

**HOUSE . . . . . No. 4063**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Twelve**  
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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           SECTION 1. Section 37O of chapter 71 of the General Laws, as appearing in the 2010  
2 Official Edition, is hereby amended by inserting after the word “retaliation”, in line 89, the  
3 following words:- “, including procedures for collecting, maintaining and reporting bullying  
4 incident data required under subsection (k)”.

5           SECTION 2. Section 37O of said chapter 71 of the General Laws, as so appearing, is  
6 hereby further amended in subsection (d) by striking out the third paragraph and inserting in  
7 place thereof the following paragraph:-

8           Each plan shall include a statement recognizing that certain students may be more  
9 vulnerable to becoming targets of bullying, harassment, or teasing based on actual or perceived  
10 differentiating characteristics, including but not limited to race, color, religion, ancestry, national  
11 origin, sex, socioeconomic status, academic status, gender identity or expression, physical  
12 appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by  
13 association with a person who has or is perceived to have one or more of these characteristics.

14 The plan shall include specific steps the district will take to create a safe, supportive environment

15 for vulnerable populations in the school community, and provide all students with the skills,  
16 knowledge, and strategies to prevent or respond to bullying, harassment, or teasing. A school  
17 district, charter school, non-public school, approved private day or residential school or  
18 collaborative school may establish separate discrimination or harassment policies that include  
19 these or other categories of students. Nothing in this section shall alter the obligations of a school  
20 district, charter school, non-public school, approved private day or residential school or  
21 collaborative school to remediate any discrimination or harassment based on a person's  
22 membership in a legally protected category under local, state or federal law.

23 SECTION 3. Section 37O of said chapter 71, as so appearing, is hereby further amended  
24 by inserting after subsection (j) the following subsections:-

25 (k) Each school district, charter school, approved private day or residential school and  
26 collaborative school shall annually report bullying incident data to the department. Such data  
27 shall include, but not be limited to: (i) the number of reported allegations of bullying or  
28 retaliation; (ii) the number and nature of substantiated incidents of bullying or retaliation; (iii) the  
29 number of students disciplined for engaging in bullying or retaliation; and (iv) any other  
30 information as may be required by the department. Bullying incident data shall be annually  
31 reported to the department in a form and manner prescribed by the department, in consultation  
32 with the attorney general, provided that the department may use existing data collection and  
33 reporting mechanisms to collect such information from school districts. The department shall  
34 analyze the bullying incident data and shall publish an annual report containing aggregate,  
35 statewide information on the frequency and nature of bullying in schools. The department shall  
36 file such annual report with the attorney general and with the clerks of the senate and the house  
37 of representatives who shall forward the same to the chairs of the joint committee on education,

38 the chairs of the joint committee on the judiciary, and the chairs of the house and senate  
39 committees on ways and means.

40 (l) The department shall develop a student survey to assess the prevalence, nature and  
41 severity of bullying in schools. The survey shall be administered by each school district, charter  
42 school, approved private day or residential school and collaborative school at least once every  
43 five years. The survey shall be designed to protect student privacy and allow for anonymous  
44 participation by students.

45 The completed surveys shall be collected by the school official identified in the plan as  
46 responsible for receiving reports of bullying or retaliation, who may review the student surveys  
47 in order to identify patterns of bullying and retaliation and to evaluate the effectiveness of the  
48 school's bullying prevention and intervention efforts. All completed surveys shall be forwarded  
49 to the department. The department shall collect and analyze the student survey data in order to  
50 compare the survey results with the bullying incident data reported under subsection (k), identify  
51 long-term trends and areas of improvement, and monitor bullying prevention efforts in schools  
52 over time.

53 SECTION 4. Section 18 of Chapter 92 of the Acts of 2010 is hereby amended by adding  
54 the following sentence:- The commission shall continue to review the implementation of this act  
55 through June 30, 2014 and shall submit an annual report to the general court on the results of its  
56 review and its recommendations, if any, together with drafts of legislation necessary to carry out  
57 such recommendations, by filing the same with the clerks of the senate and the house of  
58 representatives who shall forward the same to the chairs of the joint committee on education, the

59 chairs of the joint committee on the judiciary, and the chairs of the house and senate committees  
60 on ways and means on or before June 30 of each year.