HOUSE . . . . . No. 4063

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act relative to bullying in schools.

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

SECTION 1. Section 37O of chapter 71 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the word "retaliation", in line 89, the following words:- ", including procedures for collecting, maintaining and reporting bullying incident data required under subsection (k)".

SECTION 2. Section 37O of said chapter 71 of the General Laws, as so appearing, is hereby further amended in subsection (d) by striking out the third paragraph and inserting in place thereof the following paragraph:-

Each plan shall include a statement recognizing that certain students may be more vulnerable to becoming targets of bullying, harassment, or teasing based on actual or perceived differentiating characteristics, including but not limited to race, color, religion, ancestry, national origin, sex, socioeconomic status, academic status, gender identity or expression, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics. The plan shall include specific steps the district will take to create a safe, supportive environment for vulnerable populations in the school community, and provide all students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing. A school district, charter school, non-public school, approved private day or residential school or collaborative school may establish separate discrimination or harassment policies that include these or other categories of students. Nothing in this section shall alter the obligations of a school district, charter school, non-public school, approved private day or residential school or collaborative school to remediate any discrimination or harassment based on a person's membership in a legally protected category under local, state or federal law.

SECTION 3. Section 37O of said chapter 71, as so appearing, is hereby further amended by inserting after subsection (j) the following subsections:-

25 (k) Each school district, charter school, approved private day or residential school and
26 collaborative school shall annually report bullying incident data to the department. Such data
27 shall include, but not be limited to: (i) the number of reported allegations of bullying or
28 retaliation; (ii) the number and nature of substantiated incidents of bullying or retaliation; (iii) the
29 number of students disciplined for engaging in bullying or retaliation; and (iv) any other
30 information as may be required by the department. Bullying incident data shall be annually
31 reported to the department in a form and manner prescribed by the department, in consultation
32 with the attorney general, provided that the department may use existing data collection and
33 reporting mechanisms to collect such information from school districts. The department shall
34 analyze the bullying incident data and shall publish an annual report containing aggregate,
35 statewide information on the frequency and nature of bullying in schools. The department shall
36 file such annual report with the attorney general and with the clerks of the senate and the house
37 of representatives who shall forward the same to the chairs of the joint committee on education,
38 the chairs of the joint committee on the judiciary, and the chairs of the house and senate
39 committees on ways and means.

40 (l) The department shall develop a student survey to assess the prevalence, nature and
41 severity of bullying in schools. The survey shall be administered by each school district, charter
42 school, approved private day or residential school and collaborative school at least once every
43 five years. The survey shall be designed to protect student privacy and allow for anonymous
44 participation by students.

45 The completed surveys shall be collected by the school official identified in the plan as
46 responsible for receiving reports of bullying or retaliation, who may review the student surveys
47 in order to identify patterns of bullying and retaliation and to evaluate the effectiveness of the
48 school's bullying prevention and intervention efforts. All completed surveys shall be forwarded
49 to the department. The department shall collect and analyze the student survey data in order to
50 compare the survey results with the bullying incident data reported under subsection (k), identify
51 long-term trends and areas of improvement, and monitor bullying prevention efforts in schools
52 over time.

53 SECTION 4. Section 18 of Chapter 92 of the Acts of 2010 is hereby amended by adding
54 the following sentence:- The commission shall continue to review the implementation of this act
55 through June 30, 2014 and shall submit an annual report to the general court on the results of its
56 review and its recommendations, if any, together with drafts of legislation necessary to carry out
57 such recommendations, by filing the same with the clerks of the senate and the house of
58 representatives who shall forward the same to the chairs of the joint committee on education, the
59 chairs of the joint committee on the judiciary, and the chairs of the house and senate committees
60 on ways and means on or before June 30 of each year.