



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3425

Introduced 2/17/2023, by Rep. Margaret Croke

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.990 new
105 ILCS 5/27-23.7

Amends the Courses of Study Article of the School Code. In provisions relating to bullying prevention and the definition of "policy on bullying", provides that bullying shall also include bullying based off of physical appearance, socioeconomic status, academic status, pregnancy, parenting status, homelessness. Provides that a bullying prevention policy must include procedures for informing parents or guardians of all students involved in the alleged incident of bullying within 24 hours after the school's administration is made aware of the incident (instead of procedures for promptly informing parents or guardians of all students involved in the alleged incident of bullying). Provides that the bullying prevention policy shall also requires all individual instances of bullying, as well as all threats, suggestions, or instances of self-harm to be reported to the parents or legal guardians of those involved under the guidelines provided. Provides that the State Board of Education shall develop a template for a model bullying prevention policy. Provides that schools shall develop the bullying prevention policy for the school based on the model provided by the State Board of Education. Provides that school districts shall collect, maintain, and submit to the State Board of Education non-identifiable data regarding allegations and instances of bullying within the school district. Provides that upon the request of a parent or legal guardian of a child enrolled in a school district within the State, the State Board of Education must provide non-identifiable data of the number of bullying allegations and incidents in a given year at the school district to the requesting parent or legal guardian. Amends the State Finance Act to make a conforming change. Makes other changes.

LRB103 29456 RJT 55848 b

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 State Finance Act is amended by adding
5 Section 5.990 as follows:

6 (30 ILCS 105/5.990 new)

7 Sec. 5.990. The Illinois Bullying and Cyberbullying
8 Prevention Fund.

9 Section 10. The School Code is amended by changing Section
10 27-23.7 as follows:

11 (105 ILCS 5/27-23.7)

12 Sec. 27-23.7. Bullying prevention.

13 (a) The General Assembly finds that a safe and civil
14 school environment is necessary for students to learn and
15 achieve and that bullying causes physical, psychological, and
16 emotional harm to students and interferes with students'
17 ability to learn and participate in school activities. The
18 General Assembly further finds that bullying has been linked
19 to other forms of antisocial behavior, such as vandalism,
20 shoplifting, skipping and dropping out of school, fighting,
21 using drugs and alcohol, sexual harassment, and sexual

1 violence. Because of the negative outcomes associated with
2 bullying in schools, the General Assembly finds that school
3 districts, charter schools, and non-public, non-sectarian
4 elementary and secondary schools should educate students,
5 parents, and school district, charter school, 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, physical appearance,
10 socioeconomic status, academic status, pregnancy, parenting
11 status, homelessness, age, marital status, physical or mental
12 disability, military status, sexual orientation,
13 gender-related identity or expression, unfavorable discharge
14 from military service, association with a person or group with
15 one or more of the aforementioned actual or perceived
16 characteristics, or any other distinguishing characteristic is
17 prohibited in all school districts, charter schools, and
18 non-public, non-sectarian elementary and secondary schools. No
19 student shall be subjected to bullying:

20 (1) during any school-sponsored education program or
21 activity;

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

26 (3) through the transmission of information from a

1 school computer, a school computer network, or other
2 similar electronic school equipment; or

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

15 (a-5) Nothing in this Section is intended to infringe upon
16 any right to exercise free expression or the free exercise of
17 religion or religiously based views protected under the First
18 Amendment to the United States Constitution or under Section 3
19 of Article I of the Illinois Constitution.

20 (b) In this Section:

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

26 (1) placing the student or students in reasonable fear

- 1 of harm to the student's or students' person or property;
- 2 (2) causing a substantially detrimental effect on the
- 3 student's or students' physical or mental health;
- 4 (3) substantially interfering with the student's or
- 5 students' academic performance; or
- 6 (4) substantially interfering with the student's or
- 7 students' ability to participate in or benefit from the
- 8 services, activities, or privileges provided by a school.

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

10 various forms, including without limitation one or more of the

11 following: harassment, threats, intimidation, stalking,

12 physical violence, sexual harassment, sexual violence, theft,

13 public humiliation, destruction of property, or retaliation

14 for asserting or alleging an act of bullying. This list is

15 meant to be illustrative and non-exhaustive.

16 "Cyber-bullying" means bullying through the use of

17 technology or any electronic communication, including without

18 limitation any transfer of signs, signals, writing, images,

19 sounds, data, or intelligence of any nature transmitted in

20 whole or in part by a wire, radio, electromagnetic system,

21 photoelectronic system, or photooptical system, including

22 without limitation electronic mail, Internet communications,

23 instant messages, or facsimile communications.

24 "Cyber-bullying" includes the creation of a webpage or weblog

25 in which the creator assumes the identity of another person or

26 the knowing impersonation of another person as the author of

1 posted content or messages if the creation or impersonation
2 creates any of the effects enumerated in the definition of
3 bullying in this Section. "Cyber-bullying" also includes the
4 distribution by electronic means of a communication to more
5 than one person or the posting of material on an electronic
6 medium that may be accessed by one or more persons if the
7 distribution or posting creates any of the effects enumerated
8 in the definition of bullying in this Section.

