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COMMISSION

Created pursuant to Section 18 of  
Chapter 92 of the Acts of 2010

Commission Meeting  
Wednesday, November 10, 2010  
10:00 am - Noon  
20th floor, 1 Ashburton Place

Minutes

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**Chair:** Martha Coakley, Massachusetts Attorney General

**Note Taker:** Mary Sullivan, Attorney General's Office

**Agenda Setting:** No new issues were added to previously-issued agenda

**Commission Members in Attendance:**

Martha Coakley, Massachusetts Attorney General

David Capeless, Berkshire County District Attorney

Steve Clem, Executive Director, Association of Independent Schools in New England

Michael Long, General Counsel, Massachusetts Association of School Superintendents

Mary Lyons, Police Chief, Mattapoisett, MA Massachusetts Chiefs of Police Association

Laura Salomons, School Committee Member, Sharon, MA, Massachusetts Association of School Committees

**Commission Members not in Attendance:**

Michael Bellotti, Sheriff, Massachusetts Sheriffs' Association

**Others in Attendance:**

Sandra Carter, Appleseed Network

Dianne Curran, Associate General Counsel, Department of Early and Secondary Education (DESE)

Karen Loewy, Gay and Lesbian Advocates and Defenders (GLAD)

Robert Trestan, Anti-Defamation League  
Michael Liberman, Anti-Defamation League  
Geline Williams, Executive Director, Massachusetts District Attorneys' Association  
Elizabeth Rahn, The Lawyers' Committee for Civil Rights under Law  
Cara Pond  
Ann Lambert, American Civil Liberties Union  
Jennie Williamson, Joint Committee on Education  
Corinne Rossael  
Sheila Calkins, Chief of Staff, Massachusetts Attorney General's Office (AGO)  
Maura Healy, Chief, Civil Rights Division (CRD), AGO  
Gabrielle Viator, Assistant Attorney General, CRD, AGO  
Sarah Kuendig, CRD, AGO  
Ed Donnelly, Assistant Attorney General/Policy Advisor, P&G, AGO  
Nora Mann, Chief, Community Information & Education Division (CIED), AGO  
Mary Sullivan, Deputy Director, CIED, AGO

### **Meeting Summary:**

- Welcome and Introductions
- Approval of Minutes of September 16, 2010 meeting
- Presentation by Karen Loewy, Senior Staff attorney from GLAD on considerations of safety and privacy when notifying parents in incidents of bullying when student is bullied and the bullying behavior is possibly related to the student's sexual orientation, gender identity and/or expression or because they are perceived to be lesbian, gay, bisexual, and/or transgender (LGBT). It was noted that LGBT students are disproportionately targeted and also that in some cases students have not self-identified or publicly identified themselves as LGBT (i.e. "come out") to other students and/or their parents and families and the act of parental notification might create a safety issue (up to and including the risk that the student might become suicidal) and/or a violation of the student's right to privacy. Because of these factors, students might be less willing to seek help in cases of bullying because of the parental notification issue. Consensus of discussion was that the needs of students must be carefully balanced with the need to comply with the spirit of the law in these situations.
- Robert Trestan from the Anti-Defamation League (ADL) stated that the ADL has submitted a letter to the Department of Early and Secondary Education (DESE) regarding the regulations which addressed the issue of parental notification and victim safety. The Commission will request to see a copy of this letter to inform their deliberations on their charge re: laws/parental responsibility, etc. Mr. Trestan also remarked that the research from Elizabeth Englander and the Massachusetts Aggression Reduction Center (MARC) shows that students underreport incidents of bullying and that it is vital to change the culture at schools and in communities so that students feel that they will be safe if they report bullying. Also, education should be developmentally appropriate (i.e. measures for an incident involving a 6 year old will differ from those taken with a high school student) - schools, police and parents must balance the law with common sense.

- Reminder that this is a prevention statute and not a punishment statute. Although the law does not specify enumerated categories, it is important that any training be sensitive to issues of diversity, difference, disability, etc.
- Maura Healey and Gabrielle Viator from the Civil Rights Division of the AGO made a brief presentation to the Commission on the Massachusetts Civil Rights Act (MCRA), relative to its use in incidents of bullying and how it can be an additional resource for schools, police, parents to consider.
- Discussion with Dianne Curran Associate General Counsel, DESE, relative to the regulations and provisions of law addressing reports to law enforcement. DESE has received some public comments which are posted on their website. One thought was to use existing modes of communication where reporting structures are already in place (such as Juvenile Justice Roundtables) to support effective implementation at the local level. Consensus of discussion was that there should be an open dialogue between schools and local law enforcement.
- Discussion of public hearing(s) to be held in February (dates, locations TBD) so that Commission may hear public testimony related to its charge: *“the review of the General Laws to determine if they need to be amended in order to address bullying and cyber-bullying and to investigate parental responsibility and liability for bullying and cyber-bullying.”*
- Testimony could be submitted via AGO website and/or in person by persons or organizations with an interest in the issues raised by the charge of the Commissions and who might like to make recommendations. This could include teachers, principals and SROs – people working in the field – as well as advocacy groups representing LGBT concerns and those of students of color, disabled students and other potentially vulnerable populations – as well as policy experts and bullying prevention experts.
- Commission members were asked to assist in building list of potential speakers.
- There being no new business, the meeting was adjourned at 11:55 am.

#### **Next Steps and Person(s) Responsible:**

- Set up mechanism for public testimony via AGO website – Nora Mann
- Establish date(s) and locations for public hearings - Nora Mann

#### **Materials Distributed at the Meeting:**

- Agenda
- Draft minutes from September 16, 2010 meeting
- MCRA brochure
- Americans with Disabilities Act (ADA) brochure
- U.S. Department of Education Dear Colleague Letter and Fast Facts Summary
- Preliminary Statutory Overview Summary
- DESE Regulation 603 CMR 49:00: Notification of Bullying or Retaliation Regulations
- Letter from Michael J. Long, Esq. & Rosann Dipetro, Esq. on behalf of the

Massachusetts Association of School Superintendents regarding Bullying Legislation and Parental Liability, dated 11/9/10.

- New York Times article: “In Efforts to End Bullying, Some see Agenda” by Erik Eckholm dated 11/6/10
- Boston Herald article: Lax attitude leaving kids in the lurch by Margery Eagan, dated 11/10/10.
- Boston Herald article: Hub already fighting off problem, by Joe Dwinell, dated 11/10/10.
- Boston Herald article: Schools sluggish on bullying, by Joe Dwinell, dated 11/10/10.
- Boston Herald article: Hazing rap gets girls kicked out of tourney, by Marie Szaniszlo, dated 11/10/10.