



MASSACHUSETTS' SAFE AND SUPPORTIVE SCHOOLS AND SCHOOL BULLYING PREVENTION PROGRAMS

By: John D. Moran, Principal Analyst

BULLYING IN MASSACHUSETTS

"Bullying" [is] the repeated use by one or more students or by a member of a school staff including . . . of a written, verbal or electronic expression, or a physical act or gesture. . . directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (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. [Bullying] includes cyberbullying ([M.G.L. Chap.71 § 370](#)).

ISSUE

Summarize Massachusetts' bullying prevention and safe and supportive schools laws.

SUMMARY

Massachusetts has two laws intended to promote positive learning environments in public schools. One, the anti-bullying law, places mandates on school districts and the state, and the other creates an optional program for safe and supportive school initiatives at the school district level. This report summarizes the two laws and the related programs.

The anti-bullying law was enacted in 2010, with additional requirements added in 2014. The safe and supportive schools grant program was created in 2014 and is separate from the anti-bullying law. The grant program's goal, to

enhance efforts to improve the school climate for learning, is broader than anti-bullying. It seeks to create a supportive school district atmosphere that not only discourages bullying, but enables students to do their best socially, emotionally, and academically. This includes children who experience trauma or other adverse experiences in their life outside of school.



BULLYING PREVENTION AND INTERVENTION LAW

Massachusetts' bullying prevention and intervention law requires each public school district, charter school, approved private day and residential school, and cooperative school ("school districts") to, among other things, do the following:

- craft, implement, and adhere to a bullying prevention and intervention plan, which must be updated at least biennially (see below for more on the plan);
- provide age-appropriate bullying prevention instruction in each grade;
- provide annual staff training and professional development to educators, administrators, and all other staff (including coaches, custodians, and bus drivers); and
- provide annual notice to the school community (staff, students, and parents) of the school district's policy for reporting alleged bullying and a description of the reporting procedures ([M.G.L. Chap.71 § 370](#)).

Under the law, each school principal, or person in an equivalent position, is responsible for implementing and overseeing the school's bullying prevention plan.

The law also prohibits (1) cyberbullying, defined as bullying through the use of technology or any electronic communication, including email or internet communications, and (2) retaliation against a person who reports bullying or provides information to a bullying investigation.

State Requirements

The law requires the state Elementary and Secondary Education Department (ESED) to do the following, among other things:

1. publish a model plan, which must be updated at least biennially, for school districts and schools to consider when creating their plans;
2. 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; and
3. analyze the bullying incident data provided by school districts (see 2014 changes in the law) and publish an annual report containing aggregate statewide information on the frequency and nature of bullying in schools.

School District Plan Requirements

The law requires school districts to adopt bullying prevention plans that include, among other things, the following:

1. statements prohibiting bullying, cyberbullying, and retaliation;
2. procedures for students, staff, parents, guardians and others to report bullying or retaliation (including making anonymous complaints);
3. procedures for collecting, maintaining, and reporting bullying incident data required under the law;
4. procedures for promptly responding to and investigating reports of bullying or retaliation;
5. procedures for restoring a sense of safety to the victim;
6. procedures for notifying parents or guardians, in accordance with federal and state privacy laws; and
7. descriptions for disciplinary actions, methods for safeguarding bullying victims and those who cooperate with investigations, and counseling or referral to appropriate services for perpetrators and victims.

Complaints and Investigations

Under the law, educators, administrators, school nurses, paraprofessionals, coaches, bus drivers, and all other school staff must immediately report an instance of bullying or retaliation that they witness or become aware of. The report must be to the school principal or the principal's designee.

The principal or designee must investigate promptly all reports of bullying. If the investigation determines that bullying has occurred, then the principal or designee must take appropriate disciplinary action. The parents or guardians of the target and of the aggressor must be notified promptly of the results and what action will be taken. All notices to parents must comply with state and federal student privacy laws and regulations. (This may mean the parents of the target will not be informed of the discipline imposed on the aggressor unless it involves an order to stay away from the target.) If there is reason to believe criminal charges could be pursued, then the principal or designee must contact law enforcement.

ESED's model policy indicates that for the investigation, the principal or designee must interview students, staff, and parents as necessary and consider any other available information. Based on the facts, the principal or designee must make a determination as to whether bullying occurred. If bullying is substantiated, in

addition to the steps required in the law mentioned above, he or she must take steps to prevent a recurrence and to ensure the target is not restricted from participating in school in any way. The principal or designee must also consider if the school environment should be changed in order to help the target student feel safe.

