



Maine Education Association

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Testimony

In Support of

LD 1898 An Act to Ensure That a Teacher Who Participates in the Prevention of Dangerous Behavior Is Protected Under a Collective Bargaining Agreement
Grace Leavitt, President, Maine Education Association
Before the Joint Standing Committee on Education & Cultural Affairs
May 24, 2023

Senator Rafferty, Representative Brennan, and members of the Education and Cultural Affairs Committee,

My name is Grace Leavitt. My pronouns are she, her, hers. I am serving as President of the Maine Education Association while on leave from teaching Spanish in MSAD 51. I have over 43 years of classroom teaching experience with 20 years as a National Board Certified teacher. The MEA represents nearly 24,000 educators in our Maine system of public education in pre-K-12 schools as well as in our institutions of higher education, both the University of Maine System and the Maine Community College System, along with students in teacher prep programs as well as many retired educators.

I am here to testify on behalf of MEA in support of LD 1898, An Act to Ensure That a Teacher Who Participates in the Prevention of Dangerous Behavior Is Protected Under a Collective Bargaining Agreement.

In my first year in this position, in the spring of 2019, I presented the attached testimony in support of what was then LD 1370, a bill proposed by then Senator, now Representative, Millett. As you read that testimony, you see that many of our educators had been dealing with some very troubling, and dangerous, behaviors and that in too many instances, there was too little, or even at times nothing, being done to improve these situations, to address the student's or educator's needs and provide support to try to prevent recurrences. Just the number of responses we had to a survey that asked about what educators were dealing with was telling.

Thankfully, that legislation was passed and now is law as Title 20-A, §6555: Dangerous behavior prevention and intervention (maine.gov). We were grateful to have worked with the other organizations—MPA, MSMA, MADSEC—on how to implement it. Together, we developed 'unified guidance'. I want to emphasize, that these organizations worked together on developing the guidance that was to be followed when such situations occurred. We were in the process of informing our educators about this and then—March 2020. It's not that there weren't still serious situations to deal with—in fact, as we returned to in-person learning in the fall, and especially when we were no longer in 'hybrid' situations but were fully in-person the following year—we were hearing about an increase in the instances, and in the severity, of dangerous behaviors. We have continued to hear about these and have supported bills aimed at helping to increase support for students, such as LD 829.

But what we are hearing now, again, is that at times, even when a dangerous behavior is reported, the process is not being followed as it should be. Not in every instance, but in some. For example, a student engaged in behavior that damaged an educator's vision. The educator had to seek medical care for

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damage to their eye. Unfortunately, when the district's attorney weighed in on this situation, he determined that 'there was no dangerous behavior'—even though there was an injury in need of medical care! But since the attorney decided there was no 'dangerous behavior', the process for dealing with this was not followed. Eventually, the administrator was convinced that that was not the case—eventually. We are glad that happened in this instance, of course. But it should not have taken as much time as it did to be dealt with properly, unnecessarily causing additional stress in an already stressful situation. In other instances, situations might not be resolved—too often it depends on the relationship between administration and staff, and the role of attorney plays. Even now, in some places, educators are still being told that being injured is 'part of the job'.

We have spoken with the leaders of MSMA, MPA, and MADSEC about this of course. We are all working on ways to address the needs of our students and support our students and our educators. We are working on being sure that everyone—educators and administrators—are informed about the law found in Title 20-A, Section 6555, and about the unified guidance. But in an instance where the process is not being followed properly, too often the educator has no recourse.

With LD 1898, we are hopeful that the added language will help to ensure that the process is followed correctly in all instances. We will all continue to work on better support for our students to better meet their needs so that there are fewer, or no, instances of dangerous behavior. But we need to ensure that the correct process is followed whenever there is a report of a dangerous behavior, and LD 1898 will help see that it is.

We urge you to vote 'ought to pass' on LD 1898.

Thank you for your time and I am glad to answer any questions you may have.

Senator Millett, Representative Kornfield, and esteemed members of the Committee on Education and Cultural Affairs,

My name is Grace Leavitt. I am a high school Spanish teacher, National Board Certified, on leave from MSAD #51 to serve as President of the Maine Education Association, representing nearly 24,000 educators in the state.

I am here today to testify in support of LD 1370, "An Act to Address Violent Behavior in the Classroom".

First, I want to be sure to thank Senator Millett for proposing this legislation. While this won't provide a 'quick fix' to what has become an ever increasing, and increasingly serious, problem in our schools, this legislation does begin to provide some relief and most importantly, it is raising awareness around this deeply troubling issue.

Have any of you ever—ever—been spit at? Hit? Kicked? Scratched? Bitten? Had a stapler or other heavy object thrown at you?

What if there were a very real possibility of that happening to you as a 'routine' part of your daily job? What would you do in this case?

