

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 shall include the failure to  
16 disclose relevant information on an employment application or  
17 during the hiring process, including without limitation any  
18 previous arrest or conviction for a sex offense, as defined in  
19 Section 21-23a of this Code, or any other criminal offense  
20 involving an element that is sexual in nature and how that  
21 matter was resolved), the neglect of any professional duty,  
22 willful failure to report an instance of suspected child abuse  
23 or neglect as required by the Abused and Neglected Child  
24 Reporting Act, failure to establish satisfactory repayment on  
25 an educational loan guaranteed by the Illinois Student  
26 Assistance Commission, or other just cause. Unprofessional  
27 conduct shall include refusal to attend or participate in,  
28 institutes, teachers' meetings, professional readings, or to  
29 meet other reasonable requirements of the regional  
30 superintendent or State Superintendent of Education.  
31 Unprofessional conduct also includes conduct that violates the  
32 standards, ethics, or rules applicable to the security,

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