

Ms. Clark of Melrose moves to amend amendment #1 by striking out the amendment in its entirety and inserting in place thereof the following amendment:-

Ms. Clark of Melrose moves to amend H 4567 by inserting after the word “bullying”, in line 131, the following words:- ; provided further that such regulations shall require a member of a school staff, including but not limited to an educator, administrator, school nurse, cafeteria worker, custodian, bus driver and paraprofessional, to immediately report any instance of bullying or retaliation he has witnessed or become aware of to the school principal or to the school official identified in the bullying prevention and intervention plan as responsible for receiving such reports or both.

And further moves to amend the bill by inserting after the word “develop”, in line 59, the following word:- “, adhere”.

Ms. Clark of Melrose moves to amend Senate 2323 as follows:

**An amendment relative to staff and principal reporting requirements**

\_\_\_\_\_ moves to amend the bill by inserting after Section 4(f):-

“(g) A member of a school staff, including but not limited to an educator, administrator, school nurse, cafeteria worker, custodian, and paraprofessional, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the school principal or to the school official identified in the bullying prevention and intervention plan as responsible for receiving such reports or both. Upon receipt of such a report, the school principal or a designee shall promptly investigate. If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall (i) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued against the perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of the perpetrator; and (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent further acts of bullying or retaliation.”

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, Ms. Poirier of North Attleboro, and Mr. deMacedo of Plymouth move to amend House bill 4567, by adding at the end thereof the following new section:

“SECTION 9. Chapter 71 of the General Laws, as most recently amended by chapter 27 of the acts of 2009, is hereby amended by inserting after section 91, the following new section: -

Section 92. Every public school providing computer access to students shall have a policy regarding internet safety measures and shall notify the parents or guardians of all students attending the school of the policy. Establishing the policy and any standards and rules enforcing the policy shall be prescribed by the school committee in conjunction with the superintendent or the board of trustees of a commonwealth charter school.”

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, Ms. Poirier of North Attleboro, and Mr. deMacedo of Plymouth move to amend Senate Bill 2323, by inserting in section 4 after proposed subsection (j) the following new subsection:

“(k) A member of a school staff, including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian or paraprofessional, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the school principal or to the school official identified in the bullying prevention and intervention plan as responsible for receiving such reports or both. Upon receipt of such a report, the school principal or a designee shall promptly conduct an investigation. If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall (i) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued against the perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of the perpetrator; and (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation.”

Representatives Patrick of Falmouth moves that House Bill 4567 be amended in section 2, by inserting at the end thereof the following;

Designate the 4<sup>th</sup> Wednesday in January as “No Name Calling Day” in the Commonwealth of Massachusetts. This day shall be set aside annually to educate the public as to the devastating effects of verbal bullying. Encouraging positive dialogue and pledging not to name call on this designated day reaffirms the commitment of the citizens of the Commonwealth to basic human rights and dignity while respecting differences and promoting tolerance.

**Relative to Responsibility to Report**

Mr. Scibak moves to amend the bill (H. 4567) in the fourth paragraph of subsection (d) of section 4 by inserting after the words "bus drivers," the following: "independent contractors, subcontractors, school volunteers, interns".

**Relative to Reporting Requirements**

Mr. Scibak moves to amend the bill (H. 4567) by inserting after subsection (f) of section 4 the following subsection:-

“(g) A member of a school staff, including but not limited to educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, independent contractors, subcontractors, school volunteers, interns or paraprofessionals, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the school principal or to the school official identified in the bullying prevention and intervention plan as responsible for receiving such reports or both. Upon receipt of such a report, the school principal or a designee shall (i) notify the school resource officer or local law enforcement official who shall determine if criminal charges should be pursued against the perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of the perpetrator; and (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation”.

**Relative to Staff Training**

Mr. Scibak moves to amend the bill (H. 4567) as follows:

By striking the word “may” in the first sentence of the fourth paragraph of Section 4(d), and inserting in its place the word ‘shall’.

