



Sen. Laura M. Murphy

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LRB104 06310 LNS 22973 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, (iv) for disclosure to
6 the license holder's current or most recent employer, or (v)
7 ~~(iv)~~ as otherwise required in this Article and provided that
8 any such information admitted into evidence in a hearing is
9 exempt from this confidentiality and non-disclosure
10 requirement.

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

22 (g) Any circuit court, upon the application of the State
23 Superintendent of Education or the license holder, may, by
24 order duly entered, require the attendance of witnesses and
25 the production of relevant books and papers as part of any
26 investigation or at any hearing the State Educator Preparation

1 and Licensure Board is authorized to conduct pursuant to this
2 Section, and the court may compel obedience to its orders by
3 proceedings for contempt.

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

8 (Source: P.A. 101-531, eff. 8-23-19; 102-552, eff. 1-1-22;
9 102-702, eff. 7-1-23.)".