



Rep. Laura Fine

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LRB098 16062 NHT 58416 a

1 AMENDMENT TO HOUSE BILL 4207

2 AMENDMENT NO. _____. Amend House Bill 4207, 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, age, marital status,
10 physical or mental disability, military status, sexual
11 orientation, gender-related identity or expression,
12 unfavorable discharge from military service, association with
13 a person or group with one or more of the aforementioned actual
14 or perceived characteristics, or any other distinguishing
15 characteristic is prohibited in all school districts and
16 non-public, non-sectarian elementary and secondary schools. No
17 student shall be subjected to bullying:

18 (1) during any school-sponsored education program or
19 activity;

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

24 (3) through the transmission of information from a
25 school computer, a school computer network, or other
26 similar electronic school equipment; or.

1 (4) through the transmission of information from a
2 computer that is accessed at a nonschool-related location,
3 activity, function, or program or from the use of
4 technology or an electronic device that is not owned,
5 leased, or used by a school district or school if the
6 bullying causes a substantial disruption to the
7 educational process or orderly operation of a school. This
8 item (4) applies only in cases in which a school
9 administrator or teacher receives a report that bullying
10 through this means has occurred and does not require a
11 district or school to staff or monitor any
12 nonschool-related activity, function, or program.

13 (b) In this Section:

14 "Bullying" includes "cyber-bullying" and means any severe
15 or pervasive physical or verbal act or conduct, including
16 communications made in writing or electronically, directed
17 toward a student or students that has or can be reasonably
18 predicted to have the effect of one or more of the following:

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

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

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

25 (4) substantially interfering with the student's or
26 students' ability to participate in or benefit from the

1 services, activities, or privileges provided by a school.

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

9 "Cyber-bullying" means bullying through the use of
10 technology or any electronic communication, including without
11 limitation any transfer of signs, signals, writing, images,
12 sounds, data, or intelligence of any nature transmitted in
13 whole or in part by a wire, radio, electromagnetic system,
14 photoelectronic system, or photooptical system, including
15 without limitation electronic mail, Internet communications,
16 instant messages, or facsimile communications.

17 "Cyber-bullying" includes the creation of a webpage or weblog
18 in which the creator assumes the identity of another person or
19 the knowing impersonation of another person as the author of
20 posted content or messages if the creation or impersonation
21 creates any of the effects enumerated in the definition of
22 bullying in this Section. "Cyber-bullying" also includes the
23 distribution by electronic means of a communication to more
24 than one person or the posting of material on an electronic
25 medium that may be accessed by one or more persons if the
26 distribution or posting creates any of the effects enumerated

1 in the definition of bullying in this Section.

2 "School personnel" means persons employed by, on contract
3 with, or who volunteer in a school district or non-public,
4 non-sectarian elementary or secondary school, including
5 without limitation school and school district administrators,
6 teachers, school guidance counselors, school social workers,
7 school counselors, school psychologists, school nurses,
8 cafeteria workers, custodians, bus drivers, school resource
9 officers, and security guards.

10 (c) (Blank).

11 (d) Each school district and non-public, non-sectarian
12 elementary or secondary school shall create and maintain a
13 policy on bullying, which policy must be filed with the State
14 Board of Education. The policy or implementing procedure shall
15 include a process to investigate whether a reported act of
16 bullying is within the permissible scope of the district's or
17 school's jurisdiction and shall require that the district or
18 school provide the victim with information regarding services
19 that are available within the district and community, such as
20 counseling, support services, and other programs. Each school
21 district and non-public, non-sectarian elementary or secondary
22 school must communicate its policy on bullying to its students
23 and their parent or guardian on an annual basis. The policy
24 must be updated every 2 years and filed with the State Board of
25 Education after being updated. The State Board of Education
26 shall monitor the implementation of policies created under this

1 subsection (d).

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

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

11 Section 99. Effective date. This Act takes effect January
12 1, 2015."