



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3582

by Rep. Silvana Tabares

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 cyber-bullying. 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.

LRB099 08858 NHT 29030 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, charter schools, and
19 non-public, non-sectarian elementary and secondary schools
20 should educate students, parents, and school district, charter
21 school, or non-public, non-sectarian elementary or secondary
22 school personnel about what behaviors constitute prohibited
23 bullying.

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

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

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

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

20 (4) through the transmission of information from a
21 computer that is accessed at a nonschool-related location,
22 activity, function, or program or from the use of
23 technology or an electronic device that is not owned,
24 leased, or used by a school district or school if the
25 bullying causes a substantial disruption to the
26 educational process or orderly operation of a school. This

1 item (4) applies only in cases in which a school
2 administrator or teacher receives a report that bullying
3 through this means has occurred and does not require a
4 district or school to staff or monitor any
5 nonschool-related activity, function, or program.

6 (a-5) Nothing in this Section is intended to infringe upon
7 any right to exercise free expression or the free exercise of
8 religion or religiously based views protected under the First
9 Amendment to the United States Constitution or under Section 3
10 of Article I of the Illinois Constitution.

11 (b) In this Section:

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

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

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

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

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

26 Bullying, as defined in this subsection (b), may take

1 various forms, including without limitation one or more of the
2 following: harassment, threats, intimidation, stalking,
3 physical violence, sexual harassment, sexual violence, theft,
4 public humiliation, destruction of property, or retaliation
5 for asserting or alleging an act of bullying. This list is
6 meant to be illustrative and non-exhaustive.

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

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

26 "Policy on bullying" means a bullying prevention policy

1 that meets the following criteria:

2 (1) Includes the bullying definition provided in this
3 Section.

4 (2) Includes a statement that bullying is contrary to
5 State law and the policy of the school district, charter
6 school, or non-public, non-sectarian elementary or
7 secondary school and is consistent with subsection (a-5) of
8 this Section.

9 (3) Includes procedures for promptly reporting
10 bullying, including, but not limited to, identifying and
11 providing the school e-mail address (if applicable) and
12 school telephone number for the staff person or persons
13 responsible for receiving such reports and a procedure for
14 anonymous reporting; however, this shall not be construed
15 to permit formal disciplinary action solely on the basis of
16 an anonymous report.

17 (4) Consistent with federal and State laws and rules
18 governing student privacy rights, includes procedures for
19 promptly informing parents or guardians of all students
20 involved in the alleged incident of bullying and
21 discussing, as appropriate, the availability of social
22 work services, counseling, school psychological services,
23 other interventions, and restorative measures.

24 (5) Contains procedures for promptly investigating and
25 addressing reports of bullying, including the following:

26 (A) Making all reasonable efforts to complete the

1 investigation within 10 school days after the date the
2 report of the incident of bullying was received and
3 taking into consideration additional relevant
4 information received during the course of the
5 investigation about the reported incident of bullying.

6 (B) Involving appropriate school support personnel
7 and other staff persons with knowledge, experience,
8 and training on bullying prevention, as deemed
9 appropriate, in the investigation process.

10 (C) Notifying the principal or school
11 administrator or his or her designee of the report of
12 the incident of bullying as soon as possible after the
13 report is received.

14 (D) Consistent with federal and State laws and
15 rules governing student privacy rights, providing
16 parents and guardians of the students who are parties
17 to the investigation information about the
18 investigation and an opportunity to meet with the
19 principal or school administrator or his or her
20 designee to discuss the investigation, the findings of
21 the investigation, and the actions taken to address the
22 reported incident of bullying.

23 (6) Includes the interventions that can be taken to
24 address bullying, which may include, but are not limited
25 to, school social work services, restorative measures,
26 social-emotional skill building, counseling, school

1 psychological services, and community-based services.

2 (7) Includes a statement prohibiting reprisal or
3 retaliation against any person who reports an act of
4 bullying and the consequences and appropriate remedial
5 actions for a person who engages in reprisal or
6 retaliation.

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

11 (9) Is based on the engagement of a range of school
12 stakeholders, including students and parents or guardians.

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

21 (11) As part of the process of reviewing and
22 re-evaluating the policy under subsection (d) of this
23 Section, contains a policy evaluation process to assess the
24 outcomes and effectiveness of the policy that includes, but
25 is not limited to, factors such as the frequency of
26 victimization; student, staff, and family observations of

1 safety at a school; identification of areas of a school
2 where bullying occurs; the types of bullying utilized; and
3 bystander intervention or participation. The school
4 district, charter school, or non-public, non-sectarian
5 elementary or secondary school may use relevant data and
6 information it already collects for other purposes in the
7 policy evaluation. The information developed as a result of
8 the policy evaluation must be made available on the
9 Internet website of the school district, charter school, or
10 non-public, non-sectarian elementary or secondary school.
11 If an Internet website is not available, the information
12 must be provided to school administrators, school board
13 members, school personnel, parents, guardians, and
14 students.

15 (12) Is consistent with the policies of the school
16 board, charter school, or non-public, non-sectarian
17 elementary or secondary school.

18 "Restorative measures" means a continuum of school-based
19 alternatives to exclusionary discipline, such as suspensions
20 and expulsions, that: (i) are adapted to the particular needs
21 of the school and community, (ii) contribute to maintaining
22 school safety, (iii) protect the integrity of a positive and
23 productive learning climate, (iv) teach students the personal
24 and interpersonal skills they will need to be successful in
25 school and society, (v) serve to build and restore
26 relationships among students, families, schools, and

1 communities, and (vi) reduce the likelihood of future
2 disruption by balancing accountability with an understanding
3 of students' behavioral health needs in order to keep students
4 in school.

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

13 (c) (Blank).

14 (c-5) The State Board of Education, in consultation with
15 the Department of Juvenile Justice and the Department of
16 Children and Family Services, shall establish a bullying
17 hotline for students, parents, teachers, and other parties to
18 report any violence happening on school property, on a school
19 bus, or over the Internet via cyber-bullying. The hotline shall
20 consist of a statewide, toll-free telephone number, with
21 voicemail capabilities provided after working hours. The State
22 Board shall also maintain an Internet website for reports to be
23 submitted online. The State Board shall adopt rules to
24 implement this subsection (c-5).

25 (d) Each school district, charter school, and non-public,
26 non-sectarian elementary or secondary school shall create,

1 maintain, and implement a policy on bullying, which policy must
2 be filed with the State Board of Education. The policy or
3 implementing procedure shall include a process to investigate
4 whether a reported act of bullying is within the permissible
5 scope of the district's or school's jurisdiction and shall
6 require that the district or school provide the victim with
7 information regarding services that are available within the
8 district and community, such as counseling, support services,
9 and other programs. Every 2 years, each school district,
10 charter school, and non-public, non-sectarian elementary or
11 secondary school shall conduct a review and re-evaluation of
12 its policy and make any necessary and appropriate revisions.
13 The policy must be filed with the State Board of Education
14 after being updated. The State Board of Education shall monitor
15 and provide technical support for the implementation of
16 policies created under this subsection (d).

17 (e) This Section shall not be interpreted to prevent a
18 victim from seeking redress under any other available civil or
19 criminal law.

20 (Source: P.A. 98-669, eff. 6-26-14; 98-801, eff. 1-1-15;
21 revised 10-2-14.)