9 "Policy on bullying" means a bullying prevention policy
10 that meets the following criteria:

11 (1) Includes the bullying definition provided in this
12 Section.

13 (2) Includes a statement that bullying is contrary to
14 State law and the policy of the school district, charter
15 school, or non-public, non-sectarian elementary or
16 secondary school and is consistent with subsection (a-5)
17 of this Section.

18 (3) Includes procedures for promptly reporting
19 bullying, including, but not limited to, identifying and
20 providing the school e-mail address (if applicable) and
21 school telephone number for the staff person or persons
22 responsible for receiving such reports and a procedure for
23 anonymous reporting; however, this shall not be construed
24 to permit formal disciplinary action solely on the basis
25 of an anonymous report.

26 (4) Consistent with federal and State laws and rules

1 governing student privacy rights, includes procedures for
2 ~~promptly~~ informing parents or guardians of all students
3 involved in the alleged incident of bullying within 24
4 hours after the school's administration is made aware of
5 the incident and discussing, as appropriate, the
6 availability of social work services, counseling, school
7 psychological services, other interventions, and
8 restorative measures. The school shall make diligent
9 efforts to notify a parent or legal guardian, utilizing
10 all contact information the school has available or that
11 can be reasonably obtained by the school within the
12 24-hour period.

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

15 (A) Making all reasonable efforts to complete the
16 investigation within 10 school days after the date the
17 report of the incident of bullying was received and
18 taking into consideration additional relevant
19 information received during the course of the
20 investigation about the reported incident of bullying.

21 (B) Involving appropriate school support personnel
22 and other staff persons with knowledge, experience,
23 and training on bullying prevention, as deemed
24 appropriate, in the investigation process.

25 (C) Notifying the principal or school
26 administrator or his or her designee of the report of

1 the incident of bullying as soon as possible after the
2 report is received.

3 (D) Consistent with federal and State laws and
4 rules governing student privacy rights, providing
5 parents and guardians of the students who are parties
6 to the investigation information about the
7 investigation and an opportunity to meet with the
8 principal or school administrator or his or her
9 designee to discuss the investigation, the findings of
10 the investigation, and the actions taken to address
11 the reported incident of bullying.

12 (6) Includes the interventions that can be taken to
13 address bullying, which may include, but are not limited
14 to, school social work services, restorative measures,
15 social-emotional skill building, counseling, school
16 psychological services, and community-based services.

17 (7) Includes a statement prohibiting reprisal or
18 retaliation against any person who reports an act of
19 bullying and the consequences and appropriate remedial
20 actions for a person who engages in reprisal or
21 retaliation.

22 (8) Includes consequences and appropriate remedial
23 actions for a person found to have falsely accused another
24 of bullying as a means of retaliation or as a means of
25 bullying.

26 (9) Is based on the engagement of a range of school

1 stakeholders, including students and parents or guardians.

2 (10) Is posted on the school district's, charter
3 school's, or non-public, non-sectarian elementary or
4 secondary school's existing Internet website, is included
5 in the student handbook, and, where applicable, posted
6 where other policies, rules, and standards of conduct are
7 currently posted in the school and provided periodically
8 throughout the school year to students and faculty, and is
9 distributed annually to parents, guardians, students, and
10 school personnel, including new employees when hired.

11 (11) As part of the process of reviewing and
12 re-evaluating the policy under subsection (d) of this
13 Section, contains a policy evaluation process to assess
14 the outcomes and effectiveness of the policy that
15 includes, but is not limited to, factors such as the
16 frequency of victimization; student, staff, and family
17 observations of safety at a school; identification of
18 areas of a school where bullying occurs; the types of
19 bullying utilized; and bystander intervention or
20 participation. The school district, charter school, or
21 non-public, non-sectarian elementary or secondary school
22 may use relevant data and information it already collects
23 for other purposes in the policy evaluation. The
24 information developed as a result of the policy evaluation
25 must be made available on the Internet website of the
26 school district, charter school, or non-public,

1 non-sectarian elementary or secondary school. If an
2 Internet website is not available, the information must be
3 provided to school administrators, school board members,
4 school personnel, parents, guardians, and students.

5 (12) Is consistent with the policies of the school
6 board, charter school, or non-public, non-sectarian
7 elementary or secondary school.

8 (13) Requires all individual instances of bullying, as
9 well as all threats, suggestions, or instances of
10 self-harm to be reported to the parents or legal guardians
11 of those involved under the guidelines provided in
12 paragraph (4) of this definition.

13 (14) The policy on bullying developed by the schools
14 shall be based on the State Board of Education's template
15 for a model bullying prevention policy developed under
16 subsection (i). The policy shall be integrated within the
17 school districts' curricula, discipline policies, and any
18 other violence prevention efforts, including, but not
19 limited to, social and emotional learning standards and
20 response to intervention plans as defined by the State
21 Board of Education's administrative rule.

