

# HB3851



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3851

Introduced 2/18/2025, by Rep. Janet Yang Rohr

### 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 bullying includes posting or distributing sexually explicit images. Provides that, beginning with the 2026-2027 school year, the term "cyber-bullying" includes the posting or distribution of a digital replica by electronic means. Defines "artificial intelligence", "digital replica", and "generative artificial intelligence". Effective July 1, 2026.

LRB104 12283 LNS 22397 b

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, posting

13 or distributing sexually explicit images, theft, public

14 humiliation, destruction of property, or retaliation for

15 asserting or alleging an act of bullying. This list is meant to

16 be illustrative and non-exhaustive.

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

18 technology or any electronic communication, including without

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

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

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

22 photoelectronic system, or photooptical system, including

23 without limitation electronic mail, Internet communications,

24 instant messages, or facsimile communications.

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

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

1 the knowing impersonation of another person as the author of  
2 posted content or messages if the creation or impersonation  
3 creates any of the effects enumerated in the definition of  
4 bullying in this Section. "Cyber-bullying" also includes the  
5 distribution by electronic means of a communication to more  
6 than one person or the posting of material on an electronic  
7 medium that may be accessed by one or more persons if the  
8 distribution or posting creates any of the effects enumerated  
9 in the definition of bullying in this Section. Beginning with  
10 the 2026-2027 school year, "cyber-bullying" also includes the  
11 posting or distribution of a digital replica by electronic  
12 means.

13 "Digital replica" means a newly created, electronic  
14 representation of the voice, image, or likeness of an actual  
15 individual created using a computer, algorithm, software,  
16 tool, artificial intelligence, or other technology that is  
17 fixed in a sound recording or audiovisual work in which that  
18 individual did not actually perform or appear, and which a  
19 reasonable person would believe is that particular  
20 individual's voice, image, or likeness being imitated.

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 13 ~~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.)

20 Section 99. Effective date. This Act takes effect July 1,  
21 2026.