

SENATE No. 233

The Commonwealth of Massachusetts

PRESENTED BY:

Anthony D. Galluccio

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:
Anthony D. Galluccio	Middlesex, Suffolk and Essex
Michael R. Knapik	Second Hampden and Hampshire
Bruce E. Tarr	First Essex and Middlesex
Mark C. Montigny	Second Bristol and Plymouth
Kenneth J. Donnelly	Fourth Middlesex
Linda Dorcena Forry	12th Suffolk
Kathi-Anne Reinstein	16th Suffolk
Denise Provost	27th Middlesex
Stephen Stat Smith	28th Middlesex

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, as appearing in the 2006 Official Edition,
2 is 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
4 requires 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,
7 ridicule, humiliate, or cause physical or emotional harm to that person. Bullying may include, but
8 shall not be limited to, repeated taunting, threats of harm, verbal or physical intimidation, cyber-
9 bullying, pushing, kicking, hitting, spitting, or taking or damaging another person’s personal
10 property.

11 “Cyber-bullying”, bullying by means including electronic mails, cellular phones, instant
12 messages, text messages or websites.

13 “School grounds”, a parcel of real property on which a school building or facility is situated; a
14 parcel of real property that is owned, leased or used by a school district for any school district-
15 sponsored activities, events, instruction or training; and school buses.

16 (b) Every school district and charter school shall include a bullying prevention and intervention
17 plan that complies with subsection (c) in its district code of conduct as 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

21 superintendent and charter school leader shall also ensure that the plan is posted on its district
22 website. Each district superintendent and charter school leader shall provide the school
23 community, including teachers, staff and students, the opportunity to offer input into the creation
24 of the bullying prevention and intervention plan by administering a public comment period. Each
25 plan shall include the following:

26 (i) a statement prohibiting bullying on school grounds and at any school-sponsored event or
27 activity, whether on or off campus; bullying through the use of the district computer system
28 while on or off campus; bullying through the use of a personal digital device on campus or at any
29 school or non-school-sponsored, off-campus activity in a manner that causes a disruption on
30 school grounds; and retaliation against students or school personnel who report incidents of
31 bullying;

32 (ii) ongoing professional development in social competency programming or similar training for
33 staff and developmentally appropriate classroom instruction for students regarding bullying and
34 cyber-bullying, including the dangers and consequences of engaging in such behavior;

35 (iii) procedures for reporting, investigating and responding promptly to complaints of bullying
36 made by students, staff or parents; and

37 (iv) disciplinary measures that may be imposed on a student who has engaged in bullying or
38 retaliated against someone in the school community who has reported an incident of bullying.

39 (d) Each superintendent, with the approval of the school principal or charter school leader, shall
40 designate and identify by job title a school official at each school in a school district who shall be
41 responsible for programmatic implementation and oversight of the district's or charter school's
42 bullying prevention and intervention plan.

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

45 (f) Nothing in this section shall supersede or replace existing rights and remedies under state or
46 federal law.

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

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

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

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