

Students

Preventing Bullying, Intimidation, and Harassment ¹

Bullying, intimidation, and harassment diminish a student's ability to learn and a school's ability to educate. Preventing students from engaging in these disruptive behaviors is an important District goal.

Bullying on the basis of actual or perceived race, color, nationality, sex, sexual orientation, gender identity, gender-related identity or expression, ancestry, age, religion, physical or mental disability, order of protection status, status of being homeless, or actual or potential marital or parental status, including pregnancy, 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 each of the following situations:

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

For purposes of this policy, the term *bullying* means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing the student in reasonable fear of harm to the student's person or property.
2. Causing a substantially detrimental effect on the student's physical or mental health.
3. Substantially interfering with the student's academic performance.
4. Substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying, intimidation, and/or harassment may take various forms, including without limitation: threats, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying.

The Superintendent or designee shall develop and maintain a program that:

1. Fully implements and enforces each of the following Board policies: ²

¹ All districts must have a policy on bullying (105 ILCS 5/27-23.7, amended by P.A. 96-952). The policy must be filed with ISBE; it must be updated every 2 years and again filed with ISBE. State law does not specify the content of the bullying policy. This sample policy's first paragraph allows a school board to consider its goals for eliminating and preventing bullying; a board should amend the sample policy accordingly. The protected characteristics that are listed in the second paragraph are from 105 ILCS 5/27-23.7(a), as amended by P.A. 96-952; 775 ILCS 5/1-103; and 23 Ill.Admin.Code §1.240. The bullying statute also includes *unfavorable discharge from military service* (105 ILCS 5/27-23.7, amended by P.A. 96-952); it is not included because of its irrelevance to students in K-12. This policy's list of protected classifications is identical to the list in 7:20, *Harassment of Students Prohibited*. The definition of *bullying* (3rd paragraph) and the examples of various forms of bullying (4th paragraph) are from 105 ILCS 5/27-23.7, amended by P.A. 96-952.

Boards must annually communicate their bullying policy to students and their parents/guardians (see item 8 in the policy). This may be accomplished, in part, by including a statement, such as the following, in the student handbook and school website:

Bullying, intimidation, and harassment are not acceptable in any form and will not be tolerated at school or any school-related activity. The School District will protect students against retaliation for reporting incidents of bullying, intimidation, or harassment, and will take disciplinary action against any student who participates in such conduct.

- a. 7:20, *Harassment of Students Prohibited*. This policy prohibits any person from harassing, intimidating, or bullying a student based on an actual or perceived characteristic that is identified in the policy. Each of those characteristics is also identified in this policy's second paragraph.
- b. 7:190, *Student Discipline*. This policy prohibits students from engaging in hazing, bullying, or any kind of aggressive behavior that does physical or psychological harm to another or any urging of other students to engage in such conduct; prohibited conduct includes any use of violence, force, noise, coercion, threats, intimidation, fear, harassment, or other comparable conduct.
- c. 7:310, *Restrictions on Publications and Written or Electronic Material*. This policy prohibits students from: (i) accessing and/or distributing at school any written, printed, or electronic material, including material from the Internet, that will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities, and (ii) creating and/or distributing written, printed, or electronic material, including photographs and Internet material and blogs, that causes substantial disruption to school operations or interferes with the rights of other students or staff members. ³
- d. 6:235, *Access to Electronic Networks*. This policy states that the use of the District's electronic networks is limited to: (1) support of education and/or research, or (2) a legitimate business use. It subjects any individual to the loss of privileges, disciplinary action, and/or appropriate legal actions for violating the District's *Authorization of Electronic Network Access*.

Full implementation of the above policies includes: (a) conducting a prompt and thorough investigation of alleged incidents of bullying, intimidation, harassing behavior, or similar conduct, (b) providing each student who violates one or more of these policies with appropriate consequences and remedial action, and (c) protecting students against retaliation for reporting such conduct.

