



MEMORANDUM

TO: Steve Clem, Executive Director, AISNE

FROM: Sara Goldsmith Schwartz

DATE: July 22, 2014

RE: New Requirements for Bullying Prevention and Intervention Plans for Massachusetts Independent Schools

On April 24, 2014, Massachusetts Governor Deval Patrick signed into law House Bill No. 3909, “An Act Relative to Bullying in Schools” (the “Act”), effective July 23, 2014. The Act expands the protections afforded to students in schools (including independent schools), and adds a data collection and reporting mechanism for certain schools to assist the Commonwealth in evaluating the effectiveness of anti-bullying efforts.

As a result, we recommend that independent schools review their existing bullying prevention and intervention plans to ensure that they are in compliance with the Act. As detailed below, our general advice with respect to bullying prevention and intervention is that independent schools: (1) review and update their bullying prevention and intervention plans (and anti-bullying policies in student and employee handbooks and on school websites) to bring them into compliance with the bullying prevention law, as amended; and (2) conduct educational sessions for students, faculty and staff regarding these changes and on bullying prevention and intervention in general. In addition, we recommend that schools expand the definitions of “target” and “aggressor” to include school personnel, in order to incorporate last year’s amendments to the anti-bullying law.

We recommend that independent schools attend to the following details when revising their bullying prevention and intervention plans:

- A bullying prevention and intervention plan must recognize that certain students, and those associated with those students, may be more vulnerable to being the target of bullying, based on a broad list of actual or perceived “protected characteristics.” In light of this change, we recommend including the protected characteristics enumerated in the bullying prevention law in each school’s bullying prevention and intervention plan.
- The bullying prevention law (as amended last year) expanded the definition of “perpetrator” and the applicability of a bullying prevention and intervention plan to include school personnel (including an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach and advisor to an extracurricular activity or paraprofessional). If a school’s plan has not already incorporated these changes, we

recommend expanding the scope of the plan to afford protection to school personnel, in addition to students, who may be the target (or perpetrator) of bullying. Further, we recommend that plans now include reporting procedures to local law enforcement agencies when criminal charges may be pursued against a perpetrator.

- The anti-bullying law now requires schools (including private schools) to develop and update the Plan in consultation with several interest groups, including teachers, staff, students, parents, and guardians. For private schools, this consultation process should include a “notice and a comment period” for families with students enrolled at the school. As previously required, the Plan must be updated at least biennially and be posted on school websites.
- As the bullying prevention law requires plans to include specific steps to support vulnerable students, and to provide all students with the skills to prevent or respond to bullying or harassment, we recommend that independent schools include in the Plan, and implement, frequent education programs for students on how to prevent, identify and remedy hazing, harassment and bullying. Schools should also conduct (at least annually) educational programs for all faculty and staff members on bullying prevention and intervention, including their role in reporting incidents.
- We recommend reviewing and updating anti-bullying policies in student and employee handbooks (and on school websites) to incorporate these new mandates, as well as to update the policies to reflect best practices.
- Finally, the bullying prevention law requires certain schools (*i.e.*, public schools, charter schools, approved private day or residential schools, and collaborative schools) to annually report bullying incident data to the Department of Elementary and Secondary Education. Although many independent schools may not be covered by this particular provision, schools are likely to be covered if they are accepting, through an agreement with a school committee, a child requiring special education pursuant to applicable law. Thus, we recommend determining whether a school is covered by this particular requirement, and addressing this requirement, if applicable.