

## **An Act Relative to Bullying in Schools- H. 4571**

### **Definition and Prohibition of Bullying**

Bullying is defined as the repeated use by a perpetrator of a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at a victim that:

- causes physical or emotional harm to the victim or damage to his or her property;
- places the victim in reasonable fear of harm to him or herself or of damage to his or her property;
- creates a hostile environment at school for the victim;
- infringes on the rights of the victim at school; or
- materially and substantially disrupts the education process or the orderly operation of a school.

Cyber-bullying is bullying through the use of technology or any electronic means.

This bill prohibits bullying:

- At school and at all school facilities;
- At school-sponsored or school-related functions, whether on or off school grounds;
- On school buses and school bus stops;
- Through the use of technology or an electronic device owned, licensed or used by a school; and
- At non-school-related locations and through non-school technology or electronic devices, if the bullying affects the school environment.

The bill applies to all school districts, charter schools, collaboratives, and approved private day or residential schools.

### **Preventing Bullying**

To create more positive school climates and prevent as much bullying as possible, age-appropriate instruction for students in each grade on bullying prevention must be incorporated in a school's curriculum. In addition, schools must offer information to parents about bullying prevention.

Professional development for teachers and other staff to help them prevent and stop bullying is required, beginning in the 2011-2012 school year. To mitigate the costs for school districts, the Department of Elementary and Secondary Education is required to identify low cost and free options for professional development.

In addition, children on the Autism spectrum and children with a disability that affects social skills development must have provisions in their Individualized Education Programs (IEPs) to ensure they obtain the skills to avoid and respond to bullying, an especially challenging task for such children.

### **Reporting and Stopping Bullying**

To stop bullying as soon as it occurs, the Department of Elementary and Secondary Education is required to promulgate regulations requiring school staff members to immediately report instances of bullying or retaliation. The school must promptly investigate reports of bullying. In order to provide guidance to principals, the regulations must also include requirements related to a principal's duty to notify the local law enforcement agency if the bullying could result in criminal charges.

### **Bullying Prevention and Intervention Plan**

Each school district, charter school, collaborative, and approved private day or residential school is required to develop a bullying prevention and intervention plan. The principal is responsible for implementing the plan.

Each plan must contain several provisions, including

- Procedures for responding to and investigating reports of bullying
- Strategies for protecting those who report bullying
- Notice to the parents or guardians of students involved in bullying, including perpetrators and victims
- Appropriate services for students who have been bullied or who are bullies

### **Retaliation**

The bill prohibits retaliation against a person who reports bullying, provides information during an investigation of bullying, or who is a witness to or has reliable information about bullying.

### **Department of Elementary and Secondary Education**

To aid schools and districts in anti-bullying efforts, the Department is required to develop a model bullying prevention and intervention plan and compile a list of bullying prevention and intervention resources. School districts, charter schools, approved private residential or day schools and collaboratives are required to file their bullying prevention and intervention plan with the Department by December 31, 2010. Subsequently, the Department must periodically review school programs and activities to ensure they are in compliance with this act.

### **Criminal Laws Update**

The bill updates four criminal laws to include electronic communication devices. Currently, laws protecting people from harassment, stalking, witness intimidation, and annoying telephone calls do not offer complete protection if the harassment or other activity is conducted through an electronic device, such as computers or cell phones.

### **Department of Early Education and Care**

The bill does not address bullying in early education and care programs outside of schools because the Department of Early Education and Care has regulations in place to address social skills, including helping children learn effective ways to deal with bullying and teasing. In particular, see Interactions Among Educators and Children, 606 CMR 7.05.