



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5129

Introduced 2/18/2020, by Rep. Aaron M. Ortiz

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-23.7

Amends the School Code in provisions concerning bullying prevention. Provides that bullying on the basis of actual or perceived immigration status is prohibited. Provides that school personnel, including school personnel employed in an educational program that receives funding from an early childhood education block grant, who engage in bullying may be subject to disciplinary action that may include termination of employment.

LRB101 18934 CMG 68393 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, immigration status,
3 age, marital status, physical or mental disability, military
4 status, sexual orientation, gender-related identity or
5 expression, unfavorable discharge from military service,
6 association with a person or group with one or more of the
7 aforementioned actual or perceived characteristics, or any
8 other distinguishing characteristic is prohibited in all
9 school districts, charter schools, and non-public,
10 non-sectarian elementary and secondary schools. No student
11 shall be subjected to bullying:

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

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

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

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

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

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

12 (a-10) School personnel, including school personnel
13 employed in an educational program that receives funding from
14 an Early Childhood Education Block Grant, who engage in
15 bullying may be subject to disciplinary action that may include
16 termination of employment.

17 (b) In this Section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 discussing, as appropriate, the availability of social
2 work services, counseling, school psychological services,
3 other interventions, and restorative measures.

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

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

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

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

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

1 the investigation, and the actions taken to address the
2 reported incident of bullying.

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

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

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

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

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

1 school personnel, including new employees when hired.

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

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

25 "Restorative measures" means a continuum of school-based
26 alternatives to exclusionary discipline, such as suspensions

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

12 "School personnel" means persons employed by, on contract
13 with, or who volunteer in a school district, charter school, or
14 non-public, non-sectarian elementary or secondary school,
15 including without limitation school and school district
16 administrators, teachers, school guidance counselors, school
17 social workers, school counselors, school psychologists,
18 school nurses, cafeteria workers, custodians, bus drivers,
19 school resource officers, 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 must
24 be filed with the State Board of Education. The policy or
25 implementing procedure shall include a process to investigate
26 whether a reported act of bullying is within the permissible

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

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

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