



Rep. Margaret Croke

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LRB103 29456 RJT 59097 a

1 AMENDMENT TO HOUSE BILL 3425

2 AMENDMENT NO. _____. Amend House Bill 3425, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

7 (30 ILCS 105/5.990 new)

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

10 Section 10. The School Code is amended by changing Section
11 27-23.7 as follows:

12 (105 ILCS 5/27-23.7)

13 Sec. 27-23.7. Bullying prevention.

14 (a) The General Assembly finds that a safe and civil

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

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

1 student shall be subjected to bullying:

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

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

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

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

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

1 of Article I of the Illinois Constitution.

2 (b) In this Section:

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

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

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

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

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

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

24 "Cyber-bullying" means bullying through the use of
25 technology or any electronic communication, including without
26 limitation any transfer of signs, signals, writing, images,

1 sounds, data, or intelligence of any nature transmitted in
2 whole or in part by a wire, radio, electromagnetic system,
3 photoelectronic system, or photooptical system, including
4 without limitation electronic mail, Internet communications,
5 instant messages, or facsimile communications.

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

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

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

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

26 (3) Includes procedures for promptly reporting

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

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

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

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

1 information received during the course of the
2 investigation about the reported incident of bullying.

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

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

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

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

25 (7) Includes a statement prohibiting reprisal or
26 retaliation against any person who reports an act of

1 bullying and the consequences and appropriate remedial
2 actions for a person who engages in reprisal or
3 retaliation.

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

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

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

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

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

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

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

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

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

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

20 (c) (Blank).

21 (d) Each school district, charter school, and non-public,
22 non-sectarian elementary or secondary school shall create,
23 maintain, and implement a policy on bullying, which policy
24 must be filed with the State Board of Education. The policy on
25 bullying shall be based on the State Board of Education's
26 template for a model bullying prevention policy under

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

26 If a school district, charter school, or non-public,

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

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

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 verified allegations of
24 bullying within the school district, charter school, or
25 non-public, non-sectarian elementary or secondary school.
26 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 through the 2030-2031 school year.
5 The State Board of Education shall adopt rules for the
6 submission of data that includes, but is not limited to: (i) a
7 record of each verified allegation of bullying and action
8 taken; and (ii) whether the instance of bullying was based on
9 actual or perceived characteristics identified in subsection
10 (a) and, if so, lists the relevant characteristics. The rules
11 for the submission of data shall be consistent with federal
12 and State laws and rules governing student privacy rights,
13 including, but not limited to, the federal Family Educational
14 Rights and Privacy Act of 1974 and the Illinois School Student
15 Records Act, which shall include, without limitation, a record
16 of each complaint and action taken. The State Board of
17 Education shall adopt rules regarding the notification of
18 school districts, charter schools, and non-public,
19 non-sectarian elementary and secondary schools that fail to
20 comply with the requirements of 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) By January 1, 2024, the State Board of Education shall
8 post on its Internet website a template for a model bullying
9 prevention policy.

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

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

25 (Source: P.A. 102-197, eff. 7-30-21; 102-241, eff. 8-3-21;
26 102-813, eff. 5-13-22; 102-894, eff. 5-20-22.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".