



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5176

Introduced 1/27/2022, by Rep. Lance Yednock

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/16-133	from Ch. 108 1/2, par. 16-133
40 ILCS 5/16-136.4	from Ch. 108 1/2, par. 16-136.4
105 ILCS 5/2-3.192 new	
105 ILCS 5/10-17	from Ch. 122, par. 10-17
105 ILCS 5/10-20.44	
105 ILCS 5/27-23.7	
105 ILCS 5/2-3.103 rep.	
105 ILCS 5/10-20.26 rep.	

Amends the School Code. Sets forth various limitations on State Board of Education reporting. Removes the requirement that a school district submit a statement of affairs. Requires only the Chicago school district (rather than each school district, charter school, and nonpublic, non-sectarian elementary or secondary school) to file its policy on bullying with the State Board of Education. Repeals provisions concerning a salary and benefit survey and a report of teacher dismissals. Amends the Illinois Pension Code to make corresponding changes. Effective immediately.

LRB102 25187 CMG 34452 b

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 Illinois Pension Code is amended by  
5 changing Sections 16-133 and 16-136.4 as follows:

6 (40 ILCS 5/16-133) (from Ch. 108 1/2, par. 16-133)  
7 Sec. 16-133. Retirement annuity; amount.

8 (a) The amount of the retirement annuity shall be (i) in  
9 the case of a person who first became a teacher under this  
10 Article before July 1, 2005, the larger of the amounts  
11 determined under paragraphs (A) and (B) below, or (ii) in the  
12 case of a person who first becomes a teacher under this Article  
13 on or after July 1, 2005, the amount determined under the  
14 applicable provisions of paragraph (B):

15 (A) An amount consisting of the sum of the following:

16 (1) An amount that can be provided on an  
17 actuarially equivalent basis by the member's  
18 accumulated contributions at the time of retirement;  
19 and

20 (2) The sum of (i) the amount that can be provided  
21 on an actuarially equivalent basis by the member's  
22 accumulated contributions representing service prior  
23 to July 1, 1947, and (ii) the amount that can be

1 provided on an actuarially equivalent basis by the  
2 amount obtained by multiplying 1.4 times the member's  
3 accumulated contributions covering service subsequent  
4 to June 30, 1947; and

5 (3) If there is prior service, 2 times the amount  
6 that would have been determined under subparagraph (2)  
7 of paragraph (A) above on account of contributions  
8 which would have been made during the period of prior  
9 service creditable to the member had the System been  
10 in operation and had the member made contributions at  
11 the contribution rate in effect prior to July 1, 1947.

12 This paragraph (A) does not apply to a person who  
13 first becomes a teacher under this Article on or after  
14 July 1, 2005.

15 (B) An amount consisting of the greater of the  
16 following:

17 (1) For creditable service earned before July 1,  
18 1998 that has not been augmented under Section  
19 16-129.1: 1.67% of final average salary for each of  
20 the first 10 years of creditable service, 1.90% of  
21 final average salary for each year in excess of 10 but  
22 not exceeding 20, 2.10% of final average salary for  
23 each year in excess of 20 but not exceeding 30, and  
24 2.30% of final average salary for each year in excess  
25 of 30; and

26 For creditable service earned on or after July 1,

1 1998 by a member who has at least 24 years of  
2 creditable service on July 1, 1998 and who does not  
3 elect to augment service under Section 16-129.1: 2.2%  
4 of final average salary for each year of creditable  
5 service earned on or after July 1, 1998 but before the  
6 member reaches a total of 30 years of creditable  
7 service and 2.3% of final average salary for each year  
8 of creditable service earned on or after July 1, 1998  
9 and after the member reaches a total of 30 years of  
10 creditable service; and

11 For all other creditable service: 2.2% of final  
12 average salary for each year of creditable service; or

13 (2) 1.5% of final average salary for each year of  
14 creditable service plus the sum \$7.50 for each of the  
15 first 20 years of creditable service.

