

ABCs, FAQs, and More on Three Bills about Bullying, Racism, and Tenure



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Agenda

- Bullying Notifications and Data (HB 3425)
- Racism-Free Schools Law (SB 0090)
- Teacher Tenure (SB 1872)



BULLYING NOTIFICATION AND DATA



Bullying Policies

- Does the change in law require our district to update our current bullying policies?
- If so, when does the policy need to be updated by?
- If our school district is due to submit our bullying policy to ISBE this school year (September 30th deadline), do we need to update the policy prior to submission?

Bullying Notification (HB 3425)

Status: Signed on June 9, 2023, effective immediately, P.A. 103-0047, 30 ILCS 105/5.990.

- Amends School Code provision 105 ILCS 5/27-23.7 Bullying Prevention
- Adds the following categories to the definition of bullying: physical appearance, socioeconomic status, academic status, pregnancy, parenting status, homelessness (*Note: most district current policies do not include physical appearance, socioeconomic status or academic status, but others are already included*).

Bullying Notification (HB 3425) (continued)

- Requires additions to bullying policy (7:180) to include procedures for informing parents/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.
 - Changed from prompt notification to within 24 hours.
 - *Note:* Administration must be made aware.
 - *Note:* All students involved in the alleged incident is interpreted to mean the alleged perpetrators and alleged victim, not potential witnesses.

Bullying Notification (HB 3425) (continued)


- The school must make diligent efforts to notify a parent/guardian utilizing all contact information the school has available or that can be reasonably obtained by the school within the 24-hour period.
- The policy must also require 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 parents/guardians of those involved per guidelines in paragraph 4 (i.e. within 24 hours).
 - *Note:* There will likely not be a determination at the point of notification at 24 hours.
- State board is required to create a template for a model bullying prevention policy and districts are required to implement the policy based on the ISBE template. Such must be posted by ISBE by January 1, 2024.

ISBE/IASB PRESS Update – Bullying Policy

- On August 31, 2023, ISBE sent a message to districts clarifying that boards required to file their bullying policies with ISBE by September 30, 2023, do not yet need to update their policies to incorporate the changes made by this new law.
 - This is due, in part, to the fact that the new law requires ISBE to release a template bullying policy by January 1, 2024.
 - ISBE and IASB are collaborating to ensure that IASB updates to 7:180 align with the pending ISBE template.



Bullying Training

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- What training do we need to provide our school administration and staff related to the bullying changes?
 - What is the timeframe for providing this new training?
 - If we are not conducting training until later in the school year, what do we need to be advising our staff in the interim related to the bullying changes?

Bullying Notification and Training

- Each school district may provide evidence based professional development and youth programming on bullying prevention that is consistent with this section.
 - Schools should engage in ongoing bullying prevention training for students and staff members.
 - Schools should consider community education around bullying prevention, interventions, investigations and outcomes, as well as the legal and policy definitions of bullying.
- Staff training and notification must ensure staff are aware of the new time frames for notification, even prior to approval of a revised policy.



Bullying Data Collection

- What data does our district need to collect related to bullying complaints and investigations?
- When do we need to begin reporting such data?
- What should we be doing to prepare for such data submissions?

Bullying Notification (HB 3425) (continued)

- School districts are required to collect, maintain and submit to ISBE non-identifiable data regarding verified allegations of bullying within the district.
 - Such is due to ISBE no later than August 15th of each year, starting with the 2024-2025 school year through 2030-2031
 - ISBE must adopt rules for the submission of data that includes:
 - A record of each verified allegation of bullying and action taken; and
 - Whether the instance of bullying was based on actual or perceived characteristics, and, if so, list the relevant characteristic.
 - Upon request of a parent/guardians, ISBE must provide non-identifiable data on the number of bullying allegations and incidents in a given year in the district in which the parent/guardian's student is enrolled



Racism-Free Schools Law

Racism-Free Schools Law (SB 0090)

Status: Signed August 4, 2023. P.A. 103-0472, effective August 1, 2024.

Makes changes regarding:

- ISBE data collection
- IHRA harassment in education
- Policy/procedure content and notice requirements
- Employee training

Racism-Free Schools - Data Collection

What new data do school districts have to collect as part of the Racism Free Schools law?

When does our school district have to begin collecting the data?

What should our district do to prepare for the data collection and submission?

Racism-Free Schools – Data Collection

- Provides that the State Board of Education establish data collection systems to report on allegations of discrimination, harassment, and retaliation against students. Once such data systems are in place, for each reported year from Aug 1 through July 31, districts must disclose such data to ISBE. The data will include:
 - Total number of reported allegations of discrimination, harassment or retaliation against students for sexual harassment, discrimination or harassment on the basis of race, color or national origin, discrimination or harassment on the basis of sex, discrimination or harassment on the basis of religion, discrimination or harassment on the basis of disability, and retaliation.
 - Status of the allegations. Allegations should be reported as unfounded, founded or investigation pending by the district.

Racism-Free Schools - Data Collection

The data submitted to ISBE by districts is confidential and exempt from disclosure under FOIA.

If districts fail to disclose the required data information, ISBE shall request such in writing and if the district still fails to disclose such within 14 days of the request, ISBE may petition Department of Human Rights to initiate a charge of civil rights violation.

Racism-Free Schools Law (continued)


- Our district already prohibits racial discrimination and harassment. Do we need to make policy changes?
- What do we need to include in our anti-discrimination policy?

