



Rep. Kelly M. Cassidy

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LRB097 18856 AMC 67590 a

1 AMENDMENT TO HOUSE BILL 5290

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5290, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The School Code is amended by changing Section  
6 27-23.7 as follows:

7 (105 ILCS 5/27-23.7)

8 Sec. 27-23.7. Bullying prevention.

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 been linked to other forms of  
15 antisocial behavior, such as vandalism, shoplifting, skipping  
16 and dropping out of school, fighting, using drugs and alcohol,

1 sexual harassment, and sexual violence. Because of the negative  
2 outcomes associated with bullying in schools, the General  
3 Assembly finds that school districts and non-public,  
4 non-sectarian elementary and secondary schools should educate  
5 students, parents, and school district or non-public,  
6 non-sectarian elementary or secondary school personnel about  
7 what behaviors constitute prohibited bullying.

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

20 (1) during any school-sponsored education program or  
21 activity;

22 (2) while in school, on school property, on school  
23 buses or other school vehicles, at designated school bus  
24 stops waiting for the school bus, or at school-sponsored or  
25 school-sanctioned events or activities; or

26 (3) through the transmission of information from a

1 school computer, a school computer network, or other  
2 similar electronic school equipment.

3 (b) In this Section:

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

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

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

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

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

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

25 "Policy on bullying" means a bullying prevention policy  
26 that:

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

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

6           (3) includes procedures for:

7                 (i) promptly reporting bullying, including, but  
8                 not limited to, identifying a person or persons  
9                 responsible for receiving such reports and a procedure  
10                for anonymous reporting; and

11                (ii) promptly investigating and addressing  
12                complaints of bullying;

13           (4) includes the interventions that can be taken to  
14           address bullying, which may include, but are not limited  
15           to, restorative measures, social-emotional skill building,  
16           counseling, school psychological services, school social  
17           worker interventions, and community-based services;

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

20           (6) is posted on the school district's or non-public,  
21           non-sectarian elementary or secondary school's existing  
22           Internet website and is included in the student handbook,  
23           and, where applicable, posted where other policies, rules,  
24           and standards of conduct are currently posted in the  
25           school, and is distributed annually to parents, guardians,  
26           students, and school personnel, including new employees

1       when hired; and

2           (7) is consistent with the school district's board  
3       policies or non-public, non-sectarian elementary or  
4       secondary school's administrative policies.

5       "Restorative measures" means a continuum of school-based  
6       alternatives to exclusionary discipline, such as suspensions  
7       and expulsions, that: (i) are adapted to the particular needs  
8       of the school and community, (ii) contribute to maintaining  
9       school safety, (iii) protect the integrity of a positive and  
10       productive learning climate, (iv) teach students the personal  
11       and interpersonal skills they will need to be successful in  
12       school and society, (v) serve to build and restore  
13       relationships among students, families, schools, and  
14       communities, and (vi) reduce the likelihood of future  
15       disruption by balancing accountability with an understanding  
16       of students' behavioral health needs in order to keep students  
17       in school.

18       "School personnel" means persons employed by, on contract  
19       with, or who volunteer in a school district or non-public,  
20       non-sectarian elementary or secondary school, including  
21       without limitation school and school district administrators,  
22       teachers, school guidance counselors, school social workers,  
23       school counselors, school psychologists, school nurses,  
24       cafeteria workers, custodians, bus drivers, school resource  
25       officers, and security guards.

26       (c) (Blank).

1 (d) Each school district and non-public, non-sectarian  
2 elementary or secondary school shall create, ~~and~~ maintain, and  
3 implement a policy on bullying, which policy must be filed with  
4 the State Board of Education. ~~Each school district and~~  
5 ~~non public, non sectarian elementary or secondary school must~~  
6 ~~communicate its policy on bullying to its students and their~~  
7 ~~parent or guardian on an annual basis.~~ The policy must be  
8 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  
11 implementation of policies created under this subsection (d).

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

19 (Source: P.A. 95-198, eff. 1-1-08; 95-349, eff. 8-23-07;  
20 95-876, eff. 8-21-08; 96-952, eff. 6-28-10.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law."