22 "Restorative measures" means a continuum of school-based
23 alternatives to exclusionary discipline, such as suspensions
24 and expulsions, that: (i) are adapted to the particular needs
25 of the school and community, (ii) contribute to maintaining
26 school safety, (iii) protect the integrity of a positive and

1 productive learning climate, (iv) teach students the personal
2 and interpersonal skills they will need to be successful in
3 school and society, (v) serve to build and restore
4 relationships among students, families, schools, and
5 communities, (vi) reduce the likelihood of future disruption
6 by balancing accountability with an understanding of students'
7 behavioral health needs in order to keep students in school,
8 and (vii) increase student accountability if the incident of
9 bullying is based on religion, race, ethnicity, or any other
10 category that is identified in the Illinois Human Rights Act.

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

19 (c) (Blank).

20 (d) Each school district, charter school, and non-public,
21 non-sectarian elementary or secondary school shall create,
22 maintain, and implement a policy on bullying, which policy
23 must be filed with the State Board of Education. The policy or
24 implementing procedure shall include a process to investigate
25 whether a reported act of bullying is within the permissible
26 scope of the district's or school's jurisdiction and shall

1 require that the district or school provide the victim with
2 information regarding services that are available within the
3 district and community, such as counseling, support services,
4 and other programs. School personnel available for help with a
5 bully or to make a report about bullying shall be made known to
6 parents or legal guardians, students, and school personnel.
7 Every 2 years, each school district, charter school, and
8 non-public, non-sectarian elementary or secondary school shall
9 conduct a review and re-evaluation of its policy and make any
10 necessary and appropriate revisions. No later than September
11 30 of the subject year, the policy must be filed with the State
12 Board of Education after being updated. The State Board of
13 Education shall monitor and provide technical support for the
14 implementation of policies created under this subsection (d).
15 In monitoring the implementation of the policies, the State
16 Board of Education shall review each filed policy on bullying
17 to ensure all policies meet the requirements set forth in this
18 Section, including ensuring that each policy meets the 12
19 criterion identified within the definition of "policy on
20 bullying" set forth in this Section.

21 If a school district, charter school, or non-public,
22 non-sectarian elementary or secondary school fails to file a
23 policy on bullying by September 30 of the subject year, the
24 State Board of Education shall provide a written request for
25 filing to the school district, charter school, or non-public,
26 non-sectarian elementary or secondary school. If a school

1 district, charter school, or non-public, non-sectarian
2 elementary or secondary school fails to file a policy on
3 bullying within 14 days of receipt of the aforementioned
4 written request, the State Board of Education shall publish
5 notice of the non-compliance on the State Board of Education's
6 website.

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

10 (f) School districts shall collect, maintain, and submit
11 to the State Board of Education non-identifiable data
12 regarding allegations and instances of bullying within the
13 school district. School districts must submit such data in an
14 annual report due to the State Board of Education no later than
15 June 1 of each year. The State Board of Education shall adopt
16 rules for the submission of data which shall include, without
17 limitation, a record of each complaint and action taken. The
18 State Board of Education shall adopt rules regarding the
19 notification of school districts that fail to comply with the
20 requirements of this subsection.

21 (g) Upon the request of a parent or legal guardian of a
22 child enrolled in a school district within this State, the
23 State Board of Education must provide non-identifiable data of
24 the number of bullying allegations and incidents in a given
25 year at the school district to the requesting parent or legal
26 guardian. The State Board of Education shall adopt rules

1 regarding: (i) the handling of such data, (ii) maintaining
2 privacy of the students and families involved, and (iii) best
3 practices for sharing numerical data with parents and legal
4 guardians.

5 (h) A recommendation that out-of-school suspension,
6 expulsion, or referral to law enforcement shall only be
7 imposed when required by the federal Gun-Free Schools Act of
8 1994 or in exceptional circumstances to be determined by the
9 State Board; and a recommendation to seek free or
10 cost-effective professional development and youth programming
11 on bullying prevention that is consistent with the State
12 Board's recommendations for such training that is
13 research-based and addresses the specific context of the
14 school.

15 (i) The State Board of Education shall develop a template
16 for a model bullying prevention policy. The State Board of
17 Education shall adopt rules to implement the provisions of
18 this subsection.

19 (j) There is created the Illinois Bullying and
20 Cyberbullying Prevention Fund in the State Treasury. Any
21 moneys appropriated to the fund may be used for the purposes of
22 subsection (k).

23 (k) The State Superintendent of Education may provide a
24 grant to school districts to support the school district's
25 anti-bullying programming. Grants may be awarded from the
26 Illinois Bullying and Cyberbullying Prevention Fund. School

1 districts that are not in compliance with subsection (f) are
2 not eligible to receive a grant from the Illinois Bullying and
3 Cyberbullying Prevention Fund.

4 (Source: P.A. 102-197, eff. 7-30-21; 102-241, eff. 8-3-21;
5 102-813, eff. 5-13-22; 102-894, eff. 5-20-22.)