

SENATE No. 3072

The Commonwealth of Massachusetts

—
**In the One Hundred and Ninety-Second General Court
(2021-2022)**
—

SENATE, July 29, 2022.

The committee on Senate Ways and Means to whom was referred the Senate Bill relative to safety and violence education for students (the SAVE Students Act) (Senate, No. 2747), - reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 3072).

For the committee,
Michael J. Rodrigues

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**In the One Hundred and Ninety-Second General Court
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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 16CC the following section:-

3 Section 16DD. (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.

33 (d) At a minimum, the reporting program shall: (i) be capable of receiving an anonymous
34 report 24 hours per day and 7 days per week via: (A) a mobile phone application; (B) a website;

35 and (C) a toll-free telephone number; (ii) support a crisis center that operates 24 hours per day
36 and 7 days per week with sufficient capacity to receive and promptly respond to submitted
37 reports; provided, however, that such crisis center shall be staffed by individuals with evidence-
38 based counseling and crisis intervention training; and provided further, that the crisis center shall
39 be able to respond to reports in English, Spanish and other languages that the secretary deems
40 necessary; (iii) protect the anonymity of an individual making a report to the reporting program
41 without compromising opportunities for follow-up contact; provided, however, that an individual
42 making a report may voluntarily disclose their identity and verify that their identity may be
43 shared with persons operating the reporting program, law enforcement officers and school
44 officials; and provided further, that if the identity of an individual making a report becomes
45 known through a means other than voluntary disclosure, the individual's identity shall not be
46 further disclosed; (iv) establish methods and procedures for promptly forwarding information
47 received by the reporting program to the appropriate school, law enforcement agency or other
48 person, as determined by the secretary; provided, however, that the program shall establish
49 specific procedures for urgently contacting the appropriate school, law enforcement agency or
50 other person when the reporting program receives information about activities that pose an
51 immediate threat to the life of a student, school personnel or other person; (v) establish
52 procedures for gathering information necessary to determine the authenticity and validity of a
53 received report and the severity of any reported threat; (vi) support a coordinated response by
54 schools and law enforcement to an identified crisis when response by both parties is to be
55 reasonably expected; (vii) promote public awareness and education about the reporting program
56 and its reporting methods prior to its launch; (viii) in consultation with the department of
57 elementary and secondary education, make available program awareness and educational

58 materials to schools, including an evidence-based student violence prevention training that
59 teaches students: (A) how to identify observable warning signs and signals of an individual who
60 may be a threat to themselves or others; (B) the importance of taking threats seriously and
61 seeking help; and (C) how to report a threat using the reporting program; provided, however, that
62 such a training shall last not less than 1 hour or a standard class period; provided further, that
63 such a training may be delivered in-person or digitally; (ix) establish procedures for maintaining
64 data on the number of reports received by type, including the number of received reports that
65 relate to: (A) a planned school attack; (B) suicide; (C) self-harm; (D) bullying; and (E) any other
66 type of report that the secretary deems necessary; provided, however, that when establishing
67 such procedures, the secretary shall consider reporting categories used in other states'
68 anonymous reporting programs; (x) implement a standardized procedure for tracking the
69 outcome of reports; and (xi) comply with the federal Family Educational Rights and Privacy Act,
70 20 U.S.C. 1232g, and other relevant federal and state laws.

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

76 (f) Each school shall: (i) establish a school-based threat assessment team, comprised of
77 not less than 3 staff members, to receive notice of any report submitted to the reporting program
78 concerning the school, school personnel or an enrolled student; (ii) submit to the secretary of
79 health and human services a primary point of contact who shall be responsible for managing the
80 threat assessment team; and (iii) inform students about the reporting program.

81 (g) Annually, not later than August 1, the secretary of health and human services shall
82 make an anonymized overview of the reporting program's activities over the previous fiscal year
83 publicly available on its website. The secretary shall also submit the overview to the clerks of the
84 senate and house of representatives and the joint committee on education. The overview shall
85 include, at a minimum: (i) the total number of reports received over the previous fiscal year and
86 over the course of the reporting program's entire history; provided, however, that such total
87 numbers shall be disaggregated by: (A) type; (B) school district; (C) method by which the report
88 was received; and (D) whether the report was a false report; (ii) anonymized examples of reports
89 that the reporting program received and to which it responded; (iii) the total cost to operate the
90 reporting program over the previous fiscal year, itemizing staffing costs, administrative costs and
91 support costs; (iv) the source of all funds deposited in the Statewide Anonymous Reporting
92 Program Trust Fund pursuant to section 2TTTTT of chapter 29 of the General Laws; (v) the most
93 frequent times of the day for making reports; and (vi) any other information that the secretary
94 deems appropriate.

