

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

3me
2019

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

Date: 6/17/19

MAJORITY

(Filing No. S-237)

EDUCATION AND CULTURAL AFFAIRS

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

129TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 425, L.D. 1370, Bill, "An Act To Address Violent Behavior in the Classroom"

Amend the bill by striking out the title and substituting the following:

'An Act To Address Dangerous Behavior in the Classroom'

Amend the bill by striking out everything after the title and inserting the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 20-A MRSA §6555 is enacted to read:

§6555. Dangerous behavior prevention and intervention

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

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

B. "Assigned public school employee" means a public school employee chosen by the local president of the applicable bargaining unit to review a reported incident of dangerous behavior.

C. "Dangerous behavior" means behavior of a student that presents a risk of injury or harm to a student or others.

2. Report of incident of dangerous behavior. Upon receipt of a report of an incident of dangerous behavior made by a teacher or school staff person, a school administrative unit shall review the reported incident and develop an individualized response plan in accordance with this subsection. The review of the reported incident

COMMITTEE AMENDMENT

1 must be conducted by an administrator and an assigned public school employee. If the
2 report of the incident of dangerous behavior is substantiated, the school administrative
3 unit shall, in consultation with the public school employee who was subjected to the
4 dangerous behavior, if any, develop an individualized response plan to avoid future
5 dangerous behavior, which may include but is not limited to:

6 A. Minimizing suspension and expulsion of the student;

7 B. Prioritizing counseling and guidance services for the student and educators;

8 C. Providing positive behavioral interventions and supports and supports designed to
9 address the consequences of trauma in the individual and training for the student and
10 educators;

11 D. Restorative practices;

12 E. Training for public school employees who interact with the student; and

13 F. Provision of adequate staffing and professional development necessary to
14 implement the plan.

15 Nothing in this subsection may be construed as limiting any federally protected right of a
16 student, including, but not limited to, federally protected rights of students with
17 disabilities.

18 Notwithstanding any provision of this subsection to the contrary, in the case of a student
19 eligible for services under the federal Individuals with Disabilities Education Act or
20 protected from discrimination under Section 504 of the federal Rehabilitation Act of
21 1973, any discussions or actions related to the identification, evaluation or educational
22 placement of the student or provision of a free, appropriate public education to the
23 student must take place through the processes established under federal law.

24 **Sec. 2. 20-A MRS §13601, sub-§5 is enacted to read:**

25 **5. Injuries caused by dangerous behavior. A school administrative unit may not**
26 **count time away from work against a public school employee's accrued sick leave if the**
27 **time away from work is due to an injury caused by dangerous behavior and a physician**
28 **has determined that the public school employee is unable to work as a result of the injury**
29 **sustained. For the purposes of this subsection, "dangerous behavior" has the same**
30 **meaning as in section 6555, subsection 1, paragraph C.'**

31 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
32 section number to read consecutively.

33 SUMMARY

34 This amendment, which is the majority report of the committee, strikes and replaces
35 the bill, changes the title and makes the following additional changes.

36 1. It changes the focus of the bill from violent behavior to dangerous behavior and
37 defines "dangerous behavior" to mean behavior of a student that presents a risk of injury
38 or harm to a student or others.



129th MAINE LEGISLATURE

LD 1370

LR 662(02)

An Act To Address Violent Behavior in the Classroom

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-237)

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

State Mandate - Exempted

State Mandates

Required Activity

Unit Affected

Local Cost

Requires school administrative units (SAU's) to review reported incidents of dangerous behavior by students made by a teacher or school staff person and, if the report is substantiated, work with the public school employee who was subjected to the dangerous behavior to develop an individualized response plan to avoid future incidents.

School

Moderate
statewide

Pursuant to the Mandate Preamble, the two-thirds vote of all members elected to each House exempts the State from the constitutional requirement to fund 90% of the additional costs.

Fiscal Detail and Notes

To the extent that a school administrative unit (SAU) currently conducts reviews of reported incidents of dangerous student behavior and develops individualized response plans, the cost to implement the requirements of this legislation may be minimal.