

AN ACT concerning education.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The State Finance Act is amended by adding Section 5.990 as follows:

(30 ILCS 105/5.990 new)

Sec. 5.990. The Illinois Bullying and Cyberbullying Prevention Fund.

Section 10. 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, charter schools, and non-public, non-sectarian elementary and secondary schools should educate students, parents, and school district, charter school, 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, physical appearance, socioeconomic status, academic status, pregnancy, parenting status, homelessness, 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, charter schools, 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;

(3) through the transmission of information from a

school computer, a school computer network, or other similar electronic school equipment; or

(4) 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 causes a substantial disruption to the educational process or orderly operation of a school. This item (4) applies only in cases in which a school administrator or teacher receives a report that bullying through this means has occurred and does not require a district or school to staff or monitor any nonschool-related activity, function, or program.

(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 of Article I of the Illinois Constitution.

(b) In this Section:

"Bullying" includes "cyber-bullying" and 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.

"Cyber-bullying" means bullying through the use of technology or any electronic communication, including without limitation any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photoelectronic system, or photooptical system, including without limitation electronic mail, Internet communications, instant messages, or facsimile communications. "Cyber-bullying" includes the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of

posted content or messages if the creation or impersonation creates any of the effects enumerated in the definition of bullying in this Section. "Cyber-bullying" also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the effects enumerated in the definition of bullying in this Section.

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

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

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

(4) Consistent with federal and State laws and rules

governing student privacy rights, includes procedures for ~~promptly~~ informing parents or guardians of all students involved in the alleged incident of bullying within 24 hours after the school's administration is made aware of the students' involvement in the incident and discussing, as appropriate, the availability of social work services, counseling, school psychological services, other interventions, and restorative measures. The school shall make diligent efforts to notify a parent or legal guardian, utilizing all contact information the school has available or that can be reasonably obtained by the school within the 24-hour period.

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

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

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

(C) Notifying the principal or school administrator or his or her designee of the report of

the incident of bullying as soon as possible after the report is received.

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

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

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

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

(9) Is based on the engagement of a range of school

stakeholders, including students and parents or guardians.

(10) Is posted on the school district's, charter school's, or non-public, non-sectarian elementary or secondary school's existing, publicly accessible Internet website, 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 provided periodically throughout the school year to students and faculty, and is distributed annually to parents, guardians, students, and school personnel, including new employees when hired.

(11) As part of the process of reviewing and re-evaluating the policy under subsection (d) of this Section, contains a policy evaluation process to assess the outcomes and effectiveness of the policy that includes, but is not limited to, factors such as the frequency of victimization; student, staff, and family observations of safety at a school; identification of areas of a school where bullying occurs; the types of bullying utilized; and bystander intervention or participation. The school district, charter school, or non-public, non-sectarian elementary or secondary school may use relevant data and information it already collects for other purposes in the policy evaluation. The information developed as a result of the policy evaluation must be made available on the Internet website of the

school district, charter school, or non-public, non-sectarian elementary or secondary school. If an Internet website is not available, the information must be provided to school administrators, school board members, school personnel, parents, guardians, and students.

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

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

"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, (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,

and (vii) increase student accountability if the incident of bullying is based on religion, race, ethnicity, or any other category that is identified in the Illinois Human Rights Act.

"School personnel" means persons employed by, on contract with, or who volunteer in a school district, charter school, or non-public, non-sectarian elementary or secondary school, including without limitation school and school district administrators, teachers, 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, charter school, 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. The policy on bullying shall be based on the State Board of Education's template for a model bullying prevention policy under subsection (h) and shall include the criteria set forth in the definition of "policy on bullying". The policy or implementing procedure shall include a process to investigate whether a reported act of bullying is within the permissible scope of the district's or school's jurisdiction and shall require that the district or school provide the victim with information regarding services that are available within the district and community, such as counseling, support services, and other

programs. School personnel available for help with a bully or to make a report about bullying shall be made known to parents or legal guardians, students, and school personnel. Every 2 years, each school district, charter school, and non-public, non-sectarian elementary or secondary school shall conduct a review and re-evaluation of its policy and make any necessary and appropriate revisions. No later than September 30 of the subject year, the policy must be 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). In monitoring the implementation of the policies, the State Board of Education shall review each filed policy on bullying to ensure all policies meet the requirements set forth in this Section, including ensuring that each policy meets the 12 criterion identified within the definition of "policy on bullying" set forth in this Section.

If a school district, charter school, or non-public, non-sectarian elementary or secondary school fails to file a policy on bullying by September 30 of the subject year, the State Board of Education shall provide a written request for filing to the school district, charter school, or non-public, non-sectarian elementary or secondary school. If a school district, charter school, or non-public, non-sectarian elementary or secondary school fails to file a policy on bullying within 14 days of receipt of the aforementioned

written request, the State Board of Education shall publish notice of the non-compliance on the State Board of Education's website.

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

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

(f) School districts, charter schools, and non-public, non-sectarian elementary and secondary schools shall collect, maintain, and submit to the State Board of Education non-identifiable data regarding verified allegations of bullying within the school district, charter school, or non-public, non-sectarian elementary or secondary school. School districts, charter schools, and non-public, non-sectarian elementary and secondary schools must submit such data in an annual report due to the State Board of Education no later than August 15 of each year starting with the 2024-2025 school year through the 2030-2031 school year. The State Board of Education shall adopt rules for the submission of data that includes, but is not limited to: (i) a record of each verified allegation of bullying and action taken; and (ii) whether the instance of bullying was based on

actual or perceived characteristics identified in subsection (a) and, if so, lists the relevant characteristics. The rules for the submission of data shall be consistent with federal and State laws and rules governing student privacy rights, including, but not limited to, the federal Family Educational Rights and Privacy Act of 1974 and the Illinois School Student Records Act, which shall include, without limitation, a record of each complaint and action taken. The State Board of Education shall adopt rules regarding the notification of school districts, charter schools, and non-public, non-sectarian elementary and secondary schools that fail to comply with the requirements of this subsection.

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

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

prevention policy.

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

(j) Subject to appropriation, the State Superintendent of Education may provide a grant to a school district, charter school, or non-public, non-sectarian elementary or secondary school to support its anti-bullying programming. Grants may be awarded from the Illinois Bullying and Cyberbullying Prevention Fund. School districts, charter schools, and non-public, non-sectarian elementary or secondary schools that are not in compliance with subsection (f) are not eligible to receive a grant from the Illinois Bullying and Cyberbullying Prevention Fund.

(Source: P.A. 102-197, eff. 7-30-21; 102-241, eff. 8-3-21; 102-813, eff. 5-13-22; 102-894, eff. 5-20-22.)

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