By adding at the end of the fourth paragraph of section 4(d) the following sentence: “The department shall identify and offer information on alternative methods for fulfilling the professional development requirements of this section, at least one of which shall be available at no cost to school districts or charter schools.”



**Relative to Non-Student Bullies**

Mr. Scibak moves to amend the bill (H. 4567) in subsection (g) of section 4 by inserting at the end thereof the following text:- “If an incident of bullying or retaliation involves a non-student from a local district, commonwealth charter school or non-public school or an adult, the district or school informed of the bullying or retaliation shall promptly notify the local law enforcement agency of the incident”.

**Relative to Non-Public Schools**

Mr. Scibak moves to amend the bill (H. 4567) in Sections 4(c), 4(d), 4(e)(1), 4(e)(2), 4(e)(3), and 4(g) by striking the words "school district and charter school" and inserting in place thereof the following:-  
"school district, charter school, and non-public school".

**Immunity for Reporters**

Mr. Scibak moves to amend the bill by inserting after Section 4(f) the following subsection:-

“An educator, administrator, school nurse, cafeteria worker, custodian, bus driver, independent contractor, subcontractor, school volunteer, intern or paraprofessional who, in accordance with the applicable bullying prevention and intervention plan, promptly reports in good faith an act of bullying or retaliation or an act which he reasonably believes is bullying or retaliation is immune from a cause of action for damages arising out of the reporting itself or any failure by the district or school to remedy the reported incident”.

Mr. Koutoujian of Waltham moves to amend HB 4567 in Section 5 by adding the following subsections:-

**SECTION 5A.** Section 43 of chapter 265 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection

(a) Whoever (1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily injury, shall be guilty of the crime of stalking and shall be punished by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$1,000, or imprisonment in the house of correction for not more than 2 and onehalf years or both. Such conduct, acts or threats described in this subsection shall include, but not be limited to, conduct, acts or threats conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photooptical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

**SECTION 5B.** Section 43A of said chapter 265, as so appearing, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:

(a) Whoever willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person, which seriously alarms that person and would cause a reasonable person to suffer substantial emotional distress, shall be guilty of the crime of criminal harassment and shall be punished by imprisonment in a house of correction for not more than 2 and onehalf years or by a fine of not more than \$1,000, or by both such fine and imprisonment. Such conduct or acts described in this paragraph shall include, but not be limited to, conduct or acts conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers signs,

signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photooptical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

**SECTION 5C** Section 13B of Chapter 268 of the General Laws is hereby amended by inserting in after the first sentence in subsection 3 the following paragraph:

Such conduct or acts described in this paragraph shall include, but not be limited to, conduct or acts conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including but not limited to any device that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

**SECTION 5D.** Chapter 269 of the General Laws is hereby amended by striking out section 14A and inserting in place thereof the following section:

Section 14A. Whoever telephones another person or contacts another person by electronic communication, or causes a person to be telephoned or contacted by electronic communication, repeatedly, for the sole purpose of harassing, annoying or molesting the person or the person's family, whether or not conversation ensues, or whoever telephones or contacts a person repeatedly by electronic communication and uses indecent or obscene language to the person, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 3 months, or both.

Mr. Koutoujian of Waltham moves to amend HB 4567 by inserting in Section 1 after the 1<sup>st</sup> sentence the following paragraph:-

All school districts in the Commonwealth shall implement a specific policy and discipline code to address teen dating violence in public schools. Such policies shall clearly state that dating violence will not be tolerated and shall include guidelines for addressing alleged incidents of dating violence. Such policies may include a teen dating violence prevention task force comprised of staff, students and parents to provide awareness training and education for the school community. Such policies would include defining the issue of teen dating violence, recognizing warning signs, identifying issues of confidentiality, safety and appropriate legal school-based interventions.

