



Bullying Prevention and Intervention Law

Massachusetts Association of School Committee, Inc.

Joint Meeting –Divisions I & 2

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Department of Elementary and Secondary Education

October 20, 2010

Highlights

- Effective May 3, 2010
- New G.L. c. 71, section 37O
- Applicable to:
 - School districts, charter schools, approved private day or residential special education schools, collaborative schools
 - Non-public schools* (*certain provisions not applicable)
 - professional development plan
 - student prevention curriculum
 - file the plan with ESE
 - an internet policy



Highlights



- Bullying and retaliation prohibited
- Reporting by school staff mandated
- Filing of bullying prevention and intervention plans by December 31, 2010
- **ESE Model Plan***
- **Regulations on notification to parents and law enforcement by September 30, 2010****
- State special education law amended

Bullying Prevention and Intervention Plans

- Major focus of legislation
- All covered entities must develop a plan
 - Local community input; notice and public comment period*
 - Consistent with ESE behavioral health framework
- Components
 - Prohibition statement, reporting and responding procedures, on-going professional development in **statutorily prescribed content areas**, notice to parents about bullying prevention curriculum, notice to parents when bullying has occurred, and, when appropriate under the statute, to law enforcement, etc.

ESE Model Plan



- Developed in consultation with other state agencies, school representatives, and advocacy organizations that is modeled on the Behavioral Health and Public Schools Task Force Framework
 - a blueprint for ways to create a whole school approach to safe school climates for ALL students with a focus on leadership, professional development, access to resources and services, academic and non-academic approaches, policies and procedures for reporting and responding to bullying, and collaboration with families

Model Plan Elements

I. LEADERSHIP

II. TRAINING AND PROFESSIONAL DEVELOPMENT

III. ACCESS TO RESOURCES AND SERVICES

IV. ACADEMIC AND NON-ACADEMIC ACTIVITIES

**V. POLICIES AND PROCEDURES FOR REPORTING
AND RESPONDING TO**

VI. BULLYING AND RETALIATION

VII. COLLABORATION WITH FAMILIES

**VIII. PROHIBITION AGAINST BULLYING AND
RETALIATION**



Required Professional Development

- developmentally (or age-) appropriate strategies to prevent bullying;
- developmentally (or age-) appropriate strategies for immediate, effective interventions to stop bullying incidents;
- information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying;
- research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment;
- information on the incidence and nature of cyberbullying; and
- Internet safety issues as they relate to cyberbullying.

Reporting, Investigation and Notification

- Mandatory reporting by all school staff
- Investigation
- **Notification to parents that bullying has occurred (603 CMR 49.00)**
- **Notification to law enforcement if criminal charges may be pursued (603 CMR 49.00)**
- Must be addressed in local plan



Other Notification

- Annual written notice to students and parents of the relevant student-related sections of the plan. Include in student handbook.
- Annual written notice to staff and annual training on the plan applicable to the school. Faculty and staff duty-related sections included in employee handbook.
- Post plan on web-site.

Bullying and Retaliation

- Bullying is the repeated use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:
 - i. causes physical or emotional harm to the target or damage to the target's property;
 - ii. places the target in reasonable fear of harm to himself or of damage to his property; (con't)
 - iii. creates a hostile environment at school for the victim;
 - iv. infringes on the rights of the victim at school; or
 - v. materially and substantially disrupts the education process or the orderly operation of a school.
 - i. Includes "cyberbullying"

COLLABORATION WITH FAMILIES

- District or school Plan to must include provisions for informing parents or guardians about the bullying prevention and intervention curricula used by the school district or school including:
 1. how parents and guardians can reinforce the curricula at home and support the school or district plan;
 2. the dynamics of bullying; and
 3. online safety and cyberbullying.
- Parents and guardians must also be notified in writing each year about the student-related sections of the Bullying Prevention and Intervention Plan, in the language (s) most prevalent among the parents or guardians.
- School- or district-specific approaches to collaboration should take into account age, climate, socio-economic factors, linguistic, and cultural make-up of students and the parents.
- Resources for families and communication with them are essential aspects of effective collaboration.

Where prohibited

- On school grounds, adjacent property, school-sponsored or – related activity (includes school vehicles or through the use of school technology or equipment)
- Non-school related locations or activities if:
 - (i) creates a hostile environment for target at school;
 - (ii) infringes on target’s rights at school; or
 - (iii) materially and substantially disrupts the education process or operation of the school

Other Highlights

- Guidelines for social and emotional curriculum to be developed by ESE by June 30, 2011.
- **Amendment to criminal statutes to provide for prosecution of bullying that takes place through technology (telephonic, telecommunication or electronic devices) .**
 - **Stalking: G.L. c 265, section 43**
 - **Harassment: G.L. c. 265, section 43A**
 - **Intimidation of witnesses: G.L. 268, section 13B(3)**
 - **Annoying telephone calls: G.L. c. 269, section 14A**

REGULATIONS ON BULLYING PREVENTION LAW

Approved by

Board of Elementary and Secondary Education

September 21, 2010

**Notification to Parents and Law Enforcement
of Bullying or Retaliation; Confidentiality of
Student Records**



49.02: Scope and Purpose

- 603 CMR 49.00 governs:
- the requirements **related to the duty of the principal or leader**
 - **notify the parents or guardians of a target and an aggressor when there is an incident** of bullying or retaliation, and
 - **to notify the local law enforcement agency when criminal charges may be pursued** against the aggressor.
- **The regulations also address confidentiality** of student record information

49.03 Definition and Terms

- Aggressor
- Approved private day or residential school
- Bullying
- Charter school,
- Collaborative school,
- Cyberbullying
- Hostile environment,
- Local law enforcement agency
- Local plan
- Parent
- Principal
- Retaliation
- School
- School district
- School record
- School Target

REGULATIONS ON BULLYING PREVENTION LAW

(cont)

- **49.04: Bullying and Retaliation Prohibited**
- **49.05: Notice to Parents**
 - Upon investigation and determination that bullying or retaliation has occurred, the principal shall promptly notify the parents of the target and the aggressor of the determination and the school district or school's procedures for responding to the bullying or retaliation.
- **49.06: Notice to Law Enforcement Agency**
 - Before the first day of each school year, the superintendent or designee shall communicate with the chief of police or designee of the local police department
 - At any point after receipt of a report of bullying or retaliation, including after an investigation, the principal shall notify the local law enforcement agency if the principal has a reasonable basis to believe that criminal charges may be pursued against the aggressor.

REGULATIONS ON BULLYING PREVENTION LAW (cont)

- **49.07: Confidentiality of Records**
 - A principal may not disclose information from a student record of a target or aggressor to a parent unless the information is about the parent's own child.
 - A principal may disclose a determination of bullying or retaliation to a local law enforcement agency under 603 CMR 49.06 without consent
 - A principal may disclose student record information about a target or aggressor to appropriate parties in addition to law enforcement in connection with a health or safety emergency

Bullying Prevention and Intervention Resources

<http://www.doe.mass.edu/ssce/bullying/>

Model Bullying Prevention and Intervention Plan

<http://www.doe.mass.edu/ssce/bullying/ModelPlan.doc>

Regulations on Bullying Prevention Law

<http://www.doe.mass.edu/lawsregs/proposed/p603cmr49.doc>