

CLIENT ALERT: AUGUST 17, 2010

**“BACK TO SCHOOL” REMINDER:
BULLYING PREVENTION & INTERVENTION**

As the start of the new school year approaches, schools should re-familiarize themselves with the provisions of the anti-bullying law, signed into law by Governor Patrick as Chapter 92 of the Acts of 2010, codified at G.L. c. 71, §370 (“Anti-Bullying Law”). The Law amends other state education and criminal statutes, and imposes certain obligations on public schools, charter schools, and private schools. The Anti-Bullying Law prohibits bullying as well as retaliation against those who report bullying in schools, and broadly defines what constitutes bullying.

What Schools Should Know:

The Anti-Bullying Law places several affirmative obligations on schools, including the following:

- **Anti-Bullying Plan** – Develop a bullying prevention and intervention plan (an “Anti-Bully Plan” or the “Plan”), including certain required elements no later than December 31, 2010. In developing the Plan, public schools must consult with their faculty, staff, administration, volunteers, community representatives, local law enforcement agencies, students and parents through a public comment period. The Plan must be updated at least once every two years.
- **Notice of the Anti-Bullying Plan** – Amend student and employee handbooks to include age-appropriate summaries. Post notice of the Plan on the school’s website.
- **Bullying Prevention Instruction** – Incorporate age-appropriate instruction on bullying prevention into the curriculum.
- **Internet Safety** – Develop an internet safety policy, in conjunction with the superintendent of the school or board of trustees as applicable, to protect students from inappropriate materials and subject matter. The policy must be available on the school’s website and notice must be provided to parents.
- **Professional Training** – Develop and provide on-going professional development for faculty, staff, and administrators on anti-bullying.
- **Response Requirements** – Require immediate reporting by school employees, prompt investigations by the school principal, appropriate disciplinary action, notice to parents of the perpetrator and victim, and notice to local law enforcement agencies if it appears that criminal charges may be initiated.

In addition to the above, the Anti-Bullying law also imposes new requirements with respect to students with Individual Education Programs (IEPs), and notice requirements for parents, guardians, students, faculty and staff, and establishes revised standards for confidentiality of student records.

The Anti-Bullying Law supplements the existing notification and reporting obligations imposed on secondary schools pursuant to the state's anti-hazing law.

For the Department of Elementary & Secondary Education's proposed rules governing principals' duties relating to notification as well as confidentiality of student record information related to notification of bullying and retaliation, click here:

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

Comments on the proposed rules are being accepted until August 25, 2010.

Chapter 92 of the Acts of 2010 is located at:

<http://www.mass.gov/legis/laws/seslaw10/sl100092.htm>

Please contact Attorneys Elka Sachs (esachs@kb-law.com) or Paul Holtzman (pholtzman@kb-law.com) with any questions.