

SENATE No. 233

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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, as appearing in the 2006 Official Edition,
2 is hereby amended by inserting after 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. Bullying may
8 include, but shall not be limited to, repeated taunting, threats of harm, verbal or physical
9 intimidation, cyber-bullying, pushing, kicking, hitting, spitting, or taking or damaging another
10 person’s personal property.

11 “Cyber-bullying”, bullying by means including electronic mails, cellular phones, instant
12 messages, text messages or websites.

13 “School grounds”, a parcel of real property on which a school building or facility is
14 situated; a parcel of real property that is owned, leased or used by a school district for any school
15 district-sponsored activities, events, instruction or training; and school buses.

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

19 (c) Each district superintendent and charter school leader shall develop a bullying
20 prevention and intervention plan in consultation with teachers, school staff, professional support
21 personnel, administrators, students and parents, and shall update the plan biennially. Each district
22 superintendent and charter school leader shall also ensure that the plan is posted on its district
23 website. Each district superintendent and charter school leader shall provide the school
24 community, including teachers, staff and students, the opportunity to offer input into the creation
25 of the bullying prevention and intervention plan by administering a public comment period. Each
26 plan shall include the following:

27 (i) a statement prohibiting bullying on school grounds and at any school-sponsored event
28 or activity, whether on or off campus; bullying through the use of the district computer system
29 while on or off campus; bullying through the use of a personal digital device on campus or at any
30 school or non-school-sponsored, off-campus activity in a manner that causes a disruption on
31 school grounds; and retaliation against students or school personnel who report incidents of
32 bullying;

33 (ii) ongoing professional development in social competency programming or similar
34 training for staff and developmentally appropriate classroom instruction for students regarding

bullying and cyber-bullying, including the dangers and consequences of engaging in such behavior;

(iii) procedures for reporting, investigating and responding promptly to complaints of bullying made by students, staff or parents; and

(iv) disciplinary measures that may be imposed on a student who has engaged in bullying or retaliated against someone in the school community who has reported an incident of bullying.

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

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

(f) Nothing in this section shall supersede or replace existing rights and remedies under state or federal law.

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

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

Section 2. (a) The department, after consultation with the department of public health, the department of mental health and the attorney general, shall publish a model bullying prevention

56 and intervention plan for school districts and charter schools to consider when creating their own
57 plans.

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