

HOUSE No. 364

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to prevent 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
2 37N the following section:

3 Section 37O. (a) Any teacher, school staff or administrator of a school that is required to
4 adopt a bullying prevention and intervention plan or any employee of an entity hired by such a
5 school to perform tasks which involve interaction with students, who shall have reasonable cause
6 to believe that a child is either the perpetrator or the victim of bullying on school grounds, in
7 school vehicles, at school bus stops or at school activities or school sanctioned events, shall, in
8 addition to any reporting requirements contained in plans adopted pursuant to this subsection,
9 shall immediately report such activity by oral communication to the principal or the person
10 designated to receive said reports by the plan adopted pursuant to this subsection and the
11 superintendent and by making a written report to both within forty-eight hours after such oral
12 communication. A superintendent receiving a written report of bullying pursuant to this
13 subsection shall immediately report such activity to the juvenile unit of the local police
14 department upon completion of the investigation required by the plan adopted pursuant to this

15 subsection if said investigation finds reasonable cause to believe that a child is perpetrating or
16 suffering from bullying. Any person required by this subsection to make a report who fails to do
17 so shall be punished by a fine of not more than one thousand dollars.

18 In addition to those persons required to report pursuant to this subsection, any other
19 person may make such a report if any such person has reasonable cause to believe that a child is
20 perpetrating or suffering from bullying. No person so required to report shall be liable in any
21 civil or criminal action by reason of such report. No person making such a report voluntarily
22 shall be liable in any civil or criminal action by reason of such report if said report was made in
23 good faith.

24 (b) In addition to any disciplinary measures contained in a bullying prevention and
25 intervention plan adopted pursuant to this subsection, any student found to have engaged in
26 bullying shall be required to attend counseling sessions established by school district in
27 consultation with the department. If a student is found to have engaged in bullying on more than
28 one occasion, that student's parents or guardians shall be required to attend said counseling
29 sessions with said student.