

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1898

S.P. 770

In Senate, May 9, 2023

**An Act to Ensure That a Teacher Who Participates in the
Prevention of Dangerous Behavior Is Protected Under a Collective
Bargaining Agreement**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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 President JACKSON of Aroostook.

Cosponsored by Representative MILLETT of Cape Elizabeth and

Senators: PIERCE of Cumberland, RAFFERTY of York, Representatives: BRENNAN of Portland, DODGE of Belfast.

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

2 **Sec. 1. 20-A MRSA §6555**, as amended by PL 2021, c. 320, §4, is further amended
3 to read:

4 **§6555. Dangerous behavior 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 the
9 local president of the applicable bargaining unit to review a reported incident of
10 dangerous behavior.
11 C. "Dangerous behavior" means behavior of a student that presents a risk of injury or
12 harm to a student or others.

13 **2. Report of incident of dangerous behavior.** Upon receipt of a report ~~made by a~~
14 ~~teacher or school staff person~~ of an incident of dangerous behavior ~~made by a teacher or~~
15 ~~school staff person~~, a school administrative unit shall review the reported incident and
16 develop an individualized response plan in accordance with this subsection. The review of
17 the reported incident must be conducted by an administrator and an assigned public school
18 employee. If the report of the incident of dangerous behavior is substantiated, the school
19 administrative unit shall, in consultation with the public school employee who was
20 subjected to the dangerous behavior, if any, develop an individualized response plan to
21 avoid future dangerous behavior, which may include but is not limited to:

- 22 A. Minimizing suspension and expulsion of the student;
23 B. Prioritizing counseling and guidance services for the student and educators;
24 C. Providing positive behavioral interventions and supports and supports designed to
25 address the consequences of trauma in the individual and training for the student and
26 educators;
27 D. Restorative practices and restorative interventions as defined in section 1001,
28 subsection 15-A, paragraph B;
29 E. Training for public school employees who interact with the student; and
30 F. Provision of adequate staffing and professional development necessary to
31 implement the plan.

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

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

40 **3. Collective bargaining dispute.** If a public school employee was subjected to the
41 dangerous behavior and that employee is covered by a collective bargaining agreement, a

1 dispute arising out of the incident of dangerous behavior is subject to the dispute resolution
2 process of the collective bargaining agreement.

3 **SUMMARY**

4 This bill clarifies that a dispute involving a public school employee covered by a
5 collective bargaining agreement arising out of an incident of dangerous behavior by a
6 student is subject to the dispute resolution process of the collective bargaining agreement.