



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0277

by Rep. Steven Reick

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-23.12	from Ch. 122, par. 10-23.12
105 ILCS 5/21B-75	
105 ILCS 5/34-18.6	from Ch. 122, par. 34-18.6

Amends the School Code. Provides that the State Superintendent of Education has the authority to initiate a suspension of or revoke the license of any educator licensed under the Educator Licensure Article of the Code if he or she negligently fails to report an instance of suspected child abuse or neglect. Provides that, except for an educator licensed under the Educator Licensure Article of the Code, if a school board determines that any school district employee has willfully or negligently failed to report an instance of suspected child abuse or neglect, as required by the Abused and Neglected Child Reporting Act, then the school board may dismiss that employee immediately upon that determination. Effective immediately.

LRB101 04656 AXK 49665 b

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 Sections
5 10-23.12, 21B-75, and 34-18.6 as follows:

6 (105 ILCS 5/10-23.12) (from Ch. 122, par. 10-23.12)

7 Sec. 10-23.12. Child abuse and neglect; detection,
8 reporting, and prevention; willful or negligent failure to
9 report.

10 (a) To provide staff development for local school site
11 personnel who work with pupils in grades kindergarten through 8
12 in the detection, reporting, and prevention of child abuse and
13 neglect.

14 (b) The Department of Children and Family Services may, in
15 cooperation with school officials, distribute appropriate
16 materials in school buildings listing the toll-free telephone
17 number established in Section 7.6 of the Abused and Neglected
18 Child Reporting Act, including methods of making a report under
19 Section 7 of the Abused and Neglected Child Reporting Act, to
20 be displayed in a clearly visible location in each school
21 building.

22 (c) Except for an employee licensed under Article 21B of
23 this Code, if a school board determines that any school

1 district employee has willfully or negligently failed to report
2 an instance of suspected child abuse or neglect, as required by
3 the Abused and Neglected Child Reporting Act, then the school
4 board may dismiss that employee immediately upon that
5 determination. For purposes of this subsection (c), negligent
6 failure to report an instance of suspected child abuse or
7 neglect occurs when a school district employee personally
8 observes or learns of an instance of suspected child abuse or
9 neglect and reasonably believes, in his or her professional or
10 official capacity, that the instance constitutes an act of
11 child abuse or neglect under the Abused and Neglected Child
12 Reporting Act, and he or she, without willful intent, fails to
13 immediately report or cause a report to be made of the
14 suspected abuse or neglect to the Department of Children and
15 Family Services, as required by the Abused and Neglected Child
16 Reporting Act.

17 (Source: P.A. 100-413, eff. 1-1-18; 100-468, eff. 6-1-18.)

18 (105 ILCS 5/21B-75)

19 Sec. 21B-75. Suspension or revocation of license.

20 (a) As used in this Section, "teacher" means any school
21 district employee regularly required to be licensed, as
22 provided in this Article, in order to teach or supervise in the
23 public schools.

24 (b) The State Superintendent of Education has the exclusive
25 authority, in accordance with this Section and any rules

1 adopted by the State Board of Education, in consultation with
2 the State Educator Preparation and Licensure Board, to initiate
3 the suspension of up to 5 calendar years or revocation of any
4 license issued pursuant to this Article for abuse or neglect of
5 a child, immorality, a condition of health detrimental to the
6 welfare of pupils, incompetency, unprofessional conduct (which
7 includes the failure to disclose on an employment application
8 any previous conviction for a sex offense, as defined in
9 Section 21B-80 of this Code, or any other offense committed in
10 any other state or against the laws of the United States that,
11 if committed in this State, would be punishable as a sex
12 offense, as defined in Section 21B-80 of this Code), the
13 neglect of any professional duty, willful or negligent failure
14 to report an instance of suspected child abuse or neglect as
15 required by the Abused and Neglected Child Reporting Act, or
16 other just cause. Negligent failure to report an instance of
17 suspected child abuse or neglect occurs when a teacher
18 personally observes or learns of an instance of suspected child
19 abuse or neglect and reasonably believes, in his or her
20 professional or official capacity, that the instance
21 constitutes an act of child abuse or neglect under the Abused
22 and Neglected Child Reporting Act, and he or she, without
23 willful intent, fails to immediately report or cause a report
24 to be made of the suspected abuse or neglect to the Department
25 of Children and Family Services, as required by the Abused and
26 Neglected Child Reporting Act. Unprofessional conduct shall

