



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2870

Introduced 2/4/2014, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-23.7

Amends the School Code. In provisions concerning bullying prevention, provides that no student shall be subjected to bullying through the use of data or computer software that is accessed at a nonschool-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by a school district or school if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the educational process or orderly operation of a school. Provides that this prohibition does not require a school to staff or monitor any nonschool-related activity, function, or program. Provides that the physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated under the bullying prevention provisions.

LRB098 19646 NHT 54849 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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; or.

19 (4) through the use of data or computer software that
20 is accessed at a nonschool-related location, activity,
21 function, or program or through the use of technology or an
22 electronic device that is not owned, leased, or used by a
23 school district or school if the bullying substantially
24 interferes with or limits the victim's ability to
25 participate in or benefit from the services, activities, or
26 opportunities offered by a school or substantially

1 disrupts the educational process or orderly operation of a
2 school. This subdivision (4) does not require a school to
3 staff or monitor any nonschool-related activity, function,
4 or program.

5 The physical location or time of access of a
6 computer-related incident cannot be raised as a defense in any
7 disciplinary action initiated under this Section.

8 (b) In this Section:

9 "Bullying" means any severe or pervasive physical or verbal
10 act or conduct, including communications made in writing or
11 electronically, directed toward a student or students that has
12 or can be reasonably predicted to have the effect of one or
13 more of the following:

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

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

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

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

23 Bullying, as defined in this subsection (b), may take
24 various forms, including without limitation one or more of the
25 following: harassment, threats, intimidation, stalking,
26 physical violence, sexual harassment, sexual violence, theft,

1 public humiliation, destruction of property, or retaliation
2 for asserting or alleging an act of bullying. This list is
3 meant to be illustrative and non-exhaustive.

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

12 (c) (Blank).

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

23 (e) This Section shall not be interpreted to prevent a
24 victim from seeking redress under any other available civil or
25 criminal law. Nothing in this Section is intended to infringe
26 upon any right to exercise free expression or the free exercise

1 of religion or religiously based views protected under the
2 First Amendment to the United States Constitution or under
3 Section 3 or 4 of Article 1 of the Illinois Constitution.

4 (Source: P.A. 95-198, eff. 1-1-08; 95-349, eff. 8-23-07;
5 95-876, eff. 8-21-08; 96-952, eff. 6-28-10.)