



Sen. Heather A. Steans

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LRB098 18990 OMW 59542 a

1 AMENDMENT TO HOUSE BILL 5707

2 AMENDMENT NO. _____. Amend House Bill 5707 by replacing
3 everything after the enacting clause with the following:

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

1 outcomes associated with bullying in schools, the General
2 Assembly finds that school districts, charter schools, and
3 non-public, non-sectarian elementary and secondary schools
4 should educate students, parents, and school district, charter
5 school, or non-public, non-sectarian elementary or secondary
6 school personnel about what behaviors constitute prohibited
7 bullying.

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

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

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

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

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

6 (b) In this Section:

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

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

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

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

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

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

1 meant to be illustrative and non-exhaustive.

2 "Policy on bullying" means a bullying prevention policy
3 that meets the following criteria:

4 (1) Includes the bullying definition provided in this
5 Section.

6 (2) Includes a statement that bullying is contrary to
7 State law and the policy of the school district, charter
8 school, or non-public, non-sectarian elementary or
9 secondary school and is consistent with subsection (a-5) of
10 this Section.

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

19 (4) Consistent with federal and State laws and rules
20 governing student privacy rights, includes procedures for
21 promptly informing parents or guardians of all students
22 involved in the alleged incident of bullying and
23 discussing, as appropriate, the availability of social
24 work services, counseling, school psychological services,
25 other interventions, and restorative measures.

26 (5) Contains procedures for promptly investigating and

1 addressing reports of bullying, including the following:

2 (A) Making all reasonable efforts to complete the
3 investigation within 10 school days after the date the
4 report of the incident of bullying was received and
5 taking into consideration additional relevant
6 information received during the course of the
7 investigation about the reported incident of bullying.

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

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

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

25 (6) Includes the interventions that can be taken to
26 address bullying, which may include, but are not limited

1 to, school social work services, restorative measures,
2 social-emotional skill building, counseling, school
3 psychological services, and community-based services.

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

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

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

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

23 (11) As part of the process of reviewing and
24 re-evaluating the policy under subsection (d) of this
25 Section, contains an evaluation and reporting component to
26 assess the outcomes and effectiveness of the policy that

1 includes, but is not limited to, frequency of
2 victimization; student, staff, and family observations of
3 safety at a school; identification of areas of a school
4 where bullying occurs; the types of bullying utilized; and
5 bystander intervention or participation. The information
6 developed as a result of the policy evaluation must be made
7 available on the Internet website of the school district,
8 charter school, or non-public, non-sectarian elementary or
9 secondary school and shared with administrators, board
10 members, school personnel, parents, guardians, and
11 students.

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

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

1 in school.

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

10 (c) (Blank).

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

26 (e) This Section shall not be interpreted to prevent a

1 victim from seeking redress under any other available civil or
2 criminal law. ~~Nothing in this Section is intended to infringe~~
3 ~~upon any right to exercise free expression or the free exercise~~
4 ~~of religion or religiously based views protected under the~~
5 ~~First Amendment to the United States Constitution or under~~
6 ~~Section 3 or 4 of Article 1 of the Illinois Constitution.~~

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

9 (105 ILCS 5/27A-5)

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

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

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

1 or approved on or before the effective date of this amendatory
2 Act.

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

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

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

24 (c) A charter school shall be administered and governed by
25 its board of directors or other governing body in the manner
26 provided in its charter. The governing body of a charter school

1 shall be subject to the Freedom of Information Act and the Open
2 Meetings Act.

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

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

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

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

24 (1) Sections 10-21.9 and 34-18.5 of this ~~the School~~
25 Code regarding criminal history records checks and checks
26 of the Statewide Sex Offender Database and Statewide

1 Murderer and Violent Offender Against Youth Database of
2 applicants for employment;

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

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

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

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

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

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

14 (8) the ~~The~~ P-20 Longitudinal Education Data System
15 Act; ~~and-~~

16 (9) Section 27-23.7 of this Code regarding bullying
17 prevention.

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

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

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

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

1 to negotiation between the charter school and the local school
2 board and shall be set forth in the charter.

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

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

8 (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;
9 97-813, eff. 7-13-12; 98-16, eff. 5-24-13.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.".