



Sen. Kimberly A. Lightford

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1 AMENDMENT TO SENATE BILL 3266

2 AMENDMENT NO. _____. Amend Senate Bill 3266 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section
5 27-23.7 and by adding Sections 27-23.9 and 27-23.10 as follows:

6 (105 ILCS 5/27-23.7)

7 Sec. 27-23.7. Bullying prevention ~~education; gang~~
8 ~~resistance education and training.~~

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 a negative effect on the social
15 environment of schools, creates a climate of fear among
16 students, inhibits their ability to learn, and leads to other

1 ~~antisocial behavior. Bullying behavior~~ has been linked to other
2 forms of antisocial behavior, such as vandalism, shoplifting,
3 skipping and dropping out of school, fighting, using drugs and
4 alcohol, sexual harassment, and sexual violence. Because of the
5 negative outcomes associated with bullying in schools, the
6 General Assembly finds that school districts and non-public,
7 non-sectarian elementary and secondary schools should educate
8 students, parents, and school district or non-public,
9 non-sectarian elementary or secondary school personnel about
10 what behaviors constitute prohibited bullying.

11 Bullying on the basis of actual or perceived race, color,
12 religion, sex, national origin, ancestry, age, marital status,
13 physical or mental disability, military status, sexual
14 orientation, gender-related identity or expression,
15 unfavorable discharge from military service, association with
16 a person or group with one or more of the aforementioned actual
17 or perceived characteristics, or any other distinguishing
18 characteristic is prohibited in all school districts and
19 non-public, non-sectarian elementary and secondary schools. No
20 student shall be subjected to bullying:

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

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

1 (3) through the transmission of information from a
2 school computer, a school computer network, or other
3 similar electronic school equipment.

4 ~~The General Assembly further finds that the instance of~~
5 ~~youth delinquent gangs continues to rise on a statewide basis.~~
6 ~~Given the higher rates of criminal offending among gang~~
7 ~~members, as well as the availability of increasingly lethal~~
8 ~~weapons, the level of criminal activity by gang members has~~
9 ~~taken on new importance for law enforcement agencies, schools,~~
10 ~~the community, and prevention efforts.~~

11 (b) In this Section:

12 "Bullying" means any severe or pervasive physical or verbal
13 act or conduct, including communications made in writing or
14 electronically, directed toward a student or students that has
15 or can be reasonably predicted to have the effect of one or
16 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 "School personnel" means persons employed by, on contract
8 with, or who volunteer in a school district or non-public,
9 non-sectarian elementary or secondary school, including
10 without limitation school and school district administrators,
11 teachers, school guidance counselors, school social workers,
12 school counselors, school psychologists, school nurses,
13 cafeteria workers, custodians, bus drivers, school resource
14 officers, and security guards.

15 ~~"Bullying prevention" means and includes instruction in~~
16 ~~all of the following:~~

17 ~~(1) Intimidation.~~

18 ~~(2) Student victimization.~~

19 ~~(3) Sexual harassment.~~

20 ~~(4) Sexual violence.~~

21 ~~(5) Strategies for student-centered problem solving~~
22 ~~regarding bullying.~~

23 ~~"Gang resistance education and training" means and~~
24 ~~includes instruction in, without limitation, each of the~~
25 ~~following subject matters when accompanied by a stated~~
26 ~~objective of reducing gang activity and educating children in~~

1 ~~grades K through 12 about the consequences of gang involvement:~~

2 ~~(1) Conflict resolution.~~

3 ~~(2) Cultural sensitivity.~~

4 ~~(3) Personal goal setting.~~

5 ~~(4) Resisting peer pressure.~~

6 (c) (Blank). ~~Each school district may make suitable~~
7 ~~provisions for instruction in bullying prevention and gang~~
8 ~~resistance education and training in all grades and include~~
9 ~~such instruction in the courses of study regularly taught~~
10 ~~therein. A school board may collaborate with a community-based~~
11 ~~agency providing specialized curricula in bullying prevention~~
12 ~~whose ultimate outcome is to prevent sexual violence. For the~~
13 ~~purposes of gang resistance education and training, a school~~
14 ~~board must collaborate with State and local law enforcement~~
15 ~~agencies. The State Board of Education may assist in the~~
16 ~~development of instructional materials and teacher training in~~
17 ~~relation to bullying prevention and gang resistance education~~
18 ~~and training.~~

