



Rep. Margaret Croke

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LRB103 29456 RJT 58719 a

1 AMENDMENT TO HOUSE BILL 3425

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3425 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding  
5 Section 5.990 as follows:

6 (30 ILCS 105/5.990 new)

7 Sec. 5.990. The Illinois Bullying and Cyberbullying  
8 Prevention Fund.

9 Section 10. The School Code is amended by changing Section  
10 27-23.7 as follows:

11 (105 ILCS 5/27-23.7)

12 Sec. 27-23.7. Bullying prevention.

13 (a) The General Assembly finds that a safe and civil  
14 school environment is necessary for students to learn and

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

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

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

3           (2) while in school, on school property, on school  
4 buses or other school vehicles, at designated school bus  
5 stops waiting for the school bus, or at school-sponsored  
6 or school-sanctioned events or activities;

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

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

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

1 (b) In this Section:

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.

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 ~~promptly~~ informing parents or guardians of all students  
10 involved in the alleged incident of bullying within 24  
11 hours after the school's administration is made aware of  
12 the students' involvement in the incident and discussing,  
13 as 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 (14) Includes a recommendation to seek free or  
23 cost-effective professional development and youth  
24 programming on bullying prevention that is consistent with  
25 the State Board of Education's recommendations for such  
26 training and that is research-based and addresses the

1           specific context of the school.

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

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

25           (c) (Blank).

26           (d) Each school district, charter school, and non-public,

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

1 to ensure all policies meet the requirements set forth in this  
2 Section, including ensuring that each policy meets the 12  
3 criterion identified within the definition of "policy on  
4 bullying" set forth in this Section.

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

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

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

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

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

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

7 (h) The State Board of Education shall post on its  
8 Internet website a template for a model bullying prevention  
9 policy. The State Board of Education shall adopt rules to  
10 implement the provisions of this subsection.

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

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

26 (Source: P.A. 102-197, eff. 7-30-21; 102-241, eff. 8-3-21;

1 102-813, eff. 5-13-22; 102-894, eff. 5-20-22.)".