

The Commonwealth of Massachusetts

_____ **In the Year Two Thousand Fourteen** _____

1 SECTION 1. Section 37O of chapter 71 of the General Laws is hereby amended by
2 striking out subsection (d), as amended by section 74 of chapter 38 of the acts of 2013, and
3 inserting in place thereof the following subsection:-

4 (d)(1) Each school district, charter school, non-public school, approved private day or
5 residential school and collaborative school shall develop, adhere to and update a plan to address
6 bullying prevention and intervention in consultation with teachers, school staff, professional
7 support personnel, school volunteers, administrators, community representatives, local law
8 enforcement agencies, students, parents and guardians. The plan shall apply to students and
9 members of a school staff, including, but not limited to, educators, administrators, school nurses,
10 cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity
11 and paraprofessionals. The consultation shall include, but not be limited to, notice and a public
12 comment period; provided, however, that a non-public school shall only be required to give
13 notice to and provide a comment period for families that have a child attending the school. The
14 plan shall be updated at least biennially.

15 (2) Each plan shall include, but not be limited to: (i) descriptions of and statements
16 prohibiting bullying, cyber-bullying and retaliation, including procedures for collecting,
17 maintaining and reporting bullying incident data required under subsection (k); (ii) clear
18 procedures for students, staff, parents, guardians and others to report bullying or retaliation; (iii)
19 a provision that reports of bullying or retaliation may be made anonymously; provided, however,
20 that no disciplinary action shall be taken against a student solely on the basis of an anonymous
21 report; (iv) clear procedures for promptly responding to and investigating reports of bullying or
22 retaliation; (v) the range of disciplinary actions that may be taken against a perpetrator for
23 bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for
24 accountability with the need to teach appropriate behavior; (vi) clear procedures for restoring a
25 sense of safety for a victim and assessing that victim's needs for protection; (vii) strategies for
26 protecting from bullying or retaliation a person who reports bullying, provides information
27 during an investigation of bullying or witnesses or has reliable information about an act of
28 bullying; (viii) procedures consistent with state and federal law for promptly notifying the
29 parents or guardians of a victim and a perpetrator; provided, that the parents or guardians of a

30 victim shall also be notified of the action taken to prevent any further acts of bullying or
31 retaliation; and provided, further, that the procedures shall provide for immediate notification
32 pursuant to regulations promulgated under this subsection by the principal or person who holds a
33 comparable role to the local law enforcement agency when criminal charges may be pursued
34 against the perpetrator; (ix) a provision that a student who knowingly makes a false accusation of
35 bullying or retaliation shall be subject to disciplinary action; and (x) a strategy for providing
36 counseling or referral to appropriate services for perpetrators and victims and for appropriate
37 family members of said students. The plan shall afford all students the same protection
38 regardless of their status under the law.

39 (3) Each plan shall recognize that certain students may be more vulnerable to becoming a
40 target of bullying or harassment based on actual or perceived differentiating characteristics,
41 including race, color, religion, ancestry, national origin, sex, socioeconomic status,
42 homelessness, academic status, gender identity or expression, physical appearance, pregnant or
43 parenting status, sexual orientation, mental, physical, developmental or sensory disability or by
44 association with a person who has or is perceived to have 1 or more of these characteristics. The
45 plan shall include the specific steps that each school district, charter school, non-public school,
46 approved private day or residential school and collaborative school shall take to support
47 vulnerable students and to provide all students with the skills, knowledge and strategies needed
48 to prevent or respond to bullying or harassment. A school district, charter school, non-public
49 school, approved private day or residential school or collaborative school may establish separate
50 discrimination or harassment policies that include additional categories of students. Nothing in
51 this section shall alter the obligations of a school district, charter school, non-public school,
52 approved private day or residential school or collaborative school to remediate any
53 discrimination or harassment based on a person's membership in a legally protected category
54 under local, state or federal law.