Representatives Smizik of Brookline, moves to amend House 4567 in SECTION 4, the definition of “Bullying”, by inserting after the word “the”, in line 19, the word “intentional”;

and, by striking out “that:”, in line 20, inserting in place thereof the following:- “, which a reasonable person should know:”;

and, by inserting after the word “school.”, in line 24, the following:-

“In determining whether bullying has occurred school administrators shall consider whether there exists between the alleged perpetrator or perpetrators and the target a real imbalance of power or one that a reasonable person familiar with the context would perceive, as evidenced by such factors as physical size or strength, status within the peer group, psychological advantage, age, disability, relative numbers or such other specific and objective factors as school administrators may identify.”

Ms. Callahan of Sutton moves to amend House Bill 4567 in line 31 by adding the following sentence:-

“Cyber-bullying shall also include creating or promoting a web page or blog, so-called, that claims to be the property or the identity of a person other than themselves.”



**Relative to Bullying Prevention and Intervention Plan Development**

Mr. Donelan moves to amend the bill (H. 4567) in the first sentence of subsection (d) of section 4 by inserting after the words “guardians” the following:- “ and district attorney’s office”.

Mr. Koutoujian of Waltham moves to amend HB 4567 in Section 7 by inserting after the words “grade 12” the following phrase:-

And during school sponsored extracurricular activities

Ms. Balse of Newton moves to amend H4567 in section 7, by inserting after the word "June 30, 2011." the words "The department of elementary and secondary school education shall also publish guidelines for the implementation of social emotional learning for afterschool sports programming."

Mr. Koutoujian of Waltham moves to amend HB 4567 by inserting after section 5 the following 4 sections:-

**SECTION 5A.** Section 43 of chapter 265 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) Whoever (1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily injury, shall be guilty of the crime of stalking and shall be punished by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$1,000, or imprisonment in the house of correction for not more than 2 ½ years or both. Such conduct, acts or threats described in this subsection shall include, but not be limited to, conduct, acts or threats conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

**SECTION 5B.** Section 43A of said chapter 265, as so appearing, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) Whoever willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person, which seriously alarms that person and would cause a reasonable person to suffer substantial emotional distress, shall be guilty of the crime of criminal harassment and shall be punished by imprisonment in a house of correction for not more than 2 ½ years or by a fine of not more than \$1,000, or by both such fine and imprisonment. Such conduct or acts described in this paragraph shall include, but not be limited to, conduct or acts conducted by mail or by use of a telephonic or telecommunication device or

electronic communication device including, but not limited to, any device that transfers signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

**SECTION 5C** Section 13B of Chapter 268 of the General Laws is hereby amended by inserting in after the first sentence in subsection 3 the following paragraph:-

Such conduct or acts described in this paragraph shall include, but not be limited to, conduct or acts conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including but not limited to any device that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

**SECTION 5D.** Chapter 269 of the General Laws is hereby amended by striking out section 14A and inserting in place thereof the following section:-

Section 14A. Whoever telephones another person or contacts another person by electronic communication, or causes a person to be telephoned or contacted by electronic communication, repeatedly, for the sole purpose of harassing, annoying or molesting the person or the person's family, whether or not conversation ensues, or whoever telephones or contacts a person repeatedly by electronic communication and uses indecent or obscene language to the person, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 3 months, or both.

For purposes of this section, "electronic communication" shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system.

Mr. deMacedo of Plymouth moves to amend House Bill 4567, by inserting, in line 79, after the word “criminal”, the following language:

“activity is involved and criminal”

Mr. deMacedo of Plymouth moves to amend House Bill 4567 by inserting, in line 83, after the words "said students.", the following:

"The bullying prevention and intervention plan shall afford all students the same protection regardless of their status under the law."

Mr. deMacedo of Plymouth moves to amend House Bill 4567 by adding at the end thereof the following new section:

SECTION 10: Nothing in this act shall be construed to abridge the rights of students that are protected by the First Amendment to the Constitution of the United States or by Article XVI of the Constitution of Commonwealth of Massachusetts.



Representative Peake of Provincetown moves to amend amendment # 22 by striking out the amendment in its entirety and inserting in place thereof the following amendment:-

Representative Peake of Provincetown moves to amend H.4567 by striking out the word “may”, in line 88, and inserting in place thereof the following word:- “shall”.

