

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 Sections  
5 27-23.7 and 27A-5 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, charter schools, or  
21 non-public, non-sectarian elementary or secondary school  
22 personnel about 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, charter  
8 schools, and non-public, non-sectarian elementary and  
9 secondary schools. No 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 (a-5) Nothing in this Section is intended to infringe upon  
20 any right to exercise free expression or the free exercise of  
21 religion or religiously based views protected under the First  
22 Amendment to the United States Constitution or under Section 3  
23 or 4 of Article I of the Illinois Constitution.

24 (b) In this Section:

25 "Bullying" means any severe or pervasive physical or verbal  
26 act or conduct, including communications made in writing or

1 electronically, directed toward a student or students that has  
2 or can be reasonably predicted to have the effect of one or  
3 more of the following:

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

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

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

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

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

20 "Policy on bullying" means a bullying prevention policy  
21 that meets the following criteria:

22 (1) Includes the bullying definition provided in this  
23 Section.

24 (2) Includes a statement that bullying is contrary to  
25 State law and the policy of the school district, charter  
26 schools, or non-public, non-sectarian elementary or

1 secondary school and is consistent with subsection (a-5) of  
2 this Section.

3 (3) Includes procedures for promptly reporting  
4 bullying, including, but not limited to, identifying a  
5 person or persons responsible for receiving such reports  
6 and a procedure for anonymous reporting; however, this  
7 shall not be construed to permit formal disciplinary action  
8 solely on the basis of an anonymous report. The procedures  
9 shall include, but not be limited to, the following:

10 (A) All acts of bullying shall be reported verbally  
11 to the school principal or his or her designee on the  
12 same day that the school employee or contracted service  
13 provider witnessed or received reliable information  
14 regarding any such incident.

15 (B) The principal or his or her designee shall  
16 inform the parents or guardians of all students  
17 involved in the alleged incident and discuss, as  
18 appropriate, the availability of counseling  
19 intervention services and other restorative measures.

20 (C) All acts of bullying shall be reported in  
21 writing to the school principal or his or her designee  
22 within 2 school days of the date that the school  
23 employee or contracted service provider witnessed or  
24 received reliable information that a student had been  
25 subject to bullying.

26 (4) Includes procedures for promptly investigating and

1 addressing reports of bullying. The procedures shall  
2 include, but not be limited to, the following:

3 (A) The investigation shall be initiated by the  
4 principal or his or her designee within one school day  
5 of the report of the incident and be conducted by a  
6 school counselor, school social worker, or other  
7 designated school personnel who has received, or shall  
8 receive, training or resources related to bullying  
9 intervention and best practices.

10 (B) The investigation shall be completed as soon as  
11 possible, but not later than 10 school days after the  
12 date of the report of the incident of bullying. In the  
13 event that there is information relative to the  
14 investigation that is anticipated but not yet received  
15 before that 10-day period, the school counselor,  
16 school social worker, or other designated personnel  
17 may amend the original report of the results of the  
18 investigation to reflect the information.

19 (C) The results of the investigation shall be  
20 reported to the school principal or his or her designee  
21 within 2 school days of the completion of the  
22 investigation, and the principal may decide to provide  
23 intervention services or restorative measures,  
24 establish training programs to reduce bullying and  
25 enhance school climate, order counseling, or take or  
26 recommend other appropriate action as a result of the

1 findings of the investigation.

2 (D) Parents or guardians of the students who are  
3 parties to the investigation shall be entitled to  
4 receive information about the investigation in  
5 accordance with federal and State law and regulation,  
6 including the nature of the investigation, whether the  
7 investigation found evidence of bullying, or whether  
8 intervention services, restorative measures, or other  
9 appropriate action were imposed or provided to address  
10 the incident of bullying. This information shall be  
11 provided in writing within 5 school days after the  
12 results of the investigation are reported to the school  
13 principal or his or her designee.

14 (E) A parent or guardian may request a meeting  
15 before the school principal or his or her designee and  
16 the board after receiving the information, and the  
17 meeting shall be held within 10 days of the request.

18 (5) Includes the interventions that can be taken to  
19 address bullying, which may include, but are not limited  
20 to, school social worker interventions, restorative  
21 measures, social-emotional skill building, counseling,  
22 school psychological services, and community-based  
23 services.

24 (6) Includes a statement prohibiting reprisal or  
25 retaliation against any person who reports an act of  
26 bullying and the consequences and appropriate remedial

1 actions for a person who engages in reprisal or  
2 retaliation.

3 (7) Includes consequences and appropriate remedial  
4 actions for a person found to have falsely accused another  
5 as a means of retaliation or as a means of bullying.

6 (8) Is based on the engagement of a range of school  
7 stakeholders, including students and families.

