



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB3266

Introduced 2/9/2010, by Sen. Kimberly A. Lightford

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-23.7  
105 ILCS 5/27-23.9 new  
30 ILCS 805/8.34 new

Amends the School Code. In provisions concerning bullying prevention, makes changes concerning the criteria for bullying, the written policy on bullying that schools must adopt (including posting requirements), and implementation of the written policy. Requires that schools maintain records concerning any bullying incidents. Adds provisions concerning criminal and civil immunity for specified parties. Adds provisions concerning gang resistance education and training for students. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB096 20034 NHT 35537 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 Section 27-23.9 as follows:

6 (105 ILCS 5/27-23.7)

7 Sec. 27-23.7. Bullying prevention ~~education; gang~~  
8 ~~resistance education and training.~~

9 (a) The General Assembly finds that a safe and civil school  
10 environment is necessary for students to learn and achieve and  
11 that bullying causes physical, psychological and emotional  
12 harm to students and interferes with students' ability to learn  
13 and participate in school activities. The General Assembly  
14 further finds that bullying has a negative effect on the social  
15 environment of schools, creates a climate of fear among  
16 students, inhibits their ability to learn, and leads to other  
17 antisocial behavior. Bullying behavior has been linked to other  
18 forms of antisocial behavior, such as vandalism, shoplifting,  
19 skipping and dropping out of school, fighting, using drugs and  
20 alcohol, sexual harassment, and sexual violence. Because of the  
21 negative outcomes associated with bullying in schools, the  
22 General Assembly finds that school districts should educate all  
23 students, parents, and school district personnel about what

1 behaviors constitute prohibited bullying.

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

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

21 ~~The General Assembly further finds that the instance of~~  
22 ~~youth delinquent gangs continues to rise on a statewide basis.~~  
23 ~~Given the higher rates of criminal offending among gang~~  
24 ~~members, as well as the availability of increasingly lethal~~  
25 ~~weapons, the level of criminal activity by gang members has~~  
26 ~~taken on new importance for law enforcement agencies, schools,~~

1 ~~the community, and prevention efforts.~~

2 (b) In this Section:

3 "Bullying" includes any severe or pervasive physical or  
4 verbal act or conduct, including communications made in writing  
5 or electronically, directed toward a student or students that  
6 has or can be reasonably predicted to have the effect of one or  
7 more of the following:

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

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

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

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

17 Bullying, as defined in this subsection (b), may include  
18 without limitation harassment, threats, intimidation,  
19 stalking, physical violence, sexual harassment or violence,  
20 theft, public humiliation, teasing, social exclusion,  
21 destruction of property, or retaliation for asserting or  
22 alleging an act of bullying.

23 "Recognized Non-Public School" means any non-public school  
24 recognized by the State Board of Education in accordance with  
25 Section 2-3.25o of this Code.

26 "School personnel" means persons employed by, on contract

1 with, or who volunteer in a school district or recognized  
2 non-public school, including without limitation school and  
3 school district administrators, teachers, school guidance  
4 counselors, school social workers, school counselors, school  
5 psychologists, school nurses, cafeteria workers, custodians,  
6 bus drivers, school resource officers, and security guards.

7 ~~"Bullying prevention" means and includes instruction in~~  
8 ~~all of the following:~~

9 ~~(1) Intimidation.~~

10 ~~(2) Student victimization.~~

11 ~~(3) Sexual harassment.~~

12 ~~(4) Sexual violence.~~

13 ~~(5) Strategies for student-centered problem solving~~  
14 ~~regarding bullying.~~

15 ~~"Gang resistance education and training" means and~~  
16 ~~includes instruction in, without limitation, each of the~~  
17 ~~following subject matters when accompanied by a stated~~  
18 ~~objective of reducing gang activity and educating children in~~  
19 ~~grades K through 12 about the consequences of gang involvement:~~

20 ~~(1) Conflict resolution.~~

21 ~~(2) Cultural sensitivity.~~

22 ~~(3) Personal goal setting.~~

23 ~~(4) Resisting peer pressure.~~

24 (c) By January 1, 2011, every school district and  
25 recognized non-public school shall have adopted and have in  
26 effect a policy that complies with this subsection (c). Every

