

SENATE No. 3082

Senate, July 29, 2022 -- Text of the Senate Bill relative to safety and violence education for students (the SAVE Students Act) (being the text of Senate, No. 3072, printed as amended).

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to safety and violence education for students (the SAVE Students Act).

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 6A of the General Laws is hereby amended by inserting after
2 section 16CC the following section:-

3 Section 16DD. (a) As used in this section the following words shall have the following
4 meanings unless the context clearly requires otherwise:-

5 “Program record”, any record, report, claim, document or information reported to the
6 reporting program or information related to the identity of an individual making a report to the
7 reporting program.

8 “Reporting program”, the statewide anonymous reporting program established pursuant
9 to this section.

10 “School”, shall include but not be limited to, a school administered by a school
11 department of a city or town or regional school district, a county agricultural school, a school
12 offering approved vocational-technical education as defined under section 1 of chapter 74, a

13 virtual school pursuant to section 94, a recovery high school pursuant to section 91, a
14 commonwealth charter school or Horace Mann charter school established pursuant to section 89,
15 an education collaborative established pursuant to section 4E of chapter 40 or an approved
16 private day or residential school that accepts, through agreement with a school committee, a
17 child requiring special education pursuant to section 10 of chapter 71B.

18 (b) The secretary of health and human services shall establish, administer and make
19 available to all schools a statewide anonymous reporting program that shall allow any person to
20 report anonymously about unsafe, harmful, dangerous, life-threatening, violent or unlawful
21 activity that occurs or is threatened on school property or that relates to an enrolled student or
22 school personnel. To fulfill the requirements of this section, the secretary shall operate or hire an
23 organization to operate the reporting program; provided, however, that if the secretary hires an
24 organization to operate the reporting program, the secretary shall be responsible for the
25 continued administrative oversight of the reporting program and the reporting program shall
26 provide for a means for the secretary to review information related to the operation of the
27 program.

28 (c) The secretary of health and human services shall, in consultation with the executive
29 office of public safety and security, the office of the attorney general, the department of
30 elementary and secondary education and any other agencies the secretary deems necessary,
31 promulgate regulations necessary for the administration of the reporting program and the
32 implementation of this section, including, but not limited to, provisions to prevent disparate
33 school discipline and law enforcement impacts on protected classes of students.

34 (d) At a minimum, the reporting program shall: (i) be capable of receiving an anonymous
35 report 24 hours per day and 7 days per week via: (A) a mobile phone application; (B) a website;
36 and (C) a toll-free telephone number; (ii) support a crisis center that operates 24 hours per day
37 and 7 days per week with sufficient capacity to receive and promptly respond to submitted
38 reports; provided, however, that such crisis center shall be staffed by individuals with evidence-
39 based counseling and crisis intervention training; and provided further, that the crisis center shall
40 be able to respond to reports in English, Spanish and other languages that the secretary deems
41 necessary; (iii) protect the anonymity of an individual making a report to the reporting program
42 without compromising opportunities for follow-up contact; provided, however, that an individual
43 making a report may voluntarily disclose their identity and verify that their identity may be
44 shared with persons operating the reporting program, law enforcement officers and school
45 officials; and provided further, that if the identity of an individual making a report becomes
46 known through a means other than voluntary disclosure, the individual's identity shall not be
47 further disclosed; (iv) establish methods and procedures for promptly forwarding information
48 received by the reporting program to the appropriate school, or human service providers as
49 necessary, as determined by the secretary; provided, however, that the reporting program may
50 forward to the appropriate law enforcement agency information regarding a specific unlawful
51 incident or a specific prospect of unlawful or life-threatening activity; provided, however, that
52 the program shall establish specific procedures for urgently contacting the appropriate school,
53 law enforcement agency or other person when the reporting program receives information about
54 activities that pose an immediate threat to the life of a student, school personnel or other person;
55 (v) establish procedures for gathering information necessary to determine the authenticity and
56 validity of a received report and the severity of any reported threat; (vi) support a coordinated

57 response by schools and law enforcement to an identified crisis when response by both parties is
58 to be reasonably expected; (vii) promote public awareness and education about the reporting
59 program and its reporting methods prior to its launch; (viii) in consultation with the department
60 of elementary and secondary education, make available program awareness and educational
61 materials to schools, including an evidence-based student violence prevention training that
62 teaches students: (A) how to identify observable warning signs and signals of an individual who
63 may be a threat to themselves or others; (B) the importance of taking threats seriously and
64 seeking help; and (C) how to report a threat using the reporting program; provided, however, that
65 such a training shall last not less than 1 hour or a standard class period; provided further, that
66 such a training may be delivered in-person or digitally; (ix) establish procedures for maintaining
67 data on the number of reports received by type, including the number of received reports that
68 relate to: (A) a planned school attack; (B) suicide; (C) self-harm; (D) bullying; and (E) any other
69 type of report that the secretary deems necessary; provided, however, that when establishing
70 such procedures, the secretary shall consider reporting categories used in other states'
71 anonymous reporting programs; (x) implement a standardized procedure for tracking the
72 outcome of reports; and (xi) comply with the federal Family Educational Rights and Privacy Act,
73 20 U.S.C. 1232g, and other relevant federal and state laws.