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

16 (10) If applicable, includes a requirement that the  
17 name, school phone number, school address, and school  
18 e-mail address of the district anti-bullying coordinator  
19 be listed on the home page of the school district's  
20 Internet website.

21 (11) If applicable, includes a requirement that the  
22 name, school phone number, school address, and school  
23 e-mail address of the school's anti-bullying specialist  
24 and the school district's anti-bullying coordinator be  
25 listed on the home page of each school's Internet website.

26 (12) Is consistent with the school district's board

1 policies, charter school policies, or non-public,  
2 non-sectarian elementary or secondary school's  
3 administrative policies.

4 Nothing in this Section shall prohibit a school district,  
5 charter school, or non-public, non-sectarian elementary or  
6 secondary school from adopting a policy that includes  
7 components that are more detailed than the components set forth  
8 in this Section.

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

22 "School personnel" means persons employed by, on contract  
23 with, or who volunteer in a school district, charter schools,  
24 or non-public, non-sectarian elementary or secondary school,  
25 including without limitation school and school district  
26 administrators, teachers, school guidance counselors, school



1 social workers, school counselors, school psychologists,  
2 school nurses, cafeteria workers, custodians, bus drivers,  
3 school resource officers, and security guards.

4 (c) (Blank).

5 (d) Each school district, charter schools, and non-public,  
6 non-sectarian elementary or secondary school shall create, ~~and~~  
7 maintain, and implement a policy on bullying, which policy must  
8 be filed with the State Board of Education. Every 2 years, each  
9 school district, charter school, and non-public, non-sectarian  
10 elementary or secondary school shall conduct a re-evaluation,  
11 re-assessment, and review of its policy, making any necessary  
12 revisions and additions. ~~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 and provide  
18 technical support for the implementation of policies created  
19 under this subsection (d).

20 (d-5) A school district shall have local control over the  
21 content of the policy, except that the policy shall contain, at  
22 a minimum, the components listed in the definition of "policy  
23 on bullying" under subsection (b) of this Section.

24 (d-10) Beginning with the 2014-2015 school year, each  
25 public elementary and secondary school, charter school, and  
26 non-public, non-sectarian elementary and secondary school

1 shall collect and maintain the following information for each  
2 school year:

3 (1) the number of reports of bullying made to the  
4 person responsible for receiving reports of bullying at the  
5 school;

6 (2) the number of investigations conducted regarding  
7 reports of bullying;

8 (3) the number of reports determined to be  
9 substantiated and the number determined to be  
10 unsubstantiated; and

11 (4) for substantiated reports, the number of reports  
12 with outcomes involving restorative interventions, the  
13 number of reports involving disciplinary action against  
14 students, and the number of reports involving both  
15 restorative interventions and disciplinary action.

16 Each public elementary and secondary school shall report  
17 this information to the superintendent of the school district  
18 or his or her designee, and the school district shall maintain  
19 the aggregate data for all of its schools and shall make the  
20 information available upon request and on its Internet website.  
21 Each charter school and non-public, non-sectarian elementary  
22 and secondary school shall make the information available upon  
23 request and on its Internet website. All identifying  
24 information of any student involved in a report or  
25 investigation of bullying shall be redacted from the  
26 information maintained under this subsection (d-10).

1       (d-15) The State Board of Education may adopt rules  
2       consistent with the provisions of this Section.

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

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

12       (105 ILCS 5/27A-5)

13       Sec. 27A-5. Charter school; legal entity; requirements.

14       (a) A charter school shall be a public, nonsectarian,  
15       nonreligious, non-home based, and non-profit school. A charter  
16       school shall be organized and operated as a nonprofit  
17       corporation or other discrete, legal, nonprofit entity  
18       authorized under the laws of the State of Illinois.

19       (b) A charter school may be established under this Article  
20       by creating a new school or by converting an existing public  
21       school or attendance center to charter school status. Beginning  
22       on the effective date of this amendatory Act of the 93rd  
23       General Assembly, in all new applications submitted to the  
24       State Board or a local school board to establish a charter  
25       school in a city having a population exceeding 500,000,

1 operation of the charter school shall be limited to one campus.  
2 The changes made to this Section by this amendatory Act of the  
3 93rd General Assembly do not apply to charter schools existing  
4 or approved on or before the effective date of this amendatory  
5 Act.

6 (b-5) In this subsection (b-5), "virtual-schooling" means  
7 the teaching of courses through online methods with online  
8 instructors, rather than the instructor and student being at  
9 the same physical location. "Virtual-schooling" includes  
10 without limitation instruction provided by full-time, online  
11 virtual schools.

12 From April 1, 2013 through April 1, 2014, there is a  
13 moratorium on the establishment of charter schools with  
14 virtual-schooling components in school districts other than a  
15 school district organized under Article 34 of this Code. This  
16 moratorium does not apply to a charter school with  
17 virtual-schooling components existing or approved prior to  
18 April 1, 2013 or to the renewal of the charter of a charter  
19 school with virtual-schooling components already approved  
20 prior to April 1, 2013.

