



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5848

Introduced 5/15/2024, by Rep. Janet Yang Rohr - Jennifer Gong-Gershowitz - Gregg Johnson - Barbara Hernandez - Robert "Bob" Rita, et al.

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-23.7

Amends the Courses of Study Article of the School Code. In provisions concerning bullying and cyber-bullying, provides that, beginning with the 2025-2026 school year, the term "cyber-bullying" includes bullying through the distribution by electronic means or the posting of a digital replica of an individual who is engaged in an activity in which the depicted individual did not engage in, including, but not limited to, sexually explicit digitized depictions of the individual. Defines "artificial intelligence", "digital replica", and "generative artificial intelligence".

LRB103 40699 RJT 73478 b

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

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

13 (1) during any school-sponsored education program or
14 activity;

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

19 (3) through the transmission of information from a
20 school computer, a school computer network, or other
21 similar electronic school equipment; or

22 (4) through the transmission of information from a
23 computer that is accessed at a nonschool-related location,
24 activity, function, or program or from the use of
25 technology or an electronic device that is not owned,
26 leased, or used by a school district or school if the

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

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

13 (b) In this Section:

14 "Artificial intelligence" means a machine-based system
15 that, for explicit or implicit objectives, infers, from the
16 input it receives, how to generate outputs, such as
17 predictions, content, recommendations, or decisions, that can
18 influence physical or virtual environments. "Artificial
19 intelligence" also includes generative artificial
20 intelligence.

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

26 (1) placing the student or students in reasonable fear

- 1 of harm to the student's or students' person or property;
- 2 (2) causing a substantially detrimental effect on the
- 3 student's or students' physical or mental health;
- 4 (3) substantially interfering with the student's or
- 5 students' academic performance; or
- 6 (4) substantially interfering with the student's or
- 7 students' ability to participate in or benefit from the
- 8 services, activities, or privileges provided by a school.

9 Bullying, as defined in this subsection (b), may take

10 various forms, including without limitation one or more of the

11 following: harassment, threats, intimidation, stalking,

12 physical violence, sexual harassment, sexual violence, theft,

13 public humiliation, destruction of property, or retaliation

14 for asserting or alleging an act of bullying. This list is

15 meant to be illustrative and non-exhaustive.

16 "Cyber-bullying" means bullying through the use of

17 technology or any electronic communication, including without

18 limitation any transfer of signs, signals, writing, images,

19 sounds, data, or intelligence of any nature transmitted in

20 whole or in part by a wire, radio, electromagnetic system,

21 photoelectronic system, or photooptical system, including

22 without limitation electronic mail, Internet communications,

23 instant messages, or facsimile communications.

24 "Cyber-bullying" includes the creation of a webpage or weblog

25 in which the creator assumes the identity of another person or

26 the knowing impersonation of another person as the author of

1 posted content or messages if the creation or impersonation
2 creates any of the effects enumerated in the definition of
3 bullying in this Section. "Cyber-bullying" also includes the
4 distribution by electronic means of a communication to more
5 than one person or the posting of material on an electronic
6 medium that may be accessed by one or more persons if the
7 distribution or posting creates any of the effects enumerated
8 in the definition of bullying in this Section. Beginning with
9 the 2025-2026 school year, "cyber-bullying" also includes
10 bullying through the distribution by electronic means or the
11 posting of a digital replica of an individual who is engaged in
12 an activity in which the depicted individual did not engage
13 in, including, but not limited to, sexually explicit digitized
14 depictions of the individual.

15 "Digital replica" means a newly created, electronic
16 representation of the identity of an actual individual created
17 using a computer, algorithm, software, tool, artificial
18 intelligence, or other technology that is fixed in a sound
19 recording or audiovisual work in which that individual did not
20 actually perform or appear.

21 "Generative artificial intelligence" means an automated
22 computing system that, when prompted with human prompts,
23 descriptions, or queries, can produce outputs that simulate
24 human-produced content, including, but not limited to, the
25 following:

26 (1) textual outputs, such as short answers, essays,

- 1 poetry, or longer compositions or answers;
2 (2) image outputs, such as fine art, photographs,
3 conceptual art, diagrams, and other images;
4 (3) multimedia outputs, such as audio or video in the
5 form of compositions, songs, or short-form or long-form
6 audio or video; and
7 (4) any other content that would be otherwise produced
8 by human means.

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

11 (1) Includes the bullying definition provided in this
12 Section.

13 (2) Includes a statement that bullying is contrary to
14 State law and the policy of the school district, charter
15 school, or non-public, non-sectarian elementary or
16 secondary school and is consistent with subsection (a-5)
17 of this Section.

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

26 (4) Consistent with federal and State laws and rules

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

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

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

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

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

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

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

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

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

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

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

1 stakeholders, including students and parents or guardians.

2 (10) Is posted on the school district's, charter
3 school's, or non-public, non-sectarian elementary or
4 secondary school's existing, publicly accessible Internet
5 website, is included in the student handbook, and, where
6 applicable, posted where other policies, rules, and
7 standards of conduct are currently posted in the school
8 and provided periodically throughout the school year to
9 students and faculty, and is distributed annually to
10 parents, guardians, students, and school personnel,
11 including new employees when hired.

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

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

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

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

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, (vi) reduce the likelihood of future disruption
25 by balancing accountability with an understanding of students'
26 behavioral health needs in order to keep students in school,

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

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

12 (c) (Blank).

13 (d) Each school district, charter school, and non-public,
14 non-sectarian elementary or secondary school shall create,
15 maintain, and implement a policy on bullying, which policy
16 must be filed with the State Board of Education. The policy on
17 bullying shall be based on the State Board of Education's
18 template for a model bullying prevention policy under
19 subsection (h) and shall include the criteria set forth in the
20 definition of "policy on bullying". The policy or implementing
21 procedure shall include a process to investigate whether a
22 reported act of bullying is within the permissible scope of
23 the district's or school's jurisdiction and shall require that
24 the district or school provide the victim with information
25 regarding services that are available within the district and
26 community, such as counseling, support services, and other

1 programs. School personnel available for help with a bully or
2 to make a report about bullying shall be made known to parents
3 or legal guardians, students, and school personnel. Every 2
4 years, each school district, charter school, and non-public,
5 non-sectarian elementary or secondary school shall conduct a
6 review and re-evaluation of its policy and make any necessary
7 and appropriate revisions. No later than September 30 of the
8 subject year, the policy must be filed with the State Board of
9 Education after being updated. The State Board of Education
10 shall monitor and provide technical support for the
11 implementation of policies created under this subsection (d).
12 In monitoring the implementation of the policies, the State
13 Board of Education shall review each filed policy on bullying
14 to ensure all policies meet the requirements set forth in this
15 Section, including ensuring that each policy meets the 12
16 criterion identified within the definition of "policy on
17 bullying" set forth in this Section.

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

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

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

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

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

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

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

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

1 prevention policy.

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

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

17 (Source: P.A. 102-197, eff. 7-30-21; 102-241, eff. 8-3-21;
18 102-813, eff. 5-13-22; 102-894, eff. 5-20-22; 103-47, eff.
19 6-9-23.)