95 (h) Annually, not later than August 1, school districts shall submit reports to the
96 executive office of health and human services and the department of elementary and secondary
97 education, that shall include, at a minimum, the total number of responses to incoming tips
98 received from the reporting program by the district, disaggregated by disciplinary actions, non-
99 disciplinary actions and interventions, as well as the gender and race of the student subject to the
100 disciplinary action or intervention; provided, however, that the report shall be subject to the
101 requirements of chapter 66; and provided, further, that a district may submit the annual report as
102 part of any other report the district submits to the department regarding disciplinary action.

103 (i) Any program record created or obtained through the implementation of the reporting
104 program shall be confidential and a person shall only disclose such program record in accordance
105 with the procedures established pursuant this subsection. Such a program record shall not be a
106 public record, subject to the requirements of chapter 66.

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

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

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

120 (l) Neither the secretary of health and human services nor the reporting program shall be
121 held liable for the investigation of a report made to the reporting program following confirmation
122 of receipt of the report by the appropriate school, law enforcement agency or other persons
123 pursuant to clause (iv) of subsection (d).

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

128 SECTION 2. Said chapter 6A of the General Laws is hereby further amended by
129 inserting after section 18Z the following section:-

130 Section 18AA. Biennially, not later than October 1 every odd numbered year, each local
131 law enforcement department shall submit to the secretary of health and human services a primary
132 point of contact who shall be responsible for receiving notice of any report submitted to the
133 reporting program that requires a law enforcement response from such department.

134 SECTION 3. Chapter 29 of the General Laws is hereby amended by inserting after
135 section 2SSSSS the following section:-

136 Section 2TTTTT. There is hereby established and set up on the books of the
137 commonwealth a separate fund to be known as the Statewide Anonymous Reporting Program
138 Trust Fund. The secretary of health and human services shall administer the fund to assist the
139 operation of the reporting program established pursuant to section 16GG of chapter 6A. There
140 shall be credited to the fund: (i) revenue from appropriations and other money authorized by the
141 general court and specifically designated to be credited to the fund; (ii) funds from public and
142 private sources such as gifts, grants and donations; and (iii) interest earned on money in the fund.
143 Amounts credited to the fund shall not be subject to further appropriation and any money
144 remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

145 SECTION 4. Chapter 71 of the General Laws is hereby amended by inserting after
146 section 98 the following section:-

147 Section 99. (a) As used in this section the following words shall have the
148 following meanings unless the context clearly requires otherwise:-

149 “Evidence-based”, a program or practice that: (i) demonstrates a statistically significant
150 effect on relevant outcomes based on: (A) strong evidence from at least 1 well-designed and
151 well-implemented experimental study; (B) moderate evidence from at least 1 well-designed and
152 well-implemented quasi-experimental study; or (C) promising evidence from at least 1 well-
153 designed and well-implemented correlational study with statistical controls for selection bias; or
154 (ii) (A) demonstrates a rationale based on high-quality research findings or positive evaluation
155 that such program or practice is likely to improve relevant outcomes; and (B) includes ongoing
156 efforts to examine the effects of the program or practice.

157 “School”, as defined in section 16DD of chapter 6A.

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

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

165 (b) The department shall develop a model threat assessment policy for schools
166 serving students in grades 6 to 12, inclusive, that at a minimum: (i) identifies the types of
167 threatening behavior that may represent a physical threat to the school community; (ii) identifies
168 members within the school community to whom threatening behavior should be reported and the
169 steps to be taken thereafter; (iii) establishes, in consultation with the secretary of health and
170 human services, guidelines for reporting threatening behavior to the statewide reporting program
171 established in section 16DD of chapter 6A and for responding to a report of threatening behavior
172 received through the reporting program; (iv) establishes guidelines for ensuring that, where a
173 credible threat has been identified, the response is in conformance with any applicable school,
174 district, state or federal disciplinary policy and that no disciplinary action is applied
175 disproportionately to students in any protected class identified in any policy of the department,
176 district or school or in federal or state law; and (v) establishes procedures and protocols for
177 coordinating with local law enforcement. The model policy shall take into account the
178 requirements of section 363 of chapter 159 of the acts of 2000 and section 8A of chapter 69. The
179 department shall make the model policy available to schools serving grades 6 to 12, inclusive.
180 Schools may adopt the model policy.

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

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

195 (e) Annually, not later than August 1, a school shall report to the department on whether
196 it has provided students in grades 6 to 12, inclusive, training under subsection (c) or subsection
197 (d), for a period of an hour or a standard class period, specifying the training that was provided
198 during the preceding school year. The department shall make a list of schools that have provided
199 training under said subsection (c) or subsection (d) during the preceding school year publicly
200 available on its website.

201 SECTION 5. Section 1 shall take effect on August 2, 2023.