

AN ACT concerning education.

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

Section 5. The School Code is amended by changing Section 27-23.7 and by adding Sections 27-23.9 and 27-23.10 as follows:

(105 ILCS 5/27-23.7)

Sec. 27-23.7. Bullying prevention ~~education; gang~~
~~resistance education and training.~~

(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 a negative effect on the social environment of schools, creates a climate of fear among students, inhibits their ability to learn, and leads to other antisocial behavior. Bullying behavior~~ 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 and non-public, non-sectarian elementary and secondary schools should educate

students, parents, and school district 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, 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 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; or

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

~~The General Assembly further finds that the instance of youth delinquent gangs continues to rise on a statewide basis. Given the higher rates of criminal offending among gang members, as well as the availability of increasingly lethal~~

~~weapons, the level of criminal activity by gang members has taken on new importance for law enforcement agencies, schools, the community, and prevention efforts.~~

(b) In this Section:

"Bullying" 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.

"School personnel" means persons employed by, on contract

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

~~"Bullying prevention" means and includes instruction in all of the following:~~

- ~~(1) Intimidation.~~
- ~~(2) Student victimization.~~
- ~~(3) Sexual harassment.~~
- ~~(4) Sexual violence.~~
- ~~(5) Strategies for student-centered problem solving regarding bullying.~~

~~"Gang resistance education and training" means and includes instruction in, without limitation, each of the following subject matters when accompanied by a stated objective of reducing gang activity and educating children in grades K through 12 about the consequences of gang involvement:~~

- ~~(1) Conflict resolution.~~
- ~~(2) Cultural sensitivity.~~
- ~~(3) Personal goal setting.~~
- ~~(4) Resisting peer pressure.~~

(c) (Blank). ~~Each school district may make suitable provisions for instruction in bullying prevention and gang~~

~~resistance education and training in all grades and include such instruction in the courses of study regularly taught therein. A school board may collaborate with a community based agency providing specialized curricula in bullying prevention whose ultimate outcome is to prevent sexual violence. For the purposes of gang resistance education and training, a school board must collaborate with State and local law enforcement agencies. The State Board of Education may assist in the development of instructional materials and teacher training in relation to bullying prevention and gang resistance education and training.~~

(d) ~~Each~~ Beginning 180 days after August 23, 2007 (the effective date of Public Act 95-349), each school district and non-public, non-sectarian elementary or secondary school shall create and maintain a policy on bullying, which policy must be filed with the State Board of Education. Each school district and non-public, non-sectarian elementary or secondary school must communicate its policy on bullying to its students and their parent or guardian on an annual basis. The policy must be updated every 2 years and filed with the State Board of Education after being updated. The State Board of Education shall monitor the implementation of policies created under this subsection (d).

(e) This Section shall not be interpreted to prevent a victim from seeking redress under any other available civil or criminal law. 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 or 4 of Article 1 of the Illinois Constitution.

(Source: P.A. 94-937, eff. 6-26-06; 95-198, eff. 1-1-08; 95-349, eff. 8-23-07; 95-876, eff. 8-21-08.)

(105 ILCS 5/27-23.9 new)

(Section scheduled to be repealed on March 2, 2011)

Sec. 27-23.9. School Bullying Prevention Task Force.

(a) In this Section, "Task Force" means the School Bullying Prevention Task Force.

(b) The Task Force is created and charged with exploring the causes and consequences of bullying in schools in this State, identifying promising practices that reduce incidences of bullying, highlighting training and technical assistance opportunities for schools to effectively address bullying, evaluating the effectiveness of schools' current anti-bullying policies and other bullying prevention programs, and other related issues.

(c) Within 60 days after the effective date of this amendatory Act of the 96th General Assembly, the State Superintendent of Education shall appoint 15 members to the Task Force. The membership of the Task Force shall include representatives of State agencies whose work includes bullying prevention or intervention; statewide organizations that focus

on violence or bullying prevention or intervention; teachers and management personnel from at least 3 school districts; academics who conduct research on bullying, its consequences to students in grades K through 12, or effective strategies for preventing or addressing bullying; a current high school or college student who has experienced bullying; and others at the State Superintendent's discretion. Members of the Task Force shall serve without compensation.

(d) The State Board of Education shall provide technical assistance for the work of the Task Force.

(e) No later than March 1, 2011, the Task Force shall submit a report to the Governor and the General Assembly on any recommendations for preventing and addressing bullying in schools in this State and a proposed timeline for meeting the Task Force's charges identified in this Section.

(f) This Section is repealed on March 2, 2011.

(105 ILCS 5/27-23.10 new)

Sec. 27-23.10. Gang resistance education and training.

(a) The General Assembly finds that the instance of youth delinquent gangs continues to rise on a statewide basis. Given the higher rates of criminal offending among gang members, as well as the availability of increasingly lethal weapons, the level of criminal activity by gang members has taken on new importance for law enforcement agencies, schools, the community, and prevention efforts.

(b) As used in this Section:

"Gang resistance education and training" means and includes instruction in, without limitation, each of the following subject matters when accompanied by a stated objective of reducing gang activity and educating children in grades K through 12 about the consequences of gang involvement:

- (1) conflict resolution;
- (2) cultural sensitivity;
- (3) personal goal setting; and
- (4) resisting peer pressure.

(c) Each school district and non-public, non-sectarian elementary or secondary school in this State may make suitable provisions for instruction in gang resistance education and training in all grades and include that instruction in the courses of study regularly taught in those grades. For the purposes of gang resistance education and training, a school board or the governing body of a non-public, non-sectarian elementary or secondary school must collaborate with State and local law enforcement agencies. The State Board of Education may assist in the development of instructional materials and teacher training in relation to gang resistance education and training.

Section 90. The State Mandates Act is amended by adding Section 8.34 as follows:

Public Act 096-0952

SB3266 Enrolled

LRB096 20034 NHT 35537 b

(30 ILCS 805/8.34 new)

Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 96th General Assembly.

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