



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5923

by Rep. Steven Reick

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-23.12	from Ch. 122, par. 10-23.12
105 ILCS 5/21B-75	
105 ILCS 5/34-18.6	from Ch. 122, par. 34-18.6

Amends the School Code. Provides that the State Superintendent of Education has the authority to initiate a suspension of or revoke the license of any educator licensed under the Educator Licensure Article of the Code if he or she negligently fails to report an instance of suspected child abuse or neglect. Provides that, except for an educator licensed under the Educator Licensure Article of the Code, if a school board determines that any school district employee has willfully or negligently failed to report an instance of suspected child abuse or neglect, as required by the Abused and Neglected Child Reporting Act, then the school board may dismiss that employee immediately upon that determination. Effective immediately.

LRB100 22460 AXK 41351 b

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 Sections
5 10-23.12, 21B-75, and 34-18.6 as follows:

6 (105 ILCS 5/10-23.12) (from Ch. 122, par. 10-23.12)

7 Sec. 10-23.12. Child abuse and neglect; detection,
8 reporting, and prevention; willful or negligent failure to
9 report.

10 (a) To provide staff development for local school site
11 personnel who work with pupils in grades kindergarten through 8
12 in the detection, reporting, and prevention of child abuse and
13 neglect.

14 (b) The Department of Children and Family Services may, in
15 cooperation with school officials, distribute appropriate
16 materials in school buildings listing the toll-free telephone
17 number established in Section 7.6 of the Abused and Neglected
18 Child Reporting Act, including methods of making a report under
19 Section 7 of the Abused and Neglected Child Reporting Act, to
20 be displayed in a clearly visible location in each school
21 building.

22 (c) Except for an employee licensed under Article 21B of
23 this Code, if a school board determines that any school

1 district employee has willfully or negligently failed to report
2 an instance of suspected child abuse or neglect, as required by
3 the Abused and Neglected Child Reporting Act, then the school
4 board may dismiss that employee immediately upon that
5 determination. For purposes of this subsection (c), negligent
6 failure to report an instance of suspected child abuse or
7 neglect occurs when a school district employee personally
8 observes or learns of an instance of suspected child abuse or
9 neglect and reasonably believes, in his or her professional or
10 official capacity, that the instance constitutes an act of
11 child abuse or neglect under the Abused and Neglected Child
12 Reporting Act, and he or she, without willful intent, fails to
13 immediately report or cause a report to be made of the
14 suspected abuse or neglect to the Department of Children and
15 Family Services, as required by the Abused and Neglected Child
16 Reporting Act.

17 (Source: P.A. 100-413, eff. 1-1-18; 100-468, eff. 6-1-18.)

18 (105 ILCS 5/21B-75)

19 Sec. 21B-75. Suspension or revocation of license.

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

24 (b) The State Superintendent of Education has the exclusive
25 authority, in accordance with this Section and any rules

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

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

- 26 (1) Whether the unsatisfactory evaluation ratings

1 occurred prior to June 13, 2011 (the effective date of
2 Public Act 97-8).

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

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

11 (4) The time between the unsatisfactory evaluation
12 ratings.

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

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

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

23 When initiating an action against one or more licenses, the
24 State Superintendent may seek required professional
25 development as a sanction in lieu of or in addition to
26 suspension or revocation. Any such required professional

1 development must be at the expense of the license holder, who
2 may use, if available and applicable to the requirements
3 established by administrative or court order, training,
4 coursework, or other professional development funds in
5 accordance with the terms of an applicable collective
6 bargaining agreement entered into after June 13, 2011 (the
7 effective date of Public Act 97-8), unless that agreement
8 specifically precludes use of funds for such purpose.

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

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

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

24 The exclusive authority of the State Superintendent of
25 Education to initiate suspension or revocation of a license
26 pursuant to this Section does not preclude a regional

1 superintendent of schools from cooperating with the State
2 Superintendent or a State's Attorney with respect to an
3 investigation of alleged misconduct.

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

24 (e) All correspondence, documentation, and other
25 information so received by the regional superintendent of
26 schools, the State Superintendent of Education, the State Board

1 of Education, or the State Educator Preparation and Licensure
2 Board under this Section is confidential and must not be
3 disclosed to third parties, except (i) as necessary for the
4 State Superintendent of Education or his or her designee to
5 investigate and prosecute pursuant to this Article, (ii)
6 pursuant to a court order, (iii) for disclosure to the license
7 holder or his or her representative, or (iv) as otherwise
8 required in this Article and provided that any such information
9 admitted into evidence in a hearing is exempt from this
10 confidentiality and non-disclosure 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 in
21 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 the
25 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. 97-607, eff. 8-26-11; incorporates 97-8, eff.
9 6-13-11; 97-813, eff. 7-13-12; 98-972, eff. 8-15-14.)

10 (105 ILCS 5/34-18.6) (from Ch. 122, par. 34-18.6)

11 Sec. 34-18.6. Child abuse and neglect; detection,
12 reporting, and prevention; willful or negligent failure to
13 report.

14 (a) The Board of Education may provide staff development
15 for local school site personnel who work with pupils in grades
16 kindergarten through 8 in the detection, reporting, and
17 prevention of child abuse and neglect.

18 (b) The Department of Children and Family Services may, in
19 cooperation with school officials, distribute appropriate
20 materials in school buildings listing the toll-free telephone
21 number established in Section 7.6 of the Abused and Neglected
22 Child Reporting Act, including methods of making a report under
23 Section 7 of the Abused and Neglected Child Reporting Act, to
24 be displayed in a clearly visible location in each school
25 building.

1 (c) Except for an employee licensed under Article 21B of
2 this Code, if the board determines that any school district
3 employee has willfully or negligently failed to report an
4 instance of suspected child abuse or neglect, as required by
5 the Abused and Neglected Child Reporting Act, then the board
6 may dismiss that employee immediately upon that determination.
7 For purposes of this subsection (c), negligent failure to
8 report an instance of suspected child abuse or neglect occurs
9 when a school district employee personally observes or learns
10 of an instance of suspected child abuse or neglect and
11 reasonably believes, in his or her professional or official
12 capacity, that the instance constitutes an act of child abuse
13 or neglect under the Abused and Neglected Child Reporting Act,
14 and he or she, without willful intent, fails to immediately
15 report or cause a report to be made of the suspected abuse or
16 neglect to the Department of Children and Family Services, as
17 required by the Abused and Neglected Child Reporting Act.

18 (Source: P.A. 100-413, eff. 1-1-18; 100-468, eff. 6-1-18.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.