And moves to further amend the bill, in line 98, by adding the following sentence:-

“The department shall identify and offer information on alternative methods for fulfilling the professional development requirements of this section, at least 1 of which shall be available at no cost to school districts, charter schools, approved private day or residential schools and collaborative schools.”

And moves to further amend the bill by adding the following 2 sections:-

“SECTION 9. The department of elementary and secondary education shall issue a report detailing cost effective ways to implement the professional development requirements in subsection (d) of section 370 of chapter 71 of the General Laws; provided, further, that the report shall: (i) include an option available at no cost to school districts, charter schools, approved private day or residential schools and collaborative schools, (ii) explore the feasibility of an option for a train the trainer model with demonstrated success and online professional development, and (iii) include any other options which may be cost effective; provided, further, that the report shall include a cost estimate for the professional development; and provided, further, that the report shall be provided to the clerks of the senate and house of representatives who shall forward the same to the chairs of the house and senate committees on ways and means and the house and senate chairs of the joint committee on education not later than August 31, 2010.

SECTION 10. The fourth paragraph of subsection (d) of section 370 of chapter 71 of the General Laws shall take effect for the 2011-2012 academic year.”

**Amendment to H4567** An Act relative to bullying in schools

Representatives Peake of Provincetown, Clark of Melrose, Malia of Boston, Hecht of Watertown, Wolf of Cambridge, Turner of Dennis, Scibak of South Hadley, Benson of Lunenburg, Sciortino of Medford, Erlich of Marblehead, Keenan of Salem, Provost of Somerville, Stanley of Waltham, Brownsberger of Belmont, Garballey of Arlington, Toomey of Cambridge, and Smith of Everett move to amend H.4567 with the following:

By striking the word “may” in the first sentence of the fourth paragraph of Section 4(d), and inserting in its place the word ‘shall’.

and by inserting at the end of the fourth paragraph of section 4(d) the following sentence:

“The department shall identify and offer information on alternative methods for fulfilling the professional development requirements of this section, at least one of which shall be available at no cost to school districts or charter schools.”

Mr. Cabral of New Bedford moves that H 4567 be amended by inserting after section 3 the following section:

Section (4). Said chapter 71 is hereby further amended by inserting at the end of line 5 the following: “and shall inform all staff of the reporting requirements for bullying contained in section 37O of this chapter.”

Mr. Cabral of New Bedford moves further that H 4567 be amended by inserting the following sections in section 4 after proposed section (b):

(c) Any teacher, school staff or administrator of a school that is required to adopt a bullying prevention and intervention plan pursuant to section (d), or any employee of an entity hired by such a school to perform tasks which involve interaction with students, who shall have reasonable cause to believe that a child is either the perpetrator or the victim of bullying prohibited by section (b), shall, in addition to any reporting requirements contained in plans adopted pursuant to section (d), shall immediately report such activity by oral communication to the principal or the person designated to receive said reports by the plan adopted pursuant to section (d) and to the superintendent and by making a written report to both within forty-eight hours after such oral communication. A superintendent receiving a written report of bullying pursuant to this section shall immediately report such activity to the juvenile unit of the local police department upon completion of an investigation, including any investigation required by the plan adopted pursuant to subsection (d), if said investigation finds reasonable cause to believe that a

child is perpetrating or suffering from bullying. Any person required by this section to make a report who fails to do so shall be punished by a fine of not more than one thousand dollars. In addition to those persons required to report pursuant to this section, any other person may make such a report if any such person has reasonable cause to believe that a child is perpetrating or suffering from bullying. No person so required to report shall be liable in any civil or criminal action by reason of such report. No person making such a report voluntarily shall be liable in any civil or criminal action by reason of such report if said report was made in good faith.

Each superintendent shall report to the department biennially the number of such written reports of bullying he receives pursuant to this section, the action he took in response and the outcome of the case as of the date of reporting.

