



**Education and Special Education Client Alert
September 2013**

**MASSACHUSETTS ANTI-BULLYING LAW AMENDED TO
EXTEND PROTECTIONS TO STUDENTS BULLIED BY
SCHOOL STAFF**

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Governor Patrick has signed into law an amendment to the state's anti-bullying law, M.G.L. c. 71, § 37O, which effectively extends the protections of the law to students bullied by school staff. Prior to these amendments, the law's protections were limited to student-on-student bullying.

The following line has been added to two sections of the statute after the word "student" to expand upon the definition of bullying: "-or by a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional."

Subsection (d), addressing the requirement that school districts develop an anti-bullying prevention plan is further amended by inserting the following sentence: "- The plan shall apply to students and members of a school staff including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals."

School districts will be required to update their bullying prevention and intervention plans and district policies as they are related to conduct of school staff in light of this amendment. Schools will also be required to notify students and parents of these changes.

DESE has advised that it will issue a revised model policy reflecting these changes, although there is, as yet, no information as to when.

It remains to be seen what the impact of this change will mean for school districts. The first order of business will be to revise existing policies, provide staff training, and provide notice to the school community.



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This Alert was prepared by Alisia St. Florian, a Partner in the law firm of Murphy, Hesse, Toomey & Lehane, LLP. If you have any questions or concerns with regard to this alert, please contact Attorney St. Florian, the attorney assigned to your account, or your own special education counsel.

Murphy, Hesse, Toomey & Lehane, LLP, is a multi-service law firm with offices in Quincy, Boston, and Springfield, Massachusetts. The firm emphasizes labor & employment law, employee benefits law, municipal law, public sector labor law, education law, special education law, and related litigation.

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