

SENATE No. 276

The Commonwealth of Massachusetts

PRESENTED BY:

Barry R. Finegold

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 adoption of the accompanying bill:

An Act relative to safety and violence education for students (the SAVE Students Act).

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>	
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/1/2023</i>

SENATE No. 276

By Mr. Finegold, a petition (accompanied by bill, Senate, No. 276) of Barry R. Finegold and Vanna Howard for legislation relative to safety and violence education for students (the SAVE Students Act). Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 3082 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to safety and violence education for students (the SAVE Students Act).

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 6A of the General Laws is hereby amended by inserting after
2 section 16FF the following section:-

3 Section 16GG. (a) As used in this section the following words shall have the following
4 meanings unless the context clearly requires otherwise:

5 “Program record”, any record, report, claim, document or information reported to the
6 reporting program or information related to the identity of an individual making a report to the
7 reporting program.

8 “Reporting program”, the statewide anonymous reporting program established pursuant
9 to this section.

10 "School" shall include, but not be limited to, a school administered by a school
11 department of a city or town or regional school district, a county agricultural school, a school
12 offering approved vocational-technical education as defined under section 1 of chapter 74, a
13 virtual school pursuant to section 94, a recovery high school pursuant to section 91, a
14 commonwealth charter school or Horace Mann charter school established pursuant to section 89,
15 an education collaborative established pursuant to section 4E of chapter 40 or an approved
16 private day or residential school that accepts, through agreement with a school committee, a
17 child requiring special education pursuant to section 10 of chapter 71B.

18 (b) The secretary of health and human services shall establish, administer and make
19 available to all schools a statewide anonymous reporting program that shall allow any person to
20 report anonymously about unsafe, harmful, dangerous, life-threatening, violent or unlawful
21 activity that occurs or is threatened on school property or that relates to an enrolled student or
22 school personnel. To fulfill the requirements of this section, the secretary shall operate or hire an
23 organization to operate the reporting program; provided, however, that if the secretary hires an
24 organization to operate the reporting program, the secretary shall be responsible for the
25 continued administrative oversight of the reporting program and the reporting program shall
26 provide for a means for the secretary to review information related to the operation of the
27 program.

28 (c) The secretary of health and human services shall, in consultation with the executive
29 office of public safety and security, the office of the attorney general, the department of
30 elementary and secondary education and any other agencies the secretary deems necessary,
31 promulgate regulations necessary for the administration of the reporting program and the
32 implementation of this section, including, but not limited to, provisions to prevent disparate

33 school discipline and law enforcement impacts on students in any protected class identified in
34 any policy of the department, district or school or in federal or state law.

35 (d) At a minimum, the reporting program shall:

36 (i) be capable of receiving an anonymous report 24 hours per day and 7 days per week
37 via: (A) a mobile phone application; (B) a website; and (C) a toll-free telephone number;

38 (ii) support a crisis center that operates 24 hours per day and 7 days per week with
39 sufficient capacity to receive and promptly respond to submitted reports; provided, however, that
40 such crisis center shall be staffed by individuals with evidence-based counseling and crisis
41 intervention training; and provided further, that the crisis center shall be able to respond to
42 reports in English, Spanish and other languages that the secretary deems necessary;

43 (iii) protect the anonymity of an individual making a report to the reporting program
44 without compromising opportunities for follow-up contact; provided, however, that an individual
45 making a report may voluntarily disclose their identity and verify that their identity may be
46 shared with persons operating the reporting program, law enforcement officers and school
47 officials; and provided further, that if the identity of an individual making a report becomes
48 known through a means other than voluntary disclosure, the individual's identity shall not be
49 further disclosed;

50 (iv) establish methods and procedures, as determined by the secretary, for promptly
51 forwarding information received by the reporting program to the appropriate school or human
52 service provider as necessary; provided, however, that the reporting program may forward to the
53 appropriate law enforcement agency information regarding a specific unlawful incident or a
54 specific prospect of unlawful or life-threatening activity; and provided further, that the program

55 shall establish specific procedures for urgently contacting the appropriate school, law
56 enforcement agency, human service provider or other person when the reporting program
57 receives information about activities that pose an immediate threat to the life of a student, school
58 personnel or other person;

59 (v) establish procedures for gathering information necessary to determine the authenticity
60 and validity of a received report and the severity of any reported threat;

61 (vi) support a coordinated response by schools and law enforcement to an identified crisis
62 when response by both parties is to be reasonably expected;

63 (vii) promote public awareness and education about the reporting program and its
64 reporting methods prior to its launch;

65 (viii) in consultation with the department of elementary and secondary education, make
66 available program awareness and educational materials to schools, including an evidence-based
67 student violence prevention training that teaches students: (A) how to identify observable
68 warning signs and signals of an individual who may be a threat to themselves or others; (B) the
69 importance of taking threats seriously and seeking help; and (C) how to report a threat using the
70 reporting program; provided, however, that such a training shall last not less than 1 hour or a
71 standard class period; and provided further, that such a training may be delivered in-person or
72 digitally;

73 (ix) establish procedures for maintaining data on the number of reports received by type,
74 including the number of received reports that relate to: (A) a planned school attack; (B) suicide;
75 (C) self-harm; (D) bullying; and (E) any other type of report that the secretary deems necessary;

76 provided, however, that when establishing such procedures, the secretary shall consider reporting
77 categories used in other states' anonymous reporting programs;

78 (x) implement a standardized procedure for tracking the outcome of reports; and

79 (xi) comply with the federal Family Educational Rights and Privacy Act, 20 U.S.C.
80 1232g, and other relevant federal and state laws.

