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NEW ANTI-BULLYING LEGISLATION REQUIRES SCHOOLS TO EXPAND EXISTING POLICY AND PROCEDURES

Governor Quinn has signed into law Public Act 98-0669, which amends Section 5/27-23.7 of the Illinois School Code by requiring schools to expand their existing anti-bullying policies based on collaboration with a range of school stakeholders, including students and parents/guardians. The new law covers public elementary and secondary school districts, as well as charter schools and non-public, non-sectarian elementary and secondary schools. Under the Act, bullying prevention policies must include the definition of “bullying” under 105 ILCS 5/27-23.7(b), and state that:

- bullying is contrary to school district policy and State law;
- retaliation against a person who reports bullying is prohibited; and
- retaliation and false accusations of bullying will result

in consequences and remedial actions as specified by the policy.

Bullying prevention policies must now list available interventions to address bullying including, but not limited to, school social work services, restorative measures (i.e., “a continuum of school-based alternatives to exclusionary discipline, such as suspensions and expulsions”), social-emotional skill building, counseling, school psychological services, and community-based counseling. Additional policy requirements include:

- procedures for promptly reporting bullying to appropriate school officials (including contact information for the staff person(s) responsible for receiving such reports);
- procedures for anonymous reporting;
- procedures for investigating and addressing allegations within 10 school days of the reported incident whenever possible;
- involving appropriate school personnel based on their bullying prevention training;
- procedures for notifying the principal/designee and parents/guardians of all students involved in the alleged

- incident, consistent with federal and State law confidentiality requirements; and
- information about available interventions.

Bullying prevention policies must be distributed annually, published on the school website, in the student handbook, and by other specified means, and reviewed/re-evaluated every two years. Data examined as part of the biennial review must include the frequency and types of bullying, school locations where bullying is most prevalent, stakeholder feedback about school safety, bystander factors such as intervention and participation in bullying, and other relevant data already collected. Finally, findings from the policy review/re-evaluation must be communicated to all stakeholders via the school's website or other means if a website is not maintained.

Public Act 98-0669 is now in effect and school boards should revise and publish their bullying prevention policies and procedures as contemplated by the Act. Should you have any questions, please contact one of our attorneys at our Flossmoor Office at 708-799-6766.