1 include the refusal to attend or participate in institutes,
2 teachers' meetings, or professional readings or to meet other
3 reasonable requirements of the regional superintendent of
4 schools or State Superintendent of Education. Unprofessional
5 conduct also includes conduct that violates the standards,
6 ethics, or rules applicable to the security, administration,
7 monitoring, or scoring of or the reporting of scores from any
8 assessment test or examination administered under Section
9 2-3.64a-5 of this Code or that is known or intended to produce
10 or report manipulated or artificial, rather than actual,
11 assessment or achievement results or gains from the
12 administration of those tests or examinations. Unprofessional
13 conduct shall also include neglect or unnecessary delay in the
14 making of statistical and other reports required by school
15 officers. Incompetency shall include, without limitation, 2 or
16 more school terms of service for which the license holder has
17 received an unsatisfactory rating on a performance evaluation
18 conducted pursuant to Article 24A of this Code within a period
19 of 7 school terms of service. In determining whether to
20 initiate action against one or more licenses based on
21 incompetency and the recommended sanction for such action, the
22 State Superintendent shall consider factors that include
23 without limitation all of the following:

- 24 (1) Whether the unsatisfactory evaluation ratings
25 occurred prior to June 13, 2011 (the effective date of
26 Public Act 97-8).

1 (2) Whether the unsatisfactory evaluation ratings
2 occurred prior to or after the implementation date, as
3 defined in Section 24A-2.5 of this Code, of an evaluation
4 system for teachers in a school district.

5 (3) Whether the evaluator or evaluators who performed
6 an unsatisfactory evaluation met the pre-licensure and
7 training requirements set forth in Section 24A-3 of this
8 Code.

9 (4) The time between the unsatisfactory evaluation
10 ratings.

11 (5) The quality of the remediation plans associated
12 with the unsatisfactory evaluation ratings and whether the
13 license holder successfully completed the remediation
14 plans.

15 (6) Whether the unsatisfactory evaluation ratings were
16 related to the same or different assignments performed by
17 the license holder.

18 (7) Whether one or more of the unsatisfactory
19 evaluation ratings occurred in the first year of a teaching
20 or administrative assignment.

21 When initiating an action against one or more licenses, the
22 State Superintendent may seek required professional
23 development as a sanction in lieu of or in addition to
24 suspension or revocation. Any such required professional
25 development must be at the expense of the license holder, who
26 may use, if available and applicable to the requirements

1 established by administrative or court order, training,
2 coursework, or other professional development funds in
3 accordance with the terms of an applicable collective
4 bargaining agreement entered into after June 13, 2011 (the
5 effective date of Public Act 97-8), unless that agreement
6 specifically precludes use of funds for such purpose.

7 (c) The State Superintendent of Education shall, upon
8 receipt of evidence of abuse or neglect of a child, immorality,
9 a condition of health detrimental to the welfare of pupils,
10 incompetency (subject to subsection (b) of this Section),
11 unprofessional conduct, the neglect of any professional duty,
12 or other just cause, further investigate and, if and as
13 appropriate, serve written notice to the individual and afford
14 the individual opportunity for a hearing prior to suspension,
15 revocation, or other sanction; provided that the State
16 Superintendent is under no obligation to initiate such an
17 investigation if the Department of Children and Family Services
18 is investigating the same or substantially similar allegations
19 and its child protective service unit has not made its
20 determination, as required under Section 7.12 of the Abused and
21 Neglected Child Reporting Act. If the State Superintendent of
22 Education does not receive from an individual a request for a
23 hearing within 10 days after the individual receives notice,
24 the suspension, revocation, or other sanction shall
25 immediately take effect in accordance with the notice. If a
26 hearing is requested within 10 days after notice of an

1 opportunity for hearing, it shall act as a stay of proceedings
2 until the State Educator Preparation and Licensure Board issues
3 a decision. Any hearing shall take place in the educational
4 service region where the educator is or was last employed and
5 in accordance with rules adopted by the State Board of
6 Education, in consultation with the State Educator Preparation
7 and Licensure Board, and such rules shall include without
8 limitation provisions for discovery and the sharing of
9 information between parties prior to the hearing. The standard
10 of proof for any administrative hearing held pursuant to this
11 Section shall be by the preponderance of the evidence. The
12 decision of the State Educator Preparation and Licensure Board
13 is a final administrative decision and is subject to judicial
14 review by appeal of either party.

15 The State Board of Education may refuse to issue or may
16 suspend the license of any person who fails to file a return or
17 to pay the tax, penalty, or interest shown in a filed return or
18 to pay any final assessment of tax, penalty, or interest, as
19 required by any tax Act administered by the Department of
20 Revenue, until such time as the requirements of any such tax
21 Act are satisfied.

22 The exclusive authority of the State Superintendent of
23 Education to initiate suspension or revocation of a license
24 pursuant to this Section does not preclude a regional
25 superintendent of schools from cooperating with the State
26 Superintendent or a State's Attorney with respect to an

1 investigation of alleged misconduct.

