



## Massachusetts Transgender Political Coalition

PO Box 301897, Jamaica Plain, MA 02130

[www.masstpc.org](http://www.masstpc.org) [info@masstpc.org](mailto:info@masstpc.org)

617-778-0519

### Massachusetts Public School Anti-Bullying Laws and Transgender/Gender Non-Conforming Youth

On May 3, 2010, Governor Patrick signed *An Act Relative To Bullying In Schools* into law. This bill requires educators to take a strong stance against bullying and harassment in their schools. Here are a few questions you may have about the new law:

#### **Q: What is bullying?**

A: Bullying is the severe or repeated use of written, verbal or electronic communication or physical force intended to cause physical or emotional harm, create an atmosphere of fear and intimidation, infringe on another student's rights, or disrupt the education process.

#### **Q: Does this law only apply to bullying that happens on school grounds?**

A: No. Bullying is prohibited anywhere where it creates a hostile environment at school for the victim, infringes on the rights of the victim at school, or materially and substantially disrupts the education process or the orderly operation of a school, regardless of whether it's on school grounds or not. This includes bullying done online.

#### **Q: What is included in a school's bullying prevention plan?**

A: Every school's bullying prevention plan must:

- include clear procedures for students to report and schools to respond to bullying
- allow students to report bullying anonymously (although an anonymous report cannot be the sole basis for disciplinary action)
- explain the penalties for bullying
- establish clear procedures for restoring a sense of safety to the victim
- instate disciplinary procedures for students who provide false reports of bullying
- include education for parents on what the school is doing to combat bullying, and information on what parents can do to reinforce the school's anti-bullying curriculum at home
- include professional development to build the anti-bullying skills of all staff

#### **Q: Who implements this plan?**

A: The principal is responsible for overseeing implementation of the school's bullying prevention plan. Schoolteachers and staff are required to report all incidents of bullying to the principal, and she or he is required to investigate all incidents of bullying immediately. If bullying is confirmed, the principal must take appropriate disciplinary action, notify the parents and guardians of the bully and the victim, and, if criminal charges can be pursued, notify local law enforcement agencies.

#### **Q: As a parent can I make recommendations about my children's school's bullying prevention plan?**

A: Yes, parents should reach out to their local school district administrators such as principals or superintendents and PTA groups and ask when public comment will be accepted and through



## **Massachusetts Transgender Political Coalition**

PO Box 301897, Jamaica Plain, MA 02130

[www.masstpc.org](http://www.masstpc.org) [info@masstpc.org](mailto:info@masstpc.org)

617-778-0519

this process parents can advocate for specific policies for transgender, gay, lesbian, and bisexual youth.

### **Q: When will my school's plan be finished?**

A: Every school is required to complete their bullying prevention plan by December 30<sup>th</sup>, 2010

### **Q: Where can I find my school's plan?**

A: Finished bullying prevention plans will be included in student handbooks and made available on the internet.

### **Q: Will there be any programs to proactively combat bullying?**

A: Schools are required to provide age-appropriate, evidence-based bullying prevention instruction. By June 30<sup>th</sup>, 2011, the Department of Elementary And Secondary Education (DESE) is required to publish guidelines for the implementation of "social and emotional learning" to help students acquire the knowledge, attitudes, and skills they need to recognize and manage their emotions, demonstrate caring and concern for others, establish positive relationships, make responsible decisions, and handle challenging social situations constructively. DESE will periodically check in with school boards to confirm compliance.

### **Q: What is being done about cyber-bullying?**

A: There will be a 7-member commission on cyber-bullying. Members will include the Attorney General, representatives of the Massachusetts District Attorney's Association, the Massachusetts Chiefs of Police Association, the Massachusetts Association of School Committees, the Massachusetts Association of School Superintendents, and the Massachusetts Association of Secondary School Administrators. The commission will review criminal laws to determine if they need to be amended in order to address bullying and cyber-bullying, and investigate parental responsibility and liability for bullying and cyber-bullying. The commission will consider whether to create specific categories and methods of bullying and specific classes who need tailored anti-bullying policies, and whether to create a mandatory reporting system. This committee will report its findings to the Legislature, and submit draft policies if necessary, by January 1<sup>st</sup>, 2011.

### **Q: Does this law protect transgender students?**

A: Although the bill does not include explicit protections for transgender students, the commission on cyber-bullying is required to consider creating specific categories of students, such as transgender, gay, lesbian, and/or bisexual youth, at who are at a high risk of bullying and need tailored anti-bullying policies, and the education school staff receives should include information about bullying as it relates to categories of students who are at a high risk. Transgender students are clearly a population at risk: GLSEN's 2007 National School Climate Survey reported that 85.1% of transgender students said they had been verbally harassed, 49.5% had been physically harassed and 34.1% had been physically assaulted.



## Massachusetts Transgender Political Coalition

PO Box 301897, Jamaica Plain, MA 02130

[www.masstpc.org](http://www.masstpc.org) [info@masstpc.org](mailto:info@masstpc.org)

617-778-0519

**Q: If I have gone to the school administrators and the superintendent for the school district about bullying and/or discrimination against my transgender child and no action and/or the problem has not been remedied is there anything else I can do?**

A: Yes, a parent/guardian can file a complaint directly to DESE. The Massachusetts Department of Elementary and Secondary Education provides information on the educational opportunities and rights provided for all students in the Commonwealth. Program Quality Assurance Services (PQA) is the unit within the Department that manages the Problem Resolution System.

Program Quality Assurance Services

Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street, Malden, MA 02148-4906

Telephone: (781) 338-3700

TTY: N.E.T. Relay: 1-800-439-2370

FAX: (781) 338-3710

E-mail: [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu)

<http://www.doe.mass.edu/pqa/prs/>