

# SENATE, NO. 2461

## The Commonwealth of Massachusetts



IN THE YEAR OF TWO THOUSAND AND SEVEN

### AN ACT RELATIVE TO BULLYING

*Be it enacted by the Senate and House of Representatives in General Court assembled,  
And by the authority of the same, as follows:*

1 SECTION 1. Chapter 71 of the General Laws is hereby amended by inserting after section 37N  
2 the following 5 sections:-

3 Section 37O. (a) The general court finds that bullying and cyberbullying can cause substantial  
4 and material disruption of a school's ability to educate its students and threatens the public  
5 safety by creating an atmosphere in which this behavior can escalate into violence or an unsafe  
6 learning environment. Further, the General Court finds that bullying and cyberbullying  
7 increases the chances that a student will experience substance abuse, suicidality, depression and  
8 anxiety, absenteeism, escalated violence and other possible symptoms. Furthermore, the  
9 general court finds that a safe and civil environment is necessary for students at all grade levels  
10 in order to learn and achieve high academic standards.

11 (b) As used in this section the following words shall, unless the context clearly requires  
12 otherwise, has the following meaning:-

13 “Bullying and cyberbullying”, unwelcome written, electronic, verbal or physical acts or  
14 gestures where a student feels coerced, intimidated, harassed or threatened and, under the  
15 circumstances, may cause: (1) physical or emotional harm to a student, (2) damage to another  
16 student’s property, or (3) a disruptive or hostile school environment. The behavior must  
17 interfere with a student’s academic performance or ability to learn, or interfere with a student’s  
18 ability to participate in or benefit from services, activities, or privileges that are being offered  
19 through the school district.

20 “School grounds”, will be defined for the purposes of this section, as any parcel of real property  
21 on which any school building is situated, any parcel of real property that is owned or leased or  
22 used by a school district and on which some of the instruction, extracurricular activities, or  
23 training of the school is conducted.

24 SECTION 2. (a) Every school district shall include in its district code of conduct as required by  
25 section 37H, a bullying and cyberbullying prevention and response plan that complies with  
26 subsection (b);

27 (b) Each district superintendent shall develop a bullying and cyberbullying prevention and  
28 response plan in consultation with teachers, school staff, professional support personnel,  
29 administrators, students and parents, and shall update the plan biennially, while also posting the  
30 plan on its district website. Each district superintendent shall allow the public ample

31 opportunity to offer input into the creation of the policy. Each plan shall include the following  
32 elements:

33 (1) a statement prohibiting bullying and cyberbullying on or near school grounds, at any school-  
34 sponsored event or activity or through the use of the district computer system while on or off  
35 campus, through the use of a personal digital device on campus, or off-campus activities that  
36 cause a disruption at school grounds. The statement shall also prohibit retaliation against  
37 students or school personnel who report incidents of bullying or cyberbullying;

38 (2) the types of age-appropriate behaviors expected from each student and staff member, as well  
39 as descriptions of age-appropriate forbidden behaviors;

40 (3) ongoing professional development for staff and age-appropriate programming for students  
41 regarding bullying and cyberbullying including the dangers and consequences of engaging in  
42 such behavior; and

43 (4) a communication framework and response plan for students, staff or parents to report  
44 bullying and cyberbullying behavior. The plan must include an outline of the procedures to be  
45 used by students, parents, teachers, faculty and administrators in reporting incidents of bullying  
46 or cyberbullying. These response plans must also include procedures for intervention by school  
47 administrators and shall have the following components as part of the response and intervention  
48 plan:

49 (a) reflect a flexible and prompt response format;

50 (b) explain the range of consequences, school district intervention, and  
51 remedial measures for a student who commits an act of bullying or cyberbullying, or  
52 retaliates against students or school personnel who report incidents of bullying or  
53 cyberbullying; and

54 (c) notification of parents or guardians of these incidents in a timely manner, however  
55 notification must not to exceed 60 days after any reported incident.

56 (e) Each school must designate a school official, identified by job title, who shall be responsible  
57 for implementing and enforcing the bullying prevention plan.

58 (f) Nothing in this section shall supersede or replace existing rights and remedies under federal  
59 law or laws of this commonwealth.

60 (g) Nothing in this section shall create a private remedy for enforcement of this section against  
61 any public school, school district or the commonwealth.

62 (h) Nothing in this section shall prevent remediation for any harassment under legally protected  
63 categories under state and federal law.

64 SECTION 3. (a) The department of education, in conjunction with the Department of Public  
65 Health, the Department of Mental Health and the Attorney General of the Commonwealth, shall  
66 approve a sample guidance framework for school districts to consider when creating a bullying  
67 and cyber bullying prevention and response plan. The Department will also include sample  
68 prevention and response plans and policies for school districts to consider.

69 (b) The Department of Education, in conjunction with the Department of Public Health, the  
70 Department of Mental Health and the Attorney General of the Commonwealth shall compile a  
71 list of bullying and cyberbullying prevention resources, existing prevention programs, best  
72 practices, techniques, and academic based research consistent with section 37O that shall be  
73 made available for use by school districts. These resources may include: print, audio, video, or  
74 digital media; subscription-based online services; and on-site or technology-enabled  
75 professional development and training sessions.

76 (c ) The Department of education shall update these prevention resources, existing prevention  
77 programs, best practices, techniques and academic based research and sample plans and policies  
78 and frameworks biennially. These resources shall be posted on the Department website within  
79 180 days of the passage of this act.

80 SECTION 4. The Department of Education shall promulgate a set of guidelines and  
81 procedures for defining district reporting requirements for incidents of bullying and  
82 cyberbullying. In the development of these procedures, the department shall consider how these  
83 reporting requirements may be incorporated into existing district disciplinary reporting  
84 requirements. The department of education shall promulgate procedures within 180 days from  
85 the date of the passage of this act.

86 SECTION 5. School districts must complete and publish a bullying prevention and response  
87 plan in their district code of conduct by July 31<sup>st</sup>, 2009.