



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2966

by Rep. Jerry F. Costello, II

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-23.7

Amends the School Code. Requires the State Board of Education, in consultation with the Department of Juvenile Justice and the Department of Children and Family Services, to establish a bullying hotline for students, parents, teachers, and other parties to report any violence happening on school property, on a school bus, or over the Internet via cyberbullying. Provides that the hotline shall consist of a statewide, toll-free telephone number, with voicemail capabilities provided after working hours. Provides that the State Board shall also maintain an Internet website for reports to be submitted online. Requires the State Board to adopt rules to implement these provisions.

LRB098 07950 NHT 38039 b

FISCAL NOTE ACT
MAY APPLY

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

10 (1) during any school-sponsored education program or
11 activity;

12 (2) while in school, on school property, on school
13 buses or other school vehicles, at designated school bus
14 stops waiting for the school bus, or at school-sponsored or
15 school-sanctioned events or activities; or

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

19 (b) In this Section:

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

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

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

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

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

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

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

23 (c) (Blank).

24 (c-5) The State Board of Education, in consultation with
25 the Department of Juvenile Justice and the Department of
26 Children and Family Services, shall establish a bullying

1 hotline for students, parents, teachers, and other parties to
2 report any violence happening on school property, on a school
3 bus, or over the Internet via cyberbullying. The hotline shall
4 consist of a statewide, toll-free telephone number, with
5 voicemail capabilities provided after working hours. The State
6 Board shall also maintain an Internet website for reports to be
7 submitted online. The State Board shall adopt rules to
8 implement this subsection (c-5).

9 (d) Each school district and non-public, non-sectarian
10 elementary or secondary school shall create and maintain a
11 policy on bullying, which policy must be filed with the State
12 Board of Education. Each school district and non-public,
13 non-sectarian elementary or secondary school must communicate
14 its policy on bullying to its students and their parent or
15 guardian on an annual basis. The policy must be updated every 2
16 years and filed with the State Board of Education after being
17 updated. The State Board of Education shall monitor the
18 implementation of policies created under this subsection (d).

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

26 (Source: P.A. 95-198, eff. 1-1-08; 95-349, eff. 8-23-07;

1 95-876, eff. 8-21-08; 96-952, eff. 6-28-10.)