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MEMORANDUM

To: Members of the Board of Elementary and Secondary Education
From: Jeff Wulfson, Acting Commissioner

Date: March 16, 2018
Subject: School Safety Initiatives in Massachusetts

At the February 27, 2018 meeting of the Board of Elementary and Secondary Education (Board), Chair Sagan commented on the tragic shooting at Marjory Stoneman Douglas High School in Parkland, Florida and proposed a discussion on school safety, to take place at our March 27 meeting. Issues of school safety are of course intertwined with school climate generally, including mental health support for students, social-emotional learning, student engagement, and community-based services. The Board has received reports from time to time on the Safe and Supportive Schools Commission and various other initiatives relating to social-emotional learning and behavioral health, and we will continue those discussions at future meetings. This month, however, we will focus on school safety.

School and district leaders address issues of safety most effectively through collaboration with partners in public safety and behavioral health services. Under state law, every school district in Massachusetts must have a school-specific multi-hazard evacuation plan, designed in collaboration with the local police chief and fire chief. Beyond emergency management plans, every school needs to maintain a safe and supportive learning environment, fostering the emotional wellbeing of all students with services that are preventive and enable schools to intervene early to minimize escalation of identified behavioral health symptoms.

This memo provides information about Massachusetts laws relating to school safety and guns on school property, and about trainings and website resources offered by the Department of Elementary and Secondary Education (Department) over the past several years. A panel comprised of school and emergency response personnel with expertise in emergency management planning in schools will present and respond to your questions at the March 27 Board meeting.

Massachusetts Laws on School Safety

Several Massachusetts laws address school safety, including emergency management plans for schools, required evacuation drills, medical emergency response plans, and prohibitions against gun possession on school property. Key laws are summarized below, with the full text provided in the enclosures.

Multi-Hazard Evacuation Plans for Schools: Section 363 of Chapter 159 of the Acts of 2000 requires that superintendents of schools work with local police and fire chiefs to develop a school-specific multi-hazard evacuation plan for each school in the district. The plan must address fire and hazardous storms or disasters, as well as shootings, bomb threats, or terrorist activities. The plan must include a crisis response team, a designated manager of an incident, a communication plan, and protocols for safe and effective evacuations.

Medical Emergency Response Plans: G.L. c. 69, §8A requires schools to create Medical Emergency Response Plans as a component of their multi-hazard evacuation plans. The purpose of the plan is to reduce the incidence of life-threatening emergencies and promote efficient responses to such emergencies.

[An Act Relative to the Reduction of Gun Violence](#), Chapter 284 of the Acts of 2014, amended and added several sections of the Mass. General Laws relating to school safety:

- **Safe and Supportive Schools Framework, Safe and Supportive Schools Commission:** G.L. c. 69, §1P directs the Department to develop a behavioral health/safe and supportive schools framework and self-assessment tool to provide guidance for schools. The framework and tool are posted on the Department's website at <http://bhps321.org/>. G.L. c. 69, §1P also creates the Safe and Supportive Schools Commission to collaborate with the Department on implementation of the framework. Information about the commission, including its annual reports, is posted at <http://www.doe.mass.edu/sfs/safety/?section=commission>.
- **School Resource Officers:** G.L. c. 71, §37P authorizes every chief of police, in consultation with the superintendent, to assign at least one school resource officer to serve the public schools. The law is subject to appropriation.
- **School Plans for Mental Health Needs:** G.L. c. 71, §37Q directs school districts, charter schools, approved day and residential special education schools, and collaborative schools to develop and implement a plan to address students' general mental health needs.
- **Two-way Communication Devices:** G.L. c. 71, §37R requires every public school to have a two-way communication device to be used solely for communicating with local police and fire departments in emergencies. The law is subject to appropriation.
- **No Unauthorized Firearms in Schools or on School Grounds:** G.L. c. 269, §10(j) prohibits anyone other than a law enforcement officer from carrying a firearm, loaded or unloaded, licensed or not, or any other dangerous weapon, in any school building or on school grounds without written authorization of the board or officer in charge of the school.

School Fire Drills: The Massachusetts Comprehensive Fire Safety Code – School Fire Drills, 527 CMR 1.00, s. 20.2.4.2.1 et seq., requires fire departments to conduct fire drills in schools four times a year.

School Bus Safety Instruction: G.L. c. 90, § 7B(15) requires all students transported in a school bus to receive classroom instruction in safe bus riding practices at least three times during the school year, and practice in on-bus emergency evacuation drills at least twice during the school year.

Anti-Bullying Law: G.L. c. 71, § 37O requires all districts and schools in the Commonwealth to create and implement bullying prevention and intervention plans. The plan must include procedures for promptly responding to and investigating reports of bullying (including cyberbullying) or retaliation, and procedures for restoring a target’s sense of safety. Districts and schools must provide age-appropriate instruction on bullying prevention to all students. Resources on bullying prevention and intervention are posted on the Department’s website at <http://www.doe.mass.edu/bullying/>.

For your information, the full text of these laws is attached.

