

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER n: DISPUTE RESOLUTION

PART 485

APPEAL PROCEEDINGS BEFORE THE STATE TEACHER CERTIFICATION BOARD

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AUTHORITY: Implementing Section 21-23 of the School Code [105 ILCS 5/21-23] and authorized by Section 21-13 of the School Code [105 ILCS 5/21-13].

SOURCE: Adopted at 31 Ill. Reg. _____, effective _____.

Section 485.10 Authority and Applicability

This Part is adopted pursuant to Section 21-13 of the School Code [105 ILCS 5/21-13]. This Part shall apply to all appeal proceedings conducted by the State Teacher Certification Board to review administrative decisions made by the State Superintendent of Education or the regional superintendent of schools to suspend certificates pursuant to Section 21-23 of the School Code.

Section 485.20 Appeal of Decision to Suspend Certificate

- a) A holder of a certificate issued pursuant to Article 21 of the School Code [105 ILCS 5/Art.21] shall have the right to appeal to the State Teacher Certification Board (Certification Board) a decision of the State Superintendent of Education or the regional superintendent of schools to suspend the holder's certificates. Prior to rendering a decision, the Certification Board may avail itself of the services of a hearing officer to discharge any of its other responsibilities under this Part.

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b) Form of Appeal

Each appeal shall conform to the following requirements:

- 1) The appeal shall be in writing, dated, and signed by the person appealing or his or her representative.
- 2) The appeal shall identify the certificate type and number and state the name of the certificate-holder, the date of the suspension order, the length of the suspension, and the name of the official issuing the suspension order.
- 3) The appeal shall identify the parts of the suspension decision with which the holder disagrees and the specific reasons for that disagreement and shall state why the decision of the State Superintendent or the regional superintendent should be reversed.

c) Filing of Appeal

The certificate-holder shall file the appeal not later than ten days following receipt of the order of suspension. The appeal shall be submitted by certified mail, return receipt requested, or personally delivered, in duplicate, to the Secretary of the State Teacher Certification Board at the following address:

Secretary, State Teacher Certification Board
Illinois State Board of Education
100 North First Street
Springfield IL 62777

No electronic or facsimile transmissions will be accepted. Appeals postmarked later than ten days following the receipt of the order of suspension will not be processed.

d) Notice to Parties

The Board shall give written notice of the certificate-holder's appeal to the certificate-holder or his or her representative and the complaining party in the hearing that was held before the State Superintendent or regional superintendent.

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This notice shall inform the certificate-holder of the required filing of a written brief and the opportunity:

- 1) to inspect the record; and
 - 2) to file a request for oral argument and extension of stay before the Board.
- e) Representation

Any party may be represented by legal counsel in the appeal proceeding.

Section 485.30 Record of Suspension Proceedings

- a) The record of proceedings in a suspension case heard before the State Superintendent shall consist of:
 - 1) The official record of the hearing as described in 23 Ill. Adm. Code 475.90(i), the rules of the State Board of Education for Contested Cases and Other Formal Hearings;
 - 2) Any written briefs filed by the parties after the close of the hearing, as described in 23 Ill. Adm. Code 475.90(j); and
 - 3) The order of the State Superintendent, including the findings, opinions, and recommendations of the Hearing Officer, as described in 23 Ill. Adm. Code 475.100.
- b) The record of proceedings in a suspension case heard before a regional superintendent shall consist of:
 - 1) All pleadings, notices, responses, motions, and rulings;
 - 2) Evidence received;
 - 3) A statement of matters officially noticed;
 - 4) Offers of proof, objections, and rulings thereon;
 - 5) Any proposed findings and exceptions;

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- 6) Any decision, opinion, or report of the regional superintendent;
 - 7) All staff memoranda or information submitted to the regional superintendent or regional office of education in connection with the regional superintendent's consideration of the case;
 - 8) Any communication prohibited by Section 10-60 of the Illinois Administrative Procedure Act [5 ILCS 100/10-60], but no such communication shall form the basis for any finding of fact;
 - 9) Any written briefs filed by the parties after the close of the hearing; and
 - 10) The order of the regional superintendent, including the findings of fact, conclusions of law, opinions, or recommendations.
- c) Upon reasonable notice, either written or oral, to the Secretary of the Board, a party may inspect the record of the suspension proceedings during normal business hours at the office of the Secretary. A party may also obtain a copy of the record at the party's own expense at the cost of \$.25 per page.
- d) No additional evidence outside the record of proceedings shall be presented by the parties before the Board.

Section 485.40 Briefs and Response

- a) The certificate-holder shall file a written brief within 21 days after receipt of the notice provided pursuant to Section 485.20(d) of this Part. The brief shall include the following:
- 1) The certificate-holder's name, the certificate type and number, the date of the suspension order, the length of the suspension, and the name of the official issuing the suspension order;
 - 2) A summary of the portions of the suspension decision with which the holder disagrees and the specific reasons for that disagreement;
 - 3) A statement of facts, with appropriate reference to the pages of the record on appeal; and

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- 4) Argument, supported by reasons for contentions, with citation of legal authorities and the pages of the record relied on.
- b) Briefs shall be filed with the Secretary of the Board in the same manner as is provided for the appeal in Section 485.20 of this Part, and a copy shall be served on the complaining party in the suspension hearing that was held before the regional superintendent or the State Superintendent.
- c) The complaining party or the party's representative may file a response with the Board within 14 days after receipt of the certificate-holder's brief. Responses shall be supported by argument and served on all parties at the time they are filed.
- d) Failure of a certificate-holder to file a timely brief as required by this Section shall constitute a withdrawal of the appeal.

Section 485.50 Oral Argument

The Board shall decide a case on the record of proceedings as defined in Section 485.30 of this Part and shall consider the certificate-holder's brief and any response, as defined in Section 485.40 of this Part, without oral argument; or shall grant oral argument where necessary or appropriate for a full and fair disposition of the appeal, as follows:

- a) Request for Oral Argument

At the time of filing the brief, a certificate-holder may request in writing that the Board hear oral argument and extend the stay of proceedings. The requesting party must certify in writing that he or she has served a copy of the request for oral argument and extension of stay on the State Superintendent or regional superintendent.

- b) Decision on Request

The Board shall grant or deny a request within 35 days after receiving it.

- 1) If the request is denied, the Board shall inform the certificate-holder in writing and thereafter issue its decision based on the record in accordance with Section 485.80 of this Part, and the decision shall contain the reasons for the denial of the request.

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- 2) If the request is granted, the Board shall inform the parties in writing and shall order such review hearing as is necessary for a full and fair disposition of the appeal. If a review hearing is scheduled, the Board shall hear oral argument from both the certificate-holder (or his or her representative) and the complaining party (or his or her representative).

- c) Notice of Hearing

The Board shall give written notice to the parties of the date, time, and place set for the review hearing at least 14 days prior to the time fixed for the hearing.

- d) Time Allotted for Oral Argument

Oral argument at the review hearing shall be limited to 20 minutes in length for each side, inclusive of rebuttal time.

- e) Conduct of Review Hearing

The Board or hearing officer shall regulate the course of the hearing and the conduct of the parties and their counsel to ensure an orderly hearing and may consider and rule on procedural requests.

Section 485.60 Continuances and Extensions of Time

Parties shall make their oral arguments at the time and date set by the Board and timely file their briefs and responses. Continuances of an oral argument or extensions of time for filing briefs and responses shall be granted only by order of the Board for good cause shown (e.g., family emergency or scheduling conflict).

Section 485.70 Withdrawal of Appeal

The certificate-holder may voluntarily withdraw his or her appeal by submission of a signed, