

HB4133



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4133

by Rep. Margaret Croke

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-23.7

Amends the Courses of Study Article of the School Code. Provides that the provisions concerning bullying prevention apply to nonpublic, sectarian schools.

LRB103 32927 RJT 62731 b

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 27-23.7 as follows:

6 (105 ILCS 5/27-23.7)

7 Sec. 27-23.7. Bullying prevention.

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

1 Bullying on the basis of actual or perceived race, color,
2 religion, sex, national origin, ancestry, physical appearance,
3 socioeconomic status, academic status, pregnancy, parenting
4 status, homelessness, age, marital status, physical or mental
5 disability, military status, sexual orientation,
6 gender-related identity or expression, unfavorable discharge
7 from military service, association with a person or group with
8 one or more of the aforementioned actual or perceived
9 characteristics, or any other distinguishing characteristic is
10 prohibited in all school districts, charter schools, and
11 non-public, ~~non-sectarian elementary and secondary~~ schools. No
12 student shall be subjected to bullying:

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

15 (2) while in school, on school property, on school
16 buses or other school vehicles, at designated school bus
17 stops waiting for the school bus, or at school-sponsored
18 or school-sanctioned events or activities;

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

22 (4) through the transmission of information from a
23 computer that is accessed at a nonschool-related location,
24 activity, function, or program or from the use of
25 technology or an electronic device that is not owned,
26 leased, or used by a school district or school if the

1 bullying causes a substantial disruption to the
2 educational process or orderly operation of a school. This
3 item (4) applies only in cases in which a school
4 administrator or teacher receives a report that bullying
5 through this means has occurred and does not require a
6 district or school to staff or monitor any
7 nonschool-related activity, function, or program.

8 (a-5) Nothing in this Section is intended to infringe upon
9 any right to exercise free expression or the free exercise of
10 religion or religiously based views protected under the First
11 Amendment to the United States Constitution or under Section 3
12 of Article I of the Illinois Constitution.

13 (b) In this Section:

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

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

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

23 (3) substantially interfering with the student's or
24 students' academic performance; or

25 (4) substantially interfering with the student's or
26 students' ability to participate in or benefit from the

1 services, activities, or privileges provided by a school.

2 Bullying, as defined in this subsection (b), may take
3 various forms, including without limitation one or more of the
4 following: harassment, threats, intimidation, stalking,
5 physical violence, sexual harassment, sexual violence, theft,
6 public humiliation, destruction of property, or retaliation
7 for asserting or alleging an act of bullying. This list is
8 meant to be illustrative and non-exhaustive.

9 "Cyber-bullying" means bullying through the use of
10 technology or any electronic communication, including without
11 limitation any transfer of signs, signals, writing, images,
12 sounds, data, or intelligence of any nature transmitted in
13 whole or in part by a wire, radio, electromagnetic system,
14 photoelectronic system, or photooptical system, including
15 without limitation electronic mail, Internet communications,
16 instant messages, or facsimile communications.

17 "Cyber-bullying" includes the creation of a webpage or weblog
18 in which the creator assumes the identity of another person or
19 the knowing impersonation of another person as the author of
20 posted content or messages if the creation or impersonation
21 creates any of the effects enumerated in the definition of
22 bullying in this Section. "Cyber-bullying" also includes the
23 distribution by electronic means of a communication to more
24 than one person or the posting of material on an electronic
25 medium that may be accessed by one or more persons if the
26 distribution or posting creates any of the effects enumerated

1 in the definition of bullying in this Section.

2 "Non-public school" means a non-public elementary or
3 secondary school, whether sectarian or nonsectarian.

4 "Policy on bullying" means a bullying prevention policy
5 that meets the following criteria:

6 (1) Includes the bullying definition provided in this
7 Section.

8 (2) Includes a statement that bullying is contrary to
9 State law and the policy of the school district, charter
10 school, or non-public, ~~non sectarian elementary or~~
11 ~~secondary~~ school and is consistent with subsection (a-5)
12 of this Section.