16 The amount of the retirement annuity determined under this  
17 paragraph (B) shall be reduced by 1/2 of 1% for each month  
18 that the member is less than age 60 at the time the  
19 retirement annuity begins. However, this reduction shall  
20 not apply (i) if the member has at least 35 years of  
21 creditable service, or (ii) if the member retires on  
22 account of disability under Section 16-149.2 of this  
23 Article with at least 20 years of creditable service, or  
24 (iii) if the member (1) has earned during the period  
25 immediately preceding the last day of service at least one  
26 year of contributing creditable service as an employee of

1 a department as defined in Section 14-103.04, (2) has  
2 earned at least 5 years of contributing creditable service  
3 as an employee of a department as defined in Section  
4 14-103.04, (3) retires on or after January 1, 2001, and  
5 (4) retires having attained an age which, when added to  
6 the number of years of his or her total creditable  
7 service, equals at least 85. Portions of years shall be  
8 counted as decimal equivalents.

9 (b) For purposes of this Section, except as provided in  
10 subsection (b-5), final average salary shall be the average  
11 salary for the highest 4 consecutive years within the last 10  
12 years of creditable service as determined under rules of the  
13 board.

14 The minimum final average salary shall be considered to  
15 be \$2,400 per year.

16 In the determination of final average salary for members  
17 other than elected officials and their appointees when such  
18 appointees are allowed by statute, that part of a member's  
19 salary for any year beginning after June 30, 1979 which  
20 exceeds the member's annual full-time salary rate with the  
21 same employer for the preceding year by more than 20% shall be  
22 excluded. The exclusion shall not apply in any year in which  
23 the member's creditable earnings are less than 50% of the  
24 preceding year's mean salary for downstate teachers as  
25 determined by a ~~the~~ survey of school district salaries  
26 ~~provided in Section 2-3.103 of the School Code.~~

1 (b-5) A teacher who retires on or after June 1, 2021 and  
2 for whom the 2020-2021 school year is used in the calculation  
3 of the member's final average salary shall use the higher of  
4 the following for the purpose of determining the member's  
5 final average salary:

6 (A) the amount otherwise calculated under subsection  
7 (b); or

8 (B) an amount calculated by the System using the  
9 average salary for the 4 highest years within the last 10  
10 years of creditable service as determined under the rules  
11 of the board.

12 (c) In determining the amount of the retirement annuity  
13 under paragraph (B) of this Section, a fractional year shall  
14 be granted proportional credit.

15 (d) The retirement annuity determined under paragraph (B)  
16 of this Section shall be available only to members who render  
17 teaching service after July 1, 1947 for which member  
18 contributions are required, and to annuitants who re-enter  
19 under the provisions of Section 16-150.

20 (e) The maximum retirement annuity provided under  
21 paragraph (B) of this Section shall be 75% of final average  
22 salary.

23 (f) A member retiring after the effective date of this  
24 amendatory Act of 1998 shall receive a pension equal to 75% of  
25 final average salary if the member is qualified to receive a  
26 retirement annuity equal to at least 74.6% of final average

1 salary under this Article or as proportional annuities under  
2 Article 20 of this Code.

3 (Source: P.A. 102-16, eff. 6-17-21.)

4 (40 ILCS 5/16-136.4) (from Ch. 108 1/2, par. 16-136.4)

5 Sec. 16-136.4. Single-sum retirement benefit.

6 (a) A member who has less than 5 years of creditable  
7 service shall be entitled, upon written application to the  
8 board, to receive a retirement benefit payable in a single sum  
9 upon or after the member's attainment of age 65. However, the  
10 benefit shall not be paid while the member is employed as a  
11 teacher in the schools included under this Article or Article  
12 17, unless the System is required by federal law to make  
13 payment due to the member's age.

14 (b) The retirement benefit shall consist of a single sum  
15 that is the actuarial equivalent of a life annuity consisting  
16 of 1.67% of the member's final average salary for each year of  
17 creditable service. In determining the amount of the benefit,  
18 a fractional year shall be granted proportional credit.

