

1 **Chapter 92 of the Acts of 2010**
2 **An Act Relative to Bullying in Schools¹**

3
4 **(Signed by Governor Patrick on May 3, 2010)**

5
6 **Chapter 92 of the Acts of 2010 was Effective Immediately and Includes the**
7 **Following New Obligations for School Districts**

- 8
- 9 • **Policy.** Have a policy that prohibits bullying as defined by section 370
10 and that includes the student-related sections of the Bullying Prevention
11 and Intervention Plan. (s. 3)
- 12
- 13 • **Handbooks.** Amend student handbooks to include an age-appropriate
14 summary of the student-related sections of the Bullying Prevention and
15 Intervention Plan. (s. 4)
- 16
- 17 • **Curriculum.** Provide age-appropriate instruction on bullying prevention in
18 each grade that is incorporated into the curriculum of the school district or
19 school. The curriculum must be evidence-based. (s. 5(c)) The Bullying
20 Prevention and Intervention Plan must include provisions for informing
21 parents/guardians about the bullying prevention curriculum of the school
22 district or school and must include, but not be limited to, (i) how
23 parents/guardians can reinforce the curriculum at home and support the
24 school district or school plan, (ii) the dynamics of bullying, and (iii) online
25 safety and cyber-bullying. (s. 5(d))
- 26
- 27 • **Annual Written Notice to Students/Parents/Guardians.** Provide
28 annual written notice of the relevant student-related sections of the
29 Bullying Prevention and Intervention Plan to students and
30 parents/guardians in age-appropriate terms and in languages most
31 prevalent among students and parents/guardians (s. 5(e)(1))
- 32
- 33 • **Annual Written Notice to School Staff.** Provide all school staff with
34 annual written notice of the Bullying Prevention and Intervention Plan. (s.
35 5(e)(2))
- 36
- 37 • **Annual Faculty/Staff Training.** Faculty and staff at each school must be
38 trained annually on the Bullying Prevention and Intervention Plan
39 applicable to the school. (s. 5(e)(2))

¹ This **School Law Note** was prepared by Atty Nancy Nevils of Stoneman Chandler & Miller LLP. It is intended to be used for informational and educational purposes. It is not a legal opinion. If you need legal assistance you should contact your school counsel or an attorney at Stoneman, Chandler & Miller LLP (617-542-6789).

- 1 • **Employee Handbook.** Relevant sections of the Bullying Prevention and
2 Intervention Plan relating to the duties of faculty and staff must be
3 included in a school district or school employee handbook. (s. 5(e)(2))
4
- 5 • **Posting on School Website.** Bullying Prevention and Intervention Plan
6 must be posted on the school district's website. (s. 5 (e)(3))
7
8
- 9 • **Policy Re: Internet Safety Measures.** Every public school providing
10 computer access to students must have a policy regarding internet safety
11 measures to protect students from inappropriate subject matter and
12 materials and must notify the parents/guardians of all students attending
13 the school of the policy. (s. 6)
14
- 15 • **Students with Special Education Needs.** Ensure that whenever the
16 evaluation of the IEP Team indicates that a child has a disability that
17 affects social skills development or that the child is vulnerable to bullying,
18 harassment, or teasing because of the child's disability, the IEP must
19 address the skills and proficiencies needed to avoid and respond to
20 bullying, harassment or teasing. (s. 7, 8)
21

22 **At the start of the 2010-2011 School Year:**
23

- 24 • **Ongoing Professional Development.** School districts must establish
25 and have in place the professional development provisions of the bullying
26 law which requires that professional development be provided to all staff
27 members, including, but not limited to, educators, administrators, school
28 nurses, cafeteria workers, custodians, bus drivers, athletic coaches,
29 advisors to extracurricular activities and paraprofessionals and must
30 include, but not be limited to: (i) developmentally appropriate strategies to
31 prevent bullying incidents; (ii) developmentally appropriate strategies for
32 immediate, effective interventions to stop bullying incidents; (iii)
33 information regarding complex interaction and power differential that can
34 take place between and among a perpetrator, victim and witnesses to the
35 bullying; (iv) research findings on bullying, including information about
36 specific categories of students who have been shown to be particularly at
37 risk for bullying in the school environment; (v) information on the incidence
38 and nature of cyber-bullying; and (vi) internet safety issues as they relate
39 to cyber-bullying. (s. 5(d); s. 15) Faculty and staff at each school must be
40 trained annually on the Bullying Prevention and Intervention Plan
41 applicable to the school. (s. 5(e)(2))
42
43

On or before December 31, 2010:

- **Bullying Prevention and Intervention Plan.** School districts must develop a Bullying Prevention and Intervention Plan that must be filed with DESE on or before December 31, 2010. The Plan must be developed in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians. Consultation shall include, but not be limited to, notice and a public comment period. **Section 5(d) of the statute details the mandatory components of the Plan.** The Plan must be updated at least biennially. (s. 5(d); s. 15)

Obligations Imposed on DESE without Deadlines

- DESE, in after consultation with DPH, DMH, AG, District Attorneys Association and experts on bullying, shall publish a model Bullying Prevention and Intervention Plan and compile a list of bullying prevention and intervention resources, evidence-based curricula, best practices and academic-based research that must be made available to schools. DESE must update both the model plan and list biennially. (s. 5(j))
- DESE must periodically review school districts to determine whether the districts are in compliance with this bullying statute. (s. 13)

Deadlines Imposed on DESE**No later than August 31, 2010:**

- DESE must submit report detailing cost-effective ways to implement the professional development requirements and that includes a no-cost option to schools, explores the option for a “train-the-trainer” model with demonstrated success and an option for online professional development, and any other potentially cost-effective options; the report must also include a cost estimate for the professional development. (s. 14)

On or before September 30, 2010:

- DESE shall promulgate rules and regulations on the requirements related to the principal’s duties to notify parents/guardians of the victim and perpetrator; to notify parents/guardians of the victim of action taken to prevent recurrence of bullying or retaliation; and procedures for notifying law enforcement when criminal charges may be pursued. (s.5(d); 17)

On or before June 30, 2011:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

- DESE shall publish guidelines for implementation of social and emotional learning curricula for k-12, which must be updated biennially. “Social and emotional learning” is defined as “the processes by which children acquire the knowledge, attitudes and skills necessary to recognize and manage their emotions, demonstrate caring and concern for others, establish positive relationships, make responsible decisions and constructively handle challenging social situations.” (s. 16)

Deadlines Imposed on the Special Commission:

On or before June 30, 2011:

- Special Commission (made up of 7 members: representatives from the Attorney General’s Office; District Attorney’s Association; Chiefs of Police Association; Sheriff’s Association; Association of School Committees; Association of School Superintendents; Association of Independent Schools in New England) shall report to the legislature regarding its study, investigation, and any recommendations related to the legislation. (s. 18)

For a complete copy of this new law see:

<http://www.mass.gov/legis/laws/seslaw10/sl100092.htm>

<<<<<<<<<< Last printed 06/16/2010 10:03 >>>>>>>>>