

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 Sections  
5 27-23.7 and 27A-5 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, charter schools, and  
19 non-public, non-sectarian elementary and secondary schools  
20 should educate students, parents, and school district, charter  
21 school, or non-public, non-sectarian elementary or secondary  
22 school personnel about what behaviors constitute prohibited  
23 bullying.

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

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

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

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

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

25 (b) In this Section:

26 "Bullying" means any severe or pervasive physical or verbal

1 act or conduct, including communications made in writing or  
2 electronically, directed toward a student or students that has  
3 or can be reasonably predicted to have the effect of one or  
4 more of the following:

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

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

9 (3) substantially interfering with the student's or  
10 students' academic performance; or

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

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

21 "Policy on bullying" means a bullying prevention policy  
22 that meets the following criteria:

23 (1) Includes the bullying definition provided in this  
24 Section.

25 (2) Includes a statement that bullying is contrary to  
26 State law and the policy of the school district, charter

1 school, or non-public, non-sectarian elementary or  
2 secondary school and is consistent with subsection (a-5) of  
3 this Section.

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

12 (4) Consistent with federal and State laws and rules  
13 governing student privacy rights, includes procedures for  
14 promptly informing parents or guardians of all students  
15 involved in the alleged incident of bullying and  
16 discussing, as appropriate, the availability of social  
17 work services, counseling, school psychological services,  
18 other interventions, and restorative measures.

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

21 (A) Making all reasonable efforts to complete the  
22 investigation within 10 school days after the date the  
23 report of the incident of bullying was received and  
24 taking into consideration additional relevant  
25 information received during the course of the  
26 investigation about the reported incident of bullying.

1           (B) Involving appropriate school support personnel  
2           and other staff persons with knowledge, experience,  
3           and training on bullying prevention, as deemed  
4           appropriate, in the investigation process.

5           (C) Notifying the principal or school  
6           administrator or his or her designee of the report of  
7           the incident of bullying as soon as possible after the  
8           report is received.

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

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

23          (7) Includes a statement prohibiting reprisal or  
24          retaliation against any person who reports an act of  
25          bullying and the consequences and appropriate remedial  
26          actions for a person who engages in reprisal or

1       retaliation.

2           (8) Includes consequences and appropriate remedial  
3       actions for a person found to have falsely accused another  
4       of bullying as a means of retaliation or as a means of  
5       bullying.

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

8           (10) Is posted on the school district's, charter  
9       school's, or non-public, non-sectarian elementary or  
10       secondary school's existing Internet website and is  
11       included in the student handbook, and, where applicable,  
12       posted where other policies, rules, and standards of  
13       conduct are currently posted in the school, and is  
14       distributed annually to parents, guardians, students, and  
15       school personnel, including new employees when hired.

16           (11) As part of the process of reviewing and  
17       re-evaluating the policy under subsection (d) of this  
18       Section, contains a policy evaluation process to assess the  
19       outcomes and effectiveness of the policy that includes, but  
20       is not limited to, factors such as the frequency of  
21       victimization; student, staff, and family observations of  
22       safety at a school; identification of areas of a school  
23       where bullying occurs; the types of bullying utilized; and  
24       bystander intervention or participation. The school  
25       district, charter school, or non-public, non-sectarian  
26       elementary or secondary school may use relevant data and

1 information it already collects for other purposes in the  
2 policy evaluation. The information developed as a result of  
3 the policy evaluation must be made available on the  
4 Internet website of the school district, charter school, or  
5 non-public, non-sectarian elementary or secondary school.  
6 If an Internet website is not available, the information  
7 must be provided to school administrators, school board  
8 members, school personnel, parents, guardians, and  
9 students.

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

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

26 "School personnel" means persons employed by, on contract

1 with, or who volunteer in a school district, charter schools,  
2 or non-public, non-sectarian elementary or secondary school,  
3 including without limitation school and school district  
4 administrators, teachers, school guidance counselors, school  
5 social workers, school counselors, school psychologists,  
6 school nurses, cafeteria workers, custodians, bus drivers,  
7 school resource officers, and security guards.

