



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5290

Introduced 2/8/2012, by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-23.7

Amends the School Code in provisions concerning bullying prevention. Makes changes concerning the legislative findings. Provides that, on or before January 1, 2013, the State Board of Education shall develop a template for a model bullying prevention policy and sets forth requirements concerning the template. Sets forth and changes requirements, beginning with the 2013-2014 school year, for each school district and non-public, non-sectarian elementary or secondary school, as well as the State Board, concerning policies on bullying. Sets forth provisions concerning the collection, maintenance, and submission of data regarding allegations and incidences of bullying and rules. Effective immediately.

LRB097 18856 NHT 64094 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 and non-public,
19 non-sectarian elementary and secondary schools should educate
20 students, parents, and school district or non-public,
21 non-sectarian elementary or secondary school personnel about
22 what behaviors constitute prohibited bullying.

23 Bullying on the basis of actual or perceived race, color,

1 religion, sex, national origin, ancestry, physical appearance,
2 socioeconomic status, academic status, pregnancy, parenting
3 status, homelessness, age, marital status, physical or mental
4 disability, military status, sexual orientation,
5 gender-related identity or expression, unfavorable discharge
6 from military service, association with a person or group with
7 one or more of the aforementioned actual or perceived
8 characteristics, or any other distinguishing characteristic is
9 prohibited in all school districts 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; 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 (b) In this Section:

22 "Bullying" means any severe or pervasive physical or verbal
23 act or conduct, including communications made in writing or
24 electronically, directed toward a student or students that has
25 or can be reasonably predicted to have the effect of one or
26 more of the following:

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

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

5 (3) substantially interfering with the student's or
6 students' academic performance; or

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

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

17 "Restorative measures" means a continuum of school-based
18 alternatives to exclusionary discipline, such as suspensions
19 and expulsions, that (i) are adapted to the particular needs of
20 the school and community, (ii) contribute to maintaining school
21 safety, (iii) protect the integrity of a positive and
22 productive learning climate, (iv) teach students the personal
23 and interpersonal skills they will need to be successful in
24 school and society, (v) serve to build and restore
25 relationships among students, families, schools, and
26 communities, and (vi) reduce the likelihood of future

1 disruption by balancing accountability with an understanding
2 of students' behavioral health needs in order to keep students
3 in school. Examples of restorative measures include, but are
4 not limited to, the implementation of social and emotional
5 learning, positive behavior interventions and supports, and
6 response to intervention; structured in-school suspension or
7 detention with school staff to oversee students' work on class
8 assignments; and peer juries, circles, and peer mediation.

9 "School personnel" means persons employed by, on contract
10 with, or who volunteer in a school district or non-public,
11 non-sectarian elementary or secondary school, including
12 without limitation school and school district administrators,
13 teachers, school guidance counselors, school social workers,
14 school counselors, school psychologists, school nurses,
15 cafeteria workers, custodians, bus drivers, school resource
16 officers, and security guards.

17 (c) (Blank).

18 (c-5) On or before January 1, 2013, the State Board of
19 Education shall develop a template for a model bullying
20 prevention policy. The template must fulfill the requirements
21 of this Article while allowing for customization by school
22 districts in ways that do not conflict with this Article. The
23 template shall include the following components: (1) a
24 definition of bullying consistent with this Article; (2) a
25 statement declaring that bullying is contrary to State law and
26 the policy of the school district or non-public, non-sectarian

1 elementary or secondary school; (3) a procedure for reporting
2 bullying, including, but not limited to, identifying a person
3 or persons responsible for receiving such reports and a means
4 for anonymous reporting; (4) a procedure for promptly
5 investigating and resolving complaints of bullying; (5)
6 disciplinary interventions that can be taken to stop bullying,
7 including, but not limited to, restorative measures,
8 social-emotional skill building, counseling, social worker
9 interventions, community-based services, and development of a
10 school-wide approach to preventing and responding to bullying;
11 (6) a requirement that school districts engage school
12 stakeholders at all levels, including students and families, in
13 the development of a bullying prevention policy and plan; (7) a
14 requirement that the policy be (A) posted in the school where
15 other policies, rules, and standards of conduct are posted,
16 including on the school district's or non-public,
17 non-sectarian elementary or secondary school's Internet
18 website and in the student handbook, and (B) distributed
19 annually to parents, guardians, students, and school personnel
20 and to new employees when hired; (8) a recommendation that
21 restorative measures and other disciplinary interventions set
22 forth in component (5) of this subsection (c-5) be employed
23 before the use of out-of-school suspension or expulsion and
24 that out-of-school suspension, expulsion, or referral to law
25 enforcement shall be imposed only when required by the federal
26 Gun-Free Schools Act of 1994 or in exceptional circumstances to

1 be determined by the State Board; and (9) a recommendation to
2 provide professional development and youth programming on
3 bullying prevention that are research-based, address the
4 specific context of a school, and are consistent with the State
5 Board's recommendations for such training. To provide such
6 professional development and youth programming, school
7 districts and non-public, non-sectarian elementary or
8 secondary schools shall utilize their personnel with expertise
9 in social and emotional skill-building, restorative
10 disciplinary interventions, or other subject areas relating to
11 bullying prevention or seek free or cost-effective
12 professional development or youth programming from persons
13 with such expertise to provide those services, as well as to
14 train school district or non-public, non-sectarian elementary
15 or secondary school personnel to provide those services.

16 (d) Beginning with the 2013-2014 school year, each ~~Each~~
17 school district and non-public, non-sectarian elementary or
18 secondary school shall create and administer ~~maintain~~ a policy
19 on bullying, which policy must be filed with the State Board of
20 Education. The policy on bullying shall be based on the State
21 Board of Education's template for a model bullying prevention
22 policy and shall include criteria set forth in components (1)
23 through (9) of subsection (c-5) of this Section. The policy
24 shall be integrated within the school districts' curricula,
25 discipline policies, conflict resolution education, anti-bias
26 education, and any other violence prevention efforts,

1 including, but not limited to, social and emotional learning
2 standards and response to intervention plans as defined by
3 administrative rule of the State Board of Education. Each
4 school district and non-public, non-sectarian elementary or
5 secondary school shall comply with its bullying prevention
6 policy ~~must communicate its policy on bullying to its students~~
7 ~~and their parent or guardian on an annual basis.~~ The policy
8 must be updated every 2 years and filed with the State Board of
9 Education after being updated. The State Board of Education
10 shall monitor and provide technical support for the development
11 and implementation of policies created under this subsection
12 (d).

13 (e) This Section shall not be interpreted to prevent a
14 victim from seeking redress under any other available civil or
15 criminal law. Nothing in this Section is intended to infringe
16 upon any right to exercise free expression or the free exercise
17 of religion or religiously based views protected under the
18 First Amendment to the United States Constitution or under
19 Section 3 or 4 of Article 1 of the Illinois Constitution.

20 (f) School districts are required to collect, maintain, and
21 submit to the State Board of Education data regarding
22 allegations and incidences of bullying within the school
23 district. The State Board of Education shall develop rules for
24 the submission of data, which shall include, without
25 limitation, a record of each complaint and the action taken.

26 (g) The State Board of Education shall adopt rules to

1 implement the provisions of this Section.

2 (Source: P.A. 95-198, eff. 1-1-08; 95-349, eff. 8-23-07;
3 95-876, eff. 8-21-08; 96-952, eff. 6-28-10.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.