

HOUSE No. 3721

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, October 28, 2013.

The committee on Education to whom were referred the petition (accompanied by bill, Senate, No. 206) of Sonia Chang-Diaz, Martha Coakley, Michael Barrett, Thomas M. Stanley and other members of the General Court for legislation relative to bullying in schools, petition (accompanied by bill, Senate, No. 248) of Mark C. Montigny, Benjamin Swan, Michael R. Knapik and Bruce E. Tarr for legislation to strengthen the anti-bullying law, petition (accompanied by bill, Senate, No. 265) of Michael F. Rush for legislation to further define the term "bullying", and petition (accompanied by bill, House, No. 454) of Alice Hanlon Peisch and others relative to bullying in schools, reports recommending that the accompanying bill (House, No. 3721) ought to pass.

For the committee,

ALICE HANLON PEISCH.

HOUSE No. 3721**The Commonwealth of Massachusetts**

In the Year Two Thousand Thirteen

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. Subsection (d) of section 37O of chapter 71 of the General Laws, as
2 appearing in the 2012 Official Edition, is hereby amended by inserting after the word
3 “retaliation”, in line 89, the following words:- “, including procedures for collecting, maintaining
4 and reporting bullying incident data required under subsection (k)”.

5 SECTION 2. Said subsection (d) of said section 37O of said chapter 71, as so appearing,
6 is hereby further amended by striking out the third paragraph and inserting in place thereof the
7 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, homelessness, academic status, gender identity or expression,
12 physical appearance, pregnant or parenting status, sexual orientation, or mental, physical,
13 developmental, or sensory disability, or by association with a person who has or is perceived to
14 have one or more of these characteristics. The plan shall include specific steps the district will
15 take to create a safe, supportive environment for vulnerable populations in the school
16 community, and provide all students with the skills, knowledge, and strategies to prevent or
17 respond to bullying, harassment, or teasing. A school district, charter school, non-public school,
18 approved private day or residential school or collaborative school may establish separate
19 discrimination or harassment policies that include these or other categories of students. Nothing
20 in this section shall alter the obligations of a school district, charter school, non-public school,
21 approved private day or residential school or collaborative school to remediate any
22 discrimination or harassment based on a person's membership in a legally protected category
23 under local, state or federal law.

24 SECTION 3. Subsection (g) of said section 37O of said chapter 71, as so appearing, is
25 hereby amended by inserting after the word “retaliation”, in line 192, the following:- “; and (v)
26 inform the parents or guardians of the victim about the department’s problem resolution system
27 and the process for seeking assistance or filing a claim through the problem resolution system”.

28 SECTION 4. Said section 37O of said chapter 71, as so appearing, is hereby further
29 amended by inserting after subsection (j) the following subsections:-

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

45 (l) The department shall develop a student survey to assess school climate and the
46 prevalence, nature and severity of bullying in schools. The student survey shall also assist in
47 assessing the effectiveness of bullying prevention curricula and instruction developed and
48 administered under subsection (c) of section 37O of chapter 71. The survey shall be administered
49 by each school district, charter school, approved private day or residential school and
50 collaborative school at least once every three years. The survey shall be designed to protect
51 student privacy and allow for anonymous participation by students.

52 The completed surveys shall be collected by the school official identified in the plan as
53 responsible for receiving reports of bullying or retaliation, who shall review the student surveys
54 in order to identify patterns of bullying and retaliation and to evaluate the effectiveness of the
55 school’s bullying prevention and intervention efforts. All completed surveys shall be forwarded
56 to the department. The department shall collect and analyze the student survey data in order to
57 compare the survey results with the bullying incident data reported under subsection (k), identify
58 long-term trends and areas of improvement, and monitor bullying prevention efforts in schools
59 over time.

60 SECTION 5. The department of elementary and secondary education shall develop the
61 student survey required under section 4 of this act within 12 months of the effective date of this
62 act.