2 (d) The State Superintendent of Education or his or her
3 designee may initiate and conduct such investigations as may be
4 reasonably necessary to establish the existence of any alleged
5 misconduct. At any stage of the investigation, the State
6 Superintendent may issue a subpoena requiring the attendance
7 and testimony of a witness, including the license holder, and
8 the production of any evidence, including files, records,
9 correspondence, or documents, relating to any matter in
10 question in the investigation. The subpoena shall require a
11 witness to appear at the State Board of Education at a
12 specified date and time and shall specify any evidence to be
13 produced. The license holder is not entitled to be present, but
14 the State Superintendent shall provide the license holder with
15 a copy of any recorded testimony prior to a hearing under this
16 Section. Such recorded testimony must not be used as evidence
17 at a hearing, unless the license holder has adequate notice of
18 the testimony and the opportunity to cross-examine the witness.
19 Failure of a license holder to comply with a duly issued,
20 investigatory subpoena may be grounds for revocation,
21 suspension, or denial of a license.

22 (e) All correspondence, documentation, and other
23 information so received by the regional superintendent of
24 schools, the State Superintendent of Education, the State Board
25 of Education, or the State Educator Preparation and Licensure
26 Board under this Section is confidential and must not be

1 disclosed to third parties, except (i) as necessary for the
2 State Superintendent of Education or his or her designee to
3 investigate and prosecute pursuant to this Article, (ii)
4 pursuant to a court order, (iii) for disclosure to the license
5 holder or his or her representative, or (iv) as otherwise
6 required in this Article and provided that any such information
7 admitted into evidence in a hearing is exempt from this
8 confidentiality and non-disclosure requirement.

9 (f) The State Superintendent of Education or a person
10 designated by him or her shall have the power to administer
11 oaths to witnesses at any hearing conducted before the State
12 Educator Preparation and Licensure Board pursuant to this
13 Section. The State Superintendent of Education or a person
14 designated by him or her is authorized to subpoena and bring
15 before the State Educator Preparation and Licensure Board any
16 person in this State and to take testimony either orally or by
17 deposition or by exhibit, with the same fees and mileage and in
18 the same manner as prescribed by law in judicial proceedings in
19 civil cases in circuit courts of this State.

20 (g) Any circuit court, upon the application of the State
21 Superintendent of Education or the license holder, may, by
22 order duly entered, require the attendance of witnesses and the
23 production of relevant books and papers as part of any
24 investigation or at any hearing the State Educator Preparation
25 and Licensure Board is authorized to conduct pursuant to this
26 Section, and the court may compel obedience to its orders by

1 proceedings for contempt.

2 (h) The State Board of Education shall receive an annual
3 line item appropriation to cover fees associated with the
4 investigation and prosecution of alleged educator misconduct
5 and hearings related thereto.

6 (Source: P.A. 100-872, eff. 8-14-18.)

7 (105 ILCS 5/34-18.6) (from Ch. 122, par. 34-18.6)

8 Sec. 34-18.6. Child abuse and neglect; detection,
9 reporting, and prevention; willful or negligent failure to
10 report.

11 (a) The Board of Education may provide staff development
12 for local school site personnel who work with pupils in grades
13 kindergarten through 8 in the detection, reporting, and
14 prevention of child abuse and neglect.

15 (b) The Department of Children and Family Services may, in
16 cooperation with school officials, distribute appropriate
17 materials in school buildings listing the toll-free telephone
18 number established in Section 7.6 of the Abused and Neglected
19 Child Reporting Act, including methods of making a report under
20 Section 7 of the Abused and Neglected Child Reporting Act, to
21 be displayed in a clearly visible location in each school
22 building.

23 (c) Except for an employee licensed under Article 21B of
24 this Code, if the board determines that any school district
25 employee has willfully or negligently failed to report an

1 instance of suspected child abuse or neglect, as required by
2 the Abused and Neglected Child Reporting Act, then the board
3 may dismiss that employee immediately upon that determination.
4 For purposes of this subsection (c), negligent failure to
5 report an instance of suspected child abuse or neglect occurs
6 when a school district employee personally observes or learns
7 of an instance of suspected child abuse or neglect and
8 reasonably believes, in his or her professional or official
9 capacity, that the instance constitutes an act of child abuse
10 or neglect under the Abused and Neglected Child Reporting Act,
11 and he or she, without willful intent, fails to immediately
12 report or cause a report to be made of the suspected abuse or
13 neglect to the Department of Children and Family Services, as
14 required by the Abused and Neglected Child Reporting Act.

15 (Source: P.A. 100-413, eff. 1-1-18; 100-468, eff. 6-1-18.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.