2. Examines the appropriate steps to understand and rectify conditions that foster bullying, intimidation, and harassment; this contemplates taking action to eliminate or prevent these disruptive behaviors beyond traditional punitive disciplinary actions.
3. Includes bullying prevention and character instruction in all grades in accordance with State law and Board policy 6:60, *Curriculum Content*. ⁴ This includes incorporating student social and emotional development into the District's educational program as required by State law and in alignment with Board policy 6:65, *Student Social and Emotional Development*. ⁵
4. Fully informs staff members of the District's goal to prevent students from engaging in bullying and the measures being used to accomplish it. This includes: (a) communicating the District's expectation – and the State law requirement – that teachers and other certificated employees maintain discipline, ⁶ and (b) establishing a process for staff members

² Be sure the referenced board policies, as adopted locally, contain the language paraphrased in this policy. If not, either substitute similar language from the locally adopted board policies on the same topics, or just insert the titles from relevant locally adopted policies.

³ School officials must proceed carefully before disciplining a student for out-of-school conduct. A school's authority over off-campus expression is much more limited than expression on school grounds. However, school officials may generally: (1) remove a student from extracurricular activities when the conduct code for participation requires students to conduct themselves at all times as good citizens and exemplars of the school (see 7:240, *Conduct Code for Participants in Extracurricular Activities*); and (2) suspend or expel a student from school attendance when the student's expression causes substantial disruption to school operations.

⁴ 105 ILCS 5/27-23.7, amended by P.A. 96-952.

⁵ 405 ILS 49/.

⁶ Required by 105 ILCS 5/24-24.

to fulfill their obligation to report alleged acts of bullying, intimidation, harassment, and other acts of actual or threatened violence.

5. Encourages all members of the school community, including students, parents, volunteers, and visitors, to report alleged acts of bullying, intimidation, harassment, and other acts of actual or threatened violence.
6. Actively involves students' parents/guardians in the remediation of the behavior(s) of concern. This includes ensuring that all parents/guardians are notified, as required by State law, whenever their child engages in aggressive behavior. ⁷
7. Communicates the District's expectation that all students conduct themselves with a proper regard for the rights and welfare of other students. This includes a process for commending or acknowledging students for demonstrating appropriate behavior.
8. Annually communicates this policy to students and their parents/guardians. ⁸ This includes annually disseminating information to all students and parents/guardians explaining the serious disruption caused by bullying, intimidation, or harassment and that these behaviors will be taken seriously and are not acceptable in any form.
9. Engages in ongoing monitoring that includes collecting and analyzing appropriate data on the nature and extent of bullying in the District's schools and, after identifying appropriate indicators, assesses the effectiveness of the various strategies, programs, and procedures and reports the results of this assessment to the Board along with recommendations to enhance effectiveness.
10. Complies with State and federal law and is in alignment with Board policies. This includes prompting the Board to update the policy beginning every 2 years after its initial adoption and filing this policy with the Illinois State Board of Education after the Board adopts or updates it. ⁹

This policy is not 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 U.S. Constitution or under Section 3 or 4 of Article 1 of the Ill. Constitution. ¹⁰

LEGAL REF.: 405 ILS 49/, Children's Mental Health Act.
105 ILCS 5/10-20.14, 5/24-24, and 5/27-23.7.
23 Ill.Admin.Code §§1.240 and §1.280.

CROSS REF.: 2:240 (Board Policy Development), 5:230 (Maintaining Student Discipline), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 7:20 (Harassment of Students Prohibited), 7:190 (Student Discipline), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:285 (Food Allergy Management Program), 7:310 (Restrictions on Publications and Written or Electronic Material)

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⁷ 105 ILCS 5/10-20.14; see 7:190-E, *Aggressive Behavior Reporting Letter and Form*.

⁸ Required by 105 ILCS 5/27-23.7(d), amended by P.A. 96-952.

⁹ *Id.*

¹⁰ The bullying statute also contains this caveat (*Id.*).