



Sen. Meg Loughran Cappel

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LRB104 12283 LNS 26225 a

1 AMENDMENT TO HOUSE BILL 3851

2 AMENDMENT NO. _____. Amend House Bill 3851 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 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
9 school environment is necessary for students to learn and
10 achieve and that bullying causes physical, psychological, and
11 emotional harm to students and interferes with students'
12 ability to learn and participate in school activities. The
13 General Assembly further finds that bullying has been linked
14 to other forms of antisocial behavior, such as vandalism,
15 shoplifting, skipping and dropping out of school, fighting,
16 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 "Artificial intelligence" has the meaning given to that
22 term in the Digital Voice and Likeness Protection Act.

23 "Bullying" includes "cyber-bullying" and means any severe
24 or pervasive physical or verbal act or conduct, including
25 communications made in writing or electronically, directed
26 toward a student or students that has or can be reasonably

1 predicted to have the effect of one or more of the following:

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

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

6 (3) substantially interfering with the student's or
7 students' academic performance; or

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

11 Bullying, as defined in this subsection (b), may take
12 various forms, including without limitation one or more of the
13 following: harassment, threats, intimidation, stalking,
14 physical violence, sexual harassment, sexual violence, posting
15 or distributing sexually explicit images, theft, public
16 humiliation, destruction of property, or retaliation for
17 asserting or alleging an act of bullying. This list is meant to
18 be illustrative and non-exhaustive.

19 "Cyber-bullying" means bullying through the use of
20 technology or any electronic communication, including without
21 limitation any transfer of signs, signals, writing, images,
22 sounds, data, or intelligence of any nature transmitted in
23 whole or in part by a wire, radio, electromagnetic system,
24 photoelectronic system, or photooptical system, including
25 without limitation electronic mail, Internet communications,
26 instant messages, or facsimile communications.

1 "Cyber-bullying" includes the creation of a webpage or weblog
2 in which the creator assumes the identity of another person or
3 the knowing impersonation of another person as the author of
4 posted content or messages if the creation or impersonation
5 creates any of the effects enumerated in the definition of
6 bullying in this Section. "Cyber-bullying" also includes the
7 distribution by electronic means of a communication to more
8 than one person or the posting of material on an electronic
9 medium that may be accessed by one or more persons if the
10 distribution or posting creates any of the effects enumerated
11 in the definition of bullying in this Section. Beginning with
12 the 2026-2027 school year, "cyber-bullying" also includes the
13 posting or distribution of an unauthorized digital replica by
14 electronic means if the posting or distribution creates any of
15 the effects enumerated in the definition of "bullying" in this
16 Section.

17 "Digital replica" has the meaning given to that term in
18 the Digital Voice and Likeness Protection Act.

19 "Policy on bullying" means a bullying prevention policy
20 that meets the following criteria:

21 (1) Includes the bullying definition provided in this
22 Section.

23 (2) Includes a statement that bullying is contrary to
24 State law and the policy of the school district, charter
25 school, or non-public, non-sectarian elementary or
26 secondary school and is consistent with subsection (a-5)

1 of this Section.

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

10 (4) Consistent with federal and State laws and rules
11 governing student privacy rights, includes procedures for
12 informing parents or guardians of all students involved in
13 the alleged incident of bullying within 24 hours after the
14 school's administration is made aware of the students'
15 involvement in the incident and discussing, as
16 appropriate, the availability of social work services,
17 counseling, school psychological services, other
18 interventions, and restorative measures. The school shall
19 make diligent efforts to notify a parent or legal
20 guardian, utilizing all contact information the school has
21 available or that can be reasonably obtained by the school
22 within the 24-hour period.

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

25 (A) Making all reasonable efforts to complete the
26 investigation within 10 school days after the date the

1 report of the incident of bullying was received and
2 taking into consideration additional relevant
3 information received during the course of the
4 investigation about the reported incident of bullying.

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

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

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

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

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

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

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

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

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

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

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

19 (13) Requires all individual instances of bullying, as
20 well as all threats, suggestions, or instances of
21 self-harm determined to be the result of bullying, to be
22 reported to the parents or legal guardians of those
23 involved under the guidelines provided in paragraph (4) of
24 this definition.

25 "Restorative measures" means a continuum of school-based
26 alternatives to exclusionary discipline, such as suspensions

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

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

22 "Unauthorized digital replica" means the use of a digital
23 replica of an individual without the consent of the depicted
24 individual.

25 (c) (Blank).

