



Rep. Carol Ammons

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1 AMENDMENT TO SENATE BILL 2236

2 AMENDMENT NO. _____. Amend Senate Bill 2236 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Professional Regulation Law
5 of the Civil Administrative Code of Illinois is amended by
6 changing Sections 2105-15 as follows:

7 (20 ILCS 2105/2105-15)

8 Sec. 2105-15. General powers and duties.

9 (a) The Department has, subject to the provisions of the
10 Civil Administrative Code of Illinois, the following powers and
11 duties:

12 (1) To authorize examinations in English to ascertain
13 the qualifications and fitness of applicants to exercise
14 the profession, trade, or occupation for which the
15 examination is held.

16 (2) To prescribe rules and regulations for a fair and

1 wholly impartial method of examination of candidates to
2 exercise the respective professions, trades, or
3 occupations.

4 (3) To pass upon the qualifications of applicants for
5 licenses, certificates, and authorities, whether by
6 examination, by reciprocity, or by endorsement.

7 (4) To prescribe rules and regulations defining, for
8 the respective professions, trades, and occupations, what
9 shall constitute a school, college, or university, or
10 department of a university, or other institution,
11 reputable and in good standing, and to determine the
12 reputability and good standing of a school, college, or
13 university, or department of a university, or other
14 institution, reputable and in good standing, by reference
15 to a compliance with those rules and regulations; provided,
16 that no school, college, or university, or department of a
17 university, or other institution that refuses admittance
18 to applicants solely on account of race, color, creed, sex,
19 sexual orientation, or national origin shall be considered
20 reputable and in good standing.

21 (5) To conduct hearings on proceedings to revoke,
22 suspend, refuse to renew, place on probationary status, or
23 take other disciplinary action as authorized in any
24 licensing Act administered by the Department with regard to
25 licenses, certificates, or authorities of persons
26 exercising the respective professions, trades, or

1 occupations and to revoke, suspend, refuse to renew, place
2 on probationary status, or take other disciplinary action
3 as authorized in any licensing Act administered by the
4 Department with regard to those licenses, certificates, or
5 authorities.

6 The Department shall issue a monthly disciplinary
7 report.

8 The Department shall deny any license or renewal
9 authorized by the Civil Administrative Code of Illinois to
10 any person who has defaulted on an educational loan or
11 scholarship provided by or guaranteed by the Illinois
12 Student Assistance Commission or any governmental agency
13 of this State; however, the Department may issue a license
14 or renewal if such a person has an adjusted gross income of
15 less than \$75,000 or, in the case of a person with an
16 adjusted gross income of \$75,000 or above, if he or she has
17 ~~the aforementioned persons have~~ established a satisfactory
18 repayment record as determined by the Illinois Student
19 Assistance Commission or other appropriate governmental
20 agency of this State. Additionally, beginning June 1, 1996,
21 any license issued by the Department may be suspended ~~or~~
22 ~~revoked~~ if the Department, after the opportunity for a
23 hearing under the appropriate licensing Act, finds that the
24 licensee has failed to make satisfactory repayment to the
25 Illinois Student Assistance Commission for a delinquent or
26 defaulted loan. For the purposes of this Section,

1 "satisfactory repayment record" shall be defined by rule.

2 Notwithstanding any law or rule to the contrary, if the
3 licensee is subject to wage garnishment because of failure
4 to make satisfactory repayment to the Illinois Student
5 Assistance Commission of a delinquent or defaulted loan,
6 any involuntary student loan payments that are deducted
7 from the licensee's wages shall be considered to reduce
8 amounts otherwise required to constitute a satisfactory
9 repayment record. The determination the licensee has a
10 satisfactory repayment record shall be based on the
11 licensee's ability to pay. Notwithstanding any law or rule
12 to the contrary, a suspension due to nonpayment or
13 insufficient payment of a student loan shall be conducted
14 in accordance with this Section and shall allow an
15 opportunity for a hearing prior to the suspension.

16 The Department shall refuse to issue or renew a license
17 to, or shall suspend or revoke a license of, any person
18 who, after receiving notice, fails to comply with a
19 subpoena or warrant relating to a paternity or child
20 support proceeding. However, the Department may issue a
21 license or renewal upon compliance with the subpoena or
22 warrant.

