

SENATE No. 206

The Commonwealth of Massachusetts

PRESENTED BY:

Sonia Chang-Diaz

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to bullying in schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>
<i>Martha Coakley</i>	<i>One Ashburton Place Boston, MA 02108 - 1518</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Brian R. Mannel</i>	<i>2nd Barnstable</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Michael R. Knapik</i>	<i>Second Hampden and Hampshire</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>

Mary S. Keefe

15th Worcester

SENATE No. 206

By Ms. Chang-Diaz, a 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. Education.

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

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

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

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

56 SECTION 4. The department of elementary and secondary education shall develop the
57 student survey required under section 3 of this act within 6 months of the effective date of this
58 act.