



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1798

Introduced 2/15/2019, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.69 new
105 ILCS 5/27-23.7
105 ILCS 5/34-18.61 new

Amends the School Code. Requires each school district to create, maintain, and implement an age-appropriate policy on sexual harassment that must be included in the district's student code of conduct handbook. Provides that a school district's or charter school's policy on bullying must be included in the student code of conduct handbook in an age-appropriate manner.

LRB101 10174 AXK 55277 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 and by adding Sections 10-20.69 and 34-18.61 as
6 follows:

7 (105 ILCS 5/10-20.69 new)

8 Sec. 10-20.69. Policy on sexual harassment. Each school
9 district must create, maintain, and implement an
10 age-appropriate policy on sexual harassment that must be
11 included in the district's student code of conduct handbook.

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 school
15 environment is necessary for students to learn and achieve and
16 that bullying causes physical, psychological, and emotional
17 harm to students and interferes with students' ability to learn
18 and participate in school activities. The General Assembly
19 further finds that bullying has been linked to other forms of
20 antisocial behavior, such as vandalism, shoplifting, skipping
21 and dropping out of school, fighting, using drugs and alcohol,
22 sexual harassment, and sexual violence. Because of the negative

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

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

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

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

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

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

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

18 (b) In this Section:

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

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

26 (2) causing a substantially detrimental effect on the

1 student's or students' physical or mental health;

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

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

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

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

22 "Cyber-bullying" includes the creation of a webpage or weblog
23 in which the creator assumes the identity of another person or
24 the knowing impersonation of another person as the author of
25 posted content or messages if the creation or impersonation
26 creates any of the effects enumerated in the definition of

1 bullying in this Section. "Cyber-bullying" also includes the
2 distribution by electronic means of a communication to more
3 than one person or the posting of material on an electronic
4 medium that may be accessed by one or more persons if the
5 distribution or posting creates any of the effects enumerated
6 in the definition of bullying in this Section.

7 "Policy on bullying" means a bullying prevention policy
8 that meets the following criteria:

9 (1) Includes the bullying definition provided in this
10 Section.

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

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

24 (4) Consistent with federal and State laws and rules
25 governing student privacy rights, includes procedures for
26 promptly informing parents or guardians of all students

1 involved in the alleged incident of bullying and
2 discussing, as appropriate, the availability of social
3 work services, counseling, school psychological services,
4 other interventions, and restorative measures.

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

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

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

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

21 (D) Consistent with federal and State laws and
22 rules governing student privacy rights, providing
23 parents and guardians of the students who are parties
24 to the investigation information about the
25 investigation and an opportunity to meet with the
26 principal or school administrator or his or her

1 designee to discuss the investigation, the findings of
2 the investigation, and the actions taken to address the
3 reported incident of bullying.

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

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

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

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

20 (10) Is posted on the school district's, charter
21 school's, or non-public, non-sectarian elementary or
22 secondary school's existing Internet website, is included
23 in the student handbook, and, where applicable, posted
24 where other policies, rules, and standards of conduct are
25 currently posted in the school and provided periodically
26 throughout the school year to students and faculty, and is

1 distributed annually to parents, guardians, students, and
2 school personnel, including new employees when hired.

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

23 (12) Is consistent with the policies of the school
24 board, charter school, or non-public, non-sectarian
25 elementary or secondary school.

26 "Restorative measures" means a continuum of school-based

1 alternatives to exclusionary discipline, such as suspensions
2 and expulsions, that: (i) are adapted to the particular needs
3 of the school and community, (ii) contribute to maintaining
4 school safety, (iii) protect the integrity of a positive and
5 productive learning climate, (iv) teach students the personal
6 and interpersonal skills they will need to be successful in
7 school and society, (v) serve to build and restore
8 relationships among students, families, schools, and
9 communities, and (vi) reduce the likelihood of future
10 disruption by balancing accountability with an understanding
11 of students' behavioral health needs in order to keep students
12 in school.

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

21 (c) (Blank).

22 (d) Each school district, charter school, and non-public,
23 non-sectarian elementary or secondary school shall create,
24 maintain, and implement a policy on bullying, which policy must
25 be filed with the State Board of Education and, for a school
26 district or charter school, must be included in the student

1 code of conduct handbook in an age-appropriate manner. The
2 policy or implementing procedure shall include a process to
3 investigate whether a reported act of bullying is within the
4 permissible scope of the district's or school's jurisdiction
5 and shall require that the district or school provide the
6 victim with information regarding services that are available
7 within the district and community, such as counseling, support
8 services, and other programs. School personnel available for
9 help with a bully or to make a report about bullying shall be
10 made known to parents or legal guardians, students, and school
11 personnel. Every 2 years, each school district, charter school,
12 and non-public, non-sectarian elementary or secondary school
13 shall conduct a review and re-evaluation of its policy and make
14 any necessary and appropriate revisions. The policy must be
15 filed with the State Board of Education after being updated.
16 The State Board of Education shall monitor and provide
17 technical support for the implementation of policies created
18 under this subsection (d).

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

22 (Source: P.A. 99-78, eff. 7-20-15; 100-137, eff. 8-18-17.)

23 (105 ILCS 5/34-18.61 new)

24 Sec. 34-18.61. Policy on sexual harassment. The school
25 district must create, maintain, and implement an

1 age-appropriate policy on sexual harassment that must be
2 included in the district's student code of conduct handbook.