13 (3) Includes procedures for promptly reporting
14 bullying, including, but not limited to, identifying and
15 providing the school e-mail address (if applicable) and
16 school telephone number for the staff person or persons
17 responsible for receiving such reports and a procedure for
18 anonymous reporting; however, this shall not be construed
19 to permit formal disciplinary action solely on the basis
20 of an anonymous report.

21 (4) Consistent with federal and State laws and rules
22 governing student privacy rights, includes procedures for
23 informing parents or guardians of all students involved in
24 the alleged incident of bullying within 24 hours after the
25 school's administration is made aware of the students'
26 involvement in the incident and discussing, as

1 appropriate, the availability of social work services,
2 counseling, school psychological services, other
3 interventions, and restorative measures. The school shall
4 make diligent efforts to notify a parent or legal
5 guardian, utilizing all contact information the school has
6 available or that can be reasonably obtained by the school
7 within the 24-hour period.

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

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

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

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

24 (D) Consistent with federal and State laws and
25 rules governing student privacy rights, providing
26 parents and guardians of the students who are parties

1 to the investigation information about the
2 investigation and an opportunity to meet with the
3 principal or school administrator or his or her
4 designee to discuss the investigation, the findings of
5 the investigation, and the actions taken to address
6 the reported incident of bullying.

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

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

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

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

23 (10) Is posted on the school district's, charter
24 school's, or non-public, ~~non-sectarian elementary or~~
25 ~~secondary~~ school's existing, publicly accessible Internet
26 website, is included in the student handbook, and, where

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

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

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

4 (13) Requires all individual instances of bullying, as
5 well as all threats, suggestions, or instances of
6 self-harm determined to be the result of bullying, to be
7 reported to the parents or legal guardians of those
8 involved under the guidelines provided in paragraph (4) of
9 this definition.

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

25 "School personnel" means persons employed by, on contract
26 with, or who volunteer in a school district, charter school,

1 or non-public, ~~non-sectarian elementary or secondary~~ school,
2 including without limitation school and school district
3 administrators, teachers, school social workers, school
4 counselors, school psychologists, school nurses, cafeteria
5 workers, custodians, bus drivers, school resource officers,
6 and security guards.

7 (c) (Blank).

8 (d) Each school district, charter school, and non-public, ~~non-sectarian elementary or secondary~~
9 school shall create,
10 maintain, and implement a policy on bullying, which policy
11 must be filed with the State Board of Education. The policy on
12 bullying shall be based on the State Board of Education's
13 template for a model bullying prevention policy under
14 subsection (h) and shall include the criteria set forth in the
15 definition of "policy on bullying". The policy or implementing
16 procedure shall include a process to investigate whether a
17 reported act of bullying is within the permissible scope of
18 the district's or school's jurisdiction and shall require that
19 the district or school provide the victim with information
20 regarding services that are available within the district and
21 community, such as counseling, support services, and other
22 programs. School personnel available for help with a bully or
23 to make a report about bullying shall be made known to parents
24 or legal guardians, students, and school personnel. Every 2
25 years, each school district, charter school, and non-public, ~~non-sectarian elementary or secondary~~
26 school shall conduct a

1 review and re-evaluation of its policy and make any necessary
2 and appropriate revisions. No later than September 30 of the
3 subject year, the policy must be filed with the State Board of
4 Education after being updated. The State Board of Education
5 shall monitor and provide technical support for the
6 implementation of policies created under this subsection (d).
7 In monitoring the implementation of the policies, the State
8 Board of Education shall review each filed policy on bullying
9 to ensure all policies meet the requirements set forth in this
10 Section, including ensuring that each policy meets the 12
11 criterion identified within the definition of "policy on
12 bullying" set forth in this Section.