19 For the purposes of this Section, final average salary  
20 shall be the average salary of the member's highest 4  
21 consecutive years of service as determined under rules of the  
22 board. For a member with less than 4 consecutive years of  
23 service, final average salary shall be the average salary  
24 during the member's entire period of service. In the  
25 determination of final average salary for members other than

1 elected officials and their appointees when such appointees  
2 are allowed by statute, that part of a member's salary which  
3 exceeds the member's annual full-time salary rate with the  
4 same employer for the preceding year by more than 20% shall be  
5 excluded. The exclusion shall not apply in any year in which  
6 the member's creditable earnings are less than 50% of the  
7 preceding year's mean salary for downstate teachers as  
8 determined by a ~~the~~ survey of school district salaries  
9 ~~provided in Section 2-3.103 of the School Code.~~

10 (c) The retirement benefit determined under this Section  
11 shall be available to all members who render teaching service  
12 after July 1, 1947 for which member contributions are  
13 required.

14 (d) Upon acceptance of the retirement benefit, all of the  
15 member's accrued rights and credits in the System are  
16 forfeited. Receipt of a single-sum retirement benefit under  
17 this Section does not make a person an "annuitant" for the  
18 purposes of this Article, nor a "benefit recipient" for the  
19 purposes of Sections 16-153.1 through 16-153.4.

20 (Source: P.A. 91-887, eff. 7-6-00.)

21 Section 10. The School Code is amended by adding Section  
22 2-3.192 and by changing Sections 10-17, 10-20.44, and 27-23.7  
23 as follows:

24 (105 ILCS 5/2-3.192 new)



1       Sec. 2-3.192. Limitations on reporting.

2       (a) The State Board of Education shall merge its grant  
3 periodic report and electronic expenditure report required to  
4 be submitted by school districts into one report that is due at  
5 the close of the second quarter and fourth quarter. However,  
6 if a district needs reimbursement for expenses before the  
7 close of the second quarter or fourth quarter, then the  
8 district may elect to submit the report more frequently.

9       (b) Single facility districts and districts in which  
10 attendance centers do not duplicate grade levels shall be  
11 excluded from the State Board's comparability documentation  
12 and site-based expense report for Title I, Part A of the  
13 federal Elementary and Secondary Education Act of 1965.

14       (c) The State Board may not conduct a survey of unfilled  
15 teaching positions that asks for the same information that is  
16 contained in the list of unfilled teaching positions  
17 maintained by a regional superintendent of schools under  
18 Section 3-14.25.

19       (d) The State Board shall merge its financial reporting,  
20 which includes the budget, evidence-based spending plan, audit  
21 and annual financial report, maintenance of effort for special  
22 education report, and teacher salary and benefits report, into  
23 2 documents, one of which shall be a budget, which shall  
24 reflect a spending plan, and one of which shall be an audit and  
25 annual financial report, which shall reflect actual expenses  
26 at the close of a fiscal year.

1       (e) With respect to the NCLB/ESSA Monitoring Instrument,  
2 the State Board shall require a comment and proof indicator  
3 only for items in which a district responds with an answer of  
4 "no" and shall use a check box format for district  
5 administrators to acknowledge compliance when completing ESSA  
6 grant applications.

7       (f) With respect to issues of compliance with State or  
8 federal requirements in grant applications and reports, the  
9 State Board shall include compliance statements for district  
10 administrators to acknowledge by selecting a check box instead  
11 of requiring draft statements.

12       (g) The State Board shall eliminate all outdated  
13 categories and reports from its Web Application Security  
14 System (IWAS), including IDEA Part B Flow-through, IDEA Part B  
15 Preschool, ARRA Education Jobs Supplemental Funds, ARRA IDEA  
16 Part B Flow-through, ARRA IDEA Part B Preschool, the ARRA NCLB  
17 Consolidated Application, the Foster Care Transportation Plan,  
18 the GATA Risk Assessment, the NCLB Consolidated Application,  
19 Preschool for All Cont. 0-3 EC, Preschool for All Cont. 3-5 EC,  
20 the Teacher Quality-Teacher Residencies RFP, the Title I  
21 District Plan, the Reduction in Force Survey, the Survey of  
22 Learning Conditions, the End of the Year Report, the Teacher  
23 Salary Study, and ISBE Dash. The State Board may not include  
24 categories and reports in IWAS that are not applicable to a  
25 school district.

