

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

6 (105 ILCS 5/27-23.7)

7 Sec. 27-23.7. Bullying prevention.

8 (a) The General Assembly finds that a safe and civil
9 school environment is necessary for students to learn and
10 achieve and that bullying causes physical, psychological, and
11 emotional harm to students and interferes with students'
12 ability to learn and participate in school activities. The
13 General Assembly further finds that bullying has been linked
14 to other forms of antisocial behavior, such as vandalism,
15 shoplifting, skipping and dropping out of school, fighting,
16 using drugs and alcohol, sexual harassment, and sexual
17 violence. Because of the negative outcomes associated with
18 bullying in schools, the General Assembly finds that school
19 districts, charter schools, and non-public, non-sectarian
20 elementary and secondary schools should educate students,
21 parents, and school district, charter school, or non-public,
22 non-sectarian elementary or secondary school personnel about
23 what behaviors constitute prohibited bullying.

1 Bullying on the basis of actual or perceived race, color,
2 religion, sex, national origin, ancestry, physical appearance,
3 socioeconomic status, academic status, pregnancy, parenting
4 status, homelessness, age, marital status, physical or mental
5 disability, military status, sexual orientation,
6 gender-related identity or expression, unfavorable discharge
7 from military service, association with a person or group with
8 one or more of the aforementioned actual or perceived
9 characteristics, or any other distinguishing characteristic is
10 prohibited in all school districts, charter schools, and
11 non-public, non-sectarian elementary and secondary schools. No
12 student shall be subjected to bullying:

13 (1) during any school-sponsored education program or
14 activity;

15 (2) while in school, on school property, on school
16 buses or other school vehicles, at designated school bus
17 stops waiting for the school bus, or at school-sponsored
18 or school-sanctioned events or activities;

19 (3) through the transmission of information from a
20 school computer, a school computer network, or other
21 similar electronic school equipment; or

22 (4) through the transmission of information from a
23 computer that is accessed at a nonschool-related location,
24 activity, function, or program or from the use of
25 technology or an electronic device that is not owned,
26 leased, or used by a school district or school if the

1 bullying causes a substantial disruption to the
2 educational process or orderly operation of a school. This
3 item (4) applies only in cases in which a school
4 administrator or teacher receives a report that bullying
5 through this means has occurred and does not require a
6 district or school to staff or monitor any
7 nonschool-related activity, function, or program.

8 (a-5) Nothing in this Section is intended to infringe upon
9 any right to exercise free expression or the free exercise of
10 religion or religiously based views protected under the First
11 Amendment to the United States Constitution or under Section 3
12 of Article I of the Illinois Constitution.

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 "Policy on bullying" means a bullying prevention policy
3 that meets the following criteria:

4 (1) Includes the bullying definition provided in this
5 Section.

6 (2) Includes a statement that bullying is contrary to
7 State law and the policy of the school district, charter
8 school, or non-public, non-sectarian elementary or
9 secondary school and is consistent with subsection (a-5)
10 of this Section.

11 (3) Includes procedures for promptly reporting
12 bullying, including, but not limited to, identifying and
13 providing the school e-mail address (if applicable) and
14 school telephone number for the staff person or persons
15 responsible for receiving such reports and a procedure for
16 anonymous reporting; however, this shall not be construed
17 to permit formal disciplinary action solely on the basis
18 of an anonymous report.

19 (4) Consistent with federal and State laws and rules
20 governing student privacy rights, includes procedures for
21 informing parents or guardians of all students involved in
22 the alleged incident of bullying within 24 hours after the
23 school's administration is made aware of the students'
24 involvement in the incident and discussing, as
25 appropriate, the availability of social work services,
26 counseling, school psychological services, other

1 interventions, and restorative measures. The school shall
2 make diligent efforts to notify a parent or legal
3 guardian, utilizing all contact information the school has
4 available or that can be reasonably obtained by the school
5 within the 24-hour period.

6 (5) Contains procedures for promptly investigating and
7 addressing reports of bullying, including the following:

8 (A) Making all reasonable efforts to complete the
9 investigation within 10 school days after the date the
10 report of the incident of bullying was received and
11 taking into consideration additional relevant
12 information received during the course of the
13 investigation about the reported incident of bullying.

14 (B) Involving appropriate school support personnel
15 and other staff persons with knowledge, experience,
16 and training on bullying prevention, as deemed
17 appropriate, in the investigation process.

18 (C) Notifying the principal or school
19 administrator or his or her designee of the report of
20 the incident of bullying as soon as possible after the
21 report is received.

