

An Act Relative to Bullying in Schools – Senate Bill 2323

Definition and Prohibition of Bullying

Bullying is defined as the severe or repeated use of a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, by one or more students directed at another student that has the effect of:

- causing physical or emotional harm to the other student or damage to his or her property;
- placing the other student in reasonable fear of harm to him or herself or of damage to his or her property;
- creating a hostile environment at school for the bullied student;
- infringing on the rights of the other student at school; or
- materially and substantially disrupting 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, commonwealth charter schools, and non-public 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 education to parents about bullying prevention.

In addition, Individualized Educational Programs (IEPs) are required include measures to ensure that children obtain the skills to avoid and respond to bullying, an especially challenging task for special needs children.

Reporting and Stopping Bullying

To stop bullying as soon as it occurs, all school staff are required to promptly report bullying when they witness or become aware of it. A school principal or his designee must immediately investigate and take appropriate disciplinary action.

Bullying Prevention and Intervention Plan

Each school district, commonwealth charter school, and non-public 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

Criminal Law Updates

The legislation updates the harassment, stalking, and annoying telephone call statutes to include electronic communications.

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.

Department of Early Education and Care

The bill does not address bullying in early education and care programs outside of schools because the Department 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.

Criminal Law Task Force

This bill puts in place a task force, chaired by the Attorney General and composed of law enforcement and school administration personnel, to examine current criminal statutes with an eye toward bullying and cyber-bullying, and make recommendations for changes to the legislature.