

HOUSE No. 4567

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

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 or charter school may establish separate discrimination or harassment policies that
2 include categories of students. Nothing in this section shall prevent a school district or charter
3 school from remediating any discrimination or harassment based on a person’s membership in a
4 legally protected category under local, state or federal law.

5 The plan may include ongoing professional development to build the skills of all
6 members of school staff including, but not limited to, educators, administrators, school nurses,
7 cafeteria workers, custodians, bus drivers and paraprofessionals, to prevent, identify and respond
8 to bullying. The content of such professional development shall include, without limitation: (i)
9 developmentally appropriate strategies to prevent bullying incidents; (ii) developmentally
10 appropriate strategies for immediate, effective interventions to stop bullying incidents; (iii)
11 information regarding the complex interaction and power differential that can take place between
12 the perpetrator, victim and witnesses to the bullying; (iv) research findings on bullying, including
13 information about specific categories of students who have been shown to be particularly at risk

14 for bullying in the school environment; (v) information on the incidence and nature of cyber-
15 bullying; and (vi) internet safety issues as they relate to cyber-bullying.

16 The plan shall include provisions for informing parents and guardians about the bullying
17 prevention curriculum of the district or school and shall include, but shall not be limited to,
18 information regarding: (i) how parents and guardians can reinforce the curriculum at home and
19 support the district or school plan; (ii) the dynamics of bullying; and (iii) online safety and cyber-
20 bullying.

21 (e)(1) Each school district and charter school shall provide to students and their parents or
22 guardians, in age-appropriate terms and in the languages which are most prevalent among the
23 students, parents and guardians, annual written notice of the relevant student-related sections of
24 the plan.

25 (2) Each school district and charter school shall provide to all school staff annual written
26 notice of the plan. The faculty and staff at each school shall be trained annually on the plan
27 applicable to the school. Relevant sections of the plan relating to the duties of faculty and staff
28 shall be included in a district or school employee handbook.

29 (3) The plan shall be posted on the website of each school district and charter school.

30 (f) Each school principal or the person who holds a comparable role shall be responsible
31 for the implementation and oversight of the plan at that person's school.

32 (g) If an incident of bullying or retaliation involves students from more than one school
33 district or charter school, the district or school first informed of the bullying or retaliation shall,

34 to the extent consistent with state and federal law, promptly notify the appropriate administrator
35 of the other district or school so that both may take appropriate action.

36 (h) Nothing in this section shall supersede or replace existing rights or remedies under
37 any other general or special law, nor shall this section create a private right of action.

38 (i) The department, after consultation with the department of public health, the
39 department of mental health, the attorney general and experts on bullying shall: (i) publish a
40 model plan for school districts and charter schools to consider when creating their own plans;
41 and (ii) compile a list of bullying prevention and intervention resources, evidence-based
42 curricula, best practices and academic-based research that shall be made available for use by
43 schools. These resources may include, print, audio, video or digital media; subscription-based
44 online services; and on-site or technology-enabled professional development and training
45 sessions. The department shall biennially update the model plan and the list of these resources,
46 curricula, best practices and research and shall ensure that they are posted on its website.

47 (j) The department shall promulgate regulations regarding requirements and standards for
48 staff members to report instances of bullying.

49 SECTION 5. Section 3 of chapter 71B of the General Laws, as appearing in the 2008
50 Official Edition, is hereby amended by inserting after the word “proficiencies”, in line 154, the
51 following words:- ; the skills and proficiencies needed to avoid and respond to bullying,
52 harassment or teasing.

53 SECTION 6. School districts and charter schools shall have a bullying prevention and
54 intervention plan in compliance with this act and shall file the plan with the department of
55 elementary and secondary education not later than December 31, 2010.

56 SECTION 7. The department of elementary and secondary education shall publish
57 guidelines for the implementation of social and emotional learning curricula in kindergarten
58 through grade 12 no later than June 30, 2011. The guidelines shall be updated biennially. For
59 purposes of this section, social and emotional learning shall mean the processes through which
60 children acquire the knowledge, attitudes, and skills they need to recognize and manage their
61 emotions, demonstrate caring and concern for others, establish positive relationships, make
62 responsible decisions, and handle challenging social situations constructively.

63 SECTION 8. The department of elementary and secondary education shall periodically
64 review school district and charter school programs, activities and services to determine whether
65 the school committees and charter schools are in compliance with this act.”.