

To: Public School Districts, Charter School Administrators and Regional Superintendents

From: Division of Public School Recognition, Illinois State Board of Education

Re: Bullying Policy Submissions

Date: January 28, 2015

The purpose of this communication is to provide detailed information with respect to bullying policies, the content of those policies and procedures/timelines for submission to the Illinois State Board of Education. Questions regarding the applicability, development and maintenance of bullying policies or this document may be directed to [bullyingpolicy@isbe.net](mailto:bullyingpolicy@isbe.net).

### **Background**

Pursuant to Public Act 98-0349, school districts in Illinois were first required to develop and implement a policy on bullying during the 2007-2008 school year. Though no specifications in terms of the content of the policy was prescribed, such policies were required to be updated every two (2) years and filed with the Illinois State Board of Education—including each revision.

On June 28, 2010, Public Act 96-0952 created the Prevent School Violence Act (PSVA). The PSVA made several modifications to existing law: bullying in schools was explicitly prohibited, including based on any distinguishing characteristic of an individual; bullying is specifically defined; and all non-sectarian nonpublic schools are required to create and maintain policies on bullying, share them with students and families, update them biennially, and submit them to ISBE.

On June 26, 2014, the law regarding bullying in schools and policies on bullying was further strengthened through [Public Act 98-0669](#). For the first time, law now specifically requires certain content and components in a bullying policy. Further, the provisions of the new law are applicable not only to all public school districts and non-sectarian nonpublic schools, but charter schools are also held to the same requirements. Specific policy requirements are found below.

Effective January 1, 2015, [Public Act 98-0801](#), added “cyber-bullying” to the general prohibition on bullying in schools and added the following language:

- A. **Definition of Cyber-Bullying.** Cyber-bullying is defined as 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 [105 ILCS 5/27-23.7(b)].
- B. **Prohibition on Cyber-Bullying.** Bullying is prohibited 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 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.

- C. **Process to Determine if an Incident is Within the Scope of the Policy.** Public Act 98-0801 also instituted a requirement that a district's bullying 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.

The remainder of this communication will be devoted to the changes instituted by Public Acts [98-0669](#) and [98-0801](#) and ISBE's policies to coordinate compliance of its provisions.

### **Applicability**

The requirements herein apply to elementary and secondary public school districts, charter schools, and non-sectarian nonpublic schools.

### **Content Requirements of Bullying Policies**

Through the enactment of Public Acts [98-0669](#) and [98-0801](#), each public school district, charter school, and non-sectarian nonpublic school must formally adopt a policy on bullying that includes at least all of the following components and criteria:

- A. Defines "bullying", including "cyber-bullying", as 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.
- B. States that 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.
- C. Includes a statement that bullying is contrary to State law and the policy of the school district.
- D. 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.
- E. 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 and discussing, as appropriate, the availability of social work services, counseling, school psychological services, other interventions and restorative measures.
- F. Contains procedures for promptly investigating and addressing reports of bullying, including the following:
  - 1. 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.

2. Involving appropriate school support personnel and other staff persons with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process.
  3. 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.
  4. 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.
- G. 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.
- H. 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.
- I. 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.
- J. Contains a policy evaluation process to assess the outcomes and effectiveness of the policy that includes, but is not limited to, factors such as:
1. The frequency of victimization.
  2. Student, staff, and family observations of safety at a school.
  3. Identification of areas of a school where bullying occurs.
  4. The types of bullying being utilized.
  5. Bystander intervention or participation.
  6. The information developed as part of the evaluation process must be posted on the district website. If the internet website is not available, the information must be provided to school administrators, school board members, school personnel, parents, guardians, and students.
- K. Is consistent with the policies of the school board.
- L. 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.

### **Development, Notification and Posting**

Each policy on bullying adopted pursuant to Public Act 98-0669 must:

- A. Be based on engagement with a range of school stakeholders, including students and parents or

guardians.

- B. Where applicable, be posted where other policies, rules, or standards of conduct are posted in the school.
- C. Be posted on the district or school website.
- D. Be included in the school handbook.
- E. Be distributed annually to parents, guardians, students, and school personnel, including new employees when hired

### **Reevaluation and Submission to the Illinois State Board of Education**

Policies must be filed with ISBE. Although Public Acts [98-0669](#) and [98-0801](#) are already in effect, we realize that careful deliberation with all stakeholders, including students, parents and staff will take time and consideration. Therefore, through April 15, 2015 public school districts that do not have an appropriate policy in place will not be considered to be out of compliance with the law. However, effective April 16, 2015, districts that do not have a policy that meets the aforementioned specifications will be considered to be out of compliance with the law and may be subject to a reduction in the district's recognition status pursuant to 23 Ill Admin. Code 1.20.

Policies must also be reviewed and re-evaluated every two (2) years and be updated to reflect any necessary and appropriate revisions. Acceptable documentation to satisfy the re-evaluated policy submission include one of the following, as applicable:

- 1) An updated version of the policy with the amendment/modification date included in the reference portion of the policy;
- 2) If no revisions are deemed necessary, a copy of board minutes clearly indicating that the policy was re-evaluated and no changes were deemed to be necessary or a signed statement from the board president indicating that the policy was re-evaluated and no changes were deemed to be necessary.

Initial policies in conformance with the aforementioned must be sent via email to [bullyingpolicy@isbe.net](mailto:bullyingpolicy@isbe.net) no later than **April 15, 2015**.

Questions or concerns may be directed to [bullyingpolicy@isbe.net](mailto:bullyingpolicy@isbe.net).