



Rep. Janet Yang Rohr

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1 AMENDMENT TO HOUSE BILL 299

2 AMENDMENT NO. _____. Amend House Bill 299 by replacing
3 everything after the enacting clause with the following:

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

1 violence. Because of the negative outcomes associated with
2 bullying in schools, the General Assembly finds that school
3 districts, charter schools, and non-public, non-sectarian
4 elementary and secondary schools should educate students,
5 parents, and school district, charter school, 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, physical appearance,
10 socioeconomic status, academic status, pregnancy, parenting
11 status, homelessness, age, marital status, physical or mental
12 disability, military status, sexual orientation,
13 gender-related identity or expression, unfavorable discharge
14 from military service, association with a person or group with
15 one or more of the aforementioned actual or perceived
16 characteristics, or any other distinguishing characteristic is
17 prohibited in all school districts, charter schools, and
18 non-public, non-sectarian elementary and secondary schools. No
19 student shall be subjected to bullying:

20 (1) during any school-sponsored education program or
21 activity;

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

26 (3) through the transmission of information from a

1 school computer, a school computer network, or other
2 similar electronic school equipment; or

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

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

20 (b) In this Section:

21 "Artificial intelligence" means a machine-based system
22 that, for explicit or implicit objectives, infers, from the
23 input it receives, how to generate outputs, such as
24 predictions, content, recommendations, or decisions, that can
25 influence physical or virtual environments. "Artificial
26 intelligence" also includes generative artificial

1 intelligence.

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

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

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

11 (3) substantially interfering with the student's or
12 students' academic performance; or

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

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

23 "Cyber-bullying" means bullying through the use of
24 technology or any electronic communication, including without
25 limitation any transfer of signs, signals, writing, images,
26 sounds, data, or intelligence of any nature transmitted in

1 whole or in part by a wire, radio, electromagnetic system,
2 photoelectronic system, or photooptical system, including
3 without limitation electronic mail, Internet communications,
4 instant messages, or facsimile communications.

5 "Cyber-bullying" includes the creation of a webpage or weblog
6 in which the creator assumes the identity of another person or
7 the knowing impersonation of another person as the author of
8 posted content or messages if the creation or impersonation
9 creates any of the effects enumerated in the definition of
10 bullying in this Section. "Cyber-bullying" also includes the
11 distribution by electronic means of a communication to more
12 than one person or the posting of material on an electronic
13 medium that may be accessed by one or more persons if the
14 distribution or posting creates any of the effects enumerated
15 in the definition of bullying in this Section. Beginning with
16 the 2025-2026 school year, "cyber-bullying" also includes
17 bullying through the distribution by electronic means or the
18 posting of a digital replica of an individual who is engaged in
19 an activity in which the depicted individual did not engage
20 in, including, but not limited to, sexually explicit digitized
21 depictions of the individual.

22 "Digital replica" means a newly created, electronic
23 representation of the identity of an actual individual created
24 using a computer, algorithm, software, tool, artificial
25 intelligence, or other technology that is fixed in a sound
26 recording or audiovisual work in which that individual did not

1 actually perform or appear.

2 "Generative artificial intelligence" means an automated
3 computing system that, when prompted with human prompts,
4 descriptions, or queries, can produce outputs that simulate
5 human-produced content, including, but not limited to, the
6 following:

7 (1) textual outputs, such as short answers, essays,
8 poetry, or longer compositions or answers;

9 (2) image outputs, such as fine art, photographs,
10 conceptual art, diagrams, and other images;

11 (3) multimedia outputs, such as audio or video in the
12 form of compositions, songs, or short-form or long-form
13 audio or video; and

14 (4) any other content that would be otherwise produced
15 by human means.

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

18 (1) Includes the bullying definition provided in this
19 Section.

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

25 (3) Includes procedures for promptly reporting
26 bullying, including, but not limited to, identifying and

1 providing the school e-mail address (if applicable) and
2 school telephone number for the staff person or persons
3 responsible for receiving such reports and a procedure for
4 anonymous reporting; however, this shall not be construed
5 to permit formal disciplinary action solely on the basis
6 of an anonymous report.

7 (4) Consistent with federal and State laws and rules
8 governing student privacy rights, includes procedures for
9 informing parents or guardians of all students involved in
10 the alleged incident of bullying within 24 hours after the
11 school's administration is made aware of the students'
12 involvement in the incident and discussing, as
13 appropriate, the availability of social work services,
14 counseling, school psychological services, other
15 interventions, and restorative measures. The school shall
16 make diligent efforts to notify a parent or legal
17 guardian, utilizing all contact information the school has
18 available or that can be reasonably obtained by the school
19 within the 24-hour period.

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

22 (A) Making all reasonable efforts to complete the
23 investigation within 10 school days after the date the
24 report of the incident of bullying was received and
25 taking into consideration additional relevant
26 information received during the course of the

1 investigation about the reported incident of bullying.

2 (B) Involving appropriate school support personnel
3 and other staff persons with knowledge, experience,
4 and training on bullying prevention, as deemed
5 appropriate, in the investigation process.

6 (C) Notifying the principal or school
7 administrator or his or her designee of the report of
8 the incident of bullying as soon as possible after the
9 report is received.

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

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

24 (7) Includes a statement prohibiting reprisal or
25 retaliation against any person who reports an act of
26 bullying and the consequences and appropriate remedial

1 actions for a person who engages in reprisal or
2 retaliation.

3 (8) Includes consequences and appropriate remedial
4 actions for a person found to have falsely accused another
5 of bullying as a means of retaliation or as a means of
6 bullying.