26 (d) Each school district, charter school, and non-public,

1 non-sectarian elementary or secondary school shall create,
2 maintain, and implement a policy on bullying, which policy
3 must be filed with the State Board of Education. The policy on
4 bullying shall be based on the State Board of Education's
5 template for a model bullying prevention policy under
6 subsection (h) and shall include the criteria set forth in the
7 definition of "policy on bullying". The policy or implementing
8 procedure shall include a process to investigate whether a
9 reported act of bullying is within the permissible scope of
10 the district's or school's jurisdiction and shall require that
11 the district or school provide the victim with information
12 regarding services that are available within the district and
13 community, such as counseling, support services, and other
14 programs. School personnel available for help with a bully or
15 to make a report about bullying shall be made known to parents
16 or legal guardians, students, and school personnel. Every 2
17 years, each school district, charter school, and non-public,
18 non-sectarian elementary or secondary school shall conduct a
19 review and re-evaluation of its policy and make any necessary
20 and appropriate revisions. No later than September 30 of the
21 subject year, the policy must be filed with the State Board of
22 Education after being updated. The State Board of Education
23 shall monitor and provide technical support for the
24 implementation of policies created under this subsection (d).
25 In monitoring the implementation of the policies, the State
26 Board of Education shall review each filed policy on bullying

1 to ensure all policies meet the requirements set forth in this
2 Section, including ensuring that each policy meets the 13 ~~12~~
3 criterion identified within the definition of "policy on
4 bullying" set forth in this Section.

5 If a school district, charter school, or non-public,
6 non-sectarian elementary or secondary school fails to file a
7 policy on bullying by September 30 of the subject year, the
8 State Board of Education shall provide a written request for
9 filing to the school district, charter school, or non-public,
10 non-sectarian elementary or secondary school. If a school
11 district, charter school, or non-public, non-sectarian
12 elementary or secondary school fails to file a policy on
13 bullying within 14 days of receipt of the aforementioned
14 written request, the State Board of Education shall publish
15 notice of the non-compliance on the State Board of Education's
16 website.

17 Each school district, charter school, and non-public,
18 non-sectarian elementary or secondary school may provide
19 evidence-based professional development and youth programming
20 on bullying prevention that is consistent with the provisions
21 of this Section.

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

25 (f) School districts, charter schools, and non-public,
26 non-sectarian elementary and secondary schools shall collect,

1 maintain, and submit to the State Board of Education
2 non-identifiable data regarding verified allegations of
3 bullying within the school district, charter school, or
4 non-public, non-sectarian elementary or secondary school.
5 School districts, charter schools, and non-public,
6 non-sectarian elementary and secondary schools must submit
7 such data in an annual report due to the State Board of
8 Education no later than August 15 of each year starting with
9 the 2024-2025 school year through the 2030-2031 school year.
10 The State Board of Education shall adopt rules for the
11 submission of data that includes, but is not limited to: (i) a
12 record of each verified allegation of bullying and action
13 taken; and (ii) whether the instance of bullying was based on
14 actual or perceived characteristics identified in subsection
15 (a) and, if so, lists the relevant characteristics. The rules
16 for the submission of data shall be consistent with federal
17 and State laws and rules governing student privacy rights,
18 including, but not limited to, the federal Family Educational
19 Rights and Privacy Act of 1974 and the Illinois School Student
20 Records Act, which shall include, without limitation, a record
21 of each complaint and action taken. The State Board of
22 Education shall adopt rules regarding the notification of
23 school districts, charter schools, and non-public,
24 non-sectarian elementary and secondary schools that fail to
25 comply with the requirements of this subsection.

26 (g) Upon the request of a parent or legal guardian of a

1 child enrolled in a school district, charter school, or
2 non-public, non-sectarian elementary or secondary school
3 within this State, the State Board of Education must provide
4 non-identifiable data on the number of bullying allegations
5 and incidents in a given year in the school district, charter
6 school, or non-public, non-sectarian elementary or secondary
7 school to the requesting parent or legal guardian. The State
8 Board of Education shall adopt rules regarding (i) the
9 handling of such data, (ii) maintaining the privacy of the
10 students and families involved, and (iii) best practices for
11 sharing numerical data with parents and legal guardians.

12 (h) By January 1, 2024, the State Board of Education shall
13 post on its Internet website a template for a model bullying
14 prevention policy.

15 (i) The Illinois Bullying and Cyberbullying Prevention
16 Fund is created as a special fund in the State treasury. Any
17 moneys appropriated to the Fund may be used, subject to
18 appropriation, by the State Board of Education for the
19 purposes of subsection (j).

20 (j) Subject to appropriation, the State Superintendent of
21 Education may provide a grant to a school district, charter
22 school, or non-public, non-sectarian elementary or secondary
23 school to support its anti-bullying programming. Grants may be
24 awarded from the Illinois Bullying and Cyberbullying
25 Prevention Fund. School districts, charter schools, and
26 non-public, non-sectarian elementary or secondary schools that

1 are not in compliance with subsection (f) are not eligible to
2 receive a grant from the Illinois Bullying and Cyberbullying
3 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; 103-47, eff.
6 6-9-23.)

7 Section 99. Effective date. This Act takes effect July 1,
8 2026."