§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. [PL 2019, c. 458, §1 (NEW).]

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. [PL 2019, c. 458, §1 (NEW).]

C. "Dangerous behavior" means behavior of a student that presents a risk of injury or harm to a student or others. [PL 2019, c. 458, §1 (NEW).]

[PL 2019, c. 458, §1 (NEW).]

2. Report of incident of dangerous behavior. Upon receipt of a report made by a teacher or school staff person of an incident of dangerous behavior, 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 must be conducted by an administrator and an assigned public school employee. If the report of the incident of dangerous behavior is substantiated, the school administrative unit shall, in consultation with the public school employee who was subjected to the dangerous behavior, if any, develop an individualized response plan to avoid future dangerous behavior, which may include but is not limited to:

A. Minimizing suspension and expulsion of the student; [PL 2019, c. 458, §1 (NEW).]

B. Prioritizing counseling and guidance services for the student and educators; [PL 2019, c. 458, §1 (NEW).]

C. Providing positive behavioral interventions and supports and supports designed to address the consequences of trauma in the individual and training for the student and educators; [PL 2019, c. 458, §1 (NEW).]

D. Restorative practices and restorative interventions as defined in section 1001, subsection 15-A, paragraph B; [PL 2021, c. 320, §4 (AMD).]

E. Training for public school employees who interact with the student; and [PL 2019, c. 458, §1 (NEW).]

F. Provision of adequate staffing and professional development necessary to implement the plan. [PL 2019, c. 458, §1 (NEW).]

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

Notwithstanding any provision of this subsection to the contrary, in the case of a student eligible for services under the federal Individuals with Disabilities Education Act or protected from discrimination under Section 504 of the federal Rehabilitation Act of 1973, any discussions or actions related to the identification, evaluation or educational placement of the student or provision of a free, appropriate public education to the student must take place through the processes established under federal law.
[PL 2023, c. 493, §1 (AMD).]

3. Collective bargaining dispute. If a public school employee was subjected to the dangerous behavior and that employee is covered by a collective bargaining agreement, a dispute arising out of the incident of dangerous behavior is subject to the dispute resolution process of the collective bargaining agreement.
[PL 2023, c. 493, §1 (NEW).]

SECTION HISTORY

PL 2019, c. 458, §1 (NEW). PL 2021, c. 320, §4 (AMD). PL 2023, c. 493, §1 (AMD).

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