

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 Sections 27-23.9 and 27-23.10 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 and non-public,
23 non-sectarian elementary and secondary schools should educate

1 students, parents, and school district or non-public,
2 non-sectarian elementary or secondary school personnel about
3 what behaviors constitute prohibited bullying.

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

14 (1) during any school-sponsored education program or
15 activity;

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

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

23 ~~The General Assembly further finds that the instance of~~
24 ~~youth delinquent gangs continues to rise on a statewide basis.~~
25 ~~Given the higher rates of criminal offending among gang~~
26 ~~members, as well as the availability of increasingly lethal~~

1 ~~weapons, the level of criminal activity by gang members has~~
2 ~~taken on new importance for law enforcement agencies, schools,~~
3 ~~the community, and prevention efforts.~~

4 (b) In this Section:

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

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

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

14 (3) substantially interfering with the student's or
15 students' academic performance; or

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

19 Bullying, as defined in this subsection (b), may take
20 various forms, including without limitation one or more of the
21 following: harassment, threats, intimidation, stalking,
22 physical violence, sexual harassment, sexual violence, theft,
23 public humiliation, destruction of property, or retaliation
24 for asserting or alleging an act of bullying. This list is
25 meant to be illustrative and non-exhaustive.

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

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

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

10 ~~(1) Intimidation.~~

11 ~~(2) Student victimization.~~

12 ~~(3) Sexual harassment.~~

13 ~~(4) Sexual violence.~~

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

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

21 ~~(1) Conflict resolution.~~

22 ~~(2) Cultural sensitivity.~~

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

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

25 (c) (Blank). ~~Each school district may make suitable~~
26 ~~provisions for instruction in bullying prevention and gang~~

1 ~~resistance education and training in all grades and include~~
2 ~~such instruction in the courses of study regularly taught~~
3 ~~therein. A school board may collaborate with a community based~~
4 ~~agency providing specialized curricula in bullying prevention~~
5 ~~whose ultimate outcome is to prevent sexual violence. For the~~
6 ~~purposes of gang resistance education and training, a school~~
7 ~~board must collaborate with State and local law enforcement~~
8 ~~agencies. The State Board of Education may assist in the~~
9 ~~development of instructional materials and teacher training in~~
10 ~~relation to bullying prevention and gang resistance education~~
11 ~~and training.~~

12 (d) ~~Each~~ Beginning 180 days after August 23, 2007 ~~(the~~
13 ~~effective date of Public Act 95-349), each~~ school district and
14 non-public, non-sectarian elementary or secondary school shall
15 create and maintain a policy on bullying, which policy must be
16 filed with the State Board of Education. Each school district
17 and non-public, non-sectarian elementary or secondary school
18 must communicate its policy on bullying to its students and
19 their parent or guardian on an annual basis. The policy must be
20 updated every 2 years and filed with the State Board of
21 Education after being updated. The State Board of Education
22 shall monitor the implementation of policies created under this
23 subsection (d).

24 (e) This Section shall not be interpreted to prevent a
25 victim from seeking redress under any other available civil or
26 criminal law. Nothing in this Section is intended to infringe

1 upon any right to exercise free expression or the free exercise
2 of religion or religiously based views protected under the
3 First Amendment to the United States Constitution or under
4 Section 3 or 4 of Article 1 of the Illinois Constitution.

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

7 (105 ILCS 5/27-23.9 new)

8 (Section scheduled to be repealed on March 2, 2011)

9 Sec. 27-23.9. School Bullying Prevention Task Force.

10 (a) In this Section, "Task Force" means the School Bullying
11 Prevention Task Force.

12 (b) The Task Force is created and charged with exploring
13 the causes and consequences of bullying in schools in this
14 State, identifying promising practices that reduce incidences
15 of bullying, highlighting training and technical assistance
16 opportunities for schools to effectively address bullying,
17 evaluating the effectiveness of schools' current anti-bullying
18 policies and other bullying prevention programs, and other
19 related issues.

20 (c) Within 60 days after the effective date of this
21 amendatory Act of the 96th General Assembly, the State
22 Superintendent of Education shall appoint 15 members to the
23 Task Force. The membership of the Task Force shall include
24 representatives of State agencies whose work includes bullying
25 prevention or intervention; statewide organizations that focus

1 on violence or bullying prevention or intervention; teachers
2 and management personnel from at least 3 school districts;
3 academics who conduct research on bullying, its consequences to
4 students in grades K through 12, or effective strategies for
5 preventing or addressing bullying; a current high school or
6 college student who has experienced bullying; and others at the
7 State Superintendent's discretion. Members of the Task Force
8 shall serve without compensation.

9 (d) The State Board of Education shall provide technical
10 assistance for the work of the Task Force.

11 (e) No later than March 1, 2011, the Task Force shall
12 submit a report to the Governor and the General Assembly on any
13 recommendations for preventing and addressing bullying in
14 schools in this State and a proposed timeline for meeting the
15 Task Force's charges identified in this Section.

16 (f) This Section is repealed on March 2, 2011.

17 (105 ILCS 5/27-23.10 new)

18 Sec. 27-23.10. Gang resistance education and training.

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

1 (b) As used in this Section:

2 "Gang resistance education and training" means and
3 includes instruction in, without limitation, each of the
4 following subject matters when accompanied by a stated
5 objective of reducing gang activity and educating children in
6 grades K through 12 about the consequences of gang involvement:

7 (1) conflict resolution;

8 (2) cultural sensitivity;

9 (3) personal goal setting; and

10 (4) resisting peer pressure.

11 (c) Each school district and non-public, non-sectarian
12 elementary or secondary school in this State may make suitable
13 provisions for instruction in gang resistance education and
14 training in all grades and include that instruction in the
15 courses of study regularly taught in those grades. For the
16 purposes of gang resistance education and training, a school
17 board or the governing body of a non-public, non-sectarian
18 elementary or secondary school must collaborate with State and
19 local law enforcement agencies. The State Board of Education
20 may assist in the development of instructional materials and
21 teacher training in relation to gang resistance education and
22 training.

23 Section 90. The State Mandates Act is amended by adding
24 Section 8.34 as follows:

1 (30 ILCS 805/8.34 new)

2 Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8
3 of this Act, no reimbursement by the State is required for the
4 implementation of any mandate created by this amendatory Act of
5 the 96th General Assembly.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.