

HOUSE No. 455

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act protecting students against bullying, cyberbullying, and teen dating violence..

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 1 of chapter 71 of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by inserting after the words “emotional development”, in
3 line 19, the following words:-

4 “safe and healthy relationships with a focus on preventing sexual and domestic violence”.

5 SECTION 2. Said chapter 71 is hereby amended by inserting after section 2B the
6 following section:-

7 Section 2C. All school districts in the Commonwealth shall implement a specific policy
8 and discipline code to address teen dating violence in public schools.

9 Such policies shall clearly state that dating violence will not be tolerated and shall include
10 guidelines for addressing alleged incidents of dating violence. Such policies may include a teen
11 dating violence prevention task force comprised of staff, students and parents to provide
12 awareness training and education for the school community. Such policies would include

13 defining the issue of teen dating violence, recognizing warning signs, identifying issues of
14 confidentiality, safety and appropriate legal school-based interventions.

15 SECTION 3. Said chapter 71 of the General Laws is hereby amended by inserting after
16 section 37N the following 2 sections:-

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

19 “Bullying” means a severe, persistent, or pervasive gesture, electronic communication,
20 written communication, verbal communication, or physical or sexual act that that is reasonably
21 perceived to have the effect of:

22 (1) harming a student physically or emotionally or damaging a student’s property, or
23 placing a student in reasonable fear of personal harm or property damage; or,

24 (2) insulting or demeaning a student or group of students causing substantial disruption
25 in, or substantial interference with, the orderly operation of the school.

26 “Cyberbullying” means bullying by electronic communication of any kind effected,
27 created or transmitted by the use of any electronic device, including, but not limited to, e-mail,
28 instant messaging, text messages, blogs, mobile phones, pagers, online games and websites.

29 (b) Every school district shall include in its district code of conduct, as required by
30 section 37H, the following:

31 (1) a statement prohibiting bullying and cyberbullying; and

32 (2) a bullying and cyberbullying prevention plan.

33 (c) Each district superintendent shall develop a bullying and cyberbullying prevention
34 plan in consultation with teachers, staff, professional support personnel, administrators, students
35 and parents, and shall update the plan biennially. Each bullying and cyberbullying prevention
36 plan shall include the following elements:

37 (1) a statement prohibiting bullying and cyberbullying on or near school grounds, at any
38 school-sponsored event or activity or using school computers or technology. The statement shall
39 also prohibit retaliation against students or school personnel who report incidents of bullying and
40 cyberbullying;

41 (2) a method for students, staff and parents to report bullying and cyberbullying
42 behavior. Each school must designate a school official, identified by job title, who shall be
43 responsible for implementing and enforcing the plan;

44 (3) the type of behavior expected from each student and staff member and age-
45 appropriate descriptions of forbidden behavior;

46 (4) ongoing professional development for staff and age-appropriate curriculum for
47 students regarding bullying and cyberbullying; and

48 (5) an outline of the procedures to be used in a flexible and prompt bullying and
49 cyberbullying response, the range of consequences and remedial actions for a student who
50 commits an act of bullying and cyberbullying or retaliates against students or school personnel
51 who report incidents of bullying and cyberbullying and notification of parents or guardians of
52 these incidents in a prompt manner.

53 (d) The department of education shall establish rules and regulations defining district
54 reporting requirements for incidents of bullying and cyberbullying. In the development of these
55 rules and regulations, the department shall consider how these reporting requirements may be
56 incorporated into existing district disciplinary reporting requirements.

57 (e) Nothing in this section shall supersede or replace existing rights and remedies under
58 federal law or laws of this commonwealth.

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

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

63 Section 37P. The board of education shall approve a list of bullying prevention and
64 cyberbullying resources consistent with section 37O that shall be made available for use by
65 school districts. These resources may include: print, audio, video, or digital media; subscription-
66 based online services; and on-site or technology-enabled professional development and training
67 sessions.