1 policy required under this subsection (c) must contain, at a  
2 minimum, the following components:

3 (1) a definition of bullying that is consistent with  
4 that which is set forth in subsections (a) and (b) of this  
5 Section;

6 (2) a statement declaring that bullying is contrary to  
7 state law and school district policy or the policy of the  
8 recognized non-public school;

9 (3) procedure or procedures for reporting bullying,  
10 including a provision that permits a person to report  
11 bullying anonymously. No formal disciplinary action shall  
12 be taken by a school district or recognized non-public  
13 school solely on the basis of an anonymous report;

14 (4) a requirement that any school employee who has  
15 reliable information that would lead a reasonable person to  
16 suspect that a student is a target of bullying shall  
17 immediately report it to the person or persons responsible  
18 for investigating reports of bullying;

19 (5) an explanation of the procedure or procedures for  
20 the prompt investigation of allegations of bullying,  
21 including identification of the person or persons  
22 responsible for investigating reports of bullying;

23 (6) the timelines that the school district or  
24 recognized non-public school will follow to resolve  
25 complaints of bullying;

26 (7) a list of the potential consequences for and

1 remedial actions that may be taken against an individual  
2 who violates the bullying policy; and

3 (8) a list of the potential remedies for and protective  
4 actions that may be taken for a student subjected to  
5 bullying.

6 With respect to this list of potential remedies, the policy  
7 must state that, except to secure their immediate safety or  
8 with the consent of the adult who legally enrolled the student,  
9 a student ordinarily should not be removed from a class, room,  
10 school facility or school district in order to stop ongoing  
11 bullying directed at them and if there is a need to separate  
12 students for this purpose and to create an environment  
13 conducive to learning and respect, it is presumed that the  
14 offending students ordinarily should be removed.

15 A school district in every one of its schools, and a  
16 recognized non-public school, shall (i) post the policy  
17 required in this subsection (c) in an area of the school where  
18 notices regarding the rules, regulations, procedures, and  
19 standards of conduct are posted; (ii) distribute such policy  
20 annually to parents, guardians, and students; (iii) provide the  
21 policy to all school personnel at the beginning of each school  
22 year and at the time a new employee is hired; and (iv) include  
23 the policy on or in the school district's, or recognized  
24 non-public school's website, student handbook, student  
25 orientation material, or publication that sets forth the rules,  
26 procedures, or standards of conduct for students.

1 Every policy required by this subsection (c) must be  
2 implemented in a manner that is ongoing throughout the school  
3 year and integrated with a school's curriculum, a school's  
4 discipline policies and other violence prevention efforts.  
5 ~~Each school district may make suitable provisions for~~  
6 ~~instruction in bullying prevention and gang resistance~~  
7 ~~education and training in all grades and include such~~  
8 ~~instruction in the courses of study regularly taught therein. A~~  
9 ~~school board may collaborate with a community based agency~~  
10 ~~providing specialized curricula in bullying prevention whose~~  
11 ~~ultimate outcome is to prevent sexual violence. For the~~  
12 ~~purposes of gang resistance education and training, a school~~  
13 ~~board must collaborate with State and local law enforcement~~  
14 ~~agencies. The State Board of Education may assist in the~~  
15 ~~development of instructional materials and teacher training in~~  
16 ~~relation to bullying prevention and gang resistance education~~  
17 ~~and training.~~

18 (d) Every school district and recognized non-public school  
19 shall maintain data regarding the allegations and incidents of  
20 bullying in the school district or recognized non-public  
21 school, including a record of each complaint alleging a  
22 violation of the bullying policy and the resulting  
23 determination made or actions taken, or both, in response to  
24 the complaint. Beginning with 2011-2012 school year, every  
25 school district and recognized non-public school must submit to  
26 the State Board of Education data regarding bullying in a



1 format to be determined by the State Board of Education.

