



Rep. Lisa M. Dugan

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LRB094 02827 NHT 45044 a

1 AMENDMENT TO HOUSE BILL 2002

2 AMENDMENT NO. _____. Amend House Bill 2002 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section
5 21-23 as follows:

6 (105 ILCS 5/21-23) (from Ch. 122, par. 21-23)

7 Sec. 21-23. Suspension or revocation of certificate.

8 (a) Any certificate issued pursuant to this Article,
9 including but not limited to any administrative certificate or
10 endorsement, may be suspended for a period not to exceed one
11 calendar year by the regional superintendent or for a period
12 not to exceed 5 calendar years by the State Superintendent of
13 Education upon evidence of immorality, a condition of health
14 detrimental to the welfare of pupils, incompetency,
15 unprofessional conduct, the neglect of any professional duty,
16 willful failure to report an instance of suspected child abuse
17 or neglect as required by the Abused and Neglected Child
18 Reporting Act, failure to establish satisfactory repayment on
19 an educational loan guaranteed by the Illinois Student
20 Assistance Commission, or other just cause. Unprofessional
21 conduct shall include refusal to attend or participate in,
22 institutes, teachers' meetings, professional readings, or to
23 meet other reasonable requirements of the regional
24 superintendent or State Superintendent of Education.

1 Unprofessional conduct also includes conduct that violates the
2 standards, ethics, or rules applicable to the security,
3 administration, monitoring, or scoring of, or the reporting of
4 scores from, any assessment test or the Prairie State
5 Achievement Examination administered under Section 2-3.64 or
6 that is known or intended to produce or report manipulated or
7 artificial, rather than actual, assessment or achievement
8 results or gains from the administration of those tests or
9 examinations. It shall also include neglect or unnecessary
10 delay in making of statistical and other reports required by
11 school officers. The regional superintendent or State
12 Superintendent of Education shall upon receipt of evidence of
13 immorality, a condition of health detrimental to the welfare of
14 pupils, incompetency, unprofessional conduct, the neglect of
15 any professional duty or other just cause serve written notice
16 to the individual and afford the individual opportunity for a
17 hearing prior to suspension. If a hearing is requested within
18 10 days of notice of opportunity for hearing it shall act as a
19 stay of proceedings not to exceed 30 days, unless the
20 individual requests a delay. In such an instance, the stay of
21 proceedings must be continued for another 30 days. No
22 certificate shall be suspended until the teacher has an
23 opportunity for a hearing at the educational service region.
24 When a certificate is suspended, the right of appeal shall lie
25 to the State Teacher Certification Board. When an appeal is
26 taken within 10 days after notice of suspension it shall act as
27 a stay of proceedings not to exceed 120 days. If a certificate
28 is suspended for a period greater than one year, the State
29 Superintendent of Education shall review the suspension prior
30 to the expiration of that period to determine whether the cause
31 for the suspension has been remedied or continues to exist.
32 Upon determining that the cause for suspension has not abated,
33 the State Superintendent of Education may order that the
34 suspension be continued for an appropriate period. Nothing in

1 this Section prohibits the continuance of such a suspension for
2 an indefinite period if the State Superintendent determines
3 that the cause for the suspension remains unabated. Any
4 certificate may be revoked for the same reasons as for
5 suspension by the State Superintendent of Education. No
6 certificate shall be revoked until the teacher has an
7 opportunity for a hearing before the State Teacher
8 Certification Board, which hearing must be held within 120 days
9 from the date the appeal is taken, unless the State Teacher
10 Certification Board requests a delay. In such an instance, the
11 stay of the revocation proceedings must be continued until the
12 completion of the proceedings.

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

20 (a-5) Any certificate issued pursuant to this Article may
21 be suspended for a period not to exceed one calendar year by
22 the regional superintendent or for a period not to exceed 5
23 calendar years by the State Superintendent of Education upon
24 evidence that the holder:

25 (1) was previously accused of a sex offense, as defined
26 in subsection (a) of Section 21-23a of this Code, and later
27 convicted of a lesser offense pursuant to a plea bargain,
28 regardless of whether or not the ultimate conviction was
29 required to be disclosed on any application materials;

30 (2) was previously accused of a sex offense, as defined
31 in subsection (a) of Section 21-23a of this Code, and
32 failed to disclose that fact and its outcome during the
33 application and hiring process; or

34 (3) has been arrested and charged with a sex offense,

1 as defined in subsection (a) of Section 21-23a of this
2 Code.