13 If a school district, charter school, or non-public,
14 ~~non-sectarian elementary or secondary~~ school fails to file a
15 policy on bullying by September 30 of the subject year, the
16 State Board of Education shall provide a written request for
17 filing to the school district, charter school, or non-public,
18 ~~non-sectarian elementary or secondary~~ school. If a school
19 district, charter school, or non-public, ~~non-sectarian~~
20 ~~elementary or secondary~~ school fails to file a policy on
21 bullying within 14 days of receipt of the aforementioned
22 written request, the State Board of Education shall publish
23 notice of the non-compliance on the State Board of Education's
24 website.

25 Each school district, charter school, and non-public,
26 ~~non-sectarian elementary or secondary~~ school may provide

1 evidence-based professional development and youth programming
2 on bullying prevention that is consistent with the provisions
3 of this Section.

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

7 (f) School districts, charter schools, and non-public~~7~~
8 ~~non-sectarian elementary and secondary~~ schools shall collect,
9 maintain, and submit to the State Board of Education
10 non-identifiable data regarding verified allegations of
11 bullying within the school district, charter school, or
12 non-public~~7~~, ~~non-sectarian elementary or secondary~~ school.
13 School districts, charter schools, and non-public~~7~~
14 ~~non-sectarian elementary and secondary~~ schools must submit
15 such data in an annual report due to the State Board of
16 Education no later than August 15 of each year starting with
17 the 2024-2025 school year through the 2030-2031 school year.
18 The State Board of Education shall adopt rules for the
19 submission of data that includes, but is not limited to: (i) a
20 record of each verified allegation of bullying and action
21 taken; and (ii) whether the instance of bullying was based on
22 actual or perceived characteristics identified in subsection
23 (a) and, if so, lists the relevant characteristics. The rules
24 for the submission of data shall be consistent with federal
25 and State laws and rules governing student privacy rights,
26 including, but not limited to, the federal Family Educational

1 Rights and Privacy Act of 1974 and the Illinois School Student
2 Records Act, which shall include, without limitation, a record
3 of each complaint and action taken. The State Board of
4 Education shall adopt rules regarding the notification of
5 school districts, charter schools, and non-public,
6 ~~non-sectarian elementary and secondary~~ schools that fail to
7 comply with the requirements of this subsection.

8 (g) Upon the request of a parent or legal guardian of a
9 child enrolled in a school district, charter school, or
10 non-public, ~~non-sectarian elementary or secondary~~ school
11 within this State, the State Board of Education must provide
12 non-identifiable data on the number of bullying allegations
13 and incidents in a given year in the school district, charter
14 school, or non-public, ~~non-sectarian elementary or secondary~~
15 school to the requesting parent or legal guardian. The State
16 Board of Education shall adopt rules regarding (i) the
17 handling of such data, (ii) maintaining the privacy of the
18 students and families involved, and (iii) best practices for
19 sharing numerical data with parents and legal guardians.

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

23 (i) The Illinois Bullying and Cyberbullying Prevention
24 Fund is created as a special fund in the State treasury. Any
25 moneys appropriated to the Fund may be used, subject to
26 appropriation, by the State Board of Education for the

1 purposes of subsection (j).

2 (j) Subject to appropriation, the State Superintendent of
3 Education may provide a grant to a school district, charter
4 school, or non-public, ~~non-sectarian elementary or secondary~~
5 school to support its anti-bullying programming. Grants may be
6 awarded from the Illinois Bullying and Cyberbullying
7 Prevention Fund. School districts, charter schools, and
8 non-public, ~~non-sectarian elementary or secondary~~ schools that
9 are not in compliance with subsection (f) are not eligible to
10 receive a grant from the Illinois Bullying and Cyberbullying
11 Prevention Fund.

12 (Source: P.A. 102-197, eff. 7-30-21; 102-241, eff. 8-3-21;
13 102-813, eff. 5-13-22; 102-894, eff. 5-20-22; 103-47, eff.
14 6-9-23.)