



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB5184

Introduced 2/9/2024, by Rep. Christopher "C.D." Davidsmeyer

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-23.7

Amends the Courses of Study Article of the School Code. In provisions concerning bullying prevention, provides that "policy on bullying" means a bullying prevention policy that is age and developmentally appropriate. Effective July 1, 2024.

LRB103 37819 RJT 67949 b

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  
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,  
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 "Age and developmentally appropriate" means being suitable  
15 to a particular age or age group of children and adolescents,  
16 based on the developing cognitive, emotional, and behavioral  
17 capacity typical for the age or age group.

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)  
14 of 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  
22 of an anonymous report.

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

1 school's administration is made aware of the students'  
2 involvement in the incident and discussing, as  
3 appropriate, the availability of social work services,  
4 counseling, school psychological services, other  
5 interventions, and restorative measures. The school shall  
6 make diligent efforts to notify a parent or legal  
7 guardian, utilizing all contact information the school has  
8 available or that can be reasonably obtained by the school  
9 within the 24-hour period.

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

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

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

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

26 (D) Consistent with federal and State laws and

1 rules governing student privacy rights, providing  
2 parents and guardians of the students who are parties  
3 to the investigation information about the  
4 investigation and an opportunity to meet with the  
5 principal or school administrator or his or her  
6 designee to discuss the investigation, the findings of  
7 the investigation, and the actions taken to address  
8 the reported incident of bullying.

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

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

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

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

25 (10) Is posted on the school district's, charter  
26 school's, or non-public, non-sectarian elementary or



1 secondary school's existing, publicly accessible Internet  
2 website, is included in the student handbook, and, where  
3 applicable, posted where other policies, rules, and  
4 standards of conduct are currently posted in the school  
5 and provided periodically throughout the school year to  
6 students and faculty, and is distributed annually to  
7 parents, guardians, students, and school personnel,  
8 including new employees when hired.

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

1 provided to school administrators, school board members,  
2 school personnel, parents, guardians, and students.

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

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

12 (14) Is age and developmentally appropriate.

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

1 category that is identified in the Illinois Human Rights Act.

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

10 (c) (Blank).

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

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

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

1 website.

2 Each school district, charter school, and non-public,  
3 non-sectarian elementary or secondary school may provide  
4 evidence-based professional development and youth programming  
5 on bullying prevention that is consistent with the provisions  
6 of this Section.

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

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

1 for the submission of data shall be consistent with federal  
2 and State laws and rules governing student privacy rights,  
3 including, but not limited to, the federal Family Educational  
4 Rights and Privacy Act of 1974 and the Illinois School Student  
5 Records Act, which shall include, without limitation, a record  
6 of each complaint and action taken. The State Board of  
7 Education shall adopt rules regarding the notification of  
8 school districts, charter schools, and non-public,  
9 non-sectarian elementary and secondary schools that fail to  
10 comply with the requirements of this subsection.

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

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

26 (i) The Illinois Bullying and Cyberbullying Prevention

1 Fund is created as a special fund in the State treasury. Any  
2 moneys appropriated to the Fund may be used, subject to  
3 appropriation, by the State Board of Education for the  
4 purposes of subsection (j).

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

15 (Source: P.A. 102-197, eff. 7-30-21; 102-241, eff. 8-3-21;  
16 102-813, eff. 5-13-22; 102-894, eff. 5-20-22; 103-47, eff.  
17 6-9-23.)

18 Section 99. Effective date. This Act takes effect July 1,  
19 2024.