

HOUSE No. 537**The Commonwealth of Massachusetts**

PRESENTED BY:

Frank A. Moran and Natalie M. Higgins*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 safety and violence education for students (the SAVE Students Act).

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>1/12/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/12/2023</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>1/25/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/26/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/27/2023</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/30/2023</i>
<i>Ryan M. Hamilton</i>	<i>15th Essex</i>	<i>1/31/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/31/2023</i>
<i>Estela A. Reyes</i>	<i>4th Essex</i>	<i>2/8/2023</i>
<i>Alyson M. Sullivan-Almeida</i>	<i>7th Plymouth</i>	<i>2/10/2023</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>7/18/2023</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>11/30/2023</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>12/7/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/8/2024</i>

HOUSE No. 537

By Representatives Moran of Lawrence and Higgins of Leominster, a petition (accompanied by bill, House, No. 537) of Frank A. Moran, Natalie M. Higgins and others relative to safety and violence education for students. Education.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

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 16FF the following section:-

3 Section 16GG. (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 students in any protected class identified in
34 any policy of the department, district or school or in federal or state law.

(d) At a minimum, the reporting program shall:

(i) be capable of receiving an anonymous report 24 hours per day and 7 days per week via: (A) a mobile phone application; (B) a website; and (C) a toll-free telephone number;

(ii) support a crisis center that operates 24 hours per day and 7 days per week with sufficient capacity to receive and promptly respond to submitted reports; provided, however, that such crisis center shall be staffed by individuals with evidence-based counseling and crisis intervention training; and provided further, that the crisis center shall be able to respond to reports in English, Spanish and other languages that the secretary deems necessary;

(iii) protect the anonymity of an individual making a report to the reporting program without compromising opportunities for follow-up contact; provided, however, that an individual making a report may voluntarily disclose their identity and verify that their identity may be shared with persons operating the reporting program, law enforcement officers and school officials; and provided further, that if the identity of an individual making a report becomes known through a means other than voluntary disclosure, the individual's identity shall not be further disclosed;

(iv) establish methods and procedures, as determined by the secretary, for promptly forwarding information received by the reporting program to the appropriate school or human service providers as necessary provided, however, that the reporting program may forward to the appropriate law enforcement agency information regarding a specific unlawful incident or a specific prospect of unlawful or life-threatening activity; and provided further, that the program shall establish specific procedures for urgently contacting the appropriate school, law enforcement agency, human service provider or other person when the reporting program

receives information about activities that pose an immediate threat to the life of a student, school personnel or other person;

(v) establish procedures for gathering information necessary to determine the authenticity and validity of a received report and the severity of any reported threat;

(vi) support a coordinated response by schools and law enforcement to an identified crisis when response by both parties is to be reasonably expected;

(vii) promote public awareness and education about the reporting program and its reporting methods prior to its launch;

(viii) in consultation with the department of elementary and secondary education, make available program awareness and educational materials to schools, including an evidence-based student violence prevention training that teaches students: (A) how to identify observable warning signs and signals of an individual who may be a threat to themselves or others; (B) the importance of taking threats seriously and seeking help; and (C) how to report a threat using the reporting program; provided, however, that such a training shall last not less than 1 hour or a standard class period; and provided further, that such a training may be delivered in-person or digitally;

(ix) establish procedures for maintaining data on the number of reports received by type, including the number of received reports that relate to: (A) a planned school attack; (B) suicide; (C) self-harm; (D) bullying; and (E) any other type of report that the secretary deems necessary; provided, however, that when establishing such procedures, the secretary shall consider reporting categories used in other states' anonymous reporting programs;

(x) implement a standardized procedure for tracking the outcome of reports; and

(xi) comply with the federal Family Educational Rights and Privacy Act, 20 U.S.C.

1232g, and other relevant federal and state laws.

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

(f) Each school shall:

(i) establish a school-based safety assessment team, comprised of not less than 3 staff members, to receive notice of any report submitted to the reporting program concerning the school, school personnel or an enrolled student;

(ii) submit to the secretary of health and human services a primary point of contact who shall be responsible for managing the safety assessment team; and

(iii) inform students about the reporting program.