74 (e) For the purposes of administering the reporting program, the secretary of health and
75 human services shall, in collaboration with the executive office of public safety and security, the
76 department of elementary and secondary education and any other agency the secretary deems
77 necessary, compile a database that includes the primary point of contact within each law
78 enforcement department and school.

79 (f) Each school shall: (i) establish a school-based threat assessment team, comprised of
80 not less than 3 staff members, to receive notice of any report submitted to the reporting program
81 concerning the school, school personnel or an enrolled student; (ii) submit to the secretary of
82 health and human services a primary point of contact who shall be responsible for managing the
83 threat assessment team; and (iii) inform students about the reporting program.

84 (g) Annually, not later than August 1, the secretary of health and human services shall
85 make an anonymized overview of the reporting program's activities over the previous fiscal year
86 publicly available on its website. The secretary shall also submit the overview to the clerks of the
87 senate and house of representatives and the joint committee on education. The overview shall
88 include, at a minimum: (i) the total number of reports received over the previous fiscal year and
89 over the course of the reporting program's entire history; provided, however, that such total
90 numbers shall be disaggregated by: (A) type; (B) school district; (C) method by which the report
91 was received; and (D) whether the report was a false report; (ii) anonymized examples of reports
92 that the reporting program received and to which it responded; (iii) the total cost to operate the
93 reporting program over the previous fiscal year, itemizing staffing costs, administrative costs and
94 support costs; (iv) the source of all funds deposited in the Statewide Anonymous Reporting
95 Program Trust Fund pursuant to section 2TTTTT of chapter 29 of the General Laws; (v) the most
96 frequent times of the day for making reports; and (vi) any other information that the secretary
97 deems appropriate.

98 (h) Annually, not later than August 1, school districts shall submit reports to the
99 executive office of health and human services and the department of elementary and secondary
100 education, that shall include, at a minimum, the total number of responses to incoming tips
101 received from the reporting program by the district, disaggregated by disciplinary actions, non-

102 disciplinary actions and interventions, as well as the gender and race of the student subject to the
103 disciplinary action or intervention; provided, however, that the report shall be subject to the
104 requirements of chapter 66; and provided, further, that a district may submit the annual report as
105 part of any other report the district submits to the department regarding disciplinary action.

106 (i) Any program record created or obtained through the implementation of the reporting
107 program shall be confidential and a person shall only disclose such program record in accordance
108 with the procedures established pursuant this subsection. Such a program record shall not be a
109 public record, subject to the requirements of chapter 66.

110 (j) Except pursuant to a court order, a person implementing, operating or working for the
111 reporting program shall not be compelled to produce a program record created or obtained
112 through the implementation of the reporting program. The commonwealth or a criminal
113 defendant may file a motion with the court for release of the program record. The motion shall be
114 accompanied by an affidavit establishing why the program record should be produced.

115 (k) (1) A person age 21 and older who knowingly or intentionally makes a false report to
116 the reporting program, including, but not limited to, a report targeting a student in any protected
117 class identified in any policy of the department, district or school or in federal or state law shall
118 be guilty of a misdemeanor.

119 (2) If a report filed with the reporting program is determined to be a false report,
120 information about the subject of the false report shall be immediately removed from the subject
121 student's record, including records held by the district, school, law enforcement or any other
122 entity involved in the reporting program except as otherwise provided by law.

123 (l) Neither the secretary of health and human services nor the reporting program shall be
124 held liable for the investigation of a report made to the reporting program following confirmation
125 of receipt of the report by the appropriate school, law enforcement agency or other persons
126 pursuant to clause (iv) of subsection (d).

127 (m) The training or lack of training required by this section shall not be construed to
128 impose a specific duty of care, and no person shall have a cause of action for loss or damage
129 caused by an act or omission resulting from the training or lack of training required by this
130 section.

131 SECTION 2. Said chapter 6A of the General Laws is hereby further amended by
132 inserting after section 18Z the following section:-

133 Section 18AA. Biennially, not later than October 1 every odd numbered year, each local
134 law enforcement department shall submit to the secretary of health and human services a primary
135 point of contact who shall be responsible for receiving notice of any report submitted to the
136 reporting program that requires a law enforcement response from such department.