I first became aware of what was happening a few years ago. Sitting at a meeting of local association presidents, I was horrified to hear one talk about the violent behaviors of some students in her school and the injuries that several staff had sustained as a result. More troubling was what seemed like a woefully inadequate response to these instances. We began to hear about this more and more frequently and reached out to members to try to get a handle on the extent of the problem in our state. We knew we needed to do something about this alarming situation. Of course, at the same time we are trying to attract more people to the profession.

With our most recent poll, we had a record response. Well over 1300 members took the time to answer questions about their experiences, what they had witnessed either directly or indirectly. Many shared details, while maintaining confidentiality. The results from the survey were shocking, even to those of us who had been hearing about these incidents for a while.

Some shared specifics but of course required anonymity in order to maintain confidentiality.

A teacher, pushed down by a young student.

Broken ribs.

Concussions.

Many educators who stated that although they themselves had not been injured, their colleagues had but did not feel able to speak up about it.

At a recent meeting of the Presidents of other state associations, it was the number one concern. This is a nation-wide problem. I guess you could think of that as 'good news', because there are many efforts in other states working to address it. Of course, the situation is actually extremely 'bad news' and we all must do much, much more to address not just the violent behaviors, but also and just as importantly if not more so, the causes of these.

Thankfully, there has also come before you other legislation aimed at addressing some of the causes. And I will remain optimistic that these proposals will go forward and will go a long way towards helping. But meanwhile, we cannot let our educators on the front lines continue to suffer injuries without some immediate remedies to diminish these acts, to avert them, or at least to do right by anyone who is injured. There needs to be a clear process, a protocol, that will be followed when such acts occur.

To be hurt and feel that you either cannot report it because you might be seen as 'incapable' of doing the job (one concern expressed by a member!) or be accused of being 'insubordinate' (also stated by a member)—this is just plain wrong.

We have been quiet about it for too long. After all, how does a teacher who is still in her probationary period confront an administrator who sends a student right back to her class after he has shown increasingly violent behavior towards her and towards fellow students? How does this young woman handle this situation? When she told me about this, she understandably broke down into tears. She has felt on the verge of quitting teaching at any moment, and is constantly in fear of something tragic happening, either to her or to a student. She tried to speak up to others about the situation and to advocate for help, but as of the time she related this to me, no help was yet offered. She felt at least some degree of relief when I told her that we are working on this issue—and I can only hope that meanwhile, nothing befalls her, and that we do not lose her from the profession. But how can she continue to teach effectively in a constant state of fear?

One other point she made was that her school was, at least in name, a 'restorative justice school'. I caution those who believe this is a silver bullet. Certainly, when done properly and with integrity, restorative practices have been shown to help immensely and are so much more effective than punitive measures. But the proper training is needed, and the time needed for these practices to function as intended also must be provided. MEA is doing what it can to work with others to help with the effort of providing adequate training in this area so that schools adopt such practices in an authentic way and not merely as a band aid approach which may do more harm than good. But even so, there may be instances where even this is not the most appropriate approach.

I cannot end my testimony without talking specifically about our education support professionals, especially our ed techs. It is nothing less than tragic that many of our education support professionals have come to believe that being harmed is now just 'part of the job'. Even a superintendent is reported to have said just that—it is 'part of the job' and then said that if the employee didn't want to deal with it, the person should seek a job elsewhere.

Recently I was shown the protective gear—yes, protective gear—that some ed techs must wear while working with some students. A face shield, arm guards—it looked more like what the goalie in an ice

hockey game must wear! No wonder that we have such difficulty filling these positions. Perhaps more troubling is what another ed tech told me, that her administrator does not want staff wearing such protective gear because it would disturb the students. Understandable, it does look disturbing—but then what protects the employee from the scratching, biting, spitting, or worse? Often, a new ed tech begins a position only to find out what it entails—indeed, if they were ‘warned’, would they accept the job in the first place? —and once they see what happens, there is often once again a vacant position to fill.

There are now numerous articles about “Secondary Post Traumatic Stress”—this is what our educators are now feeling as a result of working with students with such serious needs.

Our students have many dire needs and we must do much more to help meet these needs. We are currently just scratching the surface. Another member told me that in her position, as a behavior strategist, she was only doing just that—just minimally addressing her students’ needs because her caseload numbers were so high, and the students’ needs were so great, that she could only meet with each of her students individually for a very minimum amount of time. Her frustration was enormous, to say the least. She wants to help more, but there are simply too many needs and too few hours in the day. And how many schools, or even districts, have a behavioral strategist on staff?

At least with the passage of LD 1370 we will be taking steps toward improving things immediately for many educators while we continue to work toward improved services to better meet the needs of our most challenging students.

Educators care about their students. And we must show that we care about our educators and their safety as well as the safety of all students in our schools.

I strongly urge the Committee to vote unanimously ‘ought to pass’ on LD 1370. Something needs to happen now—right now—before things get worse, before another educator is harmed. We must not simply continue to let this happen without trying to address it.

Thank you for your time, and I am glad to answer any questions.