19 (d) Each ~~Beginning 180 days after August 23, 2007 (the~~
20 ~~effective date of Public Act 95-349), each school district and~~
21 ~~non-public, non-sectarian elementary or secondary school shall~~
22 ~~create and maintain a policy on bullying, which policy must be~~
23 ~~filed with the State Board of Education. Each school district~~
24 ~~and non-public, non-sectarian elementary or secondary school~~
25 ~~must communicate its policy on bullying to its students and~~
26 ~~their parent or guardian on an annual basis. The policy must be~~

1 updated every 2 years and filed with the State Board of
2 Education after being updated. The State Board of Education
3 shall monitor the implementation of policies created under this
4 subsection (d).

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

12 (Source: P.A. 94-937, eff. 6-26-06; 95-198, eff. 1-1-08;
13 95-349, eff. 8-23-07; 95-876, eff. 8-21-08.)

14 (105 ILCS 5/27-23.9 new)

15 (Section scheduled to be repealed on March 2, 2011)

16 Sec. 27-23.9. School Bullying Prevention Task Force.

17 (a) In this Section, "Task Force" means the School Bullying
18 Prevention Task Force.

19 (b) The Task Force is created and charged with exploring
20 the causes and consequences of bullying in schools in this
21 State, identifying promising practices that reduce incidences
22 of bullying, highlighting training and technical assistance
23 opportunities for schools to effectively address bullying,
24 evaluating the effectiveness of schools' current anti-bullying
25 policies and other bullying prevention programs, and other

1 related issues.

2 (c) Within 60 days after the effective date of this
3 amendatory Act of the 96th General Assembly, the State
4 Superintendent of Education shall appoint 15 members to the
5 Task Force. The membership of the Task Force shall include
6 representatives of State agencies whose work includes bullying
7 prevention or intervention; statewide organizations that focus
8 on violence or bullying prevention or intervention; teachers
9 and management personnel from at least 3 school districts;
10 academics who conduct research on bullying, its consequences to
11 students in grades K through 12, or effective strategies for
12 preventing or addressing bullying; a current high school or
13 college student who has experienced bullying; and others at the
14 State Superintendent's discretion. Members of the Task Force
15 shall serve without compensation.

16 (d) The State Board of Education shall provide technical
17 assistance for the work of the Task Force.

18 (e) No later than March 1, 2011, the Task Force shall
19 submit a report to the Governor and the General Assembly on any
20 recommendations for preventing and addressing bullying in
21 schools in this State and a proposed timeline for meeting the
22 Task Force's charges identified in this Section.

23 (f) This Section is repealed on March 2, 2011.

24 (105 ILCS 5/27-23.10 new)

25 Sec. 27-23.10. Gang resistance education and training.

1 (a) The General Assembly finds that the instance of youth
2 delinquent gangs continues to rise on a statewide basis. Given
3 the higher rates of criminal offending among gang members, as
4 well as the availability of increasingly lethal weapons, the
5 level of criminal activity by gang members has taken on new
6 importance for law enforcement agencies, schools, the
7 community, and prevention efforts.

8 (b) As used in this Section:

9 "Gang resistance education and training" means and
10 includes instruction in, without limitation, each of the
11 following subject matters when accompanied by a stated
12 objective of reducing gang activity and educating children in
13 grades K through 12 about the consequences of gang involvement:

14 (1) conflict resolution;

15 (2) cultural sensitivity;

16 (3) personal goal setting; and

17 (4) resisting peer pressure.

18 (c) Each school district and non-public, non-sectarian
19 elementary or secondary school in this State may make suitable
20 provisions for instruction in gang resistance education and
21 training in all grades and include that instruction in the
22 courses of study regularly taught in those grades. For the
23 purposes of gang resistance education and training, a school
24 board or the governing body of a non-public, non-sectarian
25 elementary or secondary school must collaborate with State and
26 local law enforcement agencies. The State Board of Education

1 may assist in the development of instructional materials and
2 teacher training in relation to gang resistance education and
3 training.

4 Section 90. The State Mandates Act is amended by adding
5 Section 8.34 as follows:

6 (30 ILCS 805/8.34 new)

7 Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8
8 of this Act, no reimbursement by the State is required for the
9 implementation of any mandate created by this amendatory Act of
10 the 96th General Assembly.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."