



Sen. Heather A. Steans

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09700HB5290sam001

LRB097 18856 RPM 69034 a

1 AMENDMENT TO HOUSE BILL 5290

2 AMENDMENT NO. _____. Amend House Bill 5290 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 school
9 environment is necessary for students to learn and achieve and
10 that bullying causes physical, psychological, and emotional
11 harm to students and interferes with students' ability to learn
12 and participate in school activities. The General Assembly
13 further finds that bullying has been linked to other forms of
14 antisocial behavior, such as vandalism, shoplifting, skipping
15 and dropping out of school, fighting, using drugs and alcohol,
16 sexual harassment, and sexual violence. Because of the negative

1 outcomes associated with bullying in schools, the General
2 Assembly finds that school districts and non-public,
3 non-sectarian elementary and secondary schools should educate
4 students, parents, and school district or non-public,
5 non-sectarian elementary or secondary school personnel about
6 what behaviors constitute prohibited bullying.

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

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

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

23 (3) through the transmission of information from a
24 school computer, a school computer network, or other
25 similar electronic school equipment.

26 (a-5) Nothing in this Section is intended to infringe upon

1 any right to exercise free expression or the free exercise of
2 religion or religiously based views protected under the First
3 Amendment to the United States Constitution or under Section 3
4 or 4 of Article 1 of the Illinois Constitution.

5 (b) In this Section:

6 "Bullying" means any severe or pervasive physical or verbal
7 act or conduct, including communications made in writing or
8 electronically, directed toward a student or students that has
9 or can be reasonably predicted to have the effect of one or
10 more of the following:

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

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

15 (3) substantially interfering with the student's or
16 students' academic performance; or

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

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

1 "Policy on bullying" means a bullying prevention policy
2 that:

3 (1) includes the bullying definition provided in this
4 Section;

5 (2) includes a statement that bullying is contrary to
6 State law and the policy of the school district or
7 non-public, non-sectarian elementary or secondary school
8 and is consistent with subsection (a-5) of this Section;

9 (3) includes procedures for:

10 (i) promptly reporting bullying, including, but
11 not limited to, identifying a person or persons
12 responsible for receiving such reports and a procedure
13 for anonymous reporting; and

14 (ii) promptly investigating and addressing
15 complaints of bullying;

16 (4) includes the interventions that can be taken to
17 address bullying, which may include, but are not limited
18 to, restorative measures, social-emotional skill building,
19 counseling, school psychological services, school social
20 worker interventions, and community-based services;

21 (5) is based on the engagement of a range of school
22 stakeholders, including students and families;

23 (6) is posted on the school district's or non-public,
24 non-sectarian elementary or secondary school's existing
25 Internet website and is included in the student handbook,
26 and, where applicable, posted where other policies, rules,

1 and standards of conduct are currently posted in the
2 school, and is distributed annually to parents, guardians,
3 students, and school personnel, including new employees
4 when hired; and

5 (7) is consistent with the school district's board
6 policies or non-public, non-sectarian elementary or
7 secondary school's administrative policies.

8 "Restorative measures" means a continuum of school-based
9 alternatives to exclusionary discipline, such as suspensions
10 and expulsions, that: (i) are adapted to the particular needs
11 of the school and community, (ii) contribute to maintaining
12 school safety, (iii) protect the integrity of a positive and
13 productive learning climate, (iv) teach students the personal
14 and interpersonal skills they will need to be successful in
15 school and society, (v) serve to build and restore
16 relationships among students, families, schools, and
17 communities, and (vi) reduce the likelihood of future
18 disruption by balancing accountability with an understanding
19 of students' behavioral health needs in order to keep students
20 in school.

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

1 cafeteria workers, custodians, bus drivers, school resource
2 officers, and security guards.

3 (c) (Blank).

4 (d) Each school district and non-public, non-sectarian
5 elementary or secondary school shall create, ~~and maintain, and~~
6 implement a policy on bullying, which policy must be filed with
7 the State Board of Education. ~~Each school district and~~
8 ~~non public, non sectarian elementary or secondary school must~~
9 ~~communicate its policy on bullying to its students and their~~
10 ~~parent or guardian on an annual basis.~~ The policy must be
11 updated every 2 years and filed with the State Board of
12 Education after being updated. The State Board of Education
13 shall monitor and provide technical support for the
14 implementation of policies created under this subsection (d).

15 (e) This Section shall not be interpreted to prevent a
16 victim from seeking redress under any other available civil or
17 criminal law. ~~Nothing in this Section is intended to infringe~~
18 ~~upon any right to exercise free expression or the free exercise~~
19 ~~of religion or religiously based views protected under the~~
20 ~~First Amendment to the United States Constitution or under~~
21 ~~Section 3 or 4 of Article 1 of the Illinois Constitution.~~

22 (Source: P.A. 95-198, eff. 1-1-08; 95-349, eff. 8-23-07;
23 95-876, eff. 8-21-08; 96-952, eff. 6-28-10.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."