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

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

19 (11) As part of the process of reviewing and
20 re-evaluating the policy under subsection (d) of this
21 Section, contains a policy evaluation process to assess
22 the outcomes and effectiveness of the policy that
23 includes, but is not limited to, factors such as the
24 frequency of victimization; student, staff, and family
25 observations of safety at a school; identification of
26 areas of a school where bullying occurs; the types of

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

13 (12) Is consistent with the policies of the school
14 board, charter school, or non-public, non-sectarian
15 elementary or secondary school.

16 (13) Requires all individual instances of bullying, as
17 well as all threats, suggestions, or instances of
18 self-harm determined to be the result of bullying, to be
19 reported to the parents or legal guardians of those
20 involved under the guidelines provided in paragraph (4) of
21 this definition.

22 "Restorative measures" means a continuum of school-based
23 alternatives to exclusionary discipline, such as suspensions
24 and expulsions, that: (i) are adapted to the particular needs
25 of the school and community, (ii) contribute to maintaining
26 school safety, (iii) protect the integrity of a positive and

1 productive learning climate, (iv) teach students the personal
2 and interpersonal skills they will need to be successful in
3 school and society, (v) serve to build and restore
4 relationships among students, families, schools, and
5 communities, (vi) reduce the likelihood of future disruption
6 by balancing accountability with an understanding of students'
7 behavioral health needs in order to keep students in school,
8 and (vii) increase student accountability if the incident of
9 bullying is based on religion, race, ethnicity, or any other
10 category that is identified in the Illinois Human Rights Act.

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 social workers, school
16 counselors, school psychologists, school nurses, cafeteria
17 workers, custodians, bus drivers, school resource officers,
18 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 on
24 bullying shall be based on the State Board of Education's
25 template for a model bullying prevention policy under
26 subsection (h) and shall include the criteria set forth in the

1 definition of "policy on bullying". The policy or implementing
2 procedure shall include a process to investigate whether a
3 reported act of bullying is within the permissible scope of
4 the district's or school's jurisdiction and shall require that
5 the district or school provide the victim with information
6 regarding services that are available within the district and
7 community, such as counseling, support services, and other
8 programs. School personnel available for help with a bully or
9 to make a report about bullying shall be made known to parents
10 or legal guardians, students, and school personnel. Every 2
11 years, each school district, charter school, and non-public,
12 non-sectarian elementary or secondary school shall conduct a
13 review and re-evaluation of its policy and make any necessary
14 and appropriate revisions. No later than September 30 of the
15 subject year, the policy must be filed with the State Board of
16 Education after being updated. The State Board of Education
17 shall monitor and provide technical support for the
18 implementation of policies created under this subsection (d).
19 In monitoring the implementation of the policies, the State
20 Board of Education shall review each filed policy on bullying
21 to ensure all policies meet the requirements set forth in this
22 Section, including ensuring that each policy meets the 12
23 criterion identified within the definition of "policy on
24 bullying" set forth in this Section.

25 If a school district, charter school, or non-public,
26 non-sectarian elementary or secondary school fails to file a

1 policy on bullying by September 30 of the subject year, the
2 State Board of Education shall provide a written request for
3 filing to the school district, charter school, or non-public,
4 non-sectarian elementary or secondary school. If a school
5 district, charter school, or non-public, non-sectarian
6 elementary or secondary school fails to file a policy on
7 bullying within 14 days of receipt of the aforementioned
8 written request, the State Board of Education shall publish
9 notice of the non-compliance on the State Board of Education's
10 website.

11 Each school district, charter school, and non-public,
12 non-sectarian elementary or secondary school may provide
13 evidence-based professional development and youth programming
14 on bullying prevention that is consistent with the provisions
15 of this Section.

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

19 (f) School districts, charter schools, and non-public,
20 non-sectarian elementary and secondary schools shall collect,
21 maintain, and submit to the State Board of Education
22 non-identifiable data regarding verified allegations of
23 bullying within the school district, charter school, or
24 non-public, non-sectarian elementary or secondary school.
25 School districts, charter schools, and non-public,
26 non-sectarian elementary and secondary schools must submit

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

20 (g) Upon the request of a parent or legal guardian of a
21 child enrolled in a school district, charter school, or
22 non-public, non-sectarian elementary or secondary school
23 within this State, the State Board of Education must provide
24 non-identifiable data on the number of bullying allegations
25 and incidents in a given year in the school district, charter
26 school, or non-public, non-sectarian elementary or secondary

1 school to the requesting parent or legal guardian. The State
2 Board of Education shall adopt rules regarding (i) the
3 handling of such data, (ii) maintaining the privacy of the
4 students and families involved, and (iii) best practices for
5 sharing numerical data with parents and legal guardians.

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

9 (i) The Illinois Bullying and Cyberbullying Prevention
10 Fund is created as a special fund in the State treasury. Any
11 moneys appropriated to the Fund may be used, subject to
12 appropriation, by the State Board of Education for the
13 purposes of subsection (j).

14 (j) Subject to appropriation, the State Superintendent of
15 Education may provide a grant to a school district, charter
16 school, or non-public, non-sectarian elementary or secondary
17 school to support its anti-bullying programming. Grants may be
18 awarded from the Illinois Bullying and Cyberbullying
19 Prevention Fund. School districts, charter schools, and
20 non-public, non-sectarian elementary or secondary schools that
21 are not in compliance with subsection (f) are not eligible to
22 receive a grant from the Illinois Bullying and Cyberbullying
23 Prevention Fund.

24 (Source: P.A. 102-197, eff. 7-30-21; 102-241, eff. 8-3-21;
25 102-813, eff. 5-13-22; 102-894, eff. 5-20-22; 103-47, eff.
26 6-9-23.)".