26       (h) The State Board shall merge its budget form and

1 evidence-based funding spending plan into one report.

2 (i) The State Board shall merge its audit report, annual  
3 financial report, district financial report, report of  
4 contracts exceeding \$25,000, and employee salary and benefits  
5 report into one report.

6 (j) The State Board's maintenance of effort report shall  
7 draw data from the merged report under subsection (i). The  
8 maintenance of effort report shall require a verification  
9 process rather than require district administrators to provide  
10 data for the report.

11 (k) The State Board shall categorize school energy  
12 efficiency grants and school maintenance grants as grants, not  
13 surveys, in reports concerning those grants.

14 (l) The State Board may send notices regarding reporting  
15 deadlines only to districts that have not already completed  
16 their reporting.

17 (105 ILCS 5/10-17) (from Ch. 122, par. 10-17)

18 Sec. 10-17. Statement of affairs.

19 (a) In Class I or Class II county school units the school  
20 board may use either a cash basis or accrual system of  
21 accounting; however, any board so electing to use the accrual  
22 system may not change to a cash basis without the permission of  
23 the State Board of Education.

24 School Boards using either a cash basis or accrual system  
25 of accounting shall maintain records showing the assets,

1 liabilities and fund balances in such minimum forms as may be  
2 prescribed by the State Board of Education. Such boards shall  
3 make available to the public a statement as provided in  
4 subsection (b) ~~of the affairs of the district~~ prior to  
5 December 1 annually by submitting the statement ~~of affairs~~ in  
6 such form as may be prescribed by the State Board of Education  
7 for posting on the State Board of Education's Internet website  
8 and, by having copies of the statement ~~of affairs~~ available in  
9 the main administrative office of the district, ~~and by~~  
10 ~~publishing in a newspaper of general circulation published in~~  
11 ~~the school district an annual statement of affairs summary~~  
12 ~~containing at a minimum all of the following information:~~

13 ~~(1) A summary statement of operations for all funds of~~  
14 ~~the district, as excerpted from the statement of affairs~~  
15 ~~filed with the State Board of Education. The summary~~  
16 ~~statement must include a listing of all moneys received by~~  
17 ~~the district, indicating the total amounts, in the~~  
18 ~~aggregate, each fund of the district received, with a~~  
19 ~~general statement concerning the source of receipts.~~

20 ~~(2) Except as provided in subdivision (3) of this~~  
21 ~~subsection (a), a listing of all moneys paid out by the~~  
22 ~~district where the total amount paid during the fiscal~~  
23 ~~year exceeds \$2,500 in the aggregate per person, giving~~  
24 ~~the name of each person to whom moneys were paid and the~~  
25 ~~total paid to each person.~~

26 ~~(3) A listing of all personnel, by name, with an~~

1 ~~annual fiscal year gross payment in the categories set~~  
2 ~~forth in subdivisions 1 and 2 of subsection (c) of this~~  
3 ~~Section.~~

4 ~~In this Section, "newspaper of general circulation" means a~~  
5 ~~newspaper of general circulation published in the school~~  
6 ~~district, or, if no newspaper is published in the school~~  
7 ~~district, a newspaper published in the county where the school~~  
8 ~~district is located or, if no newspaper is published in the~~  
9 ~~county, a newspaper published in the educational service~~  
10 ~~region where the regional superintendent of schools has~~  
11 ~~supervision and control of the school district. The submission~~  
12 ~~to the State Board of Education shall include an assurance~~  
13 ~~that the statement of affairs has been made available in the~~  
14 ~~main administrative office of the school district and that the~~  
15 ~~required notice has been published in accordance with this~~  
16 ~~Section.~~

17 After December 15 annually, upon 10 days prior written  
18 notice to the school district, the State Board of Education  
19 may discontinue the processing of payments to the State  
20 Comptroller's office on behalf of any school district that is  
21 not in compliance with the requirements imposed by this  
22 Section. The State Board of Education shall resume the  
23 processing of payments to the State Comptroller's Office on  
24 behalf of the school district once the district is in  
25 compliance with the requirements imposed by this Section.