(d) In addition to any disciplinary measures contained in a bullying prevention and intervention plan adopted pursuant to section (d), any student found to have engaged in bullying shall be required to attend counseling sessions established by school district in consultation with the department. If a student is found to have engaged in bullying on more than one occasion, that student's parents or guardians shall be required to attend said counseling sessions with said student.

Ms. Peisch of Wellesley moves to amend House Bill No. 4567 in section 4, subsection (b), by adding the following sentence:-

“Nothing contained herein shall require school districts to staff any non-school related activities, functions, or programs.”

Mr. Alicea of Charlton and Ms. Gobi of Spencer move to amend House Bill 4567, by inserting in Section 4 after proposed subsection (j) the following new subsection:

(k) A member of a school staff, including but not limited to an educator, administrator, school nurse, cafeteria worker, custodian, and paraprofessional, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the school principal or to the school official identified in the bullying prevention and intervention plan as responsible for receiving such reports or both. Upon receipt of such a report, the school principal or a designee shall (i) notify the local law enforcement agency and the district attorney who shall determine if criminal charges should be pursued against the perpetrator (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of the perpetrator; and (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation.

**An Amendment Relative to Staff and Principal Reporting Requirements**

Mr. Stanley moves to amend the bill by inserting after Section 4(f):-

“(g) A member of a school staff, including but not limited to an educator, administrator, school nurse, cafeteria worker, custodian, and paraprofessional, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the school principal or to the school official identified in the bullying prevention and intervention plan as responsible for receiving such reports or both. Upon receipt of such a report, the school principal or a designee shall promptly investigate. If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall (i) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued against the perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of the perpetrator; and (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent further acts of bullying or retaliation.”

**An Amendment Relative to Professional Development**

Mr. Stanley moves to amend the bill as follows:

By striking the way “may” in the first sentence of the fourth paragraph of Section 4(d), and inserting in its place the word ‘shall’.

By adding at the end of the fourth paragraph of Section 4(d) the following sentence: “The department shall identify and offer information on alternative methods for fulfilling the professional development requirements of this section, at least one of which shall be available at no cost to school districts or charter schools.”



Mr. Welch of West Springfield moves to amend the bill by adding after the words "student or students" in the definition of "Perpetrator" in Section 4 the following language, "or an adult acting on behalf of a student of students."

Ms. Wolf of Cambridge moves to amend the bill in Section 4, in subsection (d), in lines 78-80 by striking out the words: “and provided, further, that said procedures shall provide for immediate notification to the local law enforcement agency where criminal charges may be pursued against the perpetrator;” and inserting in place thereof the following language:-

“and provided, further, that said procedures shall provide for immediate notification to the local law enforcement agency if the school principal or person who holds a comparable role believes that criminal charges, including but not limited to violations of Section 43 or 43A of Chapter 265 or of Section 14A of Chapter 269, are appropriate;”

Ms. Wolf of Cambridge moves to amend the bill in Section 4, in subsection (d), in lines 78-80 by striking out the following language: “and provided, further, that said procedures shall provide for immediate notification to the local law enforcement agency where criminal charges may be pursued against the perpetrator;”

Ms. Wolf of Cambridge moves to amend the bill in Section 4, in subsection (d), in line 84, by striking the word “may” and inserting in place thereof the word “shall”; in line 85, by inserting after “include” the word “intensive”; and in line 98, by inserting the following sentence: “The department shall identify and offer information on alternative methods for fulfilling the professional development requirements of this section, at least one of which shall be available at no cost to school districts or charter schools.”

Ms. Wolf of Cambridge moves to amend the bill in Section 4, in subsection (i), in line 125 by inserting after “schools” the following sentence:-

“Said model bullying prevention and intervention plan shall be consistent with and organized according to the schools and behavioral health framework developed by the department of elementary and secondary education in accordance with Section 19 of Chapter 321 of the acts of 2008.”