2 Subject to funds appropriated for these purposes, the State  
3 Board of Education, in collaboration with additional State  
4 agencies at its discretion, shall facilitate compliance with  
5 this Section by doing the following:

6 (1) preparing model policies applicable to and age  
7 appropriate for grades K through 12; and

8 (2) developing a demonstration project under which the  
9 State Board of Education shall provide, either directly or  
10 through a contract, in-service training and technical  
11 assistance regarding bullying to school personnel and  
12 students in selected school districts, which project shall  
13 do the following:

14 (A) address the causes of bullying and train  
15 teachers, administrators, student services personnel,  
16 and other school personnel about strategies to prevent  
17 bullying and to effectively intervene when such  
18 incidents occur;

19 (B) teach students about the consequences of  
20 bullying and to effectively intervene when such  
21 incidents occur; and

22 (C) evaluate the effects of the in-service  
23 training and technical assistance on bullying behavior  
24 and its consequences within the school district.

25 The demonstration project shall operate for 2 years,  
26 beginning in the 2011-2012 school year, in 5 to 10 school

1 districts that meet criteria to be determined by the State  
2 Board of Education. Beginning 180 days after August 23,  
3 2007 (the effective date of Public Act 95-349), each school  
4 district shall create and maintain a policy on bullying,  
5 which policy must be filed with the State Board of  
6 Education. Each school district must communicate its  
7 policy on bullying to its students and their parent or  
8 guardian on an annual basis. The policy must be updated  
9 every 2 years and filed with the State Board of Education  
10 after being updated. The State Board of Education shall  
11 monitor the implementation of policies created under this  
12 subsection (d).

13 (e) A school district or recognized non-public school  
14 employee, volunteer or student, or a student's parent or  
15 guardian, who promptly, reasonably, and in good faith reports  
16 an incident of harassment, in compliance with the procedures in  
17 the policy adopted pursuant to subsection (c) of this Section,  
18 to the appropriate school official designated by the school  
19 district or recognized non-public school, shall be immune from  
20 civil or criminal liability related to the report and to  
21 participation in any administrative or judicial proceeding  
22 resulting from or relating to the report.

23 (f) This Section shall not be interpreted to prevent a  
24 victim from seeking redress under any other available civil or  
25 criminal law. Nothing in this Section is intended to infringe  
26 upon the right of a school employee or student to exercise

1 their right of free speech.

2 (Source: P.A. 94-937, eff. 6-26-06; 95-198, eff. 1-1-08;  
3 95-349, eff. 8-23-07; 95-876, eff. 8-21-08.)

4 (105 ILCS 5/27-23.9 new)

5 Sec. 27-23.9. Gang resistance education and training.

6 (a) The General Assembly finds that the instance of youth  
7 delinquent gangs continues to rise on a statewide basis. Given  
8 the higher rates of criminal offending among gang members, as  
9 well as the availability of increasingly lethal weapons, the  
10 level of criminal activity by gang members has taken on new  
11 importance for law enforcement agencies, schools, the  
12 community, and prevention efforts.

13 (b) As used in this Section:

14 "Gang resistance education and training" means and  
15 includes instruction in, without limitation, each of the  
16 following subject matters when accompanied by a stated  
17 objective of reducing gang activity and educating children in  
18 grades K through 12 about the consequences of gang involvement:

- 19 (1) conflict resolution;  
20 (2) cultural sensitivity;  
21 (3) personal goal setting; and  
22 (4) resisting peer pressure.

23 (c) Each school district may make suitable provisions for  
24 instruction in gang resistance education and training in all  
25 grades and include that instruction in the courses of study

1 regularly taught in those grades. For the purposes of gang  
2 resistance education and training, a school board must  
3 collaborate with State and local law enforcement agencies. The  
4 State Board of Education may assist in the development of  
5 instructional materials and teacher training in relation to  
6 gang resistance education and training.

7 Section 90. The State Mandates Act is amended by adding  
8 Section 8.34 as follows:

9 (30 ILCS 805/8.34 new)

10 Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8  
11 of this Act, no reimbursement by the State is required for the  
12 implementation of any mandate created by this amendatory Act of  
13 the 96th General Assembly.

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.