55 (4) The plan for a school district, charter school, approved private day or residential
56 school and collaborative school shall include a provision for ongoing professional development
57 to build the skills of all staff members, including, but not limited to, educators, administrators,
58 school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to
59 extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying. The
60 content of such professional development shall include, but not be limited to: (i) developmentally
61 appropriate strategies to prevent bullying incidents; (ii) developmentally appropriate strategies
62 for immediate, effective interventions to stop bullying incidents; (iii) information regarding the
63 complex interaction and power differential that can take place between and among a perpetrator,
64 victim and witnesses to the bullying; (iv) research findings on bullying, including information
65 about students who have been shown to be particularly at risk for bullying in the school
66 environment; (v) information on the incidence and nature of cyber-bullying; and (vi) internet
67 safety issues as they relate to cyber-bullying. The department shall identify and offer information
68 on alternative methods for fulfilling the professional development requirements of this section, at

69 least 1 of these alternative methods shall be available at no cost to school districts, charter
70 schools, approved private day or residential schools and collaborative schools.

71 (5) The plan shall include provisions for informing parents and guardians about the
72 bullying prevention curriculum of the school district or school and shall include, but not be
73 limited to: (i) how parents and guardians can reinforce the curriculum at home and support the
74 school district or school plan; (ii) the dynamics of bullying; and (iii) online safety and cyber-
75 bullying.

76 (6) The department shall promulgate rules and regulations on the requirements related to
77 a principal's duties under clause (viii) of the second paragraph of this subsection; provided,
78 however, that school districts, charter schools, approved private day or residential schools and
79 collaborative schools shall be subject to the regulations. A non-public school shall develop
80 procedures for immediate notification by the principal or person who holds a comparable role to
81 the local law enforcement agency when criminal charges may be pursued against the perpetrator.

82 SECTION 2. Said section 370 of said chapter 71 is hereby further amended by striking
83 out, in line 189, as appearing in the 2012 Official Edition, the following word:- and.

84 SECTION 3. Said section 370 of said chapter 71 is hereby further amended by inserting
85 after the word "retaliation", in line 192, as so appearing, the following words:- ; and (v) inform
86 the parents or guardians of the victim about the department's problem resolution system and the
87 process for seeking assistance or filing a claim through the problem resolution system.

88 SECTION 4. Said section 370 of said chapter 71, as most recently amended by section
89 74 of chapter 38 of the acts of 2013, is hereby further amended by adding the following 3
90 subsections:-

91 (k) Each school district, charter school, approved private day or residential school and
92 collaborative school shall annually report bullying incident data to the department. The data shall
93 include, but not be limited to: (i) the number of reported allegations of bullying or retaliation; (ii)
94 the number and nature of substantiated incidents of bullying or retaliation; (iii) the number of
95 students disciplined for engaging in bullying or retaliation; and (iv) any other information
96 required by the department. Said incident data shall be reported in the form and manner
97 established by the department, in consultation with the attorney general; provided, that the
98 department shall minimize the costs and resources needed to comply with said reporting
99 requirements; and provided further, that the department may use existing data collection and
100 reporting mechanisms to collect the information from school districts. The department shall
101 analyze the bullying incident data and shall publish an annual report containing aggregate
102 statewide information on the frequency and nature of bullying in schools. The department shall
103 file the annual report with the attorney general and with the clerks of the senate and the house of
104 representatives who shall forward the same to the chairs of the joint committee on education, the
105 joint committee on the judiciary and the house and senate committees on ways and means.

106 (l) The department shall develop a student survey to assess school climate and the
107 prevalence, nature and severity of bullying in schools. The survey shall be administered by each
108 school district, charter school, approved private day or residential school and collaborative
109 school at least once every 4 years. The survey shall be designed to protect student privacy and
110 allow for anonymous participation by students.

111 The school official identified in the plan as responsible for receiving reports of bullying
112 or retaliation shall verify the completion of the student surveys. All completed surveys shall be
113 forwarded to the department. The department shall use the survey results to help assess the
114 effectiveness of bullying prevention curricula and instruction developed and administered under
115 subsection (c). The department shall collect and analyze the student survey data in order to:
116 compare the survey results with the bullying incident data reported under subsection (k); identify
117 long-term trends and areas of improvement; and monitor bullying prevention efforts in schools
118 over time. The department shall make its findings available to the school official.

119 (m) Each school district, charter school, approved private day or residential school or
120 collaborative school may adopt an anti-bullying seal to represent the district or school's
121 commitment to bullying prevention and intervention.

122 SECTION 5. The department of elementary and secondary education shall develop the
123 student survey required under subsection (l) of section 37O of chapter 71 of the General Laws
124 within 12 months of the effective date of this act for administration in the 2016 academic year.

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