AMENDMENT NO. ______. Amend House Bill 5290 by replacing everything after the enacting clause with the following:

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

(105 ILCS 5/27-23.7)

Sec. 27-23.7. Bullying prevention.

(a) The General Assembly finds that a safe and civil school environment is necessary for students to learn and achieve and that bullying causes physical, psychological, and emotional harm to students and interferes with students' ability to learn and participate in school activities. The General Assembly further finds that bullying has been linked to other forms of antisocial behavior, such as vandalism, shoplifting, skipping and dropping out of school, fighting, using drugs and alcohol, sexual harassment, and sexual violence. Because of the negative
outcomes associated with bullying in schools, the General Assembly finds that school districts and non-public, non-sectarian elementary and secondary schools should educate students, parents, and school district or non-public, non-sectarian elementary or secondary school personnel about what behaviors constitute prohibited bullying.

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

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

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

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

(a-5) Nothing in this Section is intended to infringe upon
any right to exercise free expression or the free exercise of
religion or religiously based views protected under the First
Amendment to the United States Constitution or under Section 3
or 4 of Article 1 of the Illinois Constitution.

(b) In this Section:

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

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

Bullying, as defined in this subsection (b), may take
various forms, including without limitation one or more of the
following: harassment, threats, intimidation, stalking,
physical violence, sexual harassment, sexual violence, theft,
public humiliation, destruction of property, or retaliation
for asserting or alleging an act of bullying. This list is
meant to be illustrative and non-exhaustive.
"Policy on bullying" means a bullying prevention policy that:

(1) includes the bullying definition provided in this Section;

(2) includes a statement that bullying is contrary to State law and the policy of the school district or non-public, non-sectarian elementary or secondary school and is consistent with subsection (a-5) of this Section;

(3) includes procedures for:
   (i) promptly reporting bullying, including, but not limited to, identifying a person or persons responsible for receiving such reports and a procedure for anonymous reporting; and
   (ii) promptly investigating and addressing complaints of bullying;

(4) includes the interventions that can be taken to address bullying, which may include, but are not limited to, restorative measures, social-emotional skill building, counseling, school psychological services, school social worker interventions, and community-based services;

(5) is based on the engagement of a range of school stakeholders, including students and families;

(6) is posted on the school district's or non-public, non-sectarian elementary or secondary school's existing Internet website and is included in the student handbook, and, where applicable, posted where other policies, rules,
and standards of conduct are currently posted in the
school, and is distributed annually to parents, guardians,
students, and school personnel, including new employees
when hired; and

(7) is consistent with the school district's board
policies or non-public, non-sectarian elementary or
secondary school's administrative policies.

"Restorative measures" means a continuum of school-based
alternatives to exclusionary discipline, such as suspensions
and expulsions, that: (i) are adapted to the particular needs
of the school and community, (ii) contribute to maintaining
school safety, (iii) protect the integrity of a positive and
productive learning climate, (iv) teach students the personal
and interpersonal skills they will need to be successful in
school and society, (v) serve to build and restore
relationships among students, families, schools, and
communities, and (vi) reduce the likelihood of future
disruption by balancing accountability with an understanding
of students' behavioral health needs in order to keep students
in school.

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

(c) (Blank).

(d) Each school district and non-public, non-sectarian
elementary or secondary school shall create, maintain, and
implement a policy on bullying, which policy must be filed with
the State Board of Education. Each school district and
non-public, non-sectarian elementary or secondary school must
communicate its policy on bullying to its students and their
parent or guardian on an annual basis. The policy must be
updated every 2 years and filed with the State Board of
Education after being updated. The State Board of Education
shall monitor and provide technical support for the
implementation of policies created under this subsection (d).

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

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