

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 "Policy on bullying" means a bullying prevention policy  
18 that:

19 (1) includes the bullying definition provided in this  
20 Section;

21 (2) includes a statement that bullying is contrary to  
22 State law and the policy of the school district or  
23 non-public, non-sectarian elementary or secondary school;

24 (3) includes procedures for:

25 (i) promptly reporting bullying, including, but  
26 not limited to, identifying a person or persons

1 responsible for receiving such reports and a procedure  
2 for anonymous reporting; and

3 (ii) promptly investigating and addressing  
4 complaints of bullying;

5 (4) includes the interventions that can be taken to  
6 address bullying, which may include, but are not limited  
7 to, restorative measures, social-emotional skill building,  
8 counseling, school psychological services, school social  
9 worker interventions, and community-based services;

10 (5) is based on the engagement of a range of school  
11 stakeholders, including students and families;

12 (6) is posted on the school district's or non-public,  
13 non-sectarian elementary or secondary school's existing  
14 Internet website and is included in the student handbook,  
15 and, where applicable, posted where other policies, rules,  
16 and standards of conduct are currently posted in the  
17 school, and is distributed annually to parents, guardians,  
18 students, and school personnel, including new employees  
19 when hired; and

20 (7) is consistent with the school district's board  
21 policies or non-public, non-sectarian elementary or  
22 secondary school's administrative policies.

23 "Restorative measures" means a continuum of school-based  
24 alternatives to exclusionary discipline, such as suspensions  
25 and expulsions, that: (i) are adapted to the particular needs  
26 of the school and community, (ii) contribute to maintaining

1 school safety, (iii) protect the integrity of a positive and  
2 productive learning climate, (iv) teach students the personal  
3 and interpersonal skills they will need to be successful in  
4 school and society, (v) serve to build and restore  
5 relationships among students, families, schools, and  
6 communities, and (vi) reduce the likelihood of future  
7 disruption by balancing accountability with an understanding  
8 of students' behavioral health needs in order to keep students  
9 in school.

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

18 (c) (Blank).

19 (d) Each school district and non-public, non-sectarian  
20 elementary or secondary school shall create, ~~and~~ maintain, and  
21 implement a policy on bullying, which policy must be filed with  
22 the State Board of Education. ~~Each school district and~~  
23 ~~non-public, non-sectarian elementary or secondary school must~~  
24 ~~communicate its policy on bullying to its students and their~~  
25 ~~parent or guardian on an annual basis.~~ The policy must be  
26 updated every 2 years and filed with the State Board of

1 Education after being updated. The State Board of Education  
2 shall monitor and provide technical support for the  
3 implementation of policies created under this subsection (d).

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

11 (Source: P.A. 95-198, eff. 1-1-08; 95-349, eff. 8-23-07;  
12 95-876, eff. 8-21-08; 96-952, eff. 6-28-10.)

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