

SENATE No. 290

The Commonwealth of Massachusetts

PRESENTED BY:

Richard R. Tisei

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 passage of the accompanying bill:

An Act to Prevent Bullying.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Richard R. Tisei	Middlesex and Essex
Bruce E. Tarr	First Essex and Middlesex
Michael R. Knapik	Second Hampden and Hampshire
Robert L. Hedlund	Plymouth and Norfolk
Scott P. Brown	Norfolk, Bristol and Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO PREVENT BULLYING.

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 71 of the General Laws, as appearing in the 2006 Official Edition, is
2 hereby amended by inserting after section 37N the following section:-
3 Section 37O. (a) As used in this section the following words shall, unless the context clearly requires
4 otherwise, have the following meanings:-
5 “Bullying,” any unwelcome written or verbal expressions, physical acts or gestures directed at a student
6 or another member of the school community to intimidate, frighten, ridicule, humiliate, or cause physical
7 or emotional harm to that person, and where the conduct is not related to the person’s membership in a
8 legally protected class and is not considered harassment under federal or state laws. Bullying may
9 include, but is not limited to, repeated taunting, threats of harm, verbal or physical intimidation; cyber-
10 bullying through e-mails, cell phones, instant messages, text messages, or websites; and pushing, kicking,
11 hitting, spitting, or taking or damaging another person’s personal property.
12 “School grounds,” a parcel of real property on which a school building or facility is situated; a parcel of
13 real property that is owned, leased or used by a school district for any school district-sponsored activities,
14 events, instruction, or training; and school buses.
15 (b) Every school district and charter school shall include in its district code of conduct as required by
16 section 37H, a bullying prevention and intervention plan that complies with subsection (c).

17 (c) Each district superintendent and charter school leader shall develop a bullying prevention and
18 intervention plan in consultation with teachers, school staff, professional support personnel,
19 administrators, students and parents, and shall update the plan biennially. Each district superintendent and
20 charter school leader shall also ensure that the plan is posted on its district website. Each district
21 superintendent and charter school leader shall provide the school community, including teachers, staff and
22 students, the opportunity to offer input into the creation of the bullying prevention and intervention plan
23 by administering a public comment period. Each plan shall include the following elements:

- 24 (i) a statement prohibiting bullying on school grounds, at any school-sponsored event or activity on or off
25 campus; through the use of the district computer system while on or off campus; or through the use of a
26 personal digital device on campus, or at school-sponsored off-campus activities that cause a disruption on
27 school grounds. The statement shall also prohibit retaliation against students or school personnel who
28 report incidents of bullying.
- 29 (ii) ongoing professional development, in social competency programming implementation or any other
30 means, for staff and developmentally appropriate programming for students regarding bullying and
31 cyberbullying including the dangers and consequences of engaging in such behavior;
- 32 (iii) procedures for reporting, investigating and responding promptly to complaints of bullying made by
33 students, staff, or parents; and
- 34 (iv) disciplinary measures that may be imposed on a student who has engaged in bullying or retaliated
35 against someone in the school community who has reported an incident of bullying.

36 (d) Each superintendent or charter school leader shall designate a school official within each school in a
37 school district, identified by job title, who shall be responsible for programmatic implementation and
38 oversight of the district's or charter school's bullying prevention and intervention plan.

39 (e) Faculty, staff and students shall receive training annually in the district or charter school's bullying
40 prevention and intervention policies and procedures, including social competency programming.

41 (f) Nothing in this section shall supersede or replace existing rights and remedies under federal law or the
42 laws of this commonwealth.

43 (g) Nothing in this section shall create a private remedy for enforcement of this section against any public
44 school, school district or the commonwealth.

45 (h) Nothing in this section shall prevent remediation for any harassment under legally protected categories
46 under state and federal law.

47 Section 2. (a) The department, after consultation with the department of public health, the department of
48 mental health and the attorney general, shall publish a sample bullying prevention and intervention plan
49 for school districts and charter schools to consider when creating their own plans.

50 (b) The department, after consultation with the department of public health, the department of mental
51 health and the attorney general, shall compile a list of bullying prevention and intervention resources,
52 existing evidence-based prevention programs, best practices, techniques, and academic-based research
53 that shall be made available for use by school districts. These resources may include but shall not be
54 limited to the following: print, audio, video, or digital media; subscription-based online services; and on-
55 site or technology-enabled professional development and training sessions. The department shall
56 biennially update these prevention resources, existing prevention programs, best practices, techniques and
57 academic based research and sample plans, policies and frameworks.
58 The department shall ensure that these resources are posted on its website.

59 SECTION 2. This act shall take effect on July 1st, 2009.