

A Parent's Guide to Addressing Bullying in Schools: Legal Rights and Options

Services

Education Law

- Student Rights and School Policy Disputes

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Bullying in schools remains a significant issue, impacting countless children and families across Massachusetts and beyond. For parents, witnessing a child suffer at the hands of bullies can be heartbreaking and frustrating, particularly when they are unsure of their rights or how to take effective action. At Cohen Cleary, we understand the emotional toll bullying can take on families, and we're here to help you navigate the legal avenues available to protect your child.

Understanding Bullying and the Law in Massachusetts

Massachusetts has some of the strictest anti-bullying laws in the country. The Massachusetts Anti-Bullying Law (M.G.L. c. 71, § 37O) requires all public and private schools to have a comprehensive bullying prevention and intervention plan. These plans must address:

- Prohibition of bullying and retaliation.
- Procedures for reporting and responding to bullying incidents.
- Programs for educating students, staff, and parents on preventing bullying.

Bullying is defined broadly to include physical, verbal, or cyber harassment that causes harm, creates a hostile environment, or infringes on a student's rights at school. Schools are required to investigate all allegations of bullying and take appropriate measures to protect the victim and prevent further incidents.

What Are the Legal Rights of Parents and Students When it Comes to Bullying?

As a parent, you have the right to:

1. **File a Complaint with the School:** Schools are obligated to investigate reported incidents promptly. If they fail to act, you may escalate the matter to the school district or state Department of Education.
2. **Request a Safety Plan:** Schools may be required to implement measures to ensure your child's safety, such as no-contact orders or supervised movement within the school.
3. **Demand Accommodations Under Federal Law:** If bullying affects your child's education, they may be entitled to protections under laws such as the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973.
4. **Seek Legal Recourse:** If the school fails to meet its obligations, you may pursue legal action for negligence or violation of anti-bullying laws.

What Are Your Options for Addressing Bullying?

Parents should act swiftly if they suspect or know that their child is being bullied. Here's how you can respond:

1. **Communicate with the School:** Document all incidents and communicate with teachers, counselors, and administrators in writing. Request updates on any investigations or interventions.
2. **Involve Law Enforcement:** If bullying involves threats, physical harm, or harassment, notify local law enforcement. Criminal charges may apply in severe cases.
3. **Pursue a Civil Claim:** In extreme cases, families may pursue civil claims against the bully's parents or the school for damages resulting from negligence.
4. **Engage with Mental Health Resources:** Bullying can deeply impact a child's mental health. Seeking counseling or therapy can help them cope with the trauma.

What Happens When Schools Fail to Act on Bullying Complaints?

Unfortunately, not all schools comply with their obligations under the law. In cases where schools ignore reports of bullying or fail to protect your child, parents have legal options. These can include filing a complaint with the Massachusetts Department of Elementary and Secondary Education, seeking an injunction against the school, or pursuing damages through a lawsuit.

Get Legal Help Today From a Trusted Massachusetts Education Law Attorney

If your child has been the victim of bullying and you need guidance on how to protect their rights, the [education law attorneys](#) at Cohen Cleary, P.C. are here to help. We have extensive experience in education law and are committed to advocating for children and families.

Call us at [508-880-6677](tel:508-880-6677) to schedule a complimentary case consultation today. Together, we can work to create a safer and healthier school environment for your child.