



Rep. Lisa M. Dugan

Filed: 5/3/2005

09400HB2002ham004

LRB094 02827 NHT 45752 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 (which shall include the failure to
16 disclose relevant information on an employment application or
17 during the hiring process, including without limitation any
18 previous arrest or conviction for a sex offense, as defined in
19 Section 21-23a of this Code, or any other criminal offense
20 involving an element that is sexual in nature and how that
21 matter was resolved), the neglect of any professional duty,
22 willful failure to report an instance of suspected child abuse
23 or neglect as required by the Abused and Neglected Child
24 Reporting Act, failure to establish satisfactory repayment on

1 an educational loan guaranteed by the Illinois Student
2 Assistance Commission, or other just cause. Unprofessional
3 conduct shall include refusal to attend or participate in,
4 institutes, teachers' meetings, professional readings, or to
5 meet other reasonable requirements of the regional
6 superintendent or State Superintendent of Education.
7 Unprofessional conduct also includes conduct that violates the
8 standards, ethics, or rules applicable to the security,
9 administration, monitoring, or scoring of, or the reporting of
10 scores from, any assessment test or the Prairie State
11 Achievement Examination administered under Section 2-3.64 or
12 that is known or intended to produce or report manipulated or
13 artificial, rather than actual, assessment or achievement
14 results or gains from the administration of those tests or
15 examinations. It shall also include neglect or unnecessary
16 delay in making of statistical and other reports required by
17 school officers. The regional superintendent or State
18 Superintendent of Education shall upon receipt of evidence of
19 immorality, a condition of health detrimental to the welfare of
20 pupils, incompetency, unprofessional conduct, the neglect of
21 any professional duty or other just cause serve written notice
22 to the individual and afford the individual opportunity for a
23 hearing prior to suspension. Prior to the hearing, however, the
24 individual may be suspended from his or her duties if it is
25 deemed necessary for the safety of students. If a hearing is
26 requested within 10 days of notice of opportunity for hearing
27 it shall act as a stay of proceedings not to exceed 30 days,
28 unless the individual requests a delay. In such an instance,
29 the stay of proceedings must be continued for another 30 days.
30 No certificate shall be suspended until the teacher has an
31 opportunity for a hearing at the educational service region.
32 When a certificate is suspended, the right of appeal shall lie
33 to the State Teacher Certification Board. When an appeal is
34 taken within 10 days after notice of suspension it shall act as

1 a stay of proceedings not to exceed 120 days. If a certificate
2 is suspended for a period greater than one year, the State
3 Superintendent of Education shall review the suspension prior
4 to the expiration of that period to determine whether the cause
5 for the suspension has been remedied or continues to exist.
6 Upon determining that the cause for suspension has not abated,
7 the State Superintendent of Education may order that the
8 suspension be continued for an appropriate period. Nothing in
9 this Section prohibits the continuance of such a suspension for
10 an indefinite period if the State Superintendent determines
11 that the cause for the suspension remains unabated. Any
12 certificate may be revoked for the same reasons as for
13 suspension by the State Superintendent of Education. No
14 certificate shall be revoked until the teacher has an
15 opportunity for a hearing before the State Teacher
16 Certification Board, which hearing must be held within 120 days
17 from the date the appeal is taken, unless the State Teacher
18 Certification Board requests a delay. In such an instance, the
19 stay of the revocation proceedings must be continued until the
20 completion of the proceedings.

21 The State Board may refuse to issue or may suspend the
22 certificate of any person who fails to file a return, or to pay
23 the tax, penalty or interest shown in a filed return, or to pay
24 any final assessment of tax, penalty or interest, as required
25 by any tax Act administered by the Illinois Department of
26 Revenue, until such time as the requirements of any such tax
27 Act are satisfied.

28 (b) Any certificate issued pursuant to this Article may be
29 suspended for an appropriate length of time as determined by
30 either the regional superintendent or State Superintendent of
31 Education upon evidence that the holder of the certificate has
32 been named as a perpetrator in an indicated report filed
33 pursuant to the Abused and Neglected Child Reporting Act,
34 approved June 26, 1975, as amended, and upon proof by clear and

1 convincing evidence that the licensee has caused a child to be
2 an abused child or neglected child as defined in the Abused and
3 Neglected Child Reporting Act.

4 The regional superintendent or State Superintendent of
5 Education shall, upon receipt of evidence that the certificate
6 holder has been named a perpetrator in any indicated report,
7 serve written notice to the individual and afford the
8 individual opportunity for a hearing prior to suspension. If a
9 hearing is requested within 10 days of notice of opportunity
10 for hearing, it shall act as a stay of proceedings not to
11 exceed 30 days, unless the individual requests a delay. In such
12 an instance, the stay of proceedings must be continued for
13 another 30 days. No certificate shall be suspended until the
14 teacher has an opportunity for a hearing at the educational
15 service region. When a certificate is suspended, the right of
16 appeal shall lie to the State Teacher Certification Board. When
17 an appeal is taken within 10 days after notice of suspension it
18 shall act as a stay of proceedings not to exceed 120 days. The
19 State Superintendent may revoke any certificate upon proof at
20 hearing by clear and convincing evidence that the certificate
21 holder has caused a child to be an abused child or neglected
22 child as defined in the Abused and Neglected Child Reporting
23 Act. No certificate shall be revoked until the teacher has an
24 opportunity for a hearing before the State Teacher
25 Certification Board, which hearing must be held within 120 days
26 from the date the appeal is taken, unless the teacher or the
27 hearing officer appointed by the State Teacher Certification
28 Board requests a delay. In such an instance, the stay of the
29 revocation proceedings must be continued until the completion
30 of the proceedings.

31 (c) The State Superintendent of Education or a person
32 designated by him shall have the power to administer oaths to
33 witnesses at any hearing conducted before the State Teacher
34 Certification Board pursuant to this Section. The State

1 Superintendent of Education or a person designated by him is
2 authorized to subpoena and bring before the State Teacher
3 Certification Board any person in this State and to take
4 testimony either orally or by deposition or by exhibit, with
5 the same fees and mileage and in the same manner as prescribed
6 by law in judicial proceedings in the civil cases in circuit
7 courts of this State.

8 Any circuit court, upon the application of the State
9 Superintendent of Education, may, by order duly entered,
10 require the attendance of witnesses and the production of
11 relevant books and papers at any hearing the State
12 Superintendent of Education is authorized to conduct pursuant
13 to this Section, and the court may compel obedience to its
14 orders by proceedings for contempt.

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

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