Department Trainings and Resources

In 2014, a Cross-Secretariat Task Force was created under the leadership of the Secretaries from the Executive Offices of Education, Health and Human Services and Public Safety. In July of 2014, the Task Force released the [Massachusetts Task Force Report on Safety and Security](#). In Fiscal Year 2015, the Executive Office of Education awarded nearly \$200,000 to 15 school districts across the Commonwealth through a one-year grant program to enhance school safety and security.

The following are examples of resources and publications posted on the Department’s web pages to assist schools in updating and implementing comprehensive plans for emergency management: the [Readiness for Emergency Management in Schools Technical Assistance Center](#), [National Clearinghouse for Educational Facilities](#), [National Child Traumatic Stress Network](#) and [American Association of School Superintendents](#). Additional information and resources are located on the Department’s [Safe and Supportive Schools Emergency Management Planning](#) website.

Over the past several years, the Department has offered trainings and posted resources to its web pages. Periodically, links to relevant information are also included in weekly updates sent to the field by the Commissioner’s Office, for example recently on [March 2](#) and [March 9](#), 2018.

In September 2014, the Department received the United States Department of Education Grant to States for School Emergency Management. Grant funds supported trainings for school district teams in the Federal Emergency Management Agency (FEMA) two-day course in Emergency Management Planning in Schools. The Massachusetts State Police and a behavioral health specialist from the University of Massachusetts Medical School, along with Department staff, implemented 27 trainings across the Commonwealth for multi-disciplinary teams composed of school, police, fire and emergency response personnel. Approximately 145 district/charter school teams participated. The training team also provided 13 trainings to assist multi-disciplinary teams in developing comprehensive Medical Emergency Response Plans, with 77 districts/charter schools represented. Funding for this initiative ended in March 2017. The

Department continues to provide training, technical assistance and resources upon request, to the degree possible.

Proposed Board resolution

A vigorous public debate is taking place across the country on whether teachers should be permitted, or even encouraged, to carry firearms in schools. At our last meeting, Board member Ed Doherty asked the Board to consider taking a position against the arming of teachers. I have enclosed a draft resolution to that effect, for your consideration at this month's meeting.

Personally, I stand with Ed and with the many other educators who believe that arming teachers is not the right answer. Traditionally, the Board has declined to take positions on public policy decisions that are not directly within its purview. But this may be one of those rare moments where even a symbolic vote is important. Massachusetts leads the nation in so many aspects of elementary and secondary education, and I would be proud to have us play a leadership role on this important issue.

We look forward to the discussion of these important issues with the Board and the panel at the meeting on March 27.

Enclosure: Selected Massachusetts Laws on School Safety
 Draft Resolution

Selected Massachusetts Laws on School Safety

Multi-Hazard Evacuation Plans for Schools: Section 363 of Chapter 159 of the Acts of 2000

SECTION 363 Notwithstanding any general or special law to the contrary, the superintendent of each school district shall, prior to the beginning of the school year, meet with the fire chief and police chief of the city, town or district to formulate a school specific “Multi-hazard evacuation plan” for each school under the superintendent’s supervision. Said multi-hazard evacuation plan shall encompass, but not be limited to, evacuations for fires, hurricanes and other hazardous storms or disasters in which serious bodily injury might occur, shootings and other terrorist activities and bomb threats. Said plan shall be designed for each school building after a review of each building. Said plan shall include, but not be limited to: (1) establishment of a crisis response team; (2) a designation as to who is in charge of said team and designated substitutes; (3) a communication plan; (4) crisis procedures for safe entrance to and exit from the school by students, parents and employees; and (5) policies for enforcing school discipline and maintaining a safe and orderly environment during the crisis. Each district, with the assistance of the local police and fire departments, shall annually review and update as appropriate said plan. At the beginning of each school year, students at each school shall be instructed as the plan that is developed.

Medical Emergency Response Plans: G.L. c. 69, § 8A

Section 8A (a) Each school committee and commonwealth charter school board of trustees shall ensure that every school under its jurisdiction has a written medical emergency response plan to reduce the incidence of life-threatening emergencies and to promote efficient responses to such emergencies. The plan shall be in addition to the multi-hazard evacuation plan required under section 363 of chapter 159 of the acts of 2000. Each plan shall include:

- (1) a method for establishing a rapid communication system linking all parts of the school campus, including outdoor facilities and practice fields, to the emergency medical services system and protocols to clarify when the emergency medical services system and other emergency contact people shall be called;
- (2) a determination of emergency medical service response time to any location on campus;
- (3) a list of relevant contacts and telephone numbers with a protocol indicating when each person shall be called, including names of professionals to help with post-emergency support;
- (4) a method to efficiently direct emergency medical services personnel to any location on campus, including to the location of available rescue equipment;
- (5) safety precautions to prevent injuries in classrooms and on the facilities;
- (6) a method of providing access to training in cardiopulmonary resuscitation and first aid for teachers, athletic coaches, trainers and other school staff, which may include training high school students in cardiopulmonary resuscitation; and
- (7) in the event the school possesses an automated external defibrillator, the location of the device, whether or not its location is either fixed or portable and those personnel who are trained in its use.

