

JICIA-R - Procedure Addressing Reports of Dangerous Student

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This procedure describes the process to address reported incidents of dangerous behavior by students on school grounds, or at school activities, in accordance with 20-A M.R.S.A. § 6555.

For the purpose of this procedure, “dangerous behavior” means student behavior directed at another student, at staff, or at other persons on school grounds or at school activities when the behavior harms or presents a risk of harm to the other person.

For the purpose of this procedure, “assigned public school employee” means a public school employee chosen by the local president of the bargaining unit of the staff member allegedly subjected to the dangerous behavior.

Step One: All reports of dangerous behaviors addressed by this procedure must be set forth in writing on the attached form. The person completing the report must either have firsthand knowledge of the incident or be assisting a person with firsthand knowledge of the incident. In no event shall anonymous reports be addressed through this process.

Step Two: The building principal shall make an initial determination of whether the alleged victim is a school staff member, a student, or some other person. If a report alleges dangerous behavior by a student against another student or person other than a staff member, the matter will be addressed in accordance with the applicable policy or procedure for allegations of that nature.

Step Three: If it is determined that the report is credible and should be addressed under this procedure, the building principal shall contact the local president of the bargaining unit for the staff member allegedly harmed or threatened by the student behavior, but shall not disclose personally identifiable information about the student. The local president shall appoint a public school employee to review the reported incident with the building principal. The assigned public school employee may not be the staff member who is the subject of the report.

Step Four: The building principal shall meet with the assigned public school employee to review the written report of the alleged dangerous behavior and to discuss possible avenues to be pursued by the building principal investigating the report. This review shall not include consideration of the student’s educational record. If any personally identifiable information about the student must be disclosed to the assigned public school employee, the employee must keep that information confidential.

Step Five: The building principal shall undertake an investigation, as he/she deems appropriate in light of applicable law and policies, of the alleged dangerous behavior, which shall include interviewing the staff member subjected to the behavior being investigated, interviewing the student involved, and considering any other evidence relevant to the allegation.

Step Six: Following the investigation into the incident by the building principal or designee, the building principal or designee shall meet with the assigned public school employee to review the findings. If any personally identifiable information about the student must be disclosed to the assigned public school employee, the employee must keep that information confidential.

Step Seven: After the investigation, if the building principal determines that the alleged dangerous behavior did not occur, or did not constitute “dangerous behavior” as defined by this procedure, she or he shall notify in writing both the staff member who was the subject of the report and the assigned public school employee that the report was not substantiated. If further action regarding the behavior at issue is otherwise warranted, the building principal will determine the appropriate steps to follow under applicable rules or procedures.

Step Eight: If the building principal determines that the student engaged in dangerous behavior covered by this procedure, the building principal shall develop an individualized response plan intended to avoid future dangerous behavior by the student. The building principal shall consult with the staff member who was subjected to the dangerous behavior for his or her input and opinion on what should be included in the individualized response plan. The building principal makes the final determination on the content of that plan.

An individualized response plan may include, but is not limited to, the following:

- i. Appropriate discipline consistent with the school code of conduct, with consideration of interventions that could minimize the necessity of suspension and/or expulsion;
- ii. Providing counseling and guidance services;
- iii. Use of positive behavioral interventions designed to address the consequences of possible trauma and supports and training for students and staff members;
- iv. Restorative practices;
- v. Training for employees who interact with the student; and
- vi. Providing adequate staffing and professional development necessary to implement the plan.

If the dangerous behavior was committed by a student with a disability, or a student in a disability referral process, the building principal must consult with the Director of Special Education to ensure that the individualized response plan does not in any manner violate state and federal special education or other disability laws and is fully consistent with the student’s IEP, 504 plan, and/or educational placement. The building principal and the Director of Special Education may also determine whether the dangerous behavior should be referred to the student’s IEP or 504 team.

Step Nine: Upon completion of the individualized response plan, the building principal shall notify in writing the staff member who was subject to the dangerous behavior that the behavior was substantiated and that an individualized response plan has been developed for the student in question. Details of the individualized response plan may be shared with the staff member to the extent that the staff member is affected by its terms.

Source: 20-A M.R.S.A. § 6555

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