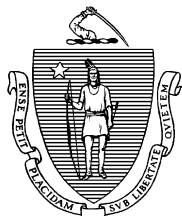


SENATE, No. 2630

[Senate, April 8, 2008 - Substituted by amendment by the Senate (Ways and Means) for Senate, No. 2461]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND EIGHT

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, as appearing in the 2006 Official Edition,
2 is hereby amended by inserting after section 37N the following section:-

3 Section 37O. (a) As used in this section the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:-

5 "Bullying," any unwelcome written or verbal expressions, physical acts or gestures
6 directed at a student or another member of the school community to intimidate, frighten,
7 ridicule, humiliate, or cause physical or emotional harm to that person, and where the conduct is
8 not related to the person's membership in a legally protected class and is not considered
9 harassment under federal or state laws. Bullying may include, but is not limited to, repeated
10 taunting, threats of harm, verbal or physical intimidation; cyber-bullying through e-mails, cell

11 phones, instant messages, text messages, or websites; and pushing, kicking, hitting, spitting, or
12 taking or damaging another person's personal property.

13 "School grounds," a parcel of real property on which a school building or facility is
14 situated; a parcel of real property that is owned, leased or used by a school district for any
15 school district-sponsored activities, events, instruction, or training; and school buses.

16 (b) Every school district and charter school shall include in its district code of conduct as
17 required by section 37H, a bullying prevention and intervention plan that complies with
18 subsection (c).

19 (c) Each district superintendent and charter school leader shall develop a bullying
20 prevention and intervention plan in consultation with teachers, school staff, professional support
21 personnel, administrators, students and parents, and shall update the plan biennially. Each
22 district superintendent and charter school leader shall also ensure that the plan is posted on its
23 district website. Each district superintendent and charter school leader shall provide the school
24 community, including teachers, staff and students, the opportunity to offer input into the
25 creation of the bullying prevention and intervention plan by administering a public comment
26 period. Each plan shall include the following elements:

27 (i) a statement prohibiting bullying on school grounds, at any school-sponsored event or
28 activity on or off campus; through the use of the district computer system while on or off
29 campus; or through the use of a personal digital device on campus, or at school-sponsored off-
30 campus activities that cause a disruption on school grounds. The statement shall also prohibit
31 retaliation against students or school personnel who report incidents of bullying.

32 (ii) ongoing professional development, in social competency programming
33 implementation or any other means, for staff and developmentally appropriate programming for

34 students regarding bullying and cyberbullying including the dangers and consequences of
35 engaging in such behavior;

36 (iii) procedures for reporting, investigating and responding promptly to complaints of
37 bullying made by students, staff, or parents; and

38 (iv) disciplinary measures that may be imposed on a student who has engaged in
39 bullying or retaliated against someone in the school community who has reported an incident of
40 bullying.

41 (d) Each superintendent or charter school leader shall designate a school official within
42 each school in a school district, identified by job title, who shall be responsible for
43 programmatic implementation and oversight of the district's or charter school's bullying
44 prevention and intervention plan.

45 (e) Faculty, staff and students shall receive training annually in the district or charter
46 school's bullying prevention and intervention policies and procedures, including social
47 competency programming.

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

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

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

54 Section 2. (a) The department, after consultation with the department of public health,
55 the department of mental health and the attorney general, shall publish a sample bullying

56 prevention and intervention plan for school districts and charter schools to consider when
57 creating their own plans.

58 (b) The department, after consultation with the department of public health, the
59 department of mental health and the attorney general, shall compile a list of bullying prevention
60 and intervention resources, existing evidence-based prevention programs, best practices,
61 techniques, and academic-based research that shall be made available for use by school
62 districts. These resources may include but shall not be limited to the following: print, audio,
63 video, or digital media; subscription-based online services; and on-site or technology-enabled
64 professional development and training sessions. The department shall biennially update these
65 prevention resources, existing prevention programs, best practices, techniques and academic
66 based research and sample plans, policies and frameworks. The department shall ensure that
67 these resources are posted on its website.

68 SECTION 2. This act shall take effect on July 1st, 2009.