

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.