26 ~~The State Board of Education must post, on or before~~

1 ~~January 15, all statements of affairs timely received from~~  
2 ~~school districts.~~

3 (b) ~~When any school district is the administrative~~  
4 ~~district for several school districts operating under a joint~~  
5 ~~agreement as authorized by this Code, no receipts or~~  
6 ~~disbursements accruing, received or paid out by that school~~  
7 ~~district as such an administrative district shall be included~~  
8 ~~in the statement of affairs of the district required by this~~  
9 ~~Section. However, that district shall have prepared and made~~  
10 ~~available to the public, in accordance with subsection (a) of~~  
11 ~~this Section, in the same manner and subject to the same~~  
12 ~~requirements as are provided in this Section for the statement~~  
13 ~~of affairs of that district, a statement showing the cash~~  
14 ~~receipts and disbursements by funds (or the revenue, expenses~~  
15 ~~and financial position, if the accrual system of accounting is~~  
16 ~~used) of the district as such administrative district, in the~~  
17 ~~form prescribed by the State Board of Education. The costs of~~  
18 ~~publishing the notice and summary of this separate statement~~  
19 ~~prepared by such an administrative district shall be~~  
20 ~~apportioned among and paid by the participating districts in~~  
21 ~~the same manner as other costs and expenses accruing to those~~  
22 ~~districts jointly.~~ School districts on a cash basis shall have  
23 prepared and made available to the public, in accordance with  
24 subsection (a) of this Section, a statement showing the cash  
25 receipts and disbursements by funds in the form prescribed by  
26 the State Board of Education.

1 School districts using the accrual system of accounting  
2 shall have prepared and made available to the public, in  
3 accordance with subsection (a) of this Section, a statement of  
4 revenue and expenses and a statement of financial position in  
5 the form prescribed by the State Board of Education.

6 In Class II county school units such statement shall be  
7 prepared and made available to the public, in accordance with  
8 subsection (a) of this Section, by the township treasurer of  
9 the unit within which such districts are located, except with  
10 respect to the school board of any school district that no  
11 longer is subject to the jurisdiction and authority of a  
12 township treasurer or trustees of schools of a township  
13 because the district has withdrawn from the jurisdiction and  
14 authority of the township treasurer and trustees of schools of  
15 the township or because those offices have been abolished as  
16 provided in subsection (b) or (c) of Section 5-1, and as to  
17 each such school district the statement required by this  
18 Section shall be prepared and made available to the public, in  
19 accordance with subsection (a) of this Section, by the school  
20 board of such district in the same manner as required for  
21 school boards of school districts situated in Class I county  
22 school units.

23 (c) (Blank). ~~The statement of affairs required pursuant to~~  
24 ~~this Section shall contain such information as may be required~~  
25 ~~by the State Board of Education, including:~~

26 ~~1. Annual fiscal year gross payment for certificated~~

1 ~~personnel to be shown by name, listing each employee in~~  
2 ~~one of the following categories:~~

3 ~~(a) Under \$25,000~~

4 ~~(b) \$25,000 to \$39,999~~

5 ~~(c) \$40,000 to \$59,999~~

6 ~~(d) \$60,000 to \$89,999~~

7 ~~(e) \$90,000 and over~~

8 ~~2. Annual fiscal year payment for non certificated~~  
9 ~~personnel to be shown by name, listing each employee in~~  
10 ~~one of the following categories:~~