3 Upon receipt of such evidence, the regional superintendent
4 or State Superintendent of Education shall serve written notice
5 to the individual and afford the individual an opportunity for
6 a hearing prior to the suspension. If a hearing is requested
7 within 10 days after notice of the opportunity for a hearing,
8 it shall act as a stay of proceedings not to exceed 30 days,
9 unless the individual requests a delay. In such an instance,
10 the stay of proceedings must be continued for another 30 days.
11 No certificate may be suspended until the individual has an
12 opportunity for a hearing at the educational service region.
13 However, the school board or regional superintendent has the
14 authority, pursuant to this Section, to remove the individual
15 from his or her duties, particularly those duties that involve
16 contact with students, if it is deemed necessary for the safety
17 and welfare of students.

18 When a certificate is suspended, the right of appeal shall
19 lie to the State Teacher Certification Board. When an appeal is
20 taken within 10 days after notice of the suspension, it shall
21 act as a stay of proceedings not to exceed 120 days.

22 If a certificate is suspended for a period greater than one
23 year, the State Superintendent of Education shall review the
24 suspension prior to the expiration of that period to determine
25 whether the cause for the suspension has been remedied or
26 continues to exist. Upon determining that the cause for
27 suspension has not abated, the State Superintendent of
28 Education may order that the suspension be continued for an
29 appropriate period. Nothing in this Section prohibits the
30 continuance of such a suspension for an indefinite period if
31 the State Superintendent of Education determines that the cause
32 for the suspension remains unabated.

33 Any certificate may be revoked for the same reasons as for
34 suspension by the State Superintendent of Education. No

1 certificate may be revoked until the individual has an
2 opportunity for a hearing before the State Teacher
3 Certification Board, which hearing must be held within 120 days
4 after the date the appeal is taken, unless the State Teacher
5 Certification Board requests a delay. In such an instance, the
6 stay of the revocation proceedings must be continued until the
7 completion of the proceedings.

8 (b) Any certificate issued pursuant to this Article may be
9 suspended for an appropriate length of time as determined by
10 either the regional superintendent or State Superintendent of
11 Education upon evidence that the holder of the certificate has
12 been named as a perpetrator in an indicated report filed
13 pursuant to the Abused and Neglected Child Reporting Act,
14 approved June 26, 1975, as amended, and upon proof by clear and
15 convincing evidence that the licensee has caused a child to be
16 an abused child or neglected child as defined in the Abused and
17 Neglected Child Reporting Act.

18 The regional superintendent or State Superintendent of
19 Education shall, upon receipt of evidence that the certificate
20 holder has been named a perpetrator in any indicated report,
21 serve written notice to the individual and afford the
22 individual opportunity for a hearing prior to suspension. If a
23 hearing is requested within 10 days of notice of opportunity
24 for hearing, it shall act as a stay of proceedings not to
25 exceed 30 days, unless the individual requests a delay. In such
26 an instance, the stay of proceedings must be continued for
27 another 30 days. No certificate shall be suspended until the
28 teacher has an opportunity for a hearing at the educational
29 service region. When a certificate is suspended, the right of
30 appeal shall lie to the State Teacher Certification Board. When
31 an appeal is taken within 10 days after notice of suspension it
32 shall act as a stay of proceedings not to exceed 120 days. The
33 State Superintendent may revoke any certificate upon proof at
34 hearing by clear and convincing evidence that the certificate

1 holder has caused a child to be an abused child or neglected
2 child as defined in the Abused and Neglected Child Reporting
3 Act. No certificate shall be revoked until the teacher has an
4 opportunity for a hearing before the State Teacher
5 Certification Board, which hearing must be held within 120 days
6 from the date the appeal is taken, unless the teacher or the
7 hearing officer appointed by the State Teacher Certification
8 Board requests a delay. In such an instance, the stay of the
9 revocation proceedings must be continued until the completion
10 of the proceedings.

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

22 Any circuit court, upon the application of the State
23 Superintendent of Education, may, by order duly entered,
24 require the attendance of witnesses and the production of
25 relevant books and papers at any hearing the State
26 Superintendent of Education is authorized to conduct pursuant
27 to this Section, and the court may compel obedience to its
28 orders by proceedings for contempt.

29 (d) As used in this Section, "teacher" means any school
30 district employee regularly required to be certified, as
31 provided in this Article, in order to teach or supervise in the
32 public schools.

33 (Source: P.A. 93-679, eff. 6-30-04.)".