



Rep. Kelly M. Cassidy

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LRB097 18856 RPM 67093 a

1 AMENDMENT TO HOUSE BILL 5290

2 AMENDMENT NO. _____. Amend House Bill 5290, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing Section
6 27-23.7 as follows:

7 (105 ILCS 5/27-23.7)

8 Sec. 27-23.7. Bullying prevention.

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 been linked to other forms of
15 antisocial behavior, such as vandalism, shoplifting, skipping
16 and dropping out of school, fighting, using drugs and alcohol,

1 sexual harassment, and sexual violence. Because of the negative
2 outcomes associated with bullying in schools, the General
3 Assembly finds that school districts and non-public,
4 non-sectarian elementary and secondary schools should educate
5 students, parents, and school district 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 and non-public,
18 non-sectarian elementary and secondary schools. No student
19 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 or
25 school-sanctioned events or activities; or

26 (3) through the transmission of information from a

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

3 (b) In this Section:

4 "Bullying" means any severe or pervasive physical or verbal
5 act or conduct, including communications made in writing or
6 electronically, directed toward a student or students that has
7 or can be reasonably predicted to have the effect of one or
8 more of the following:

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

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

13 (3) substantially interfering with the student's or
14 students' academic performance; or

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

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

25 "Policy on bullying" means a bullying prevention policy
26 that (1) includes the bullying definition provided in this

1 Section; (2) includes a statement that bullying is contrary to
2 State law and the policy of the school district or non-public,
3 non-sectarian elementary or secondary school; (3) includes
4 procedures for (i) promptly reporting bullying, including, but
5 not limited to, identifying a person or persons responsible for
6 receiving such reports and a procedure for anonymous reporting;
7 (ii) promptly investigating and resolving complaints of
8 bullying; and (iii) retaining reports of bullying allegations
9 and incidents; (4) includes the interventions that can be taken
10 to stop bullying, including, but not limited to, restorative
11 measures, social-emotional skill building, counseling, school
12 psychological services, school social worker interventions,
13 community-based services, and the development of a school-wide
14 approach to preventing and responding to bullying; (5) is based
15 on the engagement of school stakeholders at all levels,
16 including students and families; (6) is posted in the school
17 where other policies, rules, and standards of conduct are
18 posted, including on the school district's or non-public,
19 non-sectarian elementary or secondary school's Internet
20 website and in the student handbook; (7) is distributed
21 annually to parents, guardians, students, and school
22 personnel, including new employees when hired; and (8) is
23 integrated within the school district's or non-public,
24 non-sectarian elementary or secondary school's curricula,
25 discipline policies, conflict resolution education, anti-bias
26 education, and any other violence prevention efforts,

1 including, but not limited to, social and emotional learning
2 standards and response-to-intervention plans as defined by
3 administrative rule of the State Board of Education.

4 "Restorative measures" means a continuum of school-based
5 alternatives to exclusionary discipline, such as suspensions
6 and expulsions, that (i) are adapted to the particular needs of
7 the school and community, (ii) contribute to maintaining school
8 safety, (iii) protect the integrity of a positive and
9 productive learning climate, (iv) teach students the personal
10 and interpersonal skills they will need to be successful in
11 school and society, (v) serve to build and restore
12 relationships among students, families, schools, and
13 communities, and (vi) reduce the likelihood of future
14 disruption by balancing accountability with an understanding
15 of students' behavioral health needs in order to keep students
16 in school. Examples of restorative measures include, but are
17 not limited to, the implementation of social and emotional
18 learning, positive behavior interventions and supports,
19 response-to-intervention, structured in-school suspensions or
20 detentions with school staff to oversee students' work on class
21 assignments, peer juries, peer circles, and peer mediation.

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

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

4 (c) (Blank).

5 (c-5) On or before January 1, 2013, the State Board of
6 Education shall develop a template for a model bullying
7 prevention policy. The template must fulfill the requirements
8 of this Article while allowing for customization by school
9 districts in ways that do not conflict with this Article. The
10 template must recommend that (1) restorative measures and other
11 disciplinary interventions set forth in the interventions
12 component of the policy on bullying be employed before the use
13 of out-of-school suspension or expulsion; (2) out-of-school
14 suspension, expulsion, or referral to law enforcement be
15 imposed only when required by the federal Gun-Free Schools Act
16 of 1994 or in exceptional circumstances to be determined by the
17 State Board; (3) professional development and youth
18 programming on bullying prevention, which are research-based,
19 address the specific context of a school, and remain consistent
20 with the State Board's recommendations for such training, be
21 provided; (4) school districts and non-public, non-sectarian
22 elementary or secondary schools use their personnel with
23 expertise in social and emotional skill-building, restorative
24 disciplinary interventions, or other subject areas relating to
25 bullying prevention to provide such professional development
26 and youth programming, seek free or cost-effective

1 professional development or youth programming from persons
2 with expertise to provide those services, or train their
3 personnel to provide those services.

4 (d) Beginning with the 2013-2014 school year, each ~~Each~~
5 school district and non-public, non-sectarian elementary or
6 secondary school shall create and maintain a policy on
7 bullying, which policy must be filed with the State Board of
8 Education. The policy on bullying shall be based on the State
9 Board of Education's template for a model bullying prevention
10 policy and shall include criteria set forth in the definition
11 of "policy on bullying". Each school district and non-public,
12 non-sectarian elementary or secondary school shall comply with
13 its bullying prevention policy ~~must communicate its policy on~~
14 ~~bullying to its students and their parent or guardian on an~~
15 ~~annual basis.~~ The policy must be updated every 2 years and
16 filed with the State Board of Education after being updated.
17 Data or reports on bullying allegations and incidents must
18 inform policy updates. The State Board of Education shall
19 monitor and provide technical support for the development and
20 implementation of policies created under this subsection (d).

21 (e) This Section shall not be interpreted to prevent a
22 victim from seeking redress under any other available civil or
23 criminal law. Nothing in this Section is intended to infringe
24 upon any right to exercise free expression or the free exercise
25 of religion or religiously based views protected under the
26 First Amendment to the United States Constitution or under

1 Section 3 or 4 of Article 1 of the Illinois Constitution.

2 (f) The State Board of Education shall adopt rules to
3 implement the provisions of this Section.

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.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".