11 ~~(a) Under \$25,000~~

12 ~~(b) \$25,000 to \$39,999~~

13 ~~(c) \$40,000 to \$59,999~~

14 ~~(d) \$60,000 and over~~

15 ~~3. In addition to wages and salaries all other moneys~~  
16 ~~in the aggregate paid to recipients of \$1,000 or more,~~  
17 ~~giving the name of the person, firm or corporation and the~~  
18 ~~total amount received by each.~~

19 ~~4. Approximate size of school district in square~~  
20 ~~miles.~~

21 ~~5. Number of school attendance centers.~~

22 ~~6. Numbers of employees as follows:~~

23 ~~(a) Full-time certificated employees;~~

24 ~~(b) Part-time certificated employees;~~

25 ~~(c) Full-time non-certificated employees;~~

26 ~~(d) Part time non certificated employees.~~



1 ~~7. Numbers of pupils as follows:~~

2 ~~(a) Enrolled by grades;~~

3 ~~(b) Total enrolled;~~

4 ~~(c) Average daily attendance.~~

5 ~~8. Assessed valuation as follows:~~

6 ~~(a) Total of the district;~~

7 ~~(b) Per pupil in average daily attendance.~~

8 ~~9. Tax rate for each district fund.~~

9 ~~10. District financial obligation at the close of the~~  
10 ~~fiscal year as follows:~~

11 ~~(a) Teachers' orders outstanding;~~

12 ~~(b) Anticipation warrants outstanding for each~~  
13 ~~fund.~~

14 ~~11. Total bonded debt at the close of the fiscal year.~~

15 ~~12. Percent of bonding power obligated currently.~~

16 ~~13. Value of capital assets of the district including:~~

17 ~~(a) Land;~~

18 ~~(b) Buildings;~~

19 ~~(c) Equipment.~~

20 ~~14. Total amount of investments each fund.~~

21 ~~15. Change in net cash position from the previous~~  
22 ~~report period for each district fund.~~

23 A ~~In addition to the above report,~~ a report of  
24 expenditures in the aggregate paid on behalf of recipients of  
25 \$500 or more, giving the name of the person, firm or  
26 corporation and the total amount received by each shall be

1 available in the school district office for public inspection.  
2 This listing shall include all wages, salaries and  
3 expenditures over \$500 expended from any revolving fund  
4 maintained by the district. Any resident of the school  
5 district may receive a copy of this report, upon request, by  
6 paying a reasonable charge to defray the costs of preparing  
7 such copy.

8 (d) This Section does not apply to cities having a  
9 population exceeding 500,000.

10 (Source: P.A. 94-875, eff. 7-1-06.)

11 (105 ILCS 5/10-20.44)

12 Sec. 10-20.44. Report on contracts.

13 (a) This Section applies to all school districts,  
14 including a school district organized under Article 34 of this  
15 Code.

16 (b) A school board must list on the district's Internet  
17 website, if any, all contracts over \$25,000 and any contract  
18 that the school board enters into with an exclusive bargaining  
19 representative.

20 (c) Each year, ~~in conjunction with the submission of the~~  
21 ~~Statement of Affairs to the State Board of Education~~ prior to  
22 December 1, ~~provided for in Section 10-17,~~ each school  
23 district shall submit to the State Board of Education an  
24 annual report on all contracts over \$25,000 awarded by the  
25 school district during the previous fiscal year. The report

1 shall include at least the following:

2 (1) the total number of all contracts awarded by the  
3 school district;

4 (2) the total value of all contracts awarded;

5 (3) the number of contracts awarded to minority-owned  
6 businesses, women-owned businesses, and businesses owned  
7 by persons with disabilities, as defined in the Business  
8 Enterprise for Minorities, Women, and Persons with  
9 Disabilities Act, and locally owned businesses; and

10 (4) the total value of contracts awarded to  
11 minority-owned businesses, women-owned businesses, and  
12 businesses owned by persons with disabilities, as defined  
13 in the Business Enterprise for Minorities, Women, and  
14 Persons with Disabilities Act, and locally owned  
15 businesses.

16 The report shall be made available to the public,  
17 including publication on the school district's Internet  
18 website, if any.

