

## Legal Update

May 2010

### An Act Relative to Bullying In Schools

**Effective Date:** May 3, 2010

Today the Governor signed into law SB 2404, *An Act Relative to Bullying in Schools*. The law carries an emergency preamble and takes effect immediately. A copy of the bill is attached; below are the key points in the new law.

1. Defines bullying, cyber-bullying, hostile environment, perpetrator, school grounds and victim.
2. Mandates that all schools expressly prohibit bullying and have a bullying prevention and intervention plan. All student handbooks shall include a summary of the plan.
3. Requires schools to provide to all school staff annual written notice of the plan. The faculty and staff at each school shall be trained annually on the plan.
4. Each school district must provide age-appropriate instruction on bullying prevention to the students.
5. Mandates education for school employees and includes a provision for educating parents about bullying prevention.
6. Prohibits bullying on school grounds, property adjacent to school grounds, and school-sponsored or school-related activities. Also prohibits bullying that does not take place on school grounds, but when such bullying creates a hostile environment at school for the victim, infringes on the victim's rights at school, or materially and

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substantially disrupts the education process or the orderly operation of a school.

7. Requires school employees to immediately report any instance of bullying or retaliation that they have witnessed or become aware of to the principal, who shall promptly conduct an investigation. If the principal determines bullying has occurred, he shall:
  - a. notify law enforcement if the school principal believes that criminal charges may be pursued against the perpetrator;
  - b. take appropriate disciplinary action;
  - c. notify parents/guardians of perpetrator; and
  - d. notify parents or guardians of victim and provide them with the action taken to prevent further acts of bullying.
8. Prohibits retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.
9. Updates the crimes of **Stalking** (c.265, §.43) and **Criminal Harassment** (c.265, §.43A) to include acts or threats conducted by electronic communication including, instant messaging. Also updates the crime of making **Annoying Telephone Calls** (c. 269, §.14A), to include contacting another person by electronic communication.
10. Establishes a seven member commission, chaired by the Attorney General, for the purpose of making an investigation and study relative to bullying and cyber-bullying. The commission shall review the general laws to determine if criminal laws should be amended in order to address bullying and cyber-bullying, and investigate the parental responsibility and liability for bullying and cyber-bullying.

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