22 (D) Consistent with federal and State laws and
23 rules governing student privacy rights, providing
24 parents and guardians of the students who are parties
25 to the investigation information about the
26 investigation and an opportunity to meet with the

1 principal or school administrator or his or her
2 designee to discuss the investigation, the findings of
3 the investigation, and the actions taken to address
4 the reported incident of bullying.

5 (6) Includes the interventions that can be taken to
6 address bullying, which may include, but are not limited
7 to, school social work services, restorative measures,
8 social-emotional skill building, counseling, school
9 psychological services, and community-based services.

10 (7) Includes a statement prohibiting reprisal or
11 retaliation against any person who reports an act of
12 bullying and the consequences and appropriate remedial
13 actions for a person who engages in reprisal or
14 retaliation.

15 (8) Includes consequences and appropriate remedial
16 actions for a person found to have falsely accused another
17 of bullying as a means of retaliation or as a means of
18 bullying.

19 (9) Is based on the engagement of a range of school
20 stakeholders, including students and parents or guardians.

21 (10) Is posted on the school district's, charter
22 school's, or non-public, non-sectarian elementary or
23 secondary school's existing, publicly accessible Internet
24 website, is included in the student handbook, and, where
25 applicable, posted where other policies, rules, and
26 standards of conduct are currently posted in the school

1 and provided periodically throughout the school year to
2 students and faculty, and is distributed annually to
3 parents, guardians, students, and school personnel,
4 including new employees when hired.

5 (11) As part of the process of reviewing and
6 re-evaluating the policy under subsection (d) of this
7 Section, contains a policy evaluation process to assess
8 the outcomes and effectiveness of the policy that
9 includes, but is not limited to, factors such as the
10 frequency of victimization; student, staff, and family
11 observations of safety at a school; identification of
12 areas of a school where bullying occurs; the types of
13 bullying utilized; and bystander intervention or
14 participation. The school district, charter school, or
15 non-public, non-sectarian elementary or secondary school
16 may use relevant data and information it already collects
17 for other purposes in the policy evaluation. The
18 information developed as a result of the policy evaluation
19 must be made available on the Internet website of the
20 school district, charter school, or non-public,
21 non-sectarian elementary or secondary school. If an
22 Internet website is not available, the information must be
23 provided to school administrators, school board members,
24 school personnel, parents, guardians, and students.

25 (12) Is consistent with the policies of the school
26 board, charter school, or non-public, non-sectarian

1 elementary or secondary school.

2 (13) Requires all individual instances of bullying, as
3 well as all threats, suggestions, or instances of
4 self-harm determined to be the result of bullying, to be
5 reported to the parents or legal guardians of those
6 involved under the guidelines provided in paragraph (4) of
7 this definition.

8 "Restorative measures" means a continuum of school-based
9 alternatives to exclusionary discipline, such as suspensions
10 and expulsions, that: (i) are adapted to the particular needs
11 of the school and community, (ii) contribute to maintaining
12 school safety, (iii) protect the integrity of a positive and
13 productive learning climate, (iv) teach students the personal
14 and interpersonal skills they will need to be successful in
15 school and society, (v) serve to build and restore
16 relationships among students, families, schools, and
17 communities, (vi) reduce the likelihood of future disruption
18 by balancing accountability with an understanding of students'
19 behavioral health needs in order to keep students in school,
20 and (vii) increase student accountability if the incident of
21 bullying is based on religion, race, ethnicity, or any other
22 category that is identified in the Illinois Human Rights Act.

23 "School personnel" means persons employed by, on contract
24 with, or who volunteer in a school district, charter school,
25 or non-public, non-sectarian elementary or secondary school,
26 including without limitation school and school district

1 administrators, teachers, school social workers, school
2 counselors, school psychologists, school nurses, cafeteria
3 workers, custodians, bus drivers, school resource officers,
4 and security guards.

5 (c) (Blank).

6 (d) Each school district, charter school, and non-public,
7 non-sectarian elementary or secondary school shall create,
8 maintain, and implement a policy on bullying, which policy
9 must be filed with the State Board of Education. The policy on
10 bullying shall be based on the State Board of Education's
11 template for a model bullying prevention policy under
12 subsection (h) and shall include the criteria set forth in the
13 definition of "policy on bullying". The policy or implementing
14 procedure shall include a process to investigate whether a
15 reported act of bullying is within the permissible scope of
16 the district's or school's jurisdiction and shall require that
17 the district or school provide the victim with information
18 regarding services that are available within the district and
19 community, such as counseling, support services, and other
20 programs. School personnel available for help with a bully or
21 to make a report about bullying shall be made known to parents
22 or legal guardians, students, and school personnel. Every 2
23 years, each school district, charter school, and non-public,
24 non-sectarian elementary or secondary school shall conduct a
25 review and re-evaluation of its policy and make any necessary
26 and appropriate revisions. No later than September 30 of the

1 subject year, the policy must be filed with the State Board of
2 Education after being updated. The State Board of Education
3 shall monitor and provide technical support for the
4 implementation of policies created under this subsection (d).
5 In monitoring the implementation of the policies, the State
6 Board of Education shall review each filed policy on bullying
7 to ensure all policies meet the requirements set forth in this
8 Section, including ensuring that each policy meets the 12
9 criterion identified within the definition of "policy on
10 bullying" set forth in this Section.

