

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 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
17 initiate the suspension of up to 5 calendar years or
18 revocation of any license, endorsement, or approval issued
19 pursuant to this Article for abuse or neglect of a child,
20 sexual misconduct as defined in subsection (c) of Section
21 22-85.5 of this Code, immorality, a condition of health
22 detrimental to the welfare of pupils, incompetency,
23 unprofessional conduct (which includes the failure to disclose

1 on an employment application any previous conviction for a sex
2 offense, as defined in Section 21B-80 of this Code, or any
3 other offense committed in any other state or against the laws
4 of the United States that, if committed in this State, would be
5 punishable as a sex offense, as defined in Section 21B-80 of
6 this Code), the neglect of any professional duty, willful or
7 negligent failure to report an instance of suspected child
8 abuse or neglect as required by the Abused and Neglected Child
9 Reporting Act, or other just cause. Negligent failure to
10 report an instance of suspected child abuse or neglect occurs
11 when a teacher personally observes an instance of suspected
12 child abuse or neglect and reasonably believes, in his or her
13 professional or official capacity, that the instance
14 constitutes an act of child abuse or neglect under the Abused
15 and Neglected Child Reporting Act, and he or she, without
16 willful intent, fails to immediately report or cause a report
17 to be made of the suspected abuse or neglect to the Department
18 of Children and Family Services, as required by the Abused and
19 Neglected Child Reporting Act. Unprofessional conduct shall
20 include the refusal to attend or participate in institutes,
21 teachers' meetings, or professional readings or to meet other
22 reasonable requirements of the regional superintendent of
23 schools or State Superintendent of Education. Unprofessional
24 conduct also includes conduct that violates the standards,
25 ethics, or rules applicable to the security, administration,
26 monitoring, or scoring of or the reporting of scores from any

1 assessment test or examination administered under Section
2 2-3.64a-5 of this Code or that is known or intended to produce
3 or report manipulated or artificial, rather than actual,
4 assessment or achievement results or gains from the
5 administration of those tests or examinations. Unprofessional
6 conduct shall also include neglect or unnecessary delay in the
7 making of statistical and other reports required by school
8 officers. Incompetency shall include, without limitation, 2 or
9 more school terms of service for which the license holder has
10 received an unsatisfactory rating on a performance evaluation
11 conducted pursuant to Article 24A of this Code within a period
12 of 7 school terms of service. In determining whether to
13 initiate action against one or more licenses based on
14 incompetency and the recommended sanction for such action, the
15 State Superintendent shall consider factors that include
16 without limitation all of the following:

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

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

24 (3) Whether the evaluator or evaluators who performed
25 an unsatisfactory evaluation met the pre-licensure and
26 training requirements set forth in Section 24A-3 of this

1 Code.

2 (4) The time between the unsatisfactory evaluation
3 ratings.

4 (5) The quality of the remediation plans associated
5 with the unsatisfactory evaluation ratings and whether the
6 license holder successfully completed the remediation
7 plans.

8 (6) Whether the unsatisfactory evaluation ratings were
9 related to the same or different assignments performed by
10 the license holder.

11 (7) Whether one or more of the unsatisfactory
12 evaluation ratings occurred in the first year of a
13 teaching or administrative assignment.

14 When initiating an action against one or more licenses, the
15 State Superintendent may seek required professional
16 development as a sanction in lieu of or in addition to
17 suspension or revocation. Any such required professional
18 development must be at the expense of the license holder, who
19 may use, if available and applicable to the requirements
20 established by administrative or court order, training,
21 coursework, or other professional development funds in
22 accordance with the terms of an applicable collective
23 bargaining agreement entered into after June 13, 2011 (the
24 effective date of Public Act 97-8), unless that agreement
25 specifically precludes use of funds for such purpose.

