



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4207

by Rep. Laura Fine

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-23.7

Amends the School Code. In provisions concerning bullying prevention, prohibits a student from being subjected to bullying through the transmission of information from a computer that is accessed at a nonschool-related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by a school district or school if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the educational process or orderly operation of a school. Provides that the definition of bullying includes cyber-bullying; defines "cyber-bullying". Provides that a school district's or non-public, non-sectarian elementary or secondary school's policy on bullying shall include a process to investigate whether a reported act of bullying is within the scope of the district or school and, if not, a process for referral of such an act to the appropriate jurisdiction. Requires computers without web-filtering software or computers with web-filtering software that is disabled to be used when complaints of cyber-bullying are investigated. Effective immediately.

LRB098 16062 NHT 51115 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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

23 Bullying on the basis of actual or perceived race, color,

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

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

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

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

19 (4) through the transmission of information from a
20 computer that is accessed at a nonschool-related location,
21 activity, function, or program or from the use of
22 technology or an electronic device that is not owned,
23 leased, or used by a school district or school if the
24 bullying substantially interferes with or limits the
25 victim's ability to participate in or benefit from the
26 services, activities, or opportunities offered by a school

1 or substantially disrupts the educational process or
2 orderly operation of a school. This item (4) does not
3 require a school to staff or monitor any nonschool-related
4 activity, function, or program.

5 (b) In this Section:

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

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

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

15 (3) substantially interfering with the student's or
16 students' academic performance; or

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

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

1 "Cyber-bullying" means bullying through the use of
2 technology or any electronic communication, including without
3 limitation any transfer of signs, signals, writing, images,
4 sounds, data, or intelligence of any nature transmitted in
5 whole or in part by a wire, radio, electromagnetic system,
6 photoelectronic system, or photooptical system, including
7 without limitation electronic mail, Internet communications,
8 instant messages, or facsimile communications.

9 "Cyber-bullying" includes the creation of a webpage or weblog
10 in which the creator assumes the identity of another person or
11 the knowing impersonation of another person as the author of
12 posted content or messages if the creation or impersonation
13 creates any of the effects enumerated in the definition of
14 bullying in this Section. "Cyber-bullying" also includes the
15 distribution by electronic means of a communication to more
16 than one person or the posting of material on an electronic
17 medium that may be accessed by one or more persons if the
18 distribution or posting creates any of the effects enumerated
19 in the definition of bullying in this Section.

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

1 officers, and security guards.

2 (c) (Blank).

3 (d) Each school district and non-public, non-sectarian
4 elementary or secondary school shall create and maintain a
5 policy on bullying, which policy must be filed with the State
6 Board of Education. The policy shall include a process to
7 investigate whether a reported act of bullying is within the
8 scope of the district or school and, if not, a process for
9 referral of such an act to the appropriate jurisdiction.
10 Computers without web-filtering software or computers with
11 web-filtering software that is disabled must be used when
12 complaints of cyber-bullying are investigated. Each school
13 district and non-public, non-sectarian elementary or secondary
14 school must communicate its policy on bullying to its students
15 and their parent or guardian on an annual basis. The policy
16 must be updated every 2 years and filed with the State Board of
17 Education after being updated. The State Board of Education
18 shall monitor the implementation of policies created under this
19 subsection (d).

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

1 (Source: P.A. 95-198, eff. 1-1-08; 95-349, eff. 8-23-07;
2 95-876, eff. 8-21-08; 96-952, eff. 6-28-10.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.