

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, 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
16 or 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)
8 of 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
16 of 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
22 the 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, is included
16 in the student handbook, and, where applicable, posted
17 where other policies, rules, and standards of conduct are
18 currently posted in the school and provided periodically
19 throughout the school year to students and faculty, and is
20 distributed annually to parents, guardians, students, and
21 school personnel, including new employees when hired.

22 (11) As part of the process of reviewing and
23 re-evaluating the policy under subsection (d) of this
24 Section, contains a policy evaluation process to assess
25 the outcomes and effectiveness of the policy that
26 includes, but is not limited to, factors such as the

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

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

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

1 relationships among students, families, schools, and
2 communities, ~~and~~ (vi) reduce the likelihood of future
3 disruption by balancing accountability with an understanding
4 of students' behavioral health needs in order to keep students
5 in school, and (vii) increase student accountability if the
6 incident of bullying is based on religion, race, ethnicity, or
7 any other category that is identified in the Illinois Human
8 Rights Act. Restorative measures with respect to clause (vii)
9 shall be facilitated by a school counselor, psychologist, or
10 therapist, if one is on staff.

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

19 (c) (Blank).

20 (d) Each school district, charter school, and non-public,
21 non-sectarian elementary or secondary school shall create,
22 maintain, and implement a policy on bullying, which policy
23 must be filed with the State Board of Education. The policy or
24 implementing procedure shall include a process to investigate
25 whether a reported act of bullying is within the permissible
26 scope of the district's or school's jurisdiction and shall

1 require that the district or school provide the victim with
2 information regarding services that are available within the
3 district and community, such as counseling, support services,
4 and other programs. School personnel available for help with a
5 bully or to make a report about bullying shall be made known to
6 parents or legal guardians, students, and school personnel.
7 Every 2 years, each school district, charter school, and
8 non-public, non-sectarian elementary or secondary school shall
9 conduct a review and re-evaluation of its policy and make any
10 necessary and appropriate revisions. The policy must be filed
11 with the State Board of Education after being updated. The
12 State Board of Education shall monitor and provide technical
13 support for the implementation of policies created under this
14 subsection (d).

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

18 (Source: P.A. 99-78, eff. 7-20-15; 100-137, eff. 8-18-17.)