26 (c) The State Superintendent of Education shall, upon

1 receipt of evidence of abuse or neglect of a child,
2 immorality, a condition of health detrimental to the welfare
3 of pupils, incompetency (subject to subsection (b) of this
4 Section), unprofessional conduct, the neglect of any
5 professional duty, or other just cause, further investigate
6 and, if and as appropriate, serve written notice to the
7 individual and afford the individual opportunity for a hearing
8 prior to suspension, revocation, or other sanction; provided
9 that the State Superintendent is under no obligation to
10 initiate such an investigation if the Department of Children
11 and Family Services is investigating the same or substantially
12 similar allegations and its child protective service unit has
13 not made its determination, as required under Section 7.12 of
14 the Abused and Neglected Child Reporting Act. If the State
15 Superintendent of Education does not receive from an
16 individual a request for a hearing within 10 days after the
17 individual receives notice, the suspension, revocation, or
18 other sanction shall immediately take effect in accordance
19 with the notice. If a hearing is requested within 10 days after
20 notice of an opportunity for hearing, it shall act as a stay of
21 proceedings until the State Educator Preparation and Licensure
22 Board issues a decision. Any hearing shall take place in the
23 educational service region where the educator is or was last
24 employed and in accordance with rules adopted by the State
25 Board of Education, in consultation with the State Educator
26 Preparation and Licensure Board, and such rules shall include

1 without limitation provisions for discovery and the sharing of
2 information between parties prior to the hearing. The standard
3 of proof for any administrative hearing held pursuant to this
4 Section shall be by the preponderance of the evidence. The
5 decision of the State Educator Preparation and Licensure Board
6 is a final administrative decision and is subject to judicial
7 review by appeal of either party.

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

15 The exclusive authority of the State Superintendent of
16 Education to initiate suspension or revocation of a license
17 pursuant to this Section does not preclude a regional
18 superintendent of schools from cooperating with the State
19 Superintendent or a State's Attorney with respect to an
20 investigation of alleged misconduct.

21 (d) The State Superintendent of Education or his or her
22 designee may initiate and conduct such investigations as may
23 be reasonably necessary to establish the existence of any
24 alleged misconduct. At any stage of the investigation, the
25 State Superintendent may issue a subpoena requiring the
26 attendance and testimony of a witness, including the license

1 holder, and the production of any evidence, including files,
2 records, correspondence, or documents, relating to any matter
3 in question in the investigation. The subpoena shall require a
4 witness to appear at the State Board of Education at a
5 specified date and time and shall specify any evidence to be
6 produced. The license holder is not entitled to be present,
7 but the State Superintendent shall provide the license holder
8 with a copy of any recorded testimony prior to a hearing under
9 this Section. Such recorded testimony must not be used as
10 evidence at a hearing, unless the license holder has adequate
11 notice of the testimony and the opportunity to cross-examine
12 the witness. Failure of a license holder to comply with a duly
13 issued, investigatory subpoena may be grounds for revocation,
14 suspension, or denial of a license.

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

1 this confidentiality and non-disclosure requirement.

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

13 (f) The State Superintendent of Education or a person
14 designated by him or her shall have the power to administer
15 oaths to witnesses at any hearing conducted before the State
16 Educator Preparation and Licensure Board pursuant to this
17 Section. The State Superintendent of Education or a person
18 designated by him or her is authorized to subpoena and bring
19 before the State Educator Preparation and Licensure Board any
20 person in this State and to take testimony either orally or by
21 deposition or by exhibit, with the same fees and mileage and in
22 the same manner as prescribed by law in judicial proceedings
23 in civil cases in circuit courts of this State.

24 (g) Any circuit court, upon the application of the State
25 Superintendent of Education or the license holder, may, by
26 order duly entered, require the attendance of witnesses and

1 the production of relevant books and papers as part of any
2 investigation or at any hearing the State Educator Preparation
3 and Licensure Board is authorized to conduct pursuant to this
4 Section, and the court may compel obedience to its orders by
5 proceedings for contempt.

6 (h) The State Board of Education shall receive an annual
7 line item appropriation to cover fees associated with the
8 investigation and prosecution of alleged educator misconduct
9 and hearings related thereto.

10 (Source: P.A. 101-531, eff. 8-23-19; 102-552, eff. 1-1-22;
11 102-702, eff. 7-1-23.)