

# SENATE . . . . . No. 209

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Nine  
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An Act to promote safer schools and communities..

*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  
2   section 37N the following section:-

3           (a) As used in this section the following word shall, unless the context clearly requires  
4   otherwise, have the following meaning:-

5           “Bullying”, repeated written, electronic, or verbal expressions, physical acts, or gestures  
6   which a reasonable student under the circumstances should know would or could cause: (1)  
7   physical harm, (2) damage to another student’s property, or (3) a hostile school environment.  
8   The behavior must be severe and must interfere with a student’s academic performance or ability  
9   to learn, or interfere with a student’s ability to participate in or benefit from services, activities,  
10   or privileges.

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

13          (1) a statement prohibiting bullying; and

(2) a bullying prevention plan.

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

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

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

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

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

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

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

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

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

#### Section 37P.

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

(b) No school district shall be required to implement a bullying prevention plan as described in section 37O unless the funds to pay for bullying prevention resources approved by the board of education under subsection (a) are provided by the state.

SECTION 2. The department of education shall establish rules and regulations defining district reporting requirements for incidents of bullying. In the development of these rules and regulations, the department shall consider how these reporting requirements may be incorporated into existing district disciplinary reporting requirements.