Plans shall be developed in consultation with the school principal, school nurse, school athletic director, team physicians, coaches, trainers and local police, fire and emergency personnel, as appropriate. Schools shall practice the response sequence at the beginning of each school year and

periodically throughout the year and evaluate and modify the plan as necessary. School officials shall review the response sequence with local fire and police officials at least 1 time each year and shall conduct periodic walk-throughs of school campuses. Plans shall be submitted once every 3 years to the department of elementary and secondary education, the local police department and the local fire department on or before September 1. Plans shall be updated in the event of new construction or physical changes to the school campus as determined by the local police department.

Included in each initial and subsequent filing of a medical emergency response plan, each school district shall report on the availability of automated external defibrillators in each school within the district, including, the total amount available in each school, the location of each within the school, whether or not the device is in a fixed location or is portable, those personnel or volunteers who are trained in its use, those personnel with access to the device during regular school hours and after and the total estimated amount of automated external defibrillators necessary to ensure campus-wide access during school hours, after-school activities and public events.

(b) The department of elementary and secondary education, in consultation with the department of public health, shall develop a cost-neutral model medical emergency response plan in order to promote best practices. Said model plan shall be made available to school committees and commonwealth charter school boards. In developing the model plan, the department shall refer to research prepared by the American Heart Association, the American Academy of Pediatrics and other relevant organizations that identify the essential components of a medical emergency response plan. The department shall biennially update the model plan and post the plan on its website.

Safe and Supportive Schools Framework, Safe and Supportive Schools Commission: G.L. c. 69, § 1P

Section 1P. (a) As used in this section the term "safe and supportive schools" shall mean schools that foster a safe, positive, healthy and inclusive whole-school learning environment that: (i) enables students to develop positive relationships with adults and peers, regulate their emotions and behavior, achieve academic and non-academic success in school and maintain physical and psychological health and well-being; and (ii) integrates services and aligns initiatives that promote students' behavioral health, including social and emotional learning, bullying prevention, trauma sensitivity, dropout prevention, truancy reduction, children's mental health, foster care and homeless youth education, inclusion of students with disabilities, positive behavioral approaches that reduce suspensions and expulsions and other similar initiatives.

(b) Consistent with the framework recommended by the behavioral health and public schools task force created under section 19 of chapter 321 of the acts of 2008, the department of elementary and secondary education shall develop a safe and supportive schools framework. The framework shall provide guidance and support to schools to assist with the creation of safe and supportive schools that improve education outcomes for students.

(c) Subject to appropriation, any city, town or school district, by vote of its school committee, may implement the safe and supportive schools framework developed under subsection (b) in order to organize, integrate and sustain school and district-wide efforts to create safe and supportive school environments and coordinate and align student support initiatives.

(d) The self-assessment tool created by the department consistent with the recommendations of the behavioral health and public school task force created under said section 19 of said chapter 321 shall be organized according to the elements of the framework established under subsection (b), and shall be used by schools to: (i) assess the school's capacity to create and sustain safe and supportive school environments for all students; (ii) identify areas where additional school-based action, efforts, guidance and support are needed to create and maintain safe and supportive school environments; and (iii) create action plans to address the areas of need identified by the assessment.

The board shall develop procedures for updating, improving or refining the safe and supportive schools framework and the safe and supportive schools self-assessment tool, in consultation with the safe and supportive schools commission established under subsection (g).

(e) Subject to appropriation, any city, town or school district, by vote of its school committee, may develop and implement an action plan to create and maintain the safe and supportive schools framework. The action plan shall be developed by the school principal, in consultation with the school council established under section 59C of chapter 71, and shall be incorporated into the annual school improvement plan required under section 1I; provided, however, that the district superintendent may approve an alternative process and schedule for developing school action plans. Nothing in this section shall be construed as to limit the ability of the school principal to appoint a team to develop the school's action plan; provided, however, that such team shall include a broad representation of the school and local community and the principal shall attempt to include teachers and other school personnel, parents, students and representatives from community-based agencies and providers.

School action plans shall be designed to address the areas of need identified through the use of the self-assessment tool described in subsection (d) and shall include the following: (i) strategies and initiatives for addressing the areas of need identified by the assessment; (ii) a timeline for implementing the strategies and initiatives; (iii) outcome goals and indicators for evaluating the effectiveness of the strategies and initiatives set forth in the plan, which may include attendance and graduation rates, bullying incidences, number of student suspensions, expulsions and office referrals, truancy and tardiness rates, time spent on learning and other measures of school success; and (iv) a process and schedule for reviewing the plan annually and updating it at least once every 3 years. School action plans shall be published on the school district's website.

(f) Subject to appropriation, the department shall facilitate and oversee the implementation of the safe and supportive schools framework in schools that vote to develop and implement the framework. The department shall, subject to appropriation: (i) provide technical assistance to schools on using the self-assessment tool and developing school action plans and to districts on coordinating with community service providers and developing strategies to facilitate the district-wide implementation of the framework; (ii) develop and disseminate model protocols and practices identified in the framework; (iii) establish a safe and supportive schools grant program, through which grantees shall pilot and share with other schools an effective process for developing and implementing school action plans; (iv) update its website to include the framework, the self-assessment tool, best practices and other information related to the implementation of the framework; (v) host regional trainings for schools and districts; and (vi) provide administrative support to the safe and supportive schools commission established under subsection (e). Nothing in this section shall be construed as limiting the ability of the department to contract with individuals, external partners or other entities to support

the functions established under this section; provided, however, that the department shall consider opportunities for education collaboratives or other regional service organizations to coordinate and disseminate training, technical assistance and information to school districts on the implementation of the framework.