11 If a school district, charter school, or non-public,
12 non-sectarian elementary or secondary school fails to file a
13 policy on bullying by September 30 of the subject year, the
14 State Board of Education shall provide a written request for
15 filing to the school district, charter school, or non-public,
16 non-sectarian elementary or secondary school. If a school
17 district, charter school, or non-public, non-sectarian
18 elementary or secondary school fails to file a policy on
19 bullying within 14 days of receipt of the aforementioned
20 written request, the State Board of Education shall publish
21 notice of the non-compliance on the State Board of Education's
22 website.

23 Each school district, charter school, and non-public,
24 non-sectarian elementary or secondary school may provide
25 evidence-based professional development and youth programming
26 on bullying prevention that is consistent with the provisions

1 of this Section.

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.

5 (f) School districts, charter schools, and non-public,
6 non-sectarian elementary and secondary schools shall collect,
7 maintain, and submit to the State Board of Education
8 non-identifiable data regarding verified allegations of
9 bullying within the school district, charter school, or
10 non-public, non-sectarian elementary or secondary school.
11 School districts, charter schools, and non-public,
12 non-sectarian elementary and secondary schools must submit
13 such data in an annual report due to the State Board of
14 Education no later than August 15 of each year starting with
15 the 2024-2025 school year through the 2030-2031 school year.
16 The State Board of Education shall adopt rules for the
17 submission of data that includes, but is not limited to: (i) a
18 record of each verified allegation of bullying and action
19 taken; and (ii) whether the instance of bullying was based on
20 actual or perceived characteristics identified in subsection
21 (a) and, if so, lists the relevant characteristics. The rules
22 for the submission of data shall be consistent with federal
23 and State laws and rules governing student privacy rights,
24 including, but not limited to, the federal Family Educational
25 Rights and Privacy Act of 1974 and the Illinois School Student
26 Records Act, which shall include, without limitation, a record

1 of each complaint and action taken. The State Board of
2 Education shall adopt rules regarding the notification of
3 school districts, charter schools, and non-public,
4 non-sectarian elementary and secondary schools that fail to
5 comply with the requirements of this subsection.

6 (g) Upon the request of a parent or legal guardian of a
7 child enrolled in a school district, charter school, or
8 non-public, non-sectarian elementary or secondary school
9 within this State, the State Board of Education must provide
10 non-identifiable data on the number of bullying allegations
11 and incidents in a given year in the school district, charter
12 school, or non-public, non-sectarian elementary or secondary
13 school to the requesting parent or legal guardian. The State
14 Board of Education shall adopt rules regarding (i) the
15 handling of such data, (ii) maintaining the privacy of the
16 students and families involved, and (iii) best practices for
17 sharing numerical data with parents and legal guardians.

18 (h) By January 1, 2024, the State Board of Education shall
19 post on its Internet website a template for a model bullying
20 prevention policy.

21 (i) The Illinois Bullying and Cyberbullying Prevention
22 Fund is created as a special fund in the State treasury. Any
23 moneys appropriated to the Fund may be used, subject to
24 appropriation, by the State Board of Education for the
25 purposes of subsection (j).

26 (j) Subject to appropriation, the State Superintendent of

1 Education may provide a grant to a school district, charter
2 school, or non-public, non-sectarian elementary or secondary
3 school to support its anti-bullying programming. Grants may be
4 awarded from the Illinois Bullying and Cyberbullying
5 Prevention Fund. School districts, charter schools, and
6 non-public, non-sectarian elementary or secondary schools that
7 are not in compliance with subsection (f) are not eligible to
8 receive a grant from the Illinois Bullying and Cyberbullying
9 Prevention Fund.

10 (k) If a school district distributes materials on bullying
11 to students, the materials must be age and developmentally
12 appropriate.

13 (Source: P.A. 102-197, eff. 7-30-21; 102-241, eff. 8-3-21;
14 102-813, eff. 5-13-22; 102-894, eff. 5-20-22; 103-47, eff.
15 6-9-23.)

16 Section 99. Effective date. This Act takes effect July 1,
17 2025.