



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB2950

by Rep. Melissa Conyears-Ervin

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-23.7

Amends the School Code. Requires each school, charter school, and non-public, non-sectarian elementary or secondary school to provide information on a quarterly basis to students concerning what to do if the student is being bullied and what resources are available. Requires each school to designate school personnel who are available for help with a bully or to make a report about bullying. Effective immediately.

LRB100 10093 MLM 20266 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 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  
17 outcomes associated with bullying in schools, the General  
18 Assembly finds that school districts, charter schools, and  
19 non-public, non-sectarian elementary and secondary schools  
20 should educate students, parents, and school district, charter  
21 school, or non-public, non-sectarian elementary or secondary  
22 school personnel about what behaviors constitute prohibited  
23 bullying.

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

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

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

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

20 (4) through the transmission of information from a  
21 computer that is accessed at a nonschool-related location,  
22 activity, function, or program or from the use of  
23 technology or an electronic device that is not owned,  
24 leased, or used by a school district or school if the  
25 bullying causes a substantial disruption to the  
26 educational process or orderly operation of a school. This

1 item (4) applies only in cases in which a school  
2 administrator or teacher receives a report that bullying  
3 through this means has occurred and does not require a  
4 district or school to staff or monitor any  
5 nonschool-related activity, function, or program.

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

11 (b) In this Section:

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

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

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

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

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

26 Bullying, as defined in this subsection (b), may take

1 various forms, including without limitation one or more of the  
2 following: harassment, threats, intimidation, stalking,  
3 physical violence, sexual harassment, sexual violence, theft,  
4 public humiliation, destruction of property, or retaliation  
5 for asserting or alleging an act of bullying. This list is  
6 meant to be illustrative and non-exhaustive.

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

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

26 "Policy on bullying" means a bullying prevention policy

1 that meets the following criteria:

2 (1) Includes the bullying definition provided in this  
3 Section.

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

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

17 (4) Consistent with federal and State laws and rules  
18 governing student privacy rights, includes procedures for  
19 promptly informing parents or guardians of all students  
20 involved in the alleged incident of bullying and  
21 discussing, as appropriate, the availability of social  
22 work services, counseling, school psychological services,  
23 other interventions, and restorative measures.

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

26 (A) Making all reasonable efforts to complete the

1 investigation within 10 school days after the date the  
2 report of the incident of bullying was received and  
3 taking into consideration additional relevant  
4 information received during the course of the  
5 investigation about the reported incident of bullying.

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

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

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

23 (6) Includes the interventions that can be taken to  
24 address bullying, which may include, but are not limited  
25 to, school social work services, restorative measures,  
26 social-emotional skill building, counseling, school

1 psychological services, and community-based services.

2 (7) Includes a statement prohibiting reprisal or  
3 retaliation against any person who reports an act of  
4 bullying and the consequences and appropriate remedial  
5 actions for a person who engages in reprisal or  
6 retaliation.

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

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

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

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



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

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

18 "Restorative measures" means a continuum of school-based  
19 alternatives to exclusionary discipline, such as suspensions  
20 and expulsions, that: (i) are adapted to the particular needs  
21 of the school and community, (ii) contribute to maintaining  
22 school safety, (iii) protect the integrity of a positive and  
23 productive learning climate, (iv) teach students the personal  
24 and interpersonal skills they will need to be successful in  
25 school and society, (v) serve to build and restore  
26 relationships among students, families, schools, and

1 communities, and (vi) reduce the likelihood of future  
2 disruption by balancing accountability with an understanding  
3 of students' behavioral health needs in order to keep students  
4 in school.

5 "School personnel" means persons employed by, on contract  
6 with, or who volunteer in a school district, charter school, or  
7 non-public, non-sectarian elementary or secondary school,  
8 including without limitation school and school district  
9 administrators, teachers, school guidance counselors, school  
10 social workers, school counselors, school psychologists,  
11 school nurses, cafeteria workers, custodians, bus drivers,  
12 school resource officers, and security guards.

13 (c) (Blank).

14 (d) Each school district, charter school, and non-public,  
15 non-sectarian elementary or secondary school shall create,  
16 maintain, and implement a policy on bullying, which policy must  
17 be filed with the State Board of Education. The policy or  
18 implementing procedure shall include a process to investigate  
19 whether a reported act of bullying is within the permissible  
20 scope of the district's or school's jurisdiction and shall  
21 require that the district or school provide the victim with  
22 information regarding services that are available within the  
23 district and community, such as counseling, support services,  
24 and other programs. Every 2 years, each school district,  
25 charter school, and non-public, non-sectarian elementary or  
26 secondary school shall conduct a review and re-evaluation of

1 its policy and make any necessary and appropriate revisions.  
2 The policy must be filed with the State Board of Education  
3 after being updated. The State Board of Education shall monitor  
4 and provide technical support for the implementation of  
5 policies created under this subsection (d).

6 (d-5) In addition to the other requirements of this  
7 Section, each school, charter school, and non-public,  
8 non-sectarian elementary or secondary school shall provide  
9 information on a quarterly basis to students concerning what to  
10 do if the student is being bullied and what resources are  
11 available. Each school, charter school, and non-public,  
12 non-sectarian elementary or secondary school shall designate  
13 school personnel who are available for help with a bully or to  
14 make a report about bullying.

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.

18 (Source: P.A. 98-669, eff. 6-26-14; 98-801, eff. 1-1-15; 99-78,  
19 eff. 7-20-15.)

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.