



Unified Guidance on §6555. Dangerous Behavior Prevention and Intervention

In a collaborative effort to provide unified guidance to our profession and colleagues, the leaders of Maine Education Association (MEA), Maine Principals Association (MPA), Maine School Superintendents Association and Maine School Board Association (MSSA/MSBA), and Maine Administrators of Services for Children with Disabilities (MADSEC) have met and reached consensus on the following:

Definition of Dangerous Student Behavior: Dangerous student behavior means actions or conduct of a student that present a risk of injury or harm to a student or others. Such behavior requires immediate attention and intervention to ensure the safety and well-being of all individuals involved.

Assigned public school employee (APSE): means a public school employee chosen by the local president of the applicable bargaining unit to review a reported incident of dangerous behavior.

Procedure

1. A school employee reports the incident of dangerous behavior to the building administrator (submitting a written report as soon as practicable), invoking the process.
2. The building administrator and the assigned public school employee (Union President) will review the report of the incident within a reasonable amount of time (recommended within 2-3 school days).
3. The building administrator will investigate the incident. Personally identifiable information about the student learned during this investigation shall be shared with the assigned public employee to the extent that doing so comports with the requirements of FERPA (legitimate educational interest, health and safety emergency). The assigned public employee shall not redisclose such information to any non-school employee and may only redisclose such information with approval from the building administrator to another school employee if the other employee has a legitimate educational need for the information or another exception to parental consent exists.
4. If the incident is substantiated as dangerous behavior (whether or not there was injury or harm), the building administrator consults with the staff member who was subjected to the behavior (if applicable) in the development of a response plan aimed at supporting safe behavior.
5. If the student has an Individualized Education Program (IEP) or educational plan under Section 504, the building administrator consults with the appropriate person, i.e., Special Education Administrator or Section 504 Coordinator to ensure the

individualized response plan does not conflict with the student's existing IEP or 504 plan, including any positive behavior intervention plan.

Note: All decisions regarding a student's IEP or Section 504 plan must follow processes as outlined under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.

Dispute Resolution Process 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.

Examples of Disputes may include, but are not limited to:

- Review/decisions happening in absence of APSE
- Inaction upon receipt of dangerous behavior (a report should initiate the process per the law)
- Not including impacted employee in development of plan
- Docking sick time for injuries related to DSB after written documentation from a health professional that verifies they are unable to work as a result of the injury sustained has been provided.
- Refusal to include students who qualify for special services under the law
- Some Decisions - This should only be used in extreme cases (some have interpreted the law to mean that incidents can only be substantiated IF an injury occurred). Some employees are experiencing injuries and the reports are unsubstantiated, despite the injury.

Sick Leave - 13601

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

- A Public School Employee must provide written documentation from a health professional, as soon as possible, that verifies they are unable to work as a result of the injury sustained.

What interventions, if any, were implemented successfully and/or unsuccessfully at the time of the incident?

Have prior Dangerous Behavior Incident Reports concerning this employee and student been filed with administration? Yes or No or Unsure

Signature of reporter: _____

Date submitted: _____

Received by: (Administrator) _____

Date received: _____

Received By: (Assigned Public School Employee)_____

Date received: _____