23 The Department, without further process or hearings,
24 shall revoke, suspend, or deny any license or renewal
25 authorized by the Civil Administrative Code of Illinois to
26 a person who is certified by the Department of Healthcare

1 and Family Services (formerly Illinois Department of
2 Public Aid) as being more than 30 days delinquent in
3 complying with a child support order or who is certified by
4 a court as being in violation of the Non-Support Punishment
5 Act for more than 60 days. The Department may, however,
6 issue a license or renewal if the person has established a
7 satisfactory repayment record as determined by the
8 Department of Healthcare and Family Services (formerly
9 Illinois Department of Public Aid) or if the person is
10 determined by the court to be in compliance with the
11 Non-Support Punishment Act. The Department may implement
12 this paragraph as added by Public Act 89-6 through the use
13 of emergency rules in accordance with Section 5-45 of the
14 Illinois Administrative Procedure Act. For purposes of the
15 Illinois Administrative Procedure Act, the adoption of
16 rules to implement this paragraph shall be considered an
17 emergency and necessary for the public interest, safety,
18 and welfare.

19 (6) To transfer jurisdiction of any realty under the
20 control of the Department to any other department of the
21 State Government or to acquire or accept federal lands when
22 the transfer, acquisition, or acceptance is advantageous
23 to the State and is approved in writing by the Governor.

24 (7) To formulate rules and regulations necessary for
25 the enforcement of any Act administered by the Department.

26 (8) To exchange with the Department of Healthcare and

1 Family Services information that may be necessary for the
2 enforcement of child support orders entered pursuant to the
3 Illinois Public Aid Code, the Illinois Marriage and
4 Dissolution of Marriage Act, the Non-Support of Spouse and
5 Children Act, the Non-Support Punishment Act, the Revised
6 Uniform Reciprocal Enforcement of Support Act, the Uniform
7 Interstate Family Support Act, the Illinois Parentage Act
8 of 1984, or the Illinois Parentage Act of 2015.
9 Notwithstanding any provisions in this Code to the
10 contrary, the Department of Professional Regulation shall
11 not be liable under any federal or State law to any person
12 for any disclosure of information to the Department of
13 Healthcare and Family Services (formerly Illinois
14 Department of Public Aid) under this paragraph (8) or for
15 any other action taken in good faith to comply with the
16 requirements of this paragraph (8).

17 (8.5) To accept continuing education credit for
18 mandated reporter training on how to recognize and report
19 child abuse offered by the Department of Children and
20 Family Services and completed by any person who holds a
21 professional license issued by the Department and who is a
22 mandated reporter under the Abused and Neglected Child
23 Reporting Act. The Department shall adopt any rules
24 necessary to implement this paragraph.

25 (9) To perform other duties prescribed by law.

26 (a-5) Except in cases involving default on an educational

1 loan or scholarship provided by or guaranteed by the Illinois
2 Student Assistance Commission or any governmental agency of
3 this State or in cases involving delinquency in complying with
4 a child support order or violation of the Non-Support
5 Punishment Act and notwithstanding anything that may appear in
6 any individual licensing Act or administrative rule, no person
7 or entity whose license, certificate, or authority has been
8 revoked as authorized in any licensing Act administered by the
9 Department may apply for restoration of that license,
10 certification, or authority until 3 years after the effective
11 date of the revocation.

12 (b) The Department may, when a fee is payable to the
13 Department for a wall certificate of registration provided by
14 the Department of Central Management Services, require that
15 portion of the payment for printing and distribution costs be
16 made directly or through the Department to the Department of
17 Central Management Services for deposit into the Paper and
18 Printing Revolving Fund. The remainder shall be deposited into
19 the General Revenue Fund.

20 (c) For the purpose of securing and preparing evidence, and
21 for the purchase of controlled substances, professional
22 services, and equipment necessary for enforcement activities,
23 recoupment of investigative costs, and other activities
24 directed at suppressing the misuse and abuse of controlled
25 substances, including those activities set forth in Sections
26 504 and 508 of the Illinois Controlled Substances Act, the

1 Director and agents appointed and authorized by the Director
2 may expend sums from the Professional Regulation Evidence Fund
3 that the Director deems necessary from the amounts appropriated
4 for that purpose. Those sums may be advanced to the agent when
5 the Director deems that procedure to be in the public interest.
6 Sums for the purchase of controlled substances, professional
7 services, and equipment necessary for enforcement activities
8 and other activities as set forth in this Section shall be
9 advanced to the agent who is to make the purchase from the
10 Professional Regulation Evidence Fund on vouchers signed by the
11 Director. The Director and those agents are authorized to
12 maintain one or more commercial checking accounts with any
13 State banking corporation or corporations organized under or
14 subject to the Illinois Banking Act for the deposit and
15 withdrawal of moneys to be used for the purposes set forth in
16 this Section; provided, that no check may be written nor any
17 withdrawal made from any such account except upon the written
18 signatures of 2 persons designated by the Director to write
19 those checks and make those withdrawals. Vouchers for those
20 expenditures must be signed by the Director. All such
21 expenditures shall be audited by the Director, and the audit
22 shall be submitted to the Department of Central Management
23 Services for approval.

