Massachusetts Department of Elementary and Secondary Education

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Commissioner

MEMORANDUM

To: Superintendents, Directors of Charter Schools, Directors of Approved Private Special Education Schools, Directors of Educational Collaboratives, and Headmasters of Non-Public Schools

From: Mitchell D. Chester, Ed.D.
Commissioner of Elementary and Secondary Education

Date: June 4, 2010

Subject: Bullying Prevention and Intervention in Public and Non-Public Schools

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On May 3, 2010, Governor Patrick signed into law comprehensive legislation to address bullying in public and non-public schools. *An Act Relative to Bullying in Schools*, Chapter 92 of the Acts of 2010,[1] requires school leaders to create and implement strategies to prevent bullying, and to address bullying promptly and effectively when it occurs. The law, which took effect immediately upon signing, includes timelines for a number of activities to be undertaken by the Department of Elementary and Secondary Education and schools for the 2010-2011 school year.

The purpose of this memorandum is to summarize the key requirements and timelines in the new law, and to let you know about the resources that the Department is developing in cooperation with other state agencies, school personnel, and experts in the field of bullying prevention and intervention. We are aware that some schools already have policies and strategies for preventing and responding to bullying and harassment that could serve as useful models. We intend to draw from that work, in partnership with you, in carrying out the following activities.

Many of the requirements of this new law are codified in a new statute, M.G.L. c. 71, § 37O. Other provisions amend the state's special education law, M.G.L. c. 71B; the student handbook requirements of M.G.L. c. 71, § 37H; and other state education and criminal laws. For additional information about the activities listed in this memorandum, please consult the statutes referred to below.

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[1] The law, in its entirety, may be found at http://www.mass.gov/legis/laws/seslaw10/sl100092.htm. You may also consult the Massachusetts General Laws for information described in this memorandum.

KEY REQUIREMENTS	TIMELINES
Bullying Prevention and Intervention Plans	
• Each school district, charter school, non-public school, Department-approved private special education school, and collaborative school must create a Bullying Prevention and Intervention Plan (Plan) that prohibits bullying, cyberbullying, and retaliation. The Plan is to include information on reporting, notice to parents and guardians, notice to law enforcement as necessary, and counseling strategies and procedures for creating safety plans for victims. Bullying Prevention and Intervention Plans must be updated every other year. (See M.G.L. c. 71, § 37O, added by Chapter 92 of the Acts of 2010.) When developing the Plan, school districts, charter schools, Department-approved private special education schools, and collaborative schools must give notice and provide for a public comment period. Non-public schools must allow for notice and a comment period for families that have a child attending the school.	School districts, charter schools, Department-approved private special education schools, and collaborative schools must submit their Plans to the Department by December 31, 2010. Non-public schools must develop Plans no later than December 31, 2010. These Plans are not to be submitted to the Department.
• Public schools must amend school handbooks to include an age-appropriate summary of their new Bullying Prevention and Intervention Plan. (See M.G.L. c. 71, §37H, as amended by Chapter 92 of the Acts of 2010.) *The Department is working in cooperation with the Department of Public Health, the Department of Mental Health, the Attorney General, the Massachusetts District Attorneys Association, and experts on bullying, to create a model bullying prevention and intervention plan. (See M.G.L. c. 71, § 37O(j), as added by Chapter 92 of the Acts of 2010.) The Department will post this model plan on its website this summer.* *By September 30, 2010, the Board of Elementary and Secondary Education must adopt regulations to implement the new law's requirements regarding principals' duty to report instances of bullying or retaliation to parents and guardians, and to law enforcement when necessary. Draft regulations will be available for public comment this summer.*	Schools must update 2010-2011 school year handbooks to include this information.

KEY REQUIREMENTS	TIMELINES
Internet Safety • Public schools (including school districts, charter schools, and collaboratives) that provide computer access to students must have an internet safety policy to protect students from inappropriate materials and subject matter. The policy, and standards and rules enforcing it, must be determined by the school committee in cooperation with the superintendent, or by the board of trustees of a charter school. Parents must be notified of the policy and related rules. (See M.G.L. c. 71, § 93, added by Chapter 92 of the Acts of 2010.)	While this section addresses only public schools, the Department strongly recommends that all non-public schools also should have an internet safety plan.
Bullying Prevention Instruction • Each school district, charter school, Department-approved private special education school, and collaborative school is required to provide age-appropriate instruction on bullying prevention for students in each grade that is incorporated into the curriculum of the school or district. The curriculum must be evidence-based, and information about it must be made available to parents and guardians. (See M.G.L. c. 71, § 37O(c), as added by Chapter 92 of the Acts of 2010.) *After consultation with other agencies and experts on bullying prevention and intervention, the Department will post on its website at www.doe.mass.edu/ssce bullying prevention and intervention resources, and throughout the summer will continue to update this information and include evidence-based curricula, best practices, and academic-based research. The Department will also update these tools and resources biennially. (See M.G.L. c. 71, § 37O(j), as added by Chapter 92 of the Acts of 2010.)* *In addition, the Department will publish guidelines for the implementation of social and emotional learning curricula in grades kindergarten through 12, inclusive, by June 30, 2011.*	School districts, charter schools, Department-approved private special education schools, and collaborative schools must provide instruction to students and information to parents/guardians beginning in the 2010-2011 school year.

KEY REQUIREMENTS	TIMELINES
Professional Development • School districts, charter schools, Department-approved private special education schools, and collaborative schools must implement, for all school staff, professional development that includes developmentally appropriate strategies for bullying prevention and intervention, research findings on bullying, and information on cyberbullying and internet safety. (See M.G.L. c. 71, § 37O(d), as added by Chapter 92 of the Acts of 2010.) *The Department will provide schools with information on ways to fulfill the law's professional development requirements, including at least one resource that is available at no cost to schools. By August 31, 2010, the Department will issue a report on cost-effective professional development resources*	School districts, charter schools, Department-approved private special education schools, and collaborative schools must put professional development plans in place for the 2010-2011 school year and initiate training.
Requirements for Students with Disabilities • For students identified with a disability on the autism spectrum, the IEP Team ***must*** consider and specifically address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing. (See M.G.L. c. 71B, § 3, as amended by Chapter 92 of the Acts of 2010.) • Whenever the IEP Team evaluation indicates that a student's disability affects social skills development, or when the student's disability makes him or her vulnerable to bullying, harassment, or teasing, the IEP must address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing. (See M.G.L. c. 71B, § 3, as amended by Chapter 92 of the Acts of 2010.) *Guidance from the Department on implementing the new law for students with disabilities is forthcoming.*	These provisions apply to IEP Teams as of the effective date of the law: May 3, 2010.

The Department looks forward to working with you to implement this important law. For additional information, you may contact the Department's Nutrition, Health, and Safety Programs unit at 781-338-6498 or, for questions related to special education, you may contact the Special Education Planning and Policy Development unit at 781-338-3375.