

PRIVATE SCHOOL ALERT

MASSACHUSETTS ENACTS SWEEPING ANTI-BULLYING LAW

On May 3, 2010, Governor Deval Patrick signed into law Chapter 92 of the Acts of 2010 called “An Act Relative to Bullying in Schools” to address immediately bullying occurring at schools, during school-related events, or during non-school events which may create a hostile school environment. The Act expressly applies to all private schools, including all approved private day and residential schools, and is aimed at protecting against bullying and cyber-bullying. The emergency law requires schools to develop a bullying prevention and intervention plan which must include, in addition to other items, the following:

- descriptions and statements prohibiting bullying, cyber-bullying and retaliation
- clear procedures for students, staff and parents to report bullying
- clear procedures for responding and investigating reports of bullying
- disciplinary sanctions
- clear procedures for restoring a sense of safety for a victim
- clear procedures for notifying the parents or guardians of a victim or perpetrator

A school must develop and continuously update the plan in consultation with the community to include, among others, teachers, staff, students, professionals, parents and law enforcement agencies. The plan must be provided annually to students, parents and staff, and posted on the school’s website. The Act also includes mandatory training, notification and reporting procedures, and internet policies. Schools must act promptly. All anti-bullying plans must be in effect by December 31, 2010, but schools should immediately begin work and consult school counsel in crafting appropriate policies and procedures in anticipation of the 2010-2011 school year. Although the Act does not include any specific penalties against schools for non-compliance, the Act demonstrates that all schools will be subject to strict scrutiny regarding bullying and may provide a basis for liability for future incidents.

For more information, contact Peter F. Carr, II at pcarr@eckertseamans.com or 617.342.6857. Mr. Carr is a member of the litigation department of the Boston Office of Eckert Seamans Cherin & Mellott, LLC. Mr. Carr has experience representing private independent schools on legal matters, and he also writes and speaks regularly on legal topics involving private schools.

NOTE: *The information in this advisory is for general, educational purposes. It is not intended to be, and should not be considered, legal advice with respect to any particular situation.*