Ms. Wolf of Cambridge moves to amend the bill in Section 4, in line 115, by inserting after subsection (f) the following subsection:-

(g) A member of a school staff, including but not limited to an educator, administrator, school nurse, cafeteria worker, custodian, or paraprofessional, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the school principal or to the school official identified in the bullying prevention and intervention plan as responsible for receiving such reports, or to both. Upon receipt of such a report, the school principal or a designee shall promptly investigate the allegations and the circumstances surrounding the allegations and take appropriate steps to protect the victim and ensure that the bullying or retaliation does not recur, which may include disciplinary action that balances accountability with the need to teach appropriate behavior. If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall promptly discuss the matter with the parents or guardians of the students involved in the incident(s), both protagonists and victims, and shall take disciplinary action as is appropriate and prescribed in the school's rules and under state law.

Representatives Benson of Lunenburg, Clark of Melrose, Provost of Somerville, Callahan of Sutton, Sandlin of Agawam, Kocot of North Hampton, Atkins of Concord, Wolf of Cambridge, Keenan of Salem, and Garballey of Arlington move to amend the bill (House 4567) by inserting after Section 5 the following section:

“SECTION 5A: The sixth paragraph of section 3 of chapter 71B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the third sentence the following sentence:

‘Whenever the evaluation indicates that a child requires an Individualized Education Program, this program shall address the skills and proficiencies needed to avoid and respond to bullying, harassment or teasing.’”

HB4567

Mr. Linsky of Natick moves to amend the bill by replacing Section 5 of the bill with a new Section 5 that reads as follows:

Section 3 of said Chapter 71B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following at the end of the section:

“The Individualized Education Program (IEP), as defined by regulation of the department, shall consider and specifically address the skills and proficiencies needed to avoid and respond to bullying, harassment and teasing.”



Mr. Linsky of Natick moves to amend HB 4567 by inserting after line 18 the following:-

“Approved private day or residential school”, a school, through agreement with a school committee, that accepts a child requiring special education pursuant to section 10 of chapter 71B.

And to further amend the bill by inserting after line 31 the following:-

“Collaborative school”, a school operated by an educational collaborative established pursuant to section 4E of chapter 40.

And moves to further amend the bill in line 41 by striking the words “school district or charter school” and inserting in place there of: “school district, charter school, or an approved private day or residential school or collaborative school with whom a school committee has provided or arranged to provide alternative or special education services”.

And moves to further amend the bill in line 48 by striking the words “school district or charter school” and inserting in place there of: “school district, charter school, or an approved private day or residential school or collaborative school with whom a school committee has provided or arranged to provide alternative or special education services”.

And moves to further amend the bill in line 56 by striking the words “school district and charter school” and inserting in place there of: “school district, charter school, and approved private day or residential schools or collaborative schools with whom a school committee has provided or arranged to provide alternative or special education services”.

And moves to further amend the bill in line 59 by striking the words “school district and charter school” and inserting in place there of: “school district, charter school, and approved private day or residential schools or collaborative schools with whom a school committee has provided or arranged to provide alternative or special education services”.

And moves to further amend the bill in line 84 by striking the words “school district or charter school” and inserting in place there of: “school district, charter school, or an approved private day or residential school or collaborative school with whom a school committee has provided or arranged to provide alternative or special education services”.

And moves to further amend the bill in line 86 by striking the words “school district or charter school” and inserting in place there of: “school district, charter school, or an approved private day or residential school or collaborative school with whom a school committee has provided or arranged to provide alternative or special education services”.

And moves to further amend the bill in line 104 by striking the words “school district and charter school” and inserting in place there of: “school district, charter school, and approved private day

or residential schools or collaborative schools with whom a school committee has provided or arranged to provide alternative or special education services”.

And moves to further amend the bill in line 108 by striking the words “school district and charter school” and inserting in place there of: “school district, charter school, and approved private day or residential schools or collaborative schools with whom a school committee has provided or arranged to provide alternative or special education services”.

And moves to further amend the bill in line 112 by striking the words “school district and charter school” and inserting in place there of: “school district, charter school, and approved private day or residential schools or collaborative schools with whom a school committee has provided or arranged to provide alternative or special education services”.