(g) There shall be a safe and supportive schools commission to collaborate with and advise the department on the feasibility of state-wide implementation of the framework. The commission shall consist of 19 members: 1 of whom shall be the commissioner of elementary and secondary education or a designee, who shall serve as co-chair; 1 of whom shall be the secretary of education or a designee; 1 of whom shall be a school superintendent appointed by the Massachusetts Association of School Superintendents, Inc.; 1 of whom shall be a school committee member appointed by the Massachusetts Association of School Committees, Inc.; 1 of whom shall be a school principal appointed jointly by the Massachusetts Secondary School Administrators' Association and the Massachusetts Elementary School Principals Association; 1 of whom shall be a teacher appointed jointly by the Massachusetts Teachers Association and the American Federation of Teachers-Massachusetts; 1 of whom shall be a director of special education or a director of student support services appointed by the Massachusetts Administrators for Special Education; 1 of whom shall be an executive director of an education collaborative appointed by the Massachusetts Organization of Education Collaboratives; 1 of whom shall be a school psychologist appointed by The Massachusetts School Psychologists Association, Inc.; 1 of whom shall be a school social worker appointed by the Massachusetts Chapter of the National Association of Social Workers, Inc.; 1 of whom shall be a school adjustment counselor or guidance counselor appointed by the Massachusetts School Counselors Association, Inc.; 1 of whom shall be a school nurse appointed by the Massachusetts School Nurse Organization, Inc.; 1 of whom shall be an advocate with experience in education, behavioral health and the impact of trauma on learning appointed by Massachusetts Advocates for Children, Inc.; 1 of whom shall be a representative of the Parent/Professional Advocacy League, Inc. appointed by the Parent/Professional Advocacy League, Inc.; 1 of whom shall be a student appointed by the department of elementary and secondary education's student advisory council; and 4 members to be appointed by the secretary of education: 1 of whom shall be a former member of the behavioral health and public schools task force who participated in the development and statewide evaluation of the self-assessment tool; 1 of whom shall be a former member of the behavioral health and public schools task force with experience implementing the framework; 1 of whom shall be a representative of Massachusetts recovery high schools with expertise in adolescent substance use disorders; and 1 of whom shall be a representative from a community-based organization that provides services as part of the children's behavioral health initiative and that provides mental health services in schools. The commission shall select a co-chair from among its appointees.

The commission shall: (i) investigate and make recommendations to the board on updating, improving and refining the framework and the self-assessment tool as appropriate; (ii) identify strategies for increasing schools' capacity to carry out the administrative functions identified by the behavioral health and public schools task force; (iii) propose steps for improving schools' access to clinically, culturally and linguistically appropriate services; (iv) identify and recommend evidenced-based training programs and professional development for school staff on addressing students' behavioral health and creating safe and supportive learning environments; (v) identify federal funding sources that can be leveraged to support statewide implementation of the framework; (vi) develop recommendations on best practices for collaboration with families, including families of

children with behavioral health needs; and (vii) examine and recommend model approaches for integrating school action plans, required under subsection (e), with school improvement plans and for using the framework to organize other school and district improvement processes.

The commission may collect and review data and feedback from schools as the schools complete the self-assessment tool and develop school action plans, and may convene stakeholders to facilitate solutions to challenges as such challenges arise during the implementation process. The commission may request from the department such information and assistance as may be necessary to complete its work.

The commission shall consult with and solicit input from various persons and groups, including, but not limited to: (i) the office of the child advocate; (ii) the department of early education and care; (iii) the department of children and families; (iv) the department of mental health; (v) the department of public health; (vi) the department of youth services; (vii) the department of developmental services; and (viii) any other parties or entities the commission deems appropriate.

The commission shall prepare and submit an annual progress report concerning the commission's activities with appropriate recommendations, together with drafts of legislation necessary to carry out such recommendations, if any, not later than December 31. The commission shall meet not fewer than 4 times annually. The commission shall submit such annual report to the governor and the clerks of the senate and the house of representatives, who shall forward the same to the chairs of the joint committee on education, the chairs of the joint committee on mental health and substance abuse, the joint committee on children, families and persons with disabilities, and the house and senate committees on ways and means. The first 3 annual reports shall include recommendations regarding: (i) federal funding sources that may support statewide implementation of the safe and supportive schools framework; (ii) training programs and professional development for school staff on creating safe and supportive learning environments; (iii) improving access to clinically, culturally and linguistically appropriate services; and (iv) addressing the administrative functions necessary to carry out the implementation of the safe and supportive schools framework.

School Resource Officers: G.L. c. 71, § 37P

Section 37P. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Chief of police", the chief of police or the board or officer having control of the police in a city or town.

"School resource officer", a duly sworn municipal police officer with all necessary training, up-to-date certificates or a special officer appointed by the chief of police charged with providing law enforcement and security services to elementary and secondary public schools. For the purpose of this section a school resource officer shall be exempt under subsection (j) of section 10 of chapter 269, while serving in the officer's official capacity.

