendance and participation in school activities and
26 must emphasize:

27 A. Minimizing suspensions and expulsions of the student;

28 B. Prioritizing counseling and guidance services for the student;

29 C. Restorative justice; and

30 D. Training for public school employees who interact with the student.

31 **4. Sick leave.** A school administrative unit may not count time away from work
32 against a public school employee's accrued sick leave if:

33 A. The time away from work is due to an injury caused by violent behavior; and

34 B. A physician has determined that the public school employee is unable to work as
35 a result of the injury sustained.

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SUMMARY

2 Current law requires the Commissioner of Education to provide technical assistance
3 to school administrative units if they request assistance in the provision of violence
4 prevention training. This bill requires a school administrative unit to immediately
5 investigate allegations of violent behavior by a student against a public school employee
6 and, if an allegation is substantiated, to institute an action plan to avoid future violent
7 behavior. The action plan must be instituted prior to the student's return to school and
8 must emphasize minimizing suspensions and expulsions of a student who demonstrated
9 violent behavior, prioritizing counseling and guidance services for the student, restorative
10 justice and training for public school employees who interact with the student. The bill
11 also prohibits a school administrative unit from counting time away from work due to an
12 injury resulting from violent behavior against a public school employee's accrued sick
13 leave.