

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 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 includes the failure to disclose
16 on an employment application any previous conviction for a sex
17 offense, as defined in Section 21-23a of this Code, or any
18 other offense committed in any other state or against the laws
19 of the United States that, if committed in this State, would be
20 punishable as a sex offense, as defined in Section 21-23a of
21 this Code), the neglect of any professional duty, willful
22 failure to report an instance of suspected child abuse or
23 neglect as required by the Abused and Neglected Child Reporting
24 Act, failure to establish satisfactory repayment on an
25 educational loan guaranteed by the Illinois Student Assistance
26 Commission, or other just cause. Unprofessional conduct shall
27 include refusal to attend or participate in, institutes,
28 teachers' meetings, professional readings, or to meet other
29 reasonable requirements of the regional superintendent or
30 State Superintendent of Education. Unprofessional conduct also
31 includes conduct that violates the standards, ethics, or rules
32 applicable to the security, administration, monitoring, or

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

1 suspension by the State Superintendent of Education. No
2 certificate shall be revoked until the teacher has an
3 opportunity for a hearing before the State Teacher
4 Certification Board, which hearing must be held within 120 days
5 from the date the appeal is taken, unless the State Teacher
6 Certification Board requests a delay. In such an instance, the
7 stay of the revocation proceedings must be continued until the
8 completion of the proceedings.

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

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

26 The regional superintendent or State Superintendent of
27 Education shall, upon receipt of evidence that the certificate
28 holder has been named a perpetrator in any indicated report,
29 serve written notice to the individual and afford the
30 individual opportunity for a hearing prior to suspension. If a
31 hearing is requested within 10 days of notice of opportunity
32 for hearing, it shall act as a stay of proceedings not to
33 exceed 30 days, unless the individual requests a delay. In such
34 an instance, the stay of proceedings must be continued for
35 another 30 days. No certificate shall be suspended until the
36 teacher has an opportunity for a hearing at the educational

1 service region. When a certificate is suspended, the right of
2 appeal shall lie to the State Teacher Certification Board. When
3 an appeal is taken within 10 days after notice of suspension it
4 shall act as a stay of proceedings not to exceed 120 days. The
5 State Superintendent may revoke any certificate upon proof at
6 hearing by clear and convincing evidence that the certificate
7 holder has caused a child to be an abused child or neglected
8 child as defined in the Abused and Neglected Child Reporting
9 Act. No certificate shall be revoked until the teacher has an
10 opportunity for a hearing before the State Teacher
11 Certification Board, which hearing must be held within 120 days
12 from the date the appeal is taken, unless the teacher or the
13 hearing officer appointed by the State Teacher Certification
14 Board requests a delay. In such an instance, the stay of the
15 revocation proceedings must be continued until the completion
16 of the proceedings.

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

28 Any circuit court, upon the application of the State
29 Superintendent of Education, may, by order duly entered,
30 require the attendance of witnesses and the production of
31 relevant books and papers at any hearing the State
32 Superintendent of Education is authorized to conduct pursuant
33 to this Section, and the court may compel obedience to its
34 orders by proceedings for contempt.

35 (d) As used in this Section, "teacher" means any school
36 district employee regularly required to be certified, as

1 provided in this Article, in order to teach or supervise in the
2 public schools.

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