(b) Every chief of police, in consultation with the superintendent and subject to appropriation, shall assign at least 1 school resource officer to serve the city, town, commonwealth charter school, regional school district or county agricultural school. In the case of a regional school district, commonwealth charter school or county agriculture school, the chief of police of the city or town

where the school is located, in consultation with the superintendent, shall assign the school resource officer, which may be the same officer for all schools in the city or town.

In assigning a school resource officer, the chief of police shall consider candidates that the chief believes would strive to foster an optimal learning environment and educational community; provided further, that the chief of police may give preference to candidates who have received specialized training in child and adolescent development, de-escalation and conflict resolution techniques with children and adolescents, behavioral health disorders in children and adolescents, alternatives to arrest and other juvenile justice diversion strategies and behavioral threat assessment methods. The appointment shall not be based solely on seniority. The performance of school resource officers shall be reviewed annually by the superintendent and the chief of police. The superintendent and the chief of police shall enter into a written memorandum of understanding to clearly define the role and duties of the school resource officer which shall be placed on file in the office of the school superintendent.

(c) Upon written application by a school department of a city or town, in consultation with the chief of police, a regional school district or a county agricultural school, the commissioner of elementary and secondary education may waive the requirements of this section if the commissioner believes a school resource officer would not assist that particular city or town, regional school district or county agricultural school to ensure school safety. The written application shall include: (i) the reasons for the waiver request; (ii) data or evidence supporting the waiver request; and (iii) a description of, and supporting data for, alternative procedures and resources relied upon to ensure safe schools.

(d) The department of elementary and secondary education shall promulgate rules or regulations necessary to carry out this section.

(e) Notwithstanding subsection (b), if the chief of police, in consultation with the superintendent, determines that there are not sufficient resources to assign a school resource officer to serve the city, town, regional school district or county agricultural school, the chief of police shall consult with the department of state police to ensure that a school resource officer is assigned, subject to appropriation; provided, further, that if a state police officer is assigned to a city, town, regional school district or county agricultural school, assignment shall not be based solely on seniority and a candidate shall be considered who would strive to foster an optimal learning environment and educational community; provided, further, that there shall be placed on file in the office of the superintendent and the department of state police a memorandum of understanding clearly defining the roles and duties of the school resource officer.

(f) No public employer shall be liable for injury, loss of property, personal injury or death caused by an act or omission of a public employee while acting in the scope of the public employee's employment and arising out of the implementation of this section. This section shall not be construed as creating or imposing a specific duty of care.

School Plans for Mental Health Needs: G.L. c. 71, § 37Q

Section 37Q. (a) As used in this section the following words shall have the following meanings, unless the context clearly requires otherwise:

"Approved private day or residential school", a school that accepts, through agreement with a school committee, a child requiring special education pursuant to section 10 of chapter 71B.

"Charter school", commonwealth charter schools and Horace Mann charter schools established pursuant to section 89.

"Collaborative school", a school operated by an educational collaborative established pursuant to section 4E of chapter 40.

"Plan", a mental health support plan established pursuant to subsection (b).

"School district", the school department of a city or town, a regional school district or a county agricultural school.

(b) Each school district, charter school, approved private day or residential school and collaborative school shall develop and adhere to a plan to address the general mental health needs of its students, including the students' families, teachers and school administrators. Each plan shall also address the potential need for emergency and acute treatment for students, including the students' families, teachers and school administrators as a result of a tragedy or crisis within the district or school.

Before September 1 of each year, each school district, charter school, approved private day or residential school and collaborative school shall review and update its plan to achieve best practices.

(c) The department of elementary and secondary education shall promulgate rules or regulations necessary to carry out this section.

(d) No public employer shall be liable for injury, loss of property, personal injury or death caused by an act or omission of a public employee while acting in the scope of the public employee's employment and arising out of the implementation of this section. This section shall not be construed as creating or imposing a specific duty of care.

Two-way Communication Devices: G.L. c. 71, §37R

Section 37R. (a) As used in this section the following words shall have the following meanings, unless the context clearly requires otherwise:

"School", a school administered by a school department of a city or town or regional school district, a county agricultural school, a commonwealth charter school or Horace Mann charter school established pursuant to section 89 or an educational collaborative established pursuant to section 4E of chapter 40.

"Two-way communication device", a device capable of transmitting, conveying or routing real-time, 2-way voice communications through radio frequency.

(b) Every school shall, subject to appropriation, possess and have access to a two-way communication device to be used solely for communicating with police and fire departments of the city or town where the school is located during an emergency situation.

(c) No public employer shall be liable for injury, loss of property, personal injury or death caused by an act or omission of a public employee while acting in the scope of the public employee's employment and arising out of the implementation of this section. This section shall not be construed as creating or imposing a specific duty of care.

No Unauthorized Firearms in Schools or on School Grounds: G.L. c. 269, § 10(j)

(j) For the purposes of this paragraph, "firearm" shall mean any pistol, revolver, rifle or smoothbore arm from which a shot, bullet or pellet can be discharged.