24 (d) Whenever the Department is authorized or required by
25 law to consider some aspect of criminal history record
26 information for the purpose of carrying out its statutory

1 powers and responsibilities, then, upon request and payment of
2 fees in conformance with the requirements of Section 2605-400
3 of the Department of State Police Law (20 ILCS 2605/2605-400),
4 the Department of State Police is authorized to furnish,
5 pursuant to positive identification, the information contained
6 in State files that is necessary to fulfill the request.

7 (e) The provisions of this Section do not apply to private
8 business and vocational schools as defined by Section 15 of the
9 Private Business and Vocational Schools Act of 2012.

10 (f) (Blank).

11 (g) Notwithstanding anything that may appear in any
12 individual licensing statute or administrative rule, the
13 Department shall deny any license application or renewal
14 authorized under any licensing Act administered by the
15 Department to any person who has failed to file a return, or to
16 pay the tax, penalty, or interest shown in a filed return, or
17 to pay any final assessment of tax, penalty, or interest, as
18 required by any tax Act administered by the Illinois Department
19 of Revenue, until such time as the requirement of any such tax
20 Act are satisfied; however, the Department may issue a license
21 or renewal if the person has established a satisfactory
22 repayment record as determined by the Illinois Department of
23 Revenue. For the purpose of this Section, "satisfactory
24 repayment record" shall be defined by rule.

25 In addition, a complaint filed with the Department by the
26 Illinois Department of Revenue that includes a certification,

1 signed by its Director or designee, attesting to the amount of
2 the unpaid tax liability or the years for which a return was
3 not filed, or both, is prima facie evidence of the licensee's
4 failure to comply with the tax laws administered by the
5 Illinois Department of Revenue. Upon receipt of that
6 certification, the Department shall, without a hearing,
7 immediately suspend all licenses held by the licensee.
8 Enforcement of the Department's order shall be stayed for 60
9 days. The Department shall provide notice of the suspension to
10 the licensee by mailing a copy of the Department's order by
11 certified and regular mail to the licensee's last known address
12 as registered with the Department. The notice shall advise the
13 licensee that the suspension shall be effective 60 days after
14 the issuance of the Department's order unless the Department
15 receives, from the licensee, a request for a hearing before the
16 Department to dispute the matters contained in the order.

17 Any suspension imposed under this subsection (g) shall be
18 terminated by the Department upon notification from the
19 Illinois Department of Revenue that the licensee is in
20 compliance with all tax laws administered by the Illinois
21 Department of Revenue.

22 The Department may promulgate rules for the administration
23 of this subsection (g).

24 (h) The Department may grant the title "Retired", to be
25 used immediately adjacent to the title of a profession
26 regulated by the Department, to eligible retirees. For

1 individuals licensed under the Medical Practice Act of 1987,
2 the title "Retired" may be used in the profile required by the
3 Patients' Right to Know Act. The use of the title "Retired"
4 shall not constitute representation of current licensure,
5 registration, or certification. Any person without an active
6 license, registration, or certificate in a profession that
7 requires licensure, registration, or certification shall not
8 be permitted to practice that profession.

9 (i) Within 180 days after December 23, 2009 (the effective
10 date of Public Act 96-852), the Department shall promulgate
11 rules which permit a person with a criminal record, who seeks a
12 license or certificate in an occupation for which a criminal
13 record is not expressly a per se bar, to apply to the
14 Department for a non-binding, advisory opinion to be provided
15 by the Board or body with the authority to issue the license or
16 certificate as to whether his or her criminal record would bar
17 the individual from the licensure or certification sought,
18 should the individual meet all other licensure requirements
19 including, but not limited to, the successful completion of the
20 relevant examinations.

21 (Source: P.A. 98-756, eff. 7-16-14; 98-850, eff. 1-1-15; 99-85,
22 eff. 1-1-16; 99-227, eff. 8-3-15; 99-330, eff. 8-10-15; revised
23 10-16-15.)

24 Section 10. The School Code is amended by changing Section
25 21B-75 as follows:

1 (105 ILCS 5/21B-75)

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

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

7 (b) The State Superintendent of Education has the exclusive
8 authority, in accordance with this Section and any rules
9 adopted by the State Board of Education, in consultation with
10 the State Educator Preparation and Licensure Board, to initiate
11 the suspension of up to 5 calendar years or revocation of any
12 license issued pursuant to this Article for abuse or neglect of
13 a child, immorality, a condition of health detrimental to the
14 welfare of pupils, incompetency, unprofessional conduct (which
15 includes the failure to disclose on an employment application
16 any previous conviction for a sex offense, as defined in
17 Section 21B-80 of this Code, or any other offense committed in
18 any other state or against the laws of the United States that,
19 if committed in this State, would be punishable as a sex
20 offense, as defined in Section 21B-80 of this Code), the
21 neglect of any professional duty, willful failure to report an
22 instance of suspected child abuse or neglect as required by the
23 Abused and Neglected Child Reporting Act, ~~failure to establish~~
24 ~~satisfactory repayment on an educational loan guaranteed by the~~
25 ~~Illinois Student Assistance Commission,~~ or other just cause.