And moves to further amend the bill in lines 115 and 116 by striking the words “school district or charter school” and inserting in place there of: “school district, charter school, or an approved private day or residential school or collaborative school with whom a school committee has provided or arranged to provide alternative or special education services”.

And moves to further amend the bill in line 123 by striking the words “school districts and charter schools” and inserting in place there of: “school districts, charter schools, and approved private day or residential schools or collaborative schools with whom a school committee has provided or arranged to provide alternative or special education services”.

And moves to further amend the bill in line 136 by striking the words “school districts and charter schools” and inserting in place there of: “school districts, charter schools, and approved private day or residential schools or collaborative schools with whom a school committee has provided or arranged to provide alternative or special education services”.

And moves to further amend the bill in line 147 by striking the words “school district and charter school” and inserting in place there of: “school district, charter school, and approved private day or residential schools or collaborative schools with whom a school committee has provided or arranged to provide alternative or special education services”.

And moves to further amend the bill in line 148 by striking the words “school district and charter school” and inserting in place there of: “school committees and schools”.

HB4567

Mr. Linsky of Natick moves to amend the bill as follows:

In Section 4(a), after line 37, add the following language -

“Private or parochial school”, any private or parochial school which receives public funds from the local, state or federal government for the purpose of providing educational services to students.

And inserting in lines 48, 56, 59, 84, 104, 108, 136 and 147 the words “or private or parochial school” after the words “school district or charter school.”

Ms. Provost of Somerville moves to amend H.4567 in the definition of "Perpetrator," in line 37, by striking the words "student or students" and replacing them with the words "individual or individuals."

Ms. Wolf of Cambridge moves to amend the bill in Section 4, in subsection (d), in line 88, by striking the word “may” and inserting in place thereof the word “shall” and in the same line by inserting after “include” the word “intensive”; and in line 98, by inserting the following sentence: “The department shall identify and offer information on alternative methods for fulfilling the professional development requirements of this section, at least one of which shall be available at no cost to school districts or charter schools.”

Ms. Balsler of Newton moves to amend H4567 by inserting after the first sentence in section 4(i) the following sentence:-

“Said model bullying prevention and intervention plan shall be consistent with and organized according to the schools and behavioral health framework developed by the department of elementary and secondary education in accordance with Section 19 of Chapter 321 of the acts of 2008.”

Ms. Polito of Shrewsbury moves to amend House Bill 4567 by striking out section 7.

Ms. Callahan of Sutton and Speliotis of Danvers move to amend House Bill 4567 in line 31 by adding the following sentence:-

“Cyber-bullying shall also include creating or promoting a web page or blog in which the creator assumes the identity of another person and in which an individual(s) knowingly impersonates another person as the author of posted content or messages contained therein and shall be punished by school suspension. A second or subsequent offense shall be punished by school expulsion.”



Mr. Murphy of Burlington moves to amend H 4567 by inserting after the word “notification”, in line 79, the following words:- “by the principal or person who holds a comparable role, pursuant to regulations promulgated under subsection (j),”.

And further moves to amend the bill by inserting after the word “shall”, in line 130, the following words:- “, by September 30, 2010, ”.

And further moves to amend the bill by inserting after the word “regulations”, in line 130, the following words:- “necessary to carry out the purposes of this section; provided, further, that the regulations shall include requirements related to a principal’s duties under clause (viii) of the second paragraph of subsection (d); provided, further, that the regulations shall include”.

And further moves to amend the bill by striking out the word “regarding” in line 130.

Mr. Murphy of Burlington moves to amend H 4567 by striking out the word “on”, in line 44.

And further moves to amend the bill by inserting after “(i)”, in line 44, the word “on”.

And further moves to amend the bill by inserting before “(ii)”, in line 48, the word “and”.

And further moves to amend the bill by striking out the words “; and (iii)”, in line 49, and inserting in place thereof the following word: “, or”.