



Sen. Ira I. Silverstein

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09800SB2870sam002

LRB098 19646 NHT 58069 a

1 AMENDMENT TO SENATE BILL 2870

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2870, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The School Code is amended by changing Section  
6 27-23.7 as follows:

7 (105 ILCS 5/27-23.7)

8 Sec. 27-23.7. Bullying prevention.

9 (a) The General Assembly finds that a safe and civil school  
10 environment is necessary for students to learn and achieve and  
11 that bullying causes physical, psychological, and emotional  
12 harm to students and interferes with students' ability to learn  
13 and participate in school activities. The General Assembly  
14 further finds that bullying has been linked to other forms of  
15 antisocial behavior, such as vandalism, shoplifting, skipping  
16 and dropping out of school, fighting, using drugs and alcohol,

1 sexual harassment, and sexual violence. Because of the negative  
2 outcomes associated with bullying in schools, the General  
3 Assembly finds that school districts and non-public,  
4 non-sectarian elementary and secondary schools should educate  
5 students, parents, and school district or non-public,  
6 non-sectarian elementary or secondary school personnel about  
7 what behaviors constitute prohibited bullying.

8 Bullying on the basis of actual or perceived race, color,  
9 religion, sex, national origin, ancestry, age, marital status,  
10 physical or mental disability, military status, sexual  
11 orientation, gender-related identity or expression,  
12 unfavorable discharge from military service, association with  
13 a person or group with one or more of the aforementioned actual  
14 or perceived characteristics, or any other distinguishing  
15 characteristic is prohibited in all school districts and  
16 non-public, non-sectarian elementary and secondary schools. No  
17 student shall be subjected to bullying:

18 (1) during any school-sponsored education program or  
19 activity;

20 (2) while in school, on school property, on school  
21 buses or other school vehicles, at designated school bus  
22 stops waiting for the school bus, or at school-sponsored or  
23 school-sanctioned events or activities; ~~or~~

24 (3) through the transmission of information from a  
25 school computer, a school computer network, or other  
26 similar electronic school equipment; or.

1           (4) through the transmission of information from a  
2           computer that is accessed at a nonschool-related location,  
3           activity, function, or program or from the use of  
4           technology or an electronic device that is not owned,  
5           leased, or used by a school district or school if the  
6           bullying causes a substantial disruption to the  
7           educational process or orderly operation of a school. This  
8           item (4) applies only in cases in which a school  
9           administrator or teacher receives a report that bullying  
10           through this means has occurred and does not require a  
11           district or school to staff or monitor any  
12           nonschool-related activity, function, or program.

13           (b) In this Section:

14           "Bullying" includes "cyber-bullying" and means any severe  
15           or pervasive physical or verbal act or conduct, including  
16           communications made in writing or electronically, directed  
17           toward a student or students that has or can be reasonably  
18           predicted to have the effect of one or more of the following:

19           (1) placing the student or students in reasonable fear  
20           of harm to the student's or students' person or property;

21           (2) causing a substantially detrimental effect on the  
22           student's or students' physical or mental health;

23           (3) substantially interfering with the student's or  
24           students' academic performance; or

25           (4) substantially interfering with the student's or  
26           students' ability to participate in or benefit from the

1 services, activities, or privileges provided by a school.

2 Bullying, as defined in this subsection (b), may take  
3 various forms, including without limitation one or more of the  
4 following: harassment, threats, intimidation, stalking,  
5 physical violence, sexual harassment, sexual violence, theft,  
6 public humiliation, destruction of property, or retaliation  
7 for asserting or alleging an act of bullying. This list is  
8 meant to be illustrative and non-exhaustive.

9 "Cyber-bullying" means bullying through the use of  
10 technology or any electronic communication, including without  
11 limitation any transfer of signs, signals, writing, images,  
12 sounds, data, or intelligence of any nature transmitted in  
13 whole or in part by a wire, radio, electromagnetic system,  
14 photoelectronic system, or photooptical system, including  
15 without limitation electronic mail, Internet communications,  
16 instant messages, or facsimile communications.

17 "Cyber-bullying" includes the creation of a webpage or weblog  
18 in which the creator assumes the identity of another person or  
19 the knowing impersonation of another person as the author of  
20 posted content or messages if the creation or impersonation  
21 creates any of the effects enumerated in the definition of  
22 bullying in this Section. "Cyber-bullying" also includes the  
23 distribution by electronic means of a communication to more  
24 than one person or the posting of material on an electronic  
25 medium that may be accessed by one or more persons if the  
26 distribution or posting creates any of the effects enumerated

1 in the definition of bullying in this Section.

2 "School personnel" means persons employed by, on contract  
3 with, or who volunteer in a school district or non-public,  
4 non-sectarian elementary or secondary school, including  
5 without limitation school and school district administrators,  
6 teachers, school guidance counselors, school social workers,  
7 school counselors, school psychologists, school nurses,  
8 cafeteria workers, custodians, bus drivers, school resource  
9 officers, and security guards.

10 (c) (Blank).

11 (d) Each school district and non-public, non-sectarian  
12 elementary or secondary school shall create and maintain a  
13 policy on bullying, which policy must be filed with the State  
14 Board of Education. The policy shall include a process to  
15 investigate whether a reported act of bullying is within the  
16 permissible scope of the district's or school's jurisdiction  
17 and shall require that the district or school provide the  
18 victim with information regarding services that are available  
19 within the district and community, such as counseling, support  
20 services, and other programs. Each school district and  
21 non-public, non-sectarian elementary or secondary school must  
22 communicate its policy on bullying to its students and their  
23 parent or guardian on an annual basis. The policy must be  
24 updated every 2 years and filed with the State Board of  
25 Education after being updated. The State Board of Education  
26 shall monitor the implementation of policies created under this

1 subsection (d).

2 (e) This Section shall not be interpreted to prevent a  
3 victim from seeking redress under any other available civil or  
4 criminal law. Nothing in this Section is intended to infringe  
5 upon any right to exercise free expression or the free exercise  
6 of religion or religiously based views protected under the  
7 First Amendment to the United States Constitution or under  
8 Section 3 or 4 of Article 1 of the Illinois Constitution.

9 (Source: P.A. 95-198, eff. 1-1-08; 95-349, eff. 8-23-07;  
10 95-876, eff. 8-21-08; 96-952, eff. 6-28-10.)

11 Section 99. Effective date. This Act takes effect January  
12 1, 2015."