

# MAINE STATE LEGISLATURE

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SMA  
ROS

L.D. 880

Date: 6/14/21

(Filing No. S-276)

## MAJORITY

### EDUCATION AND CULTURAL AFFAIRS

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#### STATE OF MAINE

#### SENATE

#### 130TH LEGISLATURE

#### FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "H" to S.P. 294, L.D. 880, "An Act To Protect School Employees from Workplace Bullying"

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

'Sec. 1. 20-A MRSA §1001, sub-§21 is enacted to read:

**21. Workplace bullying.** A school board shall adopt and implement a policy to address the negative effects of bullying of school employees by administrators, school employees, parents, students or any other individuals associated with the public school and to ensure the safety of employees and an inclusive environment for all employees and students in the public school. The policy must include, but is not limited to:

A. A provision identifying the responsibility of all school employees to comply with the policy;

B. A clear statement that bullying, harassment and retaliation for reporting such behavior are prohibited;

C. A provision outlining the responsibility of a superintendent to implement and enforce the policy;

D. A procedure for school employees to report incidents of bullying;

E. A procedure for promptly investigating and responding to incidents of bullying, including written documentation of reported incidents; and

F. A statement that any rights under the policy do not exclude access to or limit any other right or remedy under the law.

If an affected school employee is covered by a collective bargaining agreement, the policy under this subsection is subject to the dispute resolution process of the collective bargaining agreement.

For the purposes of this subsection, "bullying" includes cyberbullying as defined in section 6554, subsection 2, paragraph C.

# COMMITTEE AMENDMENT

**Sec. 2. Reimbursement.** The Department of Education shall develop a process to provide reimbursement to school administrative units for 90% of the cost of adopting and implementing a policy to address the bullying of school employees.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF**

**State Mandate Reimbursement - Workplace Bullying N398**

Initiative: Provides one-time funds to reimburse local school administrative units for 90% of the cost of adopting and implementing a policy to address the bullying of school employees.

**GENERAL FUND**

All Other

**2021-22**

\$26,308

**2022-23**

\$0

**GENERAL FUND TOTAL**

\$26,308

\$0

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

**SUMMARY**

This amendment replaces the bill. It requires a school board to implement a policy to address the negative effects of bullying and cyberbullying of school employees by administrators, school employees, parents, students or any other individuals associated with the public school. It describes the elements required to be included in the policy. If an affected school employee is covered by a collective bargaining agreement, the policy is subject to the dispute resolution process of the collective bargaining agreement. The amendment adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

(See attached)



# 130th MAINE LEGISLATURE

LD 880

LR 1015(02)

## An Act To Protect School Employees from Workplace Bullying

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-276)

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

### Fiscal Note

State Mandate - Funded

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$26,308	\$0	\$0	\$0
Appropriations/Allocations				
General Fund	\$26,308	\$0	\$0	\$0

### State Mandates

#### Required Activity

Requires school boards to adopt and implement a policy to address the negative impact of bullying and cyberbullying of school employees by administrators, school employees, parents, students or any other individual associated with the public school. The policy must include the following:

- ~ provision identifying the responsibility of all school employees to comply with the policy;
- ~ provision outlining the responsibility of a superintendent to implement and enforce the policy;
- ~ procedure for school staff members to report incidents of bullying or cyberbullying; and
- ~ procedure for promptly investigating and responding to incidents of bullying or cyberbullying, including written documentation of reported incidents.

Unit Affected	Local Cost
School	\$29,231

The bill also makes workplace bullying policy subject to the dispute resolution process if an affected employee is covered by a collective bargaining unit.

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

**Fiscal Detail and Notes**

This bill includes a one-time General Fund appropriation of \$26,308 in fiscal year 2021-22 to a newly created State Mandate Reimbursement - Workplace Bullying program within the Department of Education to reimburse local school administrative units for 90% of the cost of adopting and implementing a policy to address the effects of bullying on school employees.