19 (Source: P.A. 100-391, eff. 8-25-17.)

20 (105 ILCS 5/27-23.7)

21 Sec. 27-23.7. Bullying prevention.

22 (a) The General Assembly finds that a safe and civil  
23 school environment is necessary for students to learn and  
24 achieve and that bullying causes physical, psychological, and  
25 emotional harm to students and interferes with students'

1 ability to learn and participate in school activities. The  
2 General Assembly further finds that bullying has been linked  
3 to other forms of antisocial behavior, such as vandalism,  
4 shoplifting, skipping and dropping out of school, fighting,  
5 using drugs and alcohol, sexual harassment, and sexual  
6 violence. Because of the negative outcomes associated with  
7 bullying in schools, the General Assembly finds that school  
8 districts, charter schools, and non-public, non-sectarian  
9 elementary and secondary schools should educate students,  
10 parents, and school district, charter school, or non-public,  
11 non-sectarian elementary or secondary school personnel about  
12 what behaviors constitute prohibited bullying.

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

23 (1) during any school-sponsored education program or  
24 activity;

25 (2) while in school, on school property, on school  
26 buses or other school vehicles, at designated school bus

1 stops waiting for the school bus, or at school-sponsored  
2 or school-sanctioned events or activities;

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

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

18 (a-5) Nothing in this Section is intended to infringe upon  
19 any right to exercise free expression or the free exercise of  
20 religion or religiously based views protected under the First  
21 Amendment to the United States Constitution or under Section 3  
22 of Article I of the Illinois Constitution.

23 (b) In this Section:

24 "Bullying" includes "cyber-bullying" and means any severe  
25 or pervasive physical or verbal act or conduct, including  
26 communications made in writing or electronically, directed

1 toward a student or students that has or can be reasonably  
2 predicted to have the effect of one or more of the following:

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

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

7 (3) substantially interfering with the student's or  
8 students' academic performance; or

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

12 Bullying, as defined in this subsection (b), may take  
13 various forms, including without limitation one or more of the  
14 following: harassment, threats, intimidation, stalking,  
15 physical violence, sexual harassment, sexual violence, theft,  
16 public humiliation, destruction of property, or retaliation  
17 for asserting or alleging an act of bullying. This list is  
18 meant to be illustrative and non-exhaustive.

19 "Cyber-bullying" means bullying through the use of  
20 technology or any electronic communication, including without  
21 limitation any transfer of signs, signals, writing, images,  
22 sounds, data, or intelligence of any nature transmitted in  
23 whole or in part by a wire, radio, electromagnetic system,  
24 photoelectronic system, or photooptical system, including  
25 without limitation electronic mail, Internet communications,  
26 instant messages, or facsimile communications.

1 "Cyber-bullying" includes the creation of a webpage or weblog  
2 in which the creator assumes the identity of another person or  
3 the knowing impersonation of another person as the author of  
4 posted content or messages if the creation or impersonation  
5 creates any of the effects enumerated in the definition of  
6 bullying in this Section. "Cyber-bullying" also includes the  
7 distribution by electronic means of a communication to more  
8 than one person or the posting of material on an electronic  
9 medium that may be accessed by one or more persons if the  
10 distribution or posting creates any of the effects enumerated  
11 in the definition of bullying in this Section.

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

14 (1) Includes the bullying definition provided in this  
15 Section.

16 (2) Includes a statement that bullying is contrary to  
17 State law and the policy of the school district, charter  
18 school, or non-public, non-sectarian elementary or  
19 secondary school and is consistent with subsection (a-5)  
20 of this Section.

21 (3) Includes procedures for promptly reporting  
22 bullying, including, but not limited to, identifying and  
23 providing the school e-mail address (if applicable) and  
24 school telephone number for the staff person or persons  
25 responsible for receiving such reports and a procedure for  
26 anonymous reporting; however, this shall not be construed

1 to permit formal disciplinary action solely on the basis  
2 of an anonymous report.