21 On or before March 1, 2014, the Commission shall submit to  
22 the General Assembly a report on the effect of  
23 virtual-schooling, including without limitation the effect on  
24 student performance, the costs associated with  
25 virtual-schooling, and issues with oversight. The report shall  
26 include policy recommendations for virtual-schooling.

1           (c) A charter school shall be administered and governed by  
2 its board of directors or other governing body in the manner  
3 provided in its charter. The governing body of a charter school  
4 shall be subject to the Freedom of Information Act and the Open  
5 Meetings Act.

6           (d) A charter school shall comply with all applicable  
7 health and safety requirements applicable to public schools  
8 under the laws of the State of Illinois.

9           (e) Except as otherwise provided in the School Code, a  
10 charter school shall not charge tuition; provided that a  
11 charter school may charge reasonable fees for textbooks,  
12 instructional materials, and student activities.

13           (f) A charter school shall be responsible for the  
14 management and operation of its fiscal affairs including, but  
15 not limited to, the preparation of its budget. An audit of each  
16 charter school's finances shall be conducted annually by an  
17 outside, independent contractor retained by the charter  
18 school. Annually, by December 1, every charter school must  
19 submit to the State Board a copy of its audit and a copy of the  
20 Form 990 the charter school filed that year with the federal  
21 Internal Revenue Service.

22           (g) A charter school shall comply with all provisions of  
23 this Article, the Illinois Educational Labor Relations Act, and  
24 its charter. A charter school is exempt from all other State  
25 laws and regulations in the School Code governing public  
26 schools and local school board policies, except the following:

1           (1) Sections 10-21.9 and 34-18.5 of the School Code  
2 regarding criminal history records checks and checks of the  
3 Statewide Sex Offender Database and Statewide Murderer and  
4 Violent Offender Against Youth Database of applicants for  
5 employment;

6           (2) Sections 24-24 and 34-84A of the School Code  
7 regarding discipline of students;

8           (3) The Local Governmental and Governmental Employees  
9 Tort Immunity Act;

10           (4) Section 108.75 of the General Not For Profit  
11 Corporation Act of 1986 regarding indemnification of  
12 officers, directors, employees, and agents;

13           (5) The Abused and Neglected Child Reporting Act;

14           (6) The Illinois School Student Records Act;

15           (7) Section 10-17a of the School Code regarding school  
16 report cards; ~~and~~

17           (8) The P-20 Longitudinal Education Data System Act;  
18 and-

19           (9) Section 27-23.7 of the School Code regarding  
20 bullying prevention.

21           The change made by Public Act 96-104 to this subsection (g)  
22 is declaratory of existing law.

23           (h) A charter school may negotiate and contract with a  
24 school district, the governing body of a State college or  
25 university or public community college, or any other public or  
26 for-profit or nonprofit private entity for: (i) the use of a

1 school building and grounds or any other real property or  
2 facilities that the charter school desires to use or convert  
3 for use as a charter school site, (ii) the operation and  
4 maintenance thereof, and (iii) the provision of any service,  
5 activity, or undertaking that the charter school is required to  
6 perform in order to carry out the terms of its charter.  
7 However, a charter school that is established on or after the  
8 effective date of this amendatory Act of the 93rd General  
9 Assembly and that operates in a city having a population  
10 exceeding 500,000 may not contract with a for-profit entity to  
11 manage or operate the school during the period that commences  
12 on the effective date of this amendatory Act of the 93rd  
13 General Assembly and concludes at the end of the 2004-2005  
14 school year. Except as provided in subsection (i) of this  
15 Section, a school district may charge a charter school  
16 reasonable rent for the use of the district's buildings,  
17 grounds, and facilities. Any services for which a charter  
18 school contracts with a school district shall be provided by  
19 the district at cost. Any services for which a charter school  
20 contracts with a local school board or with the governing body  
21 of a State college or university or public community college  
22 shall be provided by the public entity at cost.

23 (i) In no event shall a charter school that is established  
24 by converting an existing school or attendance center to  
25 charter school status be required to pay rent for space that is  
26 deemed available, as negotiated and provided in the charter

1 agreement, in school district facilities. However, all other  
2 costs for the operation and maintenance of school district  
3 facilities that are used by the charter school shall be subject  
4 to negotiation between the charter school and the local school  
5 board and shall be set forth in the charter.

6 (j) A charter school may limit student enrollment by age or  
7 grade level.

8 (k) If the charter school is approved by the Commission,  
9 then the Commission charter school is its own local education  
10 agency.

11 (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;  
12 97-813, eff. 7-13-12; 98-16, eff. 5-24-13.)

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