

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Baddour, Steven (SEN)

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 promote safer schools and communities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Baddour, Steven (SEN)	First Essex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00294 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO PROMOTE SAFER SCHOOLS AND COMMUNITIES.

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
2 the following section:-

3 (a) As used in this section the following word shall, unless the context clearly requires
4 otherwise, have the following meaning:-

5 “Bullying”, repeated written, electronic, or verbal expressions, physical acts, or gestures which a
6 reasonable student under the circumstances should know would or could cause: (1) physical
7 harm, (2) damage to another student’s property, or (3) a hostile school environment. The
8 behavior must be severe and must interfere with a student’s academic performance or ability to
9 learn, or interfere with a student’s ability to participate in or benefit from services, activities, or
10 privileges.

11 (b) Every school district shall include in its district code of conduct, as required by section 37H,
12 the following:

13 (1) a statement prohibiting bullying; and

14 (2) a bullying prevention plan.

15 (c) Each district superintendent shall develop a bullying prevention plan in consultation with
16 teachers, staff, professional support personnel, administrators, students and parents, and shall
17 update the plan biennially. Each bullying prevention plan shall include the following elements:

18 (1) a statement prohibiting bullying on or near school grounds, at any school-sponsored event or
19 activity or using school computers or technology. The statement shall also prohibit retaliation
20 against students or school personnel who report incidents of bullying;

21 (2) a method for students, staff and parents to report bullying behavior. Each school must
22 designate a school official, identified by job title, who shall be responsible for implementing and
23 enforcing the plan;

24 (3) the type of behavior expected from each student and staff member and age-appropriate
25 descriptions of forbidden behavior;

26 (4) ongoing professional development for staff and age-appropriate curriculum for students
27 regarding bullying; and

28 (5) an outline of the procedures to be used in a flexible and prompt bullying response, the range
29 of consequences and remedial actions for a student who commits an act of bullying or retaliates

30 against students or school personnel who report incidents of bullying and notification of parents
31 or guardians of these incidents in a prompt manner.

32 (d) Nothing in this section shall supersede or replace existing rights and remedies under federal
33 law or laws of this commonwealth.

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

36 (f) Nothing in this section shall prevent remediation for any harassment under legally protected
37 categories under state and federal law.

38 Section 37P.

39 (a) The board of education shall approve a list of bullying prevention resources consistent with
40 section 37O that shall be made available for use by school districts. These resources may
41 include: print, audio, video, or digital media; subscription-based online services; and on-site or
42 technology-enabled professional development and training sessions.

43 (b) No school district shall be required to implement a bullying prevention plan as described in
44 section 37O unless the funds to pay for bullying prevention resources approved by the board of
45 education under subsection (a) are provided by the state.

46 SECTION 2. The department of education shall establish rules and regulations defining district
47 reporting requirements for incidents of bullying. In the development of these rules and
48 regulations, the department shall consider how these reporting requirements may be incorporated
49 into existing district disciplinary reporting requirements.