81 (e) For the purposes of administering the reporting program, the secretary of health and
82 human services shall, in collaboration with the executive office of public safety and security, the
83 department of elementary and secondary education and any other agency the secretary deems
84 necessary, compile a database that includes the primary point of contact within each law
85 enforcement agency and school.

86 (f) Each school shall:

87 (i) establish a school-based safety assessment team, comprised of not less than 3 staff
88 members, to receive notice of any report submitted to the reporting program concerning the
89 school, school personnel or an enrolled student;

90 (ii) submit to the secretary of health and human services a primary point of contact who
91 shall be responsible for managing the safety assessment team; and

92 (iii) inform students about the reporting program.

93 (g) Annually, not later than August 1, the secretary of health and human services shall
94 make an anonymized overview of the reporting program's activities over the previous fiscal year
95 publicly available on its website. The secretary shall also submit the overview to the clerks of the

96 senate and house of representatives and the joint committee on education. The overview shall
97 include, at a minimum:

98 (i) the total number of reports received over the previous fiscal year and over the course
99 of the reporting program's entire history; provided, however, that such total numbers shall be
100 disaggregated by: (A) type; (B) school district; (C) method by which the report was received;
101 and (D) whether the report was a false report;

102 (ii) anonymized examples of reports that the reporting program received and to which it
103 responded;

104 (iii) the total cost to operate the reporting program over the previous fiscal year, itemizing
105 staffing costs, administrative costs and support costs;

106 (iv) the source of all funds deposited in the Statewide Anonymous Reporting Program
107 Trust Fund pursuant to section 2AAAAAA of chapter 29 of the General Laws;

108 (v) the most frequent times of the day for making reports; and

109 (vi) any other information that the secretary deems appropriate.

110 (h) Annually, not later than August 1, school districts shall submit reports to the
111 executive office of health and human services and the department of elementary and secondary
112 education, that shall include, at a minimum, the total number of responses to incoming tips
113 received from the reporting program by the district, disaggregated by disciplinary actions, non-
114 disciplinary actions and interventions, as well as the gender and race of the student subject to the
115 disciplinary action or intervention; provided, however, that the report shall be subject to the

116 requirements of chapter 66; and provided, further, that a district may submit the annual report as
117 part of any other report the district submits to the department regarding disciplinary action.

118 (i) Any program record created or obtained through the implementation of the reporting
119 program shall be confidential and a person shall only disclose such program record in accordance
120 with the procedures established pursuant this section. Such a program record shall not be a public
121 record and shall not be subject to the requirements of chapter 66.

122 (j) Except pursuant to a court order, a person implementing, operating or working for the
123 reporting program shall not be compelled to produce a program record created or obtained
124 through the implementation of the reporting program. The commonwealth or a criminal
125 defendant may file a motion with the court for release of the program record. The motion shall be
126 accompanied by an affidavit establishing why the program record should be produced.

127 (k) (1) A person age 21 and older who knowingly or intentionally makes a false report to
128 the reporting program, including, but not limited to, a false report targeting a student in any
129 protected class identified in any policy of the department of elementary and secondary education,
130 district or school or in federal or state law shall be guilty of a misdemeanor.

131 (2) If a report filed with the reporting program is determined to be a false report,
132 information about the subject of the false report shall be immediately removed from the subject
133 student's record, including records held by the district, school, law enforcement or any other
134 entity involved in the reporting program, except as otherwise provided by law.

135 (l) Neither the secretary of health and human services nor the reporting program shall be
136 held liable for the investigation of a report made to the reporting program following confirmation

137 of receipt of the report by the appropriate school, law enforcement agency or other persons
138 pursuant to clause (iv) of subsection (d).

139 (m) The training or lack of training required by this section shall not be construed to
140 impose a specific duty of care, and no person shall have a cause of action for loss or damage
141 caused by an act or omission resulting from the training or lack of training required by this
142 section.

143 SECTION 2. Said chapter 6A of the General Laws is hereby further amended by
144 inserting after section 18AA the following section:-

145 Section 18BB. Biennially, not later than October 1 every odd-numbered year, each local
146 law enforcement agency shall submit to the secretary of health and human services a primary
147 point of contact who shall be responsible for receiving notice of any report submitted to the
148 reporting program that requires a law enforcement response from such agency.