Whoever, not being a law enforcement officer and notwithstanding any license obtained by the person pursuant to chapter 140, carries on the person a firearm, loaded or unloaded, or other

dangerous weapon in any building or on the grounds of any elementary or secondary school, college or university without the written authorization of the board or officer in charge of the elementary or secondary school, college or university shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 2 years or both. A law enforcement officer may arrest without a warrant and detain a person found carrying a firearm in violation of this paragraph.

Any officer in charge of an elementary or secondary school, college or university or any faculty member or administrative officer of an elementary or secondary school, college or university that fails to report a violation of this paragraph shall be guilty of a misdemeanor and punished by a fine of not more than \$500.

School Fire Drills: The Massachusetts Comprehensive Fire Safety Code – School Fire Drills, 527 CMR 1.00, s. 20.2.4.2.1 et seq.

20.2.4.2.1 Emergency egress drills shall be conducted in accordance with the applicable provisions of 20.2.4.2. 20.2.4.2.1.1. The responsible school official in charge of the school or the school system, shall formulate a plan for the protection and evacuation of all persons in the event of fire, and shall include alternate means of egress for all persons involved. Such plan shall be presented to and approved by the Head of the Fire Department.

20.2.4.2.1.2 The responsible school official in charge of the school or the school system shall see that each class instructor or supervisor shall receive proper instructions on the fire drill procedures specified for the room or area in which that person carries out their duties before they assume such duties.

20.2.4.2.1.3. Every student in all schools shall be advised of the fire drill procedure or shall take part in a fire drill within three days after entering such school.

20.2.4.2.1.4. The Head of the Fire Department, or person designated by him, shall visit each school at least four times each year for the purpose of conducting fire drills and questioning the teachers and supervisors. These drills shall be conducted without advance warning to the school personnel other than the person in charge of the school at the time.

20.2.4.2.1.5 Records. A record of all fire exit drills shall be kept on the premises and persons in charge of such occupancies shall file written reports at least twice a year with the Head of the Fire Department giving the following information: (1) Time of drill; (2) Date of drill; (3) Weather conditions when occupants were evacuated; (4) Number of occupants evacuated; (5) Total time for evacuation; (6) Other information relevant to the drill.

20.2.4.2.1.6. Evacuation. Fire exit drills shall include the complete evacuation of all persons from the building.

20.2.4.2.1.7. A drill of the multi-hazard evacuation plan, required by the provisions of St. 2000, c. 159, § 363, shall be permitted to be substituted for one of the fire drills required by 20.2.4.2.3.

School Bus Safety Instruction: G.L. c. 90, § 7B (15)

Section 7B (15). All pupils transported in a school bus shall receive classroom instruction in safe riding practices at least three times during the following periods of each school year: the first week of the school year, the period between the months of September and January and the period between the month of January and the end of the school year. During each school year all such pupils shall

participate at least twice in on-bus emergency evacuation drills.

Anti-Bullying Law: G.L. c. 71, § 370

Section 370. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meaning:-

"Approved private day or residential school", a school that accepts, through agreement with a school committee, a child requiring special education pursuant to section 10 of chapter 71B.

"Bullying", the repeated use by one or more students 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 of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyber-bullying.

"Charter school", commonwealth charter schools and Horace Mann charter schools established pursuant to section 89 of chapter 71.

"Cyber-bullying", bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber-bullying shall also include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying.

"Collaborative school", a school operated by an educational collaborative established pursuant to section 4E of chapter 40.

"Department", the department of elementary and secondary education.

"Hostile environment", a situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the student's education.

"Plan", a bullying prevention and intervention plan established pursuant to subsection (d).

"Perpetrator", a student or 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 who engages in bullying or retaliation.

"School district", the school department of a city or town, a regional school district or a county agricultural school.

"School grounds", property on which a school building or facility is located or property that is owned, leased or used by a school district, charter school, non-public school, approved private day or residential school, or collaborative school for a school-sponsored activity, function, program, instruction or training.

"Victim", a student against whom bullying or retaliation has been perpetrated.

(b) Bullying shall be prohibited: (i) on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school and (ii) at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, if the bullying 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. Nothing contained herein shall require schools to staff any non-school related activities, functions, or programs.

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying shall be prohibited.

(c) Each school district, charter school, approved private day or residential school and collaborative school shall provide age-appropriate instruction on bullying prevention in each grade that is incorporated into the curriculum of the school district or school. The curriculum shall be evidence-based.

(d)(1) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall develop, adhere to and update a plan to address bullying prevention and intervention in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians. 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. The consultation shall include, but not be limited to, notice and a public comment period; provided, however, that a non-public school shall only be required to give notice to and provide a comment

period for families that have a child attending the school. The plan shall be updated at least biennially.

(2) Each plan shall include, but not be limited to: (i) descriptions of and statements prohibiting bullying, cyber-bullying and retaliation, including procedures for collecting, maintaining and reporting bullying incident data required under subsection (k); (ii) clear procedures for students, staff, parents, guardians and others to report bullying or retaliation; (iii) a provision that reports of bullying or retaliation may be made anonymously; provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report; (iv) clear procedures for promptly responding to and investigating reports of bullying or retaliation; (v) the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior; (vi) clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection; (vii) strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about an act of bullying; (viii) procedures consistent with state and federal law for promptly notifying the parents or guardians of a victim and a perpetrator; provided, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation; and provided, further, that the procedures shall provide for immediate notification pursuant to regulations promulgated under this subsection by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator; (ix) a provision that a student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action; and (x) a strategy for providing counseling or referral to appropriate services for perpetrators and victims and for appropriate family members of said students. The plan shall afford all students the same protection regardless of their status under the law.