(g) Annually, not later than August 1, the secretary of health and human services shall make an anonymized overview of the reporting program's activities over the previous fiscal year publicly available on its website. The secretary shall also submit the overview to the clerks of the senate and house of representatives and the joint committee on education. The overview shall include, at a minimum:

(i) the total number of reports received over the previous fiscal year and over the course of the reporting program's entire history; provided, however, that such total numbers shall be disaggregated by: (A) type; (B) school district; (C) method by which the report was received; and (D) whether the report was a false report;

(ii) anonymized examples of reports that the reporting program received and to which it responded;

(iii) the total cost to operate the reporting program over the previous fiscal year, itemizing staffing costs, administrative costs and support costs;

(iv) the source of all funds deposited in the Statewide Anonymous Reporting Program Trust Fund pursuant to section 2AAAAAA of chapter 29 of the General Laws;

(v) the most frequent times of the day for making reports; and

(vi) any other information that the secretary deems appropriate.

(h) Annually, not later than August 1, school districts shall submit reports to the executive office of health and human services and the department of elementary and secondary education, that shall include, at a minimum, the total number of responses to incoming tips received from the reporting program by the district, disaggregated by disciplinary actions, non-disciplinary actions and interventions, as well as the gender and race of the student subject to the disciplinary action or intervention; provided, however, that the report shall be subject to the requirements of chapter 66; and provided, further, that a district may submit the annual report as part of any other report the district submits to the department regarding disciplinary action.

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

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

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

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

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

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

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

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

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

Section 2BBBBBB. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Statewide Anonymous Reporting Program Trust Fund. The secretary of health and human services shall administer the fund to assist the operation of the reporting program established pursuant to section 16GG of chapter 6A. There shall be credited to the fund:

(i) revenue from appropriations and other money authorized by the general court and specifically designated to be credited to the fund;

(ii) funds from public and private sources such as gifts, grants and donations; and

(iii) interest earned on money in the fund.

Amounts credited to the fund shall not be subject to further appropriation and any money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

SECTION 4. Chapter 71 of the General Laws is hereby amended by inserting after section 99 the following section:-

Section 100. (a) As used in this section the following words shall have the following meanings unless the context clearly requires otherwise:

“Evidence-based”, a program or practice that:

(i) demonstrates a statistically significant effect on relevant outcomes based on: (A) strong evidence from at least 1 well-designed and well-implemented experimental study; (B) moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study; or (C) promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias; or

(ii) (A) demonstrates a rationale based on high-quality research findings or positive evaluation that such program or practice is likely to improve relevant outcomes; and (B) includes ongoing efforts to examine the effects of the program or practice.

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

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

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

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

(b) The department shall develop a model safety assessment policy for schools serving students in grades 6 to 12, inclusive, that at a minimum:

(i) identifies the types of unsafe, harmful, dangerous, life-threatening, violent or unlawful behavior that may represent a physical threat to the school community;

(ii) identifies members within the school community to whom such behavior should be reported and the steps to be taken thereafter;

(iii) establishes, in consultation with the secretary of health and human services, guidelines for reporting such behavior to the statewide reporting program established in section 16GG of chapter 6A and for responding to a report received through the reporting program;

(iv) establishes guidelines for ensuring that, where a credible threat has been identified, the response is in conformance with any applicable school, district, state or federal disciplinary policy and that no disciplinary action is applied disproportionately to students in any protected class identified in any policy of the department, district or school or in federal or state law; and

(v) establishes procedures and protocols for coordinating with local law enforcement in the case of a specific unlawful incident or a specific prospect of unlawful or life-threatening activity.

The model policy shall take into account the requirements of section 363 of chapter 159 of the acts of 2000 and section 8A of chapter 69. The department shall make the model policy available to schools serving grades 6 to 12, inclusive. Schools may adopt the model policy.

(c) The department shall establish a list of evidence-based suicide awareness and prevention trainings, including, but not limited to, no-cost programming, that, at a minimum, teach students how to identify the signs and signals of depression, suicide and self-injury in themselves and peers, the importance of seeking help for themselves and peers, the process for seeking such help and the steps students can take to report harmful or potentially harmful activity. The list of programs shall be made publicly available on the department's website. The trainings may be delivered in-person or digitally.

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

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

SECTION 5. Section 1 shall take effect 12 months after the passage of this act.