3 (4) Consistent with federal and State laws and rules  
4 governing student privacy rights, includes procedures for  
5 promptly informing parents or guardians of all students  
6 involved in the alleged incident of bullying and  
7 discussing, as appropriate, the availability of social  
8 work services, counseling, school psychological services,  
9 other interventions, and restorative measures.

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

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

18 (B) Involving appropriate school support personnel  
19 and other staff persons with knowledge, experience,  
20 and training on bullying prevention, as deemed  
21 appropriate, in the investigation process.

22 (C) Notifying the principal or school  
23 administrator or his or her designee of the report of  
24 the incident of bullying as soon as possible after the  
25 report is received.

26 (D) Consistent with federal and State laws and



1 rules governing student privacy rights, providing  
2 parents and guardians of the students who are parties  
3 to the investigation information about the  
4 investigation and an opportunity to meet with the  
5 principal or school administrator or his or her  
6 designee to discuss the investigation, the findings of  
7 the investigation, and the actions taken to address  
8 the reported incident of bullying.

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

14 (7) Includes a statement prohibiting reprisal or  
15 retaliation against any person who reports an act of  
16 bullying and the consequences and appropriate remedial  
17 actions for a person who engages in reprisal or  
18 retaliation.

19 (8) Includes consequences and appropriate remedial  
20 actions for a person found to have falsely accused another  
21 of bullying as a means of retaliation or as a means of  
22 bullying.

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

25 (10) Is posted on the school district's, charter  
26 school's, or non-public, non-sectarian elementary or

1 secondary school's existing Internet website, is included  
2 in the student handbook, and, where applicable, posted  
3 where other policies, rules, and standards of conduct are  
4 currently posted in the school and provided periodically  
5 throughout the school year to students and faculty, and is  
6 distributed annually to parents, guardians, students, and  
7 school personnel, including new employees when hired.

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

1 school personnel, parents, guardians, and students.

2 (12) Is consistent with the policies of the school  
3 board, charter school, or non-public, non-sectarian  
4 elementary or secondary school.

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

20 "School personnel" means persons employed by, on contract  
21 with, or who volunteer in a school district, charter school,  
22 or non-public, non-sectarian elementary or secondary school,  
23 including without limitation school and school district  
24 administrators, teachers, school social workers, school  
25 counselors, school psychologists, school nurses, cafeteria  
26 workers, custodians, bus drivers, school resource officers,

1 and security guards.

2 (c) (Blank).

3 (d) Each school district, charter school, and non-public,  
4 non-sectarian elementary or secondary school shall create,  
5 maintain, and implement a policy on bullying. A school  
6 district organized under Article 34, must file its,~~which~~  
7 ~~policy must be filed~~ with the State Board of Education. The  
8 policy or implementing procedure shall include a process to  
9 investigate whether a reported act of bullying is within the  
10 permissible scope of the district's or school's jurisdiction  
11 and shall require that the district or school provide the  
12 victim with information regarding services that are available  
13 within the district and community, such as counseling, support  
14 services, and other programs. School personnel available for  
15 help with a bully or to make a report about bullying shall be  
16 made known to parents or legal guardians, students, and school  
17 personnel. Every 2 years, each school district, charter  
18 school, and non-public, non-sectarian elementary or secondary  
19 school shall conduct a review and re-evaluation of its policy  
20 and make any necessary and appropriate revisions. A school  
21 district organized under Article 34 must file its ~~The policy~~  
22 ~~must be filed~~ with the State Board of Education after being  
23 updated. The State Board of Education shall monitor and  
24 provide technical support for the implementation of policies  
25 created under this subsection (d).

26 (e) This Section shall not be interpreted to prevent a

1 victim from seeking redress under any other available civil or  
2 criminal law.

3 (Source: P.A. 102-197, eff. 7-30-21; 102-241, eff. 8-3-21;  
4 revised 10-18-21.)

5 (105 ILCS 5/2-3.103 rep.)

6 (105 ILCS 5/10-20.26 rep.)

7 Section 15. The School Code is amended by repealing  
8 Sections 2-3.103 and 10-20.26.

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.