(3) Each plan shall recognize that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have 1 or more of these characteristics. The plan shall include the specific steps that each school district, charter school, non-public school, approved private day or residential school and collaborative school shall take to support vulnerable students and to provide all students with the skills, knowledge and strategies needed to prevent or respond to bullying or harassment. A school district, charter school, non-public school, approved private day or residential school or collaborative school may establish separate discrimination or harassment policies that include additional categories of students. Nothing in this section shall alter the obligations of a school district, charter school, non-public school, approved private day or residential school or collaborative school to remediate any discrimination or harassment based on a person's membership in a legally protected category under local, state or federal law.

(4) The plan for a school district, charter school, approved private day or residential school and collaborative school shall include a provision for ongoing professional development to build the

skills of all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying. The content of such professional development shall include, but not be limited to: (i) developmentally appropriate strategies to prevent bullying incidents; (ii) developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; (iii) information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; (iv) research findings on bullying, including information about students who have been shown to be particularly at risk for bullying in the school environment; (v) information on the incidence and nature of cyber-bullying; and (vi) internet safety issues as they relate to cyber-bullying. The department shall identify and offer information on alternative methods for fulfilling the professional development requirements of this section, at least 1 of these alternative methods shall be available at no cost to school districts, charter schools, approved private day or residential schools and collaborative schools.

(5) The plan shall include provisions for informing parents and guardians about the bullying prevention curriculum of the school district or school and shall include, but not be limited to: (i) how parents and guardians can reinforce the curriculum at home and support the school district or school plan; (ii) the dynamics of bullying; and (iii) online safety and cyber-bullying.

(6) The department shall promulgate rules and regulations on the requirements related to a principal's duties under clause (viii) of the second paragraph of this subsection; provided, however, that school districts, charter schools, approved private day or residential schools and collaborative schools shall be subject to the regulations. A non-public school shall develop procedures for immediate notification by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator.

(e)(1) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall provide to students and parents or guardians, in age-appropriate terms and in the languages which are most prevalent among the students, parents or guardians, annual written notice of the relevant student-related sections of the plan.

(2) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall provide to all school staff annual written notice of the plan. The faculty and staff at each school shall be trained annually on the plan applicable to the school. Relevant sections of the plan relating to the duties of faculty and staff shall be included in a school district or school employee handbook.

(3) The plan shall be posted on the website of each school district, charter school, non-public school, approved private day or residential school and collaborative school.

(f) Each school principal or the person who holds a comparable position shall be responsible for the implementation and oversight of the plan at his school.

(g) 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, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the principal or to the school official identified in the plan as responsible for receiving such reports or both. Upon receipt of such a report, the school principal or a designee shall promptly conduct an investigation. If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall (i) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued against a perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of a perpetrator; (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation; and (v) inform the parents or guardians of the victim about the department's problem resolution system and the process for seeking assistance or filing a claim through the problem resolution system.

(h) If an incident of bullying or retaliation involves students from more than one school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school first informed of the bullying or retaliation shall, consistent with state and federal law, promptly notify the appropriate administrator of the other school district or school so that both may take appropriate action. If an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in a local school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school informed of the bullying or retaliation shall contact law enforcement consistent with the provisions of clause (viii) of the second paragraph of subsection (d).

(i) Nothing in this section shall supersede or replace existing rights or remedies under any other general or special law, nor shall this section create a private right of action.

(j) The department, after consultation with the department of public health, the department of mental health, the attorney general, the Massachusetts District Attorneys Association and experts on bullying shall: (i) publish a model plan for school districts and schools to consider when creating their plans; and (ii) compile a list of bullying prevention and intervention resources, evidence-based curricula, best practices and academic-based research that shall be made available to schools. The model plan shall be consistent with the behavioral health and public schools framework developed by the department in accordance with section 19 of chapter 321 of the acts of 2008. The resources may include, but shall not be limited to, print, audio, video or digital media; subscription based online services; and on-site or technology-enabled professional development and training sessions. The department shall biennially update the model plan and the list of the resources, curricula, best practices and research and shall post them on its website.

(k) Each school district, charter school, approved private day or residential school and collaborative school shall annually report bullying incident data to the department. The data shall include, but not be limited to: (i) the number of reported allegations of bullying or retaliation; (ii) the number and nature of substantiated incidents of bullying or retaliation; (iii) the number of students disciplined for engaging in bullying or retaliation; and (iv) any other information required by the department. Said

incident data shall be reported in the form and manner established by the department, in consultation with the attorney general; provided, that the department shall minimize the costs and resources needed to comply with said reporting requirements; and provided further, that the department may use existing data collection and reporting mechanisms to collect the information from school districts. The department shall analyze the bullying incident data and shall publish an annual report containing aggregate statewide information on the frequency and nature of bullying in schools. The department shall file the annual report with the attorney general and with the clerks of the senate and the house of representatives who shall forward the same to the chairs of the joint committee on education, the joint committee on the judiciary and the house and senate committees on ways and means.

