

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. Prior to the hearing, however, the individual may
16 be suspended from his or her duties if it is deemed necessary
17 for the safety of students. If a hearing is requested within 10
18 days of notice of opportunity for hearing it shall act as a
19 stay of proceedings not to exceed 30 days, unless the
20 individual requests a delay. In such an instance, the stay of
21 proceedings must be continued for another 30 days. No
22 certificate shall be suspended until the teacher has an
23 opportunity for a hearing at the educational service region.
24 When a certificate is suspended, the right of appeal shall lie
25 to the State Teacher Certification Board. When an appeal is
26 taken within 10 days after notice of suspension it shall act as
27 a stay of proceedings not to exceed 120 days. If a certificate
28 is suspended for a period greater than one year, the State
29 Superintendent of Education shall review the suspension prior
30 to the expiration of that period to determine whether the cause
31 for the suspension has been remedied or continues to exist.
32 Upon determining that the cause for suspension has not abated,
33 the State Superintendent of Education may order that the
34 suspension be continued for an appropriate period. Nothing in
35 this Section prohibits the continuance of such a suspension for
36 an indefinite period if the State Superintendent determines

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

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

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

28 The regional superintendent or State Superintendent of
29 Education shall, upon receipt of evidence that the certificate
30 holder has been named a perpetrator in any indicated report,
31 serve written notice to the individual and afford the
32 individual opportunity for a hearing prior to suspension. If a
33 hearing is requested within 10 days of notice of opportunity
34 for hearing, it shall act as a stay of proceedings not to
35 exceed 30 days, unless the individual requests a delay. In such
36 an instance, the stay of proceedings must be continued for

1 another 30 days. No certificate shall be suspended until the
2 teacher has an opportunity for a hearing at the educational
3 service region. When a certificate is suspended, the right of
4 appeal shall lie to the State Teacher Certification Board. When
5 an appeal is taken within 10 days after notice of suspension it
6 shall act as a stay of proceedings not to exceed 120 days. The
7 State Superintendent may revoke any certificate upon proof at
8 hearing by clear and convincing evidence that the certificate
9 holder has caused a child to be an abused child or neglected
10 child as defined in the Abused and Neglected Child Reporting
11 Act. No certificate shall be revoked until the teacher has an
12 opportunity for a hearing before the State Teacher
13 Certification Board, which hearing must be held within 120 days
14 from the date the appeal is taken, unless the teacher or the
15 hearing officer appointed by the State Teacher Certification
16 Board requests a delay. In such an instance, the stay of the
17 revocation proceedings must be continued until the completion
18 of the proceedings.

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

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

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

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