

**SENATE . . . . . No. 228**

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Nine**  
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An Act relative to 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  
2 section 37N the following section:-

3           Section 37O. (a) As used in this section the following words shall, unless the context  
4 clearly requires otherwise, have the following meanings:

5           “Bullying”, any unwelcome written or verbal expressions, physical acts or gestures  
6 directed at a student or another member of the school community with the intent to intimidate,  
7 frighten, ridicule, humiliate, or cause physical or emotional harm to that person including,  
8 without limitation, repeated taunting, threats of harm, verbal or physical intimidation, cyber-  
9 bullying, pushing, kicking, hitting, spitting, or taking or damaging another person’s personal  
10 property.

11           “Cyber-bullying”, bullying through, without limitation, electronic mails, cellular phones,  
12 instant messages, text messages or websites.

13           “School grounds”, shall included: (i) property on which a school building or facility is  
14 situated; (ii) property that is owned, leased or used by a school district for any school district-  
15 sponsored activities, events, instruction or training; and (iii) school buses owned, leased or used  
16 by a school district for any school district-sponsored activities, events, instruction or training.

17           (b) Every school district and charter school shall include a bullying prevention and  
18 intervention plan that complies with subsection (c) in its district code of conduct required by  
19 section 37H.

20           (c) Each district superintendent and charter school leader shall develop a bullying  
21 prevention and intervention plan in consultation with teachers, school staff, professional support  
22 personnel, administrators, students and parents, and shall update the plan biennially. Each district  
23 superintendent and charter school leader shall also ensure that the plan is posted on its district  
24 website. Each district superintendent and charter school leader shall provide the school  
25 community, including teachers, staff and students, the opportunity to offer input into the creation  
26 of the bullying prevention and intervention plan by administering a public comment period. Each  
27 plan shall include: (i) a statement prohibiting bullying on school grounds and at any school-  
28 sponsored event or activity, whether on or off campus; bullying through the use of the district  
29 computer system while on or off campus; bullying through the use of a personal digital device on  
30 campus or at any school or non-school-sponsored, off-campus activity in a manner that causes a  
31 disruption on school grounds; and retaliation against students or school personnel who report  
32 incidents of bullying; (ii) ongoing professional development in social competency programming  
33 or similar training for staff and developmentally appropriate classroom instruction for students  
34 regarding bullying and cyber-bullying, including the dangers and consequences of engaging in  
35 such behavior; (iii) procedures for reporting, investigating and responding promptly to

36 complaints of bullying made by students, staff or parents; and (iv) disciplinary measures that  
37 may be imposed on a student who has engaged in bullying or retaliated against someone in the  
38 school community who has reported an incident of bullying.

39 (d) Each superintendent, with the approval of the school principal or charter school  
40 leader, shall designate and identify by job title a school official at each school in a school district  
41 who shall be responsible for programmatic implementation and oversight of the district's or  
42 charter school's bullying prevention and intervention plan.

43 (e) The department, after consultation with the department of public health, the  
44 department of mental health and the attorney general, shall publish a model bullying prevention  
45 and intervention plan for school districts and charter schools to consider when creating their own  
46 plans.

47 (f) The department, after consultation with the department of public health, the  
48 department of mental health and the attorney general, shall compile a list of bullying prevention  
49 and intervention resources, existing evidence-based prevention programs, best practices and  
50 academic-based research that shall be made available for use by school districts. These resources  
51 may include, but shall not be limited to, print, audio, video, or digital media; subscription-based  
52 online services; and on-site or technology-enabled professional development and training  
53 sessions. The department shall biennially update these prevention resources, existing prevention  
54 programs, best practices and academic-based research and model plans, policies and frameworks.  
55 The department shall ensure that these resources are posted on its website.

56 (g) Faculty, staff and students shall be trained annually on the district or charter school's  
57 bullying prevention and intervention plan, including social competency programming.

58 (h) Nothing in this section shall supersede or replace existing rights and remedies under  
59 any other General or special law.

60 (i) Nothing in this section shall create a private right of action for enforcement of this  
61 section against any public school, school district, charter school or the commonwealth.

62 (j) Nothing in this section shall prevent a school district or charter school from  
63 remediating any harassment based on a person's membership in a legally protected categories  
64 under state or federal law.

65 SECTION 2. This act shall take effect on July 1, 2010".