

SENATE No. 228

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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 relative to bullying.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James B. Eldridge	Middlesex and Worcester
Jennifer M. Callahan	18th Worcester
Elizabeth A. Malia	11th Suffolk
Robert A. O'Leary	Cape and Islands
Susan C. Fargo	Third Middlesex
Thomas M. Stanley	9th Middlesex
Richard J. Ross	9th Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00275 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO 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 is hereby amended by inserting after section 37N the
2 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
6 student or another member of the school community with the intent to intimidate, frighten, ridicule,
7 humiliate, or cause physical or emotional harm to that person including, without limitation, repeated
8 taunting, threats of harm, verbal or physical intimidation, cyber-bullying, pushing, kicking, hitting,
9 spitting, or taking or damaging another person’s personal property.

10 “Cyber-bullying”, bullying through, without limitation, electronic mails, cellular phones, instant
11 messages, text messages or websites.

12 “School grounds”, shall included: (i) property on which a school building or facility is situated; (ii)
13 property that is owned, leased or used by a school district for any school district-sponsored activities,

14 events, instruction or training; and (iii) school buses owned, leased or used by a school district for any
15 school district-sponsored activities, events, instruction or training.

16 (b) Every school district and charter school shall include a bullying prevention and intervention plan
17 that complies with subsection (c) in its district code of conduct required by section 37H.

18 (c) Each district superintendent and charter school leader shall develop a bullying prevention and
19 intervention plan in consultation with teachers, school staff, professional support personnel,
20 administrators, students and parents, and shall update the plan biennially. Each district superintendent and
21 charter school leader shall also ensure that the plan is posted on its district website. Each district
22 superintendent and charter school leader shall provide the school community, including teachers, staff and
23 students, the opportunity to offer input into the creation of the bullying prevention and intervention plan
24 by administering a public comment period. Each plan shall include: (i) a statement prohibiting bullying
25 on school grounds and at any school-sponsored event or activity, whether on or off campus; bullying
26 through the use of the district computer system while on or off campus; bullying through the use of a
27 personal digital device on campus or at any school or non-school-sponsored, off-campus activity in a
28 manner that causes a disruption on school grounds; and retaliation against students or school personnel
29 who report incidents of bullying; (ii) ongoing professional development in social competency
30 programming or similar training for staff and developmentally appropriate classroom instruction for
31 students regarding bullying and cyber-bullying, including the dangers and consequences of engaging in
32 such behavior; (iii) procedures for reporting, investigating and responding promptly to complaints of
33 bullying made by students, staff or parents; and (iv) disciplinary measures that may be imposed on a
34 student who has engaged in bullying or retaliated against someone in the school community who has
35 reported an incident of bullying.

36 (d) Each superintendent, with the approval of the school principal or charter school leader, shall
37 designate and identify by job title a school official at each school in a school district who shall be

38 responsible for programmatic implementation and oversight of the district's or charter school's bullying
39 prevention and intervention plan.

40 (e) The department, after consultation with the department of public health, the department of mental
41 health and the attorney general, shall publish a model bullying prevention and intervention plan for school
42 districts and charter schools to consider when creating their own plans.

43 (f) The department, after consultation with the department of public health, the department of mental
44 health and the attorney general, shall compile a list of bullying prevention and intervention resources,
45 existing evidence-based prevention programs, best practices and academic-based research that shall be
46 made available for use by school districts. These resources may include, but shall not be limited to, print,
47 audio, video, or digital media; subscription-based online services; and on-site or technology-enabled
48 professional development and training sessions. The department shall biennially update these prevention
49 resources, existing prevention programs, best practices and academic-based research and model plans,
50 policies and frameworks. The department shall ensure that these resources are posted on its website.

51 (g) Faculty, staff and students shall be trained annually on the district or charter school's bullying
52 prevention and intervention plan, including social competency programming.

53 (h) Nothing in this section shall supersede or replace existing rights and remedies under any other
54 General or special law.

55 (i) Nothing in this section shall create a private right of action for enforcement of this section against
56 any public school, school district, charter school or the commonwealth.

57 (j) Nothing in this section shall prevent a school district or charter school from remediating any
58 harassment based on a person's membership in a legally protected categories under state or federal law.

59 SECTION 2. This act shall take effect on July 1, 2010".