149 SECTION 3. Chapter 29 of the General Laws is hereby amended by inserting after
150 section 2AAAAAA the following section:-

151 Section 2BBBBBB. There shall be established and set up on the books of the
152 commonwealth a separate fund to be known as the Statewide Anonymous Reporting Program
153 Trust Fund. The secretary of health and human services shall administer the fund to assist the
154 operation of the reporting program established pursuant to section 16GG of chapter 6A. There
155 shall be credited to the fund:

156 (i) revenue from appropriations and other money authorized by the general court and
157 specifically designated to be credited to the fund;

- 158 (ii) funds from public and private sources such as gifts, grants and donations; and
159 (iii) interest earned on money in the fund.

160 Amounts credited to the fund shall not be subject to further appropriation and any money
161 remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

162 SECTION 4. Chapter 71 of the General Laws is hereby amended by inserting after
163 section 99 the following section:-

164 Section 100. (a) As used in this section the following words shall have the following
165 meanings unless the context clearly requires otherwise:

166 “Evidence-based”, a program or practice that:

167 (i) demonstrates a statistically significant effect on relevant outcomes based on: (A)
168 strong evidence from at least 1 well-designed and well-implemented experimental study; (B)
169 moderate evidence from at least 1 well-designed and well-implemented quasi-experimental
170 study; or (C) promising evidence from at least 1 well-designed and well-implemented
171 correlational study with statistical controls for selection bias; or

172 (ii) (A) demonstrates a rationale based on high-quality research findings or positive
173 evaluation that such program or practice is likely to improve relevant outcomes; and (B) includes
174 ongoing efforts to examine the effects of the program or practice.

175 “School”, as defined in section 16GG of chapter 6A.

176 “Social inclusion”, a state in which all students are valued and feel that they have
177 consistent opportunities to engage in meaningful activities and interactions with their friends,
178 classmates and members of the community regardless of their identity.

179 “Social isolation”, a state in which a student engages in low relative frequencies of peer
180 interactions and experiences or perceives low levels of peer acceptance or high levels of peer
181 rejection, resulting in the student being frequently excluded from social interactions and
182 relationships with friends, classmates and members of the community.

183 (b) The department shall develop a model safety assessment policy for schools serving
184 students in grades 6 to 12, inclusive, that at a minimum:

185 (i) identifies the types of unsafe, harmful, dangerous, life-threatening, violent or unlawful
186 behavior that may represent a physical threat to the school community;

187 (ii) identifies members within the school community to whom such behavior should be
188 reported and the steps to be taken thereafter;

189 (iii) establishes, in consultation with the secretary of health and human services,
190 guidelines for reporting such behavior to the statewide reporting program established in section
191 16GG of chapter 6A and for responding to a report received through the reporting program;

192 (iv) establishes guidelines for ensuring that, where a credible threat has been identified,
193 the response is in conformance with any applicable school, district, state or federal disciplinary
194 policy and that no disciplinary action is applied disproportionately to students in any protected
195 class identified in any policy of the department, district or school or in federal or state law; and

196 (v) establishes procedures and protocols for coordinating with local law enforcement in
197 the case of a specific unlawful incident or a specific prospect of unlawful or life-threatening
198 activity.

199 The model policy shall take into account the requirements of section 363 of chapter 159
200 of the acts of 2000 and section 8A of chapter 69. The department shall make the model policy
201 available to schools serving grades 6 to 12, inclusive. Schools may adopt the model policy.

202 (c) The department shall establish a list of evidence-based suicide awareness and
203 prevention trainings, including, but not limited to, no-cost programming, that, at a minimum,
204 teach students how to identify the signs and signals of depression, suicide and self-injury in
205 themselves and peers; the importance of seeking help for themselves and peers; the process for
206 seeking such help; and the steps students can take to report harmful or potentially harmful
207 activity. The list of programs shall be made publicly available on the department's website. The
208 trainings may be delivered in-person or digitally.

209 (d) The department shall establish a list of evidence-based social inclusion trainings,
210 including, but not limited to, no-cost programming, that, at a minimum, teach students what
211 social isolation is and how to identify social isolation in others, the importance of taking social
212 isolation seriously and seeking help for peers and how to use strategies to be more socially
213 inclusive in the classroom and community and to establish connections with peers. The list of
214 trainings shall be made publicly available on the department's website. The trainings may be
215 delivered in-person or digitally.

216 (e) Annually, not later than August 1, a school shall report to the department on whether
217 it has provided students in grades 6 to 12, inclusive, training under subsection (c) or subsection

218 (d), for a period of an hour or a standard class period, specifying the training that was provided
219 during the preceding school year. The department shall make a list of schools that have provided
220 training under said subsection (c) or subsection (d) during the preceding school year publicly
221 available on its website.

222 SECTION 5. Section 1 shall take effect 12 months after the passage of this act.