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

- 25 (1) Whether the unsatisfactory evaluation ratings
26 occurred prior to June 13, 2011 (the effective date of

1 Public Act 97-8).

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

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

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

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

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

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

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

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

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

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

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

23 The State Board of Education shall deny a license or
24 renewal authorized by this Act to a person who has defaulted on
25 an educational loan provided or guaranteed by the Illinois
26 Student Assistance Commission. However, the Board may issue a

1 license or renewal if the person has an adjusted gross income
2 of less than \$75,000 or has an adjusted gross income of \$75,000
3 or above and has established a satisfactory repayment record as
4 determined by the Illinois Student Assistance Commission
5 pursuant to paragraph (5) of subsection (a) of Section 2105-15
6 of the Department of Professional Regulation Law of the Civil
7 Administrative Code of Illinois.

8 The exclusive authority of the State Superintendent of
9 Education to initiate suspension or revocation of a license
10 pursuant to this Section does not preclude a regional
11 superintendent of schools from cooperating with the State
12 Superintendent or a State's Attorney with respect to an
13 investigation of alleged misconduct.

14 (d) The State Superintendent of Education or his or her
15 designee may initiate and conduct such investigations as may be
16 reasonably necessary to establish the existence of any alleged
17 misconduct. At any stage of the investigation, the State
18 Superintendent may issue a subpoena requiring the attendance
19 and testimony of a witness, including the license holder, and
20 the production of any evidence, including files, records,
21 correspondence, or documents, relating to any matter in
22 question in the investigation. The subpoena shall require a
23 witness to appear at the State Board of Education at a
24 specified date and time and shall specify any evidence to be
25 produced. The license holder is not entitled to be present, but
26 the State Superintendent shall provide the license holder with

1 a copy of any recorded testimony prior to a hearing under this
2 Section. Such recorded testimony must not be used as evidence
3 at a hearing, unless the license holder has adequate notice of
4 the testimony and the opportunity to cross-examine the witness.
5 Failure of a license holder to comply with a duly issued,
6 investigatory subpoena may be grounds for revocation,
7 suspension, or denial of a license.

8 (e) All correspondence, documentation, and other
9 information so received by the regional superintendent of
10 schools, the State Superintendent of Education, the State Board
11 of Education, or the State Educator Preparation and Licensure
12 Board under this Section is confidential and must not be
13 disclosed to third parties, except (i) as necessary for the
14 State Superintendent of Education or his or her designee to
15 investigate and prosecute pursuant to this Article, (ii)
16 pursuant to a court order, (iii) for disclosure to the license
17 holder or his or her representative, or (iv) as otherwise
18 required in this Article and provided that any such information
19 admitted into evidence in a hearing is exempt from this
20 confidentiality and non-disclosure requirement.

21 (f) The State Superintendent of Education or a person
22 designated by him or her shall have the power to administer
23 oaths to witnesses at any hearing conducted before the State
24 Educator Preparation and Licensure Board pursuant to this
25 Section. The State Superintendent of Education or a person
26 designated by him or her is authorized to subpoena and bring

1 before the State Educator Preparation and Licensure Board any
2 person in this State and to take testimony either orally or by
3 deposition or by exhibit, with the same fees and mileage and in
4 the same manner as prescribed by law in judicial proceedings in
5 civil cases in circuit courts of this State.

6 (g) Any circuit court, upon the application of the State
7 Superintendent of Education or the license holder, may, by
8 order duly entered, require the attendance of witnesses and the
9 production of relevant books and papers as part of any
10 investigation or at any hearing the State Educator Preparation
11 and Licensure Board is authorized to conduct pursuant to this
12 Section, and the court may compel obedience to its orders by
13 proceedings for contempt.

14 (h) The State Board of Education shall receive an annual
15 line item appropriation to cover fees associated with the
16 investigation and prosecution of alleged educator misconduct
17 and hearings related thereto.

18 (Source: P.A. 97-607, eff. 8-26-11; incorporates 97-8, eff.
19 6-13-11; 97-813, eff. 7-13-12; 98-972, eff. 8-15-14.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."