

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

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

11 (1) during any school-sponsored education program or
12 activity;

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

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

20 (4) through the transmission of information from a
21 computer that is accessed at a nonschool-related location,
22 activity, function, or program or from the use of
23 technology or an electronic device that is not owned,
24 leased, or used by a school district or school if the
25 bullying causes a substantial disruption to the
26 educational process or orderly operation of a school. This

1 item (4) applies only in cases in which a school
2 administrator or teacher receives a report that bullying
3 through this means has occurred and does not require a
4 district or school to staff or monitor any
5 nonschool-related activity, function, or program.

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

11 (b) In this Section:

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

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

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

21 (3) substantially interfering with the student's or
22 students' academic performance; or

23 (4) substantially interfering with the student's or
24 students' ability to participate in or benefit from the
25 services, activities, or privileges provided by a school.

26 Bullying, as defined in this subsection (b), may take

1 various forms, including without limitation one or more of the
2 following: harassment, threats, intimidation, stalking,
3 physical violence, sexual harassment, sexual violence, theft,
4 public humiliation, destruction of property, or retaliation
5 for asserting or alleging an act of bullying. This list is
6 meant to be illustrative and non-exhaustive.

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

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

26 "Policy on bullying" means a bullying prevention policy

1 that meets the following criteria:

2 (1) Includes the bullying definition provided in this
3 Section.

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

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

17 (4) Consistent with federal and State laws and rules
18 governing student privacy rights, includes procedures for
19 promptly informing parents or guardians of all students
20 involved in the alleged incident of bullying and
21 discussing, as appropriate, the availability of social
22 work services, counseling, school psychological services,
23 other interventions, and restorative measures.

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

26 (A) Making all reasonable efforts to complete the

1 investigation within 10 school days after the date the
2 report of the incident of bullying was received and
3 taking into consideration additional relevant
4 information received during the course of the
5 investigation about the reported incident of bullying.

6 (B) Involving appropriate school support personnel
7 and other staff persons with knowledge, experience,
8 and training on bullying prevention, as deemed
9 appropriate, in the investigation process.

10 (C) Notifying the principal or school
11 administrator or his or her designee of the report of
12 the incident of bullying as soon as possible after the
13 report is received.

14 (D) Consistent with federal and State laws and
15 rules governing student privacy rights, providing
16 parents and guardians of the students who are parties
17 to the investigation information about the
18 investigation and an opportunity to meet with the
19 principal or school administrator or his or her
20 designee to discuss the investigation, the findings of
21 the investigation, and the actions taken to address the
22 reported incident of bullying.

23 (6) Includes the interventions that can be taken to
24 address bullying, which may include, but are not limited
25 to, school social work services, restorative measures,
26 social-emotional skill building, counseling, school

1 psychological services, and community-based services.

2 (7) Includes a statement prohibiting reprisal or
3 retaliation against any person who reports an act of
4 bullying and the consequences and appropriate remedial
5 actions for a person who engages in reprisal or
6 retaliation.

7 (8) Includes consequences and appropriate remedial
8 actions for a person found to have falsely accused another
9 of bullying as a means of retaliation or as a means of
10 bullying.

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

13 (10) Is posted on the school district's, charter
14 school's, or non-public, non-sectarian elementary or
15 secondary school's existing Internet website, ~~and~~ is
16 included in the student handbook, and, where applicable,
17 posted where other policies, rules, and standards of
18 conduct are currently posted in the school and provided
19 periodically throughout the school year to students and
20 faculty, and is distributed annually to parents,
21 guardians, students, and school personnel, including new
22 employees when hired.

23 (11) As part of the process of reviewing and
24 re-evaluating the policy under subsection (d) of this
25 Section, contains a policy evaluation process to assess the
26 outcomes and effectiveness of the policy that includes, but

1 is not limited to, factors such as the frequency of
2 victimization; student, staff, and family observations of
3 safety at a school; identification of areas of a school
4 where bullying occurs; the types of bullying utilized; and
5 bystander intervention or participation. The school
6 district, charter school, or non-public, non-sectarian
7 elementary or secondary school may use relevant data and
8 information it already collects for other purposes in the
9 policy evaluation. The information developed as a result of
10 the policy evaluation must be made available on the
11 Internet website of the school district, charter school, or
12 non-public, non-sectarian elementary or secondary school.
13 If an Internet website is not available, the information
14 must be provided to school administrators, school board
15 members, school personnel, parents, guardians, and
16 students.

17 (12) Is consistent with the policies of the school
18 board, charter school, or non-public, non-sectarian
19 elementary or secondary school.

20 "Restorative measures" means a continuum of school-based
21 alternatives to exclusionary discipline, such as suspensions
22 and expulsions, that: (i) are adapted to the particular needs
23 of the school and community, (ii) contribute to maintaining
24 school safety, (iii) protect the integrity of a positive and
25 productive learning climate, (iv) teach students the personal
26 and interpersonal skills they will need to be successful in

1 school and society, (v) serve to build and restore
2 relationships among students, families, schools, and
3 communities, and (vi) reduce the likelihood of future
4 disruption by balancing accountability with an understanding
5 of students' behavioral health needs in order to keep students
6 in school.

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

15 (c) (Blank).

16 (d) Each school district, charter school, and non-public,
17 non-sectarian elementary or secondary school shall create,
18 maintain, and implement a policy on bullying, which policy must
19 be filed with the State Board of Education. The policy or
20 implementing procedure shall include a process to investigate
21 whether a reported act of bullying is within the permissible
22 scope of the district's or school's jurisdiction and shall
23 require that the district or school provide the victim with
24 information regarding services that are available within the
25 district and community, such as counseling, support services,
26 and other programs. School personnel available for help with a

1 bully or to make a report about bullying shall be made known to
2 parents or legal guardians, students, and school personnel.

3 Every 2 years, each school district, charter school, and
4 non-public, non-sectarian elementary or secondary school shall
5 conduct a review and re-evaluation of its policy and make any
6 necessary and appropriate revisions. The policy must be filed
7 with the State Board of Education after being updated. The
8 State Board of Education shall monitor and provide technical
9 support for the implementation of policies created under this
10 subsection (d).

11 (e) This Section shall not be interpreted to prevent a
12 victim from seeking redress under any other available civil or
13 criminal law.

14 (Source: P.A. 98-669, eff. 6-26-14; 98-801, eff. 1-1-15; 99-78,
15 eff. 7-20-15.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.