



Sen. Laura M. Murphy

**Filed: 3/10/2025**

10400SB1329sam002

LRB104 06310 LNS 23454 a

1 AMENDMENT TO SENATE BILL 1329

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1329 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section  
5 21B-75 as follows:

6 (105 ILCS 5/21B-75)

7 Sec. 21B-75. Suspension or revocation of license,  
8 endorsement, or approval.

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

13 (b) The State Superintendent of Education has the  
14 exclusive authority, in accordance with this Section and any  
15 rules adopted by the State Board of Education, in consultation  
16 with the State Educator Preparation and Licensure Board, to

1 initiate the suspension of up to 5 calendar years or  
2 revocation of any license, endorsement, or approval issued  
3 pursuant to this Article for abuse or neglect of a child,  
4 sexual misconduct as defined in subsection (c) of Section  
5 22-85.5 of this Code, immorality, a condition of health  
6 detrimental to the welfare of pupils, incompetency,  
7 unprofessional conduct (which includes the failure to disclose  
8 on an employment application any previous conviction for a sex  
9 offense, as defined in Section 21B-80 of this Code, or any  
10 other offense committed in any other state or against the laws  
11 of the United States that, if committed in this State, would be  
12 punishable as a sex offense, as defined in Section 21B-80 of  
13 this Code), the neglect of any professional duty, willful or  
14 negligent failure to report an instance of suspected child  
15 abuse or neglect as required by the Abused and Neglected Child  
16 Reporting Act, or other just cause. Negligent failure to  
17 report an instance of suspected child abuse or neglect occurs  
18 when a teacher personally observes an instance of suspected  
19 child abuse or neglect and reasonably believes, in his or her  
20 professional or official capacity, that the instance  
21 constitutes an act of child abuse or neglect under the Abused  
22 and Neglected Child Reporting Act, and he or she, without  
23 willful intent, fails to immediately report or cause a report  
24 to be made of the suspected abuse or neglect to the Department  
25 of Children and Family Services, as required by the Abused and  
26 Neglected Child Reporting Act. Unprofessional conduct shall

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

- 24 (1) Whether the unsatisfactory evaluation ratings  
25 occurred prior to June 13, 2011 (the effective date of  
26 Public Act 97-8).

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

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

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

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

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

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

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

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

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

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

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

22 The exclusive authority of the State Superintendent of  
23 Education to initiate suspension or revocation of a license  
24 pursuant to this Section does not preclude a regional  
25 superintendent of schools from cooperating with the State  
26 Superintendent or a State's Attorney with respect to an

1 investigation of alleged misconduct.

2 (d) The State Superintendent of Education or his or her  
3 designee may initiate and conduct such investigations as may  
4 be reasonably necessary to establish the existence of any  
5 alleged misconduct. At any stage of the investigation, the  
6 State Superintendent may issue a subpoena requiring the  
7 attendance and testimony of a witness, including the license  
8 holder, and the production of any evidence, including files,  
9 records, correspondence, or documents, relating to any matter  
10 in question in the investigation. The subpoena shall require a  
11 witness to appear at the State Board of Education at a  
12 specified date and time and shall specify any evidence to be  
13 produced. The license holder is not entitled to be present,  
14 but the State Superintendent shall provide the license holder  
15 with a copy of any recorded testimony prior to a hearing under  
16 this Section. Such recorded testimony must not be used as  
17 evidence at a hearing, unless the license holder has adequate  
18 notice of the testimony and the opportunity to cross-examine  
19 the witness. Failure of a license holder to comply with a duly  
20 issued, investigatory subpoena may be grounds for revocation,  
21 suspension, or denial of a license.

22 (e) All correspondence, documentation, and other  
23 information so received by the regional superintendent of  
24 schools, the State Superintendent of Education, the State  
25 Board of Education, or the State Educator Preparation and  
26 Licensure Board under this Section is confidential and must

1 not be disclosed to third parties, except (i) as necessary for  
2 the State Superintendent of Education or his or her designee  
3 to investigate and prosecute pursuant to this Article, (ii)  
4 pursuant to a court order, (iii) for disclosure to the license  
5 holder or his or her representative, or (iv) as otherwise  
6 required in this Article and provided that any such  
7 information admitted into evidence in a hearing is exempt from  
8 this confidentiality and non-disclosure requirement.

9 (e-5) The State Superintendent of Education or his or her  
10 designee may notify a license holder's current or most recent  
11 employer, if the employer is a public school or school  
12 district, charter school, special education cooperative,  
13 nonpublic school, nonpublic special education facility, or  
14 public school residential facility, that the license holder is  
15 being investigated for an alleged act of misconduct that  
16 constitutes a threat to the safety of students, including  
17 serious physical injury, sexual misconduct as defined in  
18 subsection (c) of Section 22-85.5 of this Code, or a sex or  
19 other offense as defined in Section 21B-80 of this Code.

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



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

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

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

17 (Source: P.A. 101-531, eff. 8-23-19; 102-552, eff. 1-1-22;  
18 102-702, eff. 7-1-23.)".