

**HOUSE . . . . . No. 454**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Alice Hanlon Peisch***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to bullying in schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>1/17/2013</i>
<i>Martha Coakley</i>	<i>One Ashburton Place Boston, MA 02108 -1518</i>	
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>	
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	
<i>Cheryl A. Coakley-Rivera</i>	<i>10th Hampden</i>	
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	
<i>Brian R. Mannal</i>	<i>2nd Barnstable</i>	
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	
<i>Denise Andrews</i>	<i>2nd Franklin</i>	
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>	
<i>Linda Campbell</i>	<i>15th Essex</i>	

<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>	
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	
<i>James T. Welch</i>	<i>Hampden</i>	
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Benjamin Swan</i>	<i>11th Hampden</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>	
<i>Daniel B. Winslow</i>	<i>9th Norfolk</i>	
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>	
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	
<i>Cory Atkins</i>	<i>14th Middlesex</i>	
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	
<i>Carlos Henriquez</i>	<i>5th Suffolk</i>	
<i>Brian A. Joyce</i>	<i>Norfolk, Bristol and Plymouth</i>	
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>	
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>	
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	
<i>David M. Rogers</i>	<i>24th Middlesex</i>	

**HOUSE . . . . . No. 454**

By Ms. Peisch of Wellesley, a petition (accompanied by bill, House, No. 454) of Alice Hanlon Peisch and others relative to bullying in schools. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 4063 OF 2011-2012.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

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:*

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

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

8 Each plan shall include a statement recognizing that certain students may be more  
9 vulnerable to becoming targets of bullying, harassment, or teasing based on actual or perceived  
10 differentiating characteristics, including but not limited to race, color, religion, ancestry, national  
11 origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression,  
12 physical appearance, pregnant or parenting status, sexual orientation, or mental, physical,  
13 developmental, or sensory disability, or by association with a person who has or is perceived to  
14 have one or more of these characteristics. The plan shall include specific steps the district will  
15 take to create a safe, supportive environment for vulnerable populations in the school  
16 community, and provide all students with the skills, knowledge, and strategies to prevent or  
17 respond to bullying, harassment, or teasing. A school district, charter school, non-public school,  
18 approved private day or residential school or collaborative school may establish separate

19 discrimination or harassment policies that include these or other categories of students. Nothing  
20 in this section shall alter the obligations of a school district, charter school, non-public school,  
21 approved private day or residential school or collaborative school to remediate any  
22 discrimination or harassment based on a person's membership in a legally protected category  
23 under local, state or federal law.

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

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

41 (l) The department shall develop a student survey to assess school climate and the  
42 prevalence, nature and severity of bullying in schools. The student survey shall also assist in  
43 assessing the effectiveness of bullying prevention curricula and instruction developed and  
44 administered under subsection (c) of section 37O of chapter 71. The survey shall be administered  
45 by each school district, charter school, approved private day or residential school and  
46 collaborative school at least once every three years. The survey shall be designed to protect  
47 student privacy and allow for anonymous participation by students.

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

56           SECTION 4. The department of elementary and secondary education shall develop the  
57 student survey required under section 3 of this act within 6 months of the effective date of this  
58 act.