(l) The department shall develop a student survey to assess school climate and the prevalence, nature and severity of bullying in schools. The survey shall be administered by each school district, charter school, approved private day or residential school and collaborative school at least once every 4 years. The survey shall be designed to protect student privacy and allow for anonymous participation by students.

The school official identified in the plan as responsible for receiving reports of bullying or retaliation shall verify the completion of the student surveys. All completed surveys shall be forwarded to the department. The department shall use the survey results to help assess the effectiveness of bullying prevention curricula and instruction developed and administered under subsection (c). The department shall collect and analyze the student survey data in order to: compare the survey results with the bullying incident data reported under subsection (k); identify long-term trends and areas of improvement; and monitor bullying prevention efforts in schools over time. The department shall make its findings available to the school official.

(m) Each school district, charter school, approved private day or residential school or collaborative school may adopt an anti-bullying seal to represent the district or school's commitment to bullying prevention and intervention.

(n) The department may investigate certain alleged incidents of bullying. If, upon completion of investigation by the department, a school district, charter school, approved private day or residential school or collaborative school is found to not have properly implemented its prevention plan as outlined in subsection (d), the department may require that school district, charter school, approved private day or residential school or collaborative school to properly implement the plan or take other actions to address the findings of the investigation.

Board of Elementary and Secondary Education Meeting: March 27, 2018
Agenda Item: Proposed Resolution on Guns in Schools

MOVED: WHEREAS the Massachusetts Board of Elementary and Secondary Education was deeply troubled by the February 14, 2018 shooting at the Marjory Stoneman Douglas High School in Parkland, Florida, that killed 14 students and three adults, and equally troubled by previous school shootings, including the 1999 shooting at Columbine High School in Colorado that killed 12 students and one adult, and the 2012 shooting at Sandy Hook Elementary School in Connecticut that killed 20 students and six adults; and

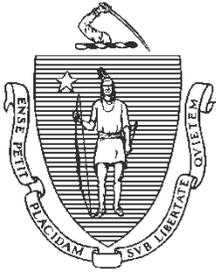
WHEREAS there is no evidence-based research showing that arming teachers would reduce casualties in mass shootings; and

WHEREAS allowing guns in schools would increase the risk of accidental shootings of students and other bystanders; and

WHEREAS teachers are first and foremost educators and therefore should be employed solely on the basis of their educational skills and credentials, not their skills as a security officer; and

WHEREAS arming teachers in the classroom would compromise the safe and supportive environment that is essential for learners;

THEREFORE BE IT RESOLVED that the Massachusetts Board of Elementary and Secondary Education believes arming educators will make schools less safe, and the Board opposes any move to do so.



Massachusetts Department of Elementary and Secondary Education

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Jeff Wulfson
Acting Commissioner

MEMORANDUM

To: Members of the Board of Elementary and Secondary Education
From: Jeff Wulfson, Acting Commissioner

A handwritten signature in cursive script that reads "Jeff Wulfson".

Date: March 16, 2018
Subject: English Learner Education Programs – Proposed Regulatory Amendments to 603 CMR 4.00, 7.00, 14.00, 31.00, and 44.00

This month I am presenting to the Board of Elementary and Secondary Education (Board), for initial discussion and a vote to solicit public comment, proposed regulatory amendments designed to improve educational opportunities for English learners (ELs) in Massachusetts public schools. The first section of this memorandum outlines the proposed regulations to implement the Language Opportunity for Our Kids (LOOK) Act, which was signed into law on November 22, 2017.¹ The second section outlines proposed regulations designed to improve the instruction of ELs in career vocational technical programs, and also to update certain provisions of the vocational technical regulations relating to licensure of vocational technical educators so that they align with the corresponding provisions of the educator licensure regulations that the Board adopted in June 2017.

The proposed amendments affect five sets of regulations: 603 CMR 4.00 (Vocational Technical Education), 603 CMR 7.00 (Educator Licensure and Preparation Program Approval), 603 CMR 14.00 (Education of English Learners), 603 CMR 31.00 (Massachusetts Certificate of Mastery), and 603 CMR 44.00 (Educator License Renewal). With the Board's approval, we will solicit public comment on the proposed regulatory amendments, in accordance with the Administrative Procedure Act, and bring them back to the Board for final adoption in June 2018.

I. Implementation of the LOOK Act: Proposed Amendments to 603 CMR 7.00, 14.00, 31.00, and 44.00

As we discussed at our December 2017 meeting, the LOOK Act creates new opportunities for the Board and the Department of Elementary and Secondary Education (Department) to improve the education of ELs.² It provides school districts with flexibility to choose a language acquisition program that best fits the linguistic and educational needs of their ELs, while

¹ The full text of the LOOK Act is available at: <https://malegislature.gov/Laws/SessionLaws/Acts/2017/Chapter138>.

² My December 8, 2017 memo to the Board summarizing the key provisions of the LOOK Act is posted at: <http://www.doe.mass.edu/bese/docs/FY2018/2017-12/item6.html>.