

## **Bullying Prevention Policy Requirements and Guidance\***

### **Intended Purpose of Document:**

The purpose of this document is to provide updates regarding bullying prevention policies, the content of those policies, and procedures/timelines for filing them with the Illinois State Board of Education (ISBE). Questions regarding the applicability, development, and maintenance of bullying prevention policies or this document can be directed to [bullyingpolicy@isbe.net](mailto:bullyingpolicy@isbe.net).

### **Background:**

Under [105 ILCS 5/27- 23.7](#) and [Ill. Admin. Code title 23, §1.295 \(2022\)](#), all public school districts; nonsectarian, nonpublic schools; and charter schools in Illinois are required to develop and implement policies concerning bullying prevention, which must be filed with ISBE. The policies— including any revisions that are made — must be reviewed and reevaluated every two years and subsequently filed with ISBE. Additionally, state statute requires specific content and components, which are outlined in this document, to be included in a bullying prevention policy.

### **Content Requirements for Bullying Policies:**

- A. Policy includes the definition of bullying AND cyber-bullying provided in 105 ILCS 5/27-23.7.
- "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 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.

**Last Updated:** January 9, 2024

\*This ISBE published document is provided as a resource and does not constitute legal advice. You should consult with an attorney for legal advice specific to your situation.

“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 photo-optical 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.”

- B. 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 105 ILCS 5/27-23.7.
  - “(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 State Constitution or under Section 3 of Article 1 of the Illinois Constitution.”
- C. 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.
- D. 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.
- E. Contains procedures for promptly investigating and addressing reports of bullying, including the following:
  - 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.

- Involving appropriate school support personnel and other staff persons with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process.
  - 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.
  - 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.
- F. 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.
- G. 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.
- H. 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.
- I. Is based on the engagement of a range of school stakeholders, including students and parents or guardians.
- J. 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 and 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 is distributed annually to parents, guardians, students, and school personnel, including new employees when hired.
- K. 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 non-sectarian nonpublic 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. If an Internet website is not available, the information must be provided to school administrators, school board members, school personnel, parents, guardians, and students.
- L. Is consistent with the policies of the school board, charter school, or non-public, non-sectarian elementary or secondary school.
- M. 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 section "D".

## **Filing and Review of Policies to the Illinois State Board of Education:**

*Policies must be filed via the ISBE Web Application Security (IWAS) system by September 30 of the subject year.* If an entity fails to file a policy by this date, ISBE shall provide a written request for filing, which must occur within 14 days of receipt of the written request. ISBE shall publish notice of noncompliance on its Bullying Prevention [website](#) for entities that fail to subsequently file their policy within 14 days of the written request. Please refer to the user guide on the [Bullying Prevention webpage](#) for information on how to access and use the IWAS system.

Policies should be updated during the biennial review to reflect any necessary and appropriate revisions. Acceptable documentation to satisfy the reevaluated policy submission include one of the following:

1. An updated version of the policy with the amendment/modification date (Month/Day/Year) included in the reference portion of the policy; or
2. A copy of board minutes clearly indicating that the policy was reevaluated, and no changes were deemed to be necessary, or a signed statement from the board president indicating that the policy was reevaluated, and no changes were deemed to be necessary.

Upon receipt of a school/district policy, Student Care staff will review the policy for compliance with 105 ILCS 5/27-23.7 by doing the following:

1. Check the date (Month/Day/Year) listed on the policy. If the date is older than two years, the entity must conduct any necessary reviews or reevaluations and resubmit a policy with the date of such review listed in the reference portion.
2. Review policy for the thirteen policy items outlined in School Code. If any policy item is missing, the entity's policy will not be approved. Missing items must be added, and the policy resubmitted.
3. Verify that the policy is available on the school/district's public website. If the submitted policy cannot be found on the website, the entity will be asked to either post the policy or provide instructions on how stakeholders may access the policy. Policies cannot be approved until they are posted on the school/district website.

ISBE will notify entities in writing if their policy has been approved or disapproved. Upon receipt of written notification of policy disapproval, the entity must correct any deficiencies and resubmit the policy no later than 90 days after receipt of written notification of policy disapproval.

Entities are encouraged to fully review both "[Bullying prevention](#)" and "[Bullying Prevention Policy](#)" for a full listing of requirements. Questions or concerns may be directed to the Student Care Department by calling 217-785-5585 or by emailing [bullyingpolicy@isbe.net](mailto:bullyingpolicy@isbe.net).