Racism-Free Schools Law (continued)

If part of a broader policy, the policy must have a distinct section about race, color, and national origin. It must include:

- descriptions of various forms of discrimination and harassment based on race, color, and national origin, including examples;
- the internal process for filing a complaint (or refer to a description in another policy);
- an overview of the district's prevention and response program;
- potential remedies for a violation of the policy;
- a prohibition on retaliation for making a complaint or participating in the complaint process;
- the legal recourse available through IDHR and federal agencies if a district fails to take corrective action (or refer to a description in another policy);
- directions on how to contact IDHR (or refer to a description in another policy);
- clarity that the policy does not diminish the rights of unionized employees.

Racism-Free Schools Law (continued)

- Do we need a separate process or procedures for complaints about race, color, or national origin?
 - Would the Uniform Grievance Procedure in PRESS policies meet the requirements?
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- A decorative graphic consisting of several short, dark teal dashes arranged in a curved, upward-sloping path in the bottom right corner of the slide.

Racism-Free Schools Law (continued)

Under the required complaint resolution procedures, a school district:

- (1) must reduce barriers to reporting, to the extent practicable;
- (2) must allow any person who reports or is the victim, when making a report, to be accompanied by a support individual of their choice who complies with the district's policies or rules;
- (3) must allow anonymous reporting;
- (4) must offer remedies or take disciplinary action as appropriate on a case-by-case basis;
- (5) may offer, but may not require or unduly influence, the option to resolve allegations directly with the offender; and
- (6) may not cause a person who reports or is the victim to suffer adverse consequences as a result of a report of, an investigation of, or a response to the incident.

Racism-Free Schools Law (continued)

- Does the school board have to approve the policy and procedures?
- When does the policy need to be adopted?
- Do we have to post or distribute the policy?

Racism-Free Schools Law (continued)

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Racism-Free Schools Law (continued)

Employee notice

- Posted in a prominent and accessible location. District website or employee intranet qualifies.
- Distributed to ensure notice to all employees.
- Must occur by the start of the 2024-2025 school year and annually thereafter.

Student notice

- Published on district website and in student handbook, if they exist.
- Summary in accessible, age-appropriate language distributed to students and parents/guardians annually.

Racism-Free Schools Law (continued)

- What training does this law require?
- Who has to receive the training?
- When does the training have to be done?

Racism-Free Schools Law (continued)

- IDHR will prepare a model training program and make it available to districts and the public.
- District must use the model training program or a program that meets or exceeds its standards.
- The training program shall be provided as a component of all new school employee training programs and to existing employees at least once every 2 years.

Racism-Free Schools Law (continued)

- The model training will include:
 - (1) a primary focus on preventing discrimination and harassment based on race, color, and national origin and retaliation;
 - (2) an explanation of discrimination and harassment based on race, color, and national origin and retaliation;
 - (3) examples of conduct that constitutes discrimination and harassment based on race, color, and national origin and retaliation;
 - (4) an explanation, with examples, of how patterns of conduct can, taken together over time, rise to the level of bullying, harassment, or discrimination;
 - (5) an explanation of the difference between discrimination based on disparate treatment and disparate impact;
 - (6) a summary of other protected classes, and a statement that this training does not diminish protections under the law for other protected classes;
 - (7) an explanation of the difference between harassment as defined under this Act and bullying;
 - (8) a summary of relevant federal and State statutory protections and remedies available to victims, including a summary of IHRA protections from discrimination, harassment; and retaliation in the following contexts: (a) students toward other students; (b) employees toward students; (c) students toward employees; and (d) employees toward other employees.
 - (9) directions on how to contact the Department if a school fails to take corrective action to stop the harassment or discrimination;
 - (10) a summary of responsibilities of institutions of elementary or secondary education in the prevention, investigation, and corrective measures of discrimination, harassment, and retaliation, including explanation of responsibilities in the following contexts: (a) students toward other students; (b) employees toward students; (c) students toward employees; and (d) employees toward other employees; and
 - (11) an explanation of the liability for discrimination, harassment, and retaliation under the IHRA.



Teacher Tenure

Teacher Tenure (SB 1872)

Status: Signed August 4, 2023. P.A. 103-0500, effective immediately.

- Shortened tenure timelines
- Portable tenure
- Deadlines for non-renewals, RIFs, and SOD lists



Teacher Tenure (continued)

- What does “normal” tenure accrual look like going forward?
- How does portable tenure work with these changes?
- Are any of the new tenure rules retroactive?

Teacher Tenure (continued)

For those first employed as full-time teachers on or after July 1, 2023, tenure will accrue after:

Three Consecutive School Terms	Annual evaluation ratings of at least “Proficient” in the second and third school terms.
Two Consecutive School Terms	Two annual evaluation ratings of “Excellent.”
Two Consecutive School Terms	Two annual evaluation ratings of “Excellent”, but only if the teacher: 1. Previously attained tenure in a different Illinois district or program; 2. Voluntarily departed or was honorably dismissed in the term immediately prior to the first school term in the current district; 3. Received overall evaluation ratings of “Proficient” from the prior district or program, with both ratings occurring after that district’s or program’s PERA implementation date.

Teacher Tenure (continued)

For those first employed prior to July 1, 2023, the “old” rules apply, except:

- Accelerated tenure after three consecutive years only requires two overall evaluations of “Excellent.” The old rule required three years with “Excellent” ratings.
 - The statute does not specify that the two “Excellent” ratings must be in consecutive years.
- Non-renewal deadline is April 15.

Teacher Tenure (continued)

- What if we offered the job before July 1, 2023, but the teacher started in August?
- What if the teacher was part-time last year?
- How does this legislation change nonrenewal, RIF, and SOD deadlines going forward?



QUESTION & ANSWER



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