

EXECUTIVE SUMMARY

On May 3, 2010, Governor Patrick signed into law Chapter 92 of the Acts of 2010, An Act Relative to Bullying in Schools (“The Act”). This legislation created a comprehensive, school-based approach to address the problem of bullying and cyber-bullying. To this end, the Act created a new section of the General Laws, G.L. c. 71, § 37O, that requires school districts, charter schools and certain private schools to develop bullying prevention and intervention plans containing specific requirements for curricula, training, investigation, reporting and discipline. The Act also updated several criminal statutes to account for advances in technology and to provide law enforcement with better tools to address bullying that may include criminal conduct.

In addition to these statutory additions and updates, the Act created a special Commission to “review the General Laws to determine if they need to be amended in order to address bullying and cyber-bullying,” and to “investigate parental responsibility and liability for bullying and cyber-bullying.” This Commission comprises seven members, selected from a prescribed list of organizations named in the law, with Attorney General Martha Coakley serving as chair. The additional Commission members are: Norfolk County Sheriff Michael Bellotti, Massachusetts Sheriffs’ Association; Berkshire County District Attorney David Capeless, Massachusetts District Attorneys Association; Steve Clem, Executive Director, Association of Independent Schools in New England; Michael Long, General Counsel, Massachusetts Association of School Superintendents; Chief Mary Lyons, Mattapoissett Police Department, Massachusetts Chiefs of Police Association; and Laura Salomons, Sharon School Committee, Massachusetts Association of School Committees. The statute also required the Commission to report its findings to the legislature by June 30, 2011.

The Commission began its work in June 2010 and met seven times over the past year. These meetings included two public hearings held in Boston and Springfield to collect input and testimony from the public. The Commission also invited members of the public to submit written testimony. In addition to convening public meetings and hearings and soliciting testimony, the Commission conducted a thorough review of existing criminal and civil Massachusetts General Laws that may be applied to address bullying and cyber-bullying. As a result of its work, the Commission has identified and provides to the General Court through this report the following seven recommendations to improve bullying prevention efforts in the Commonwealth.

1. The Legislature Should Establish A Mechanism For Annually Reporting Data Regarding Bullying To The Department Of Elementary And Secondary Education
2. The Legislature Should Require That Schools Make Explicit In School Anti-Bullying Plans That Certain Enumerated Categories Of Students Are Particularly Vulnerable To Bullying And Harassment
3. The Department Of Elementary And Secondary Education Should Continue To Emphasize and Publicize The Department's Problem Resolution System
4. The Legislature Should Consider Additional Funding Sources for Training Initiatives And For the Work of the Department Of Elementary And Secondary Education
5. Schools And School Districts Must Work To Foster Parental Involvement To Stop Bullying and Resolve Incidents of Bullying
6. No New or Additional Criminal Laws Are Necessary At This Time
7. The Legislature May Wish To Extend The Term Of This Commission For Two Years

It has been just over a year since the Legislature enacted the bullying prevention law, and schools are still in the first months of implementation. The Commission commends the efforts of the Legislature in crafting this statute and also commends the Department of Elementary and Secondary Education ("DESE"), school administrators, and teachers as they work to implement the new law. However, we recognize that there is still work to be done. Many school districts are continuing to refine their bullying prevention plans. The professional development and anti-bullying curricula requirements are still in the early stages of implementation. Continued support at this time is critical to ensuring that the law is successfully implemented in all school districts across the Commonwealth. The Commission hopes that this report will assist with the important mission of ensuring a safe learning environment for all students.