8 (c) (Blank).

9 (d) Each school district, charter school, and non-public,  
10 non-sectarian elementary or secondary school shall create, ~~and~~  
11 maintain, and implement a policy on bullying, which policy must  
12 be filed with the State Board of Education. Every 2 years, each  
13 school district, charter school, and non-public, non-sectarian  
14 elementary or secondary school shall conduct a review and  
15 re-evaluation of its policy and make any necessary and  
16 appropriate revisions. ~~Each school district and non public,~~  
17 ~~non sectarian elementary or secondary school must communicate~~  
18 ~~its policy on bullying to its students and their parent or~~  
19 ~~guardian on an annual basis.~~ The policy must be ~~updated every 2~~  
20 ~~years and~~ filed with the State Board of Education after being  
21 updated. The State Board of Education shall monitor and provide  
22 technical support for the implementation of policies created  
23 under this subsection (d).

24 (e) This Section shall not be interpreted to prevent a  
25 victim from seeking redress under any other available civil or  
26 criminal law. ~~Nothing in this Section is intended to infringe~~



1 ~~upon any right to exercise free expression or the free exercise~~  
2 ~~of religion or religiously based views protected under the~~  
3 ~~First Amendment to the United States Constitution or under~~  
4 ~~Section 3 or 4 of Article 1 of the Illinois Constitution.~~

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

7 (105 ILCS 5/27A-5)

8 Sec. 27A-5. Charter school; legal entity; requirements.

9 (a) A charter school shall be a public, nonsectarian,  
10 nonreligious, non-home based, and non-profit school. A charter  
11 school shall be organized and operated as a nonprofit  
12 corporation or other discrete, legal, nonprofit entity  
13 authorized under the laws of the State of Illinois.

14 (b) A charter school may be established under this Article  
15 by creating a new school or by converting an existing public  
16 school or attendance center to charter school status. Beginning  
17 on the effective date of this amendatory Act of the 93rd  
18 General Assembly, in all new applications submitted to the  
19 State Board or a local school board to establish a charter  
20 school in a city having a population exceeding 500,000,  
21 operation of the charter school shall be limited to one campus.  
22 The changes made to this Section by this amendatory Act of the  
23 93rd General Assembly do not apply to charter schools existing  
24 or approved on or before the effective date of this amendatory  
25 Act.

1 (b-5) In this subsection (b-5), "virtual-schooling" means  
2 the teaching of courses through online methods with online  
3 instructors, rather than the instructor and student being at  
4 the same physical location. "Virtual-schooling" includes  
5 without limitation instruction provided by full-time, online  
6 virtual schools.

7 From April 1, 2013 through April 1, 2014, there is a  
8 moratorium on the establishment of charter schools with  
9 virtual-schooling components in school districts other than a  
10 school district organized under Article 34 of this Code. This  
11 moratorium does not apply to a charter school with  
12 virtual-schooling components existing or approved prior to  
13 April 1, 2013 or to the renewal of the charter of a charter  
14 school with virtual-schooling components already approved  
15 prior to April 1, 2013.

16 On or before March 1, 2014, the Commission shall submit to  
17 the General Assembly a report on the effect of  
18 virtual-schooling, including without limitation the effect on  
19 student performance, the costs associated with  
20 virtual-schooling, and issues with oversight. The report shall  
21 include policy recommendations for virtual-schooling.

22 (c) A charter school shall be administered and governed by  
23 its board of directors or other governing body in the manner  
24 provided in its charter. The governing body of a charter school  
25 shall be subject to the Freedom of Information Act and the Open  
26 Meetings Act.

1 (d) A charter school shall comply with all applicable  
2 health and safety requirements applicable to public schools  
3 under the laws of the State of Illinois.

4 (e) Except as otherwise provided in the School Code, a  
5 charter school shall not charge tuition; provided that a  
6 charter school may charge reasonable fees for textbooks,  
7 instructional materials, and student activities.