2014 Changes to Law

In 2014 ([Chapter 86](#) of the Acts of 2014) the legislature expanded the law's requirements by requiring each school district to change its prevention and intervention plan, if necessary, to recognize that certain categories of students may be more vulnerable to bullying based on actual or perceived differentiating characteristics. The actual and perceived characteristics include race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, disability (mental or physical), or by a student's association with a person perceived to have one of these characteristics. The plans must include specific steps school officials will take to support these vulnerable students.

The 2014 changes also require school officials to notify the parents of bullied students of the availability of the state's problem resolution process and assist the parents in the process. Schools and districts must additionally provide specific reporting on alleged bullying incidents, substantiated incidents, the number of students disciplined for bullying, and other information ESED requires. Furthermore, they must conduct student surveys, at least once every four years, to assess school climate and the prevalence, nature, and severity of bullying in schools and report the results to the state.

ESED issued a new model bullying prevention and intervention plan that highlights the changes necessary to conform with the 2014 changes.

SAFE AND SUPPORTIVE SCHOOLS LAW

In 2014, the Massachusetts legislature passed and the governor signed the safe and supportive schools law as part of a larger public act that addressed gun violence. The law requires ESED to develop a framework for safe and supportive schools to help school districts create a learning environment in which all students can flourish. However, school districts are not required to adopt the safe and supportive schools framework.

The law also establishes a competitive Safe and Supportive Schools Grant Program to award small grants to assist districts with developing and implementing safe and supportive schools action plans. The new law also creates a commission to monitor the progress of this effort and develop recommendations on how to improve and expand the safe and supportive schools concept in the state.

Defining "Safe and Supportive Schools"

The law defines safe and supportive schools as:

schools that foster a safe, positive, healthy and inclusive whole-school learning environment that: (i) enables students to develop positive relationships with adults and peers, regulate their emotions and behavior, achieve academic and non-academic success in school, and maintain physical and psychological health and well-being; and (ii) integrates services and aligns initiatives that promote students' behavioral health (including social and emotional learning), bullying prevention, trauma sensitivity, dropout prevention, truancy reduction, children's mental health, foster care and homeless youth education, inclusion of students with disabilities, positive behavioral approaches that reduce suspensions and expulsions, and other similar initiatives ([M.G.L. 69 § 1P](#)).

School District Level Process

The law allows a city, town, or school district upon a vote by the school committee, to develop an action plan to implement the safe and supportive schools framework. The plan must be developed by the school principal in consultation with the school council (an advisory body that includes parents and the principal) and be incorporated into the school improvement plan that the school must produce annually.

ESED must create a safe and supportive schools framework and a self-assessment tool, which must be consistent with the recommendations of the Behavioral Health and Public School Task Force (which issued its final report in 2011). In preparing the action plan, the school must use ESED's self-assessment tool, which assesses the school's capacity to create and sustain safe and supportive school environments for all students and identifies areas where additional school-based action, efforts, guidance, and support are needed to create and maintain such school environments. The plan must include steps and initiatives for addressing any areas the assessment found to be lacking. The plan must also include outcome goals for evaluating the effectiveness of the strategies and initiatives.

State Assistance

For any district that chooses to participate in the program, ESED must provide technical assistance in developing the action plan, using the self-assessment tool, and other steps.

The law also requires ESED to establish a [competitive grant program](#) for districts participating in the safe and supportive schools program. Grantees must help pilot the new program and share their plan development process with other schools. In 2015, ESED offered grants of up to \$10,000 per selected school.

The law also requires ESED to host regional trainings for schools and districts; post information on its [website](#) (including the framework, assessment tool, and best practices for implementing the framework); and provide administrative support to the safe and supportive schools commission, which the act also creates.

Safe and Supportive Schools Commission

The law establishes an 18-member [commission](#) to collaborate with and advise ESED on the feasibility of state-wide implementation of the safe and supportive schools framework. The commission is charged with a number of duties, including (1) recommending how to improve and refine the framework, (2) recommending model approaches for integrating school action plans, and (3) identifying federal funding sources that can be leveraged to support statewide implementation.

The commission's first annual report, issued in December 2015, made numerous recommendations including (1) increasing state support for the grant program; (2) providing ESED with greater capacity to help school districts; and (3) conducting a statewide public educational campaign to elevate the importance of safe and supportive schools in the public's eye.

JM:bs