



Sen. Edward D. Maloney

**Filed: 3/28/2006**

09400SB0859sam001

LRB094 04502 RAS 57744 a

1 AMENDMENT TO SENATE BILL 859

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 859 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 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

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