8 (f) A charter school shall be responsible for the  
9 management and operation of its fiscal affairs including, but  
10 not limited to, the preparation of its budget. An audit of each  
11 charter school's finances shall be conducted annually by an  
12 outside, independent contractor retained by the charter  
13 school. Annually, by December 1, every charter school must  
14 submit to the State Board a copy of its audit and a copy of the  
15 Form 990 the charter school filed that year with the federal  
16 Internal Revenue Service.

17 (g) A charter school shall comply with all provisions of  
18 this Article, the Illinois Educational Labor Relations Act, and  
19 its charter. A charter school is exempt from all other State  
20 laws and regulations in this ~~the School~~ Code governing public  
21 schools and local school board policies, except the following:

22 (1) Sections 10-21.9 and 34-18.5 of this ~~the School~~  
23 Code regarding criminal history records checks and checks  
24 of the Statewide Sex Offender Database and Statewide  
25 Murderer and Violent Offender Against Youth Database of  
26 applicants for employment;

1 (2) Sections 24-24 and 34-84A of this ~~the School~~ Code  
2 regarding discipline of students;

3 (3) the ~~The~~ Local Governmental and Governmental  
4 Employees Tort Immunity Act;

5 (4) Section 108.75 of the General Not For Profit  
6 Corporation Act of 1986 regarding indemnification of  
7 officers, directors, employees, and agents;

8 (5) the ~~The~~ Abused and Neglected Child Reporting Act;

9 (6) the ~~The~~ Illinois School Student Records Act;

10 (7) Section 10-17a of this ~~the School~~ Code regarding  
11 school report cards; ~~and~~

12 (8) the ~~The~~ P-20 Longitudinal Education Data System  
13 Act; ~~and.~~

14 (9) Section 27-23.7 of this Code regarding bullying  
15 prevention.

16 The change made by Public Act 96-104 to this subsection (g)  
17 is declaratory of existing law.

18 (h) A charter school may negotiate and contract with a  
19 school district, the governing body of a State college or  
20 university or public community college, or any other public or  
21 for-profit or nonprofit private entity for: (i) the use of a  
22 school building and grounds or any other real property or  
23 facilities that the charter school desires to use or convert  
24 for use as a charter school site, (ii) the operation and  
25 maintenance thereof, and (iii) the provision of any service,  
26 activity, or undertaking that the charter school is required to

1 perform in order to carry out the terms of its charter.  
2 However, a charter school that is established on or after the  
3 effective date of this amendatory Act of the 93rd General  
4 Assembly and that operates in a city having a population  
5 exceeding 500,000 may not contract with a for-profit entity to  
6 manage or operate the school during the period that commences  
7 on the effective date of this amendatory Act of the 93rd  
8 General Assembly and concludes at the end of the 2004-2005  
9 school year. Except as provided in subsection (i) of this  
10 Section, a school district may charge a charter school  
11 reasonable rent for the use of the district's buildings,  
12 grounds, and facilities. Any services for which a charter  
13 school contracts with a school district shall be provided by  
14 the district at cost. Any services for which a charter school  
15 contracts with a local school board or with the governing body  
16 of a State college or university or public community college  
17 shall be provided by the public entity at cost.

18 (i) In no event shall a charter school that is established  
19 by converting an existing school or attendance center to  
20 charter school status be required to pay rent for space that is  
21 deemed available, as negotiated and provided in the charter  
22 agreement, in school district facilities. However, all other  
23 costs for the operation and maintenance of school district  
24 facilities that are used by the charter school shall be subject  
25 to negotiation between the charter school and the local school  
26 board and shall be set forth in the charter.

1           (j) A charter school may limit student enrollment by age or  
2 grade level.

3           (k) If the charter school is approved by the Commission,  
4 then the Commission charter school is its own local education  
5 agency.

6           (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;  
7 97-813, eff. 7-13-12; 98-16, eff. 5-24-13.)

8           Section 99. Effective date. This Act takes effect upon  
9 becoming law.