

SENATE No. 290

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to Prevent 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:-Section 37O. (a) As used
3 in this section the following words shall, unless the context clearly requires otherwise, have the
4 following meanings:—"Bullying," any unwelcome written or verbal expressions, physical acts or
5 gestures directed at a student or another member of the school community to intimidate, frighten,
6 ridicule, humiliate, or cause physical or emotional harm to that person, and where the conduct is
7 not related to the person’s membership in a legally protected class and is not considered
8 harassment under federal or state laws. Bullying may include, but is not limited to, repeated
9 taunting, threats of harm, verbal or physical intimidation; cyber-bullying through e-mails, cell
10 phones, instant messages, text messages, or websites; and pushing, kicking, hitting, spitting, or
11 taking or damaging another person’s personal property. "School grounds," a parcel of real
12 property on which a school building or facility is situated; a parcel of real property that is owned,
13 leased or used by a school district for any school district-sponsored activities, events, instruction,
14 or training; and school buses.(b) Every school district and charter school shall include in its

15 district code of conduct as required by section 37H, a bullying prevention and intervention plan
16 that complies with subsection (c).(c) Each district superintendent and charter school leader shall
17 develop a bullying prevention and intervention plan in consultation with teachers, school staff,
18 professional support personnel, administrators, students and parents, and shall update the plan
19 biennially. Each district superintendent and charter school leader shall also ensure that the plan is
20 posted on its district website. Each district superintendent and charter school leader shall provide
21 the school community, including teachers, staff and students, the opportunity to offer input into
22 the creation of the bullying prevention and intervention plan by administering a public comment
23 period. Each plan shall include the following elements: (i) a statement prohibiting bullying on
24 school grounds, at any school-sponsored event or activity on or off campus; through the use of
25 the district computer system while on or off campus; or through the use of a personal digital
26 device on campus, or at school-sponsored off-campus activities that cause a disruption on school
27 grounds. The statement shall also prohibit retaliation against students or school personnel who
28 report incidents of bullying.(ii) ongoing professional development, in social competency
29 programming implementation or any other means, for staff and developmentally appropriate
30 programming for students regarding bullying and cyberbullying including the dangers and
31 consequences of engaging in such behavior;(iii) procedures for reporting, investigating and
32 responding promptly to complaints of bullying made by students, staff, or parents; and(iv)
33 disciplinary measures that may be imposed on a student who has engaged in bullying or
34 retaliated against someone in the school community who has reported an incident of bullying. (d)
35 Each superintendent or charter school leader shall designate a school official within each school
36 in a school district, identified by job title, who shall be responsible for programmatic
37 implementation and oversight of the district's or charter school's bullying prevention and

38 intervention plan. (e) Faculty, staff and students shall receive training annually in the district or
39 charter school's bullying prevention and intervention policies and procedures, including social
40 competency programming. (f) Nothing in this section shall supersede or replace existing rights
41 and remedies under federal law or the laws of this commonwealth. (g) Nothing in this section
42 shall create a private remedy for enforcement of this section against any public school, school
43 district or the commonwealth.(h) Nothing in this section shall prevent remediation for any
44 harassment under legally protected categories under state and federal law. Section 2. (a) The
45 department, after consultation with the department of public health, the department of mental
46 health and the attorney general, shall publish a sample bullying prevention and intervention plan
47 for school districts and charter schools to consider when creating their own plans. (b) The
48 department, after consultation with the department of public health, the department of mental
49 health and the attorney general, shall compile a list of bullying prevention and intervention
50 resources, existing evidence-based prevention programs, best practices, techniques, and
51 academic-based research that shall be made available for use by school districts. These resources
52 may include but shall not be limited to the following: print, audio, video, or digital media;
53 subscription-based online services; and on-site or technology-enabled professional development
54 and training sessions. The department shall biennially update these prevention resources, existing
55 prevention programs, best practices, techniques and academic based research and sample plans,
56 policies and frameworks. The department shall ensure that these resources are posted on its
57 website.

58 SECTION 2. This act shall take effect on July 1st, 2009.