137 SECTION 3. Chapter 29 of the General Laws is hereby amended by inserting after
138 section 2SSSSS the following section:-

139 Section 2TTTTT. There is hereby established and set up on the books of the
140 commonwealth a separate fund to be known as the Statewide Anonymous Reporting Program
141 Trust Fund. The secretary of health and human services shall administer the fund to assist the
142 operation of the reporting program established pursuant to section 16GG of chapter 6A. There
143 shall be credited to the fund: (i) revenue from appropriations and other money authorized by the
144 general court and specifically designated to be credited to the fund; (ii) funds from public and

145 private sources such as gifts, grants and donations; and (iii) interest earned on money in the fund.
146 Amounts credited to the fund shall not be subject to further appropriation and any money
147 remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

148 SECTION 4. Chapter 71 of the General Laws is hereby amended by inserting after
149 section 98 the following section:-

150 Section 99. (a) As used in this section the following words shall have the following
151 meanings unless the context clearly requires otherwise:-

152 “Evidence-based”, a program or practice that: (i) demonstrates a statistically significant
153 effect on relevant outcomes based on: (A) strong evidence from at least 1 well-designed and
154 well-implemented experimental study; (B) moderate evidence from at least 1 well-designed and
155 well-implemented quasi-experimental study; or (C) promising evidence from at least 1 well-
156 designed and well-implemented correlational study with statistical controls for selection bias; or
157 (ii) (A) demonstrates a rationale based on high-quality research findings or positive evaluation
158 that such program or practice is likely to improve relevant outcomes; and (B) includes ongoing
159 efforts to examine the effects of the program or practice.

160 “School”, as defined in section 16DD of chapter 6A.

161 “Social inclusion”, a state in which all students are valued and feel that they have
162 consistent opportunities to engage in meaningful activities and interactions with their friends,
163 classmates and members of the community regardless of their identity.

164 “Social isolation”, a state in which a student engages in low relative frequencies of peer
165 interactions and experiences or perceives low levels of peer acceptance or high levels of peer

166 rejection, resulting in the student being frequently excluded from social interactions and
167 relationships with friends, classmates and members of the community.

168 (b) The department shall develop a model threat assessment policy for schools serving
169 students in grades 6 to 12, inclusive, that at a minimum: (i) identifies the types of threatening
170 behavior that may represent a physical threat to the school community; (ii) identifies members
171 within the school community to whom threatening behavior should be reported and the steps to
172 be taken thereafter; (iii) establishes, in consultation with the secretary of health and human
173 services, guidelines for reporting threatening behavior to the statewide reporting program
174 established in section 16DD of chapter 6A and for responding to a report of threatening behavior
175 received through the reporting program; (iv) establishes guidelines for ensuring that, where a
176 credible threat has been identified, the response is in conformance with any applicable school,
177 district, state or federal disciplinary policy and that no disciplinary action is applied
178 disproportionately to students in any protected class identified in any policy of the department,
179 district or school or in federal or state law; and (v) establishes procedures and protocols for
180 coordinating with local law enforcement in the case of a specific unlawful incident or a specific
181 prospect of unlawful or life-threatening activity. The model policy shall take into account the
182 requirements of section 363 of chapter 159 of the acts of 2000 and section 8A of chapter 69. The
183 department shall make the model policy available to schools serving grades 6 to 12, inclusive.
184 Schools may adopt the model policy.

185 (c) The department shall establish a list of evidence-based suicide awareness and
186 prevention trainings, including, but not limited to, no-cost programming, that, at a minimum,
187 teach students how to identify the signs and signals of depression, suicide and self-injury in
188 themselves and peers, the importance of seeking help for themselves and peers, the process for

189 seeking such help and the steps students can take to report harmful or potentially harmful
190 activity. The list of programs shall be made publicly available on the department's website. The
191 trainings may be delivered in-person or digitally.

192 (d) The department shall establish a list of evidence-based social inclusion trainings,
193 including, but not limited to, no-cost programming, that, at a minimum, teach students what
194 social isolation is and how to identify social isolation in others, the importance of taking social
195 isolation seriously and seeking help for peers and how to use strategies to be more socially
196 inclusive in the classroom and community and to establish connections with peers. The list of
197 trainings shall be made publicly available on the department's website. The trainings may be
198 delivered in-person or digitally.

199 (e) Annually, not later than August 1, a school shall report to the department on whether
200 it has provided students in grades 6 to 12, inclusive, training under subsection (c) or subsection
201 (d), for a period of an hour or a standard class period, specifying the training that was provided
202 during the preceding school year. The department shall make a list of schools that have provided
203 training under said subsection (c) or subsection (d) during the preceding school year publicly
204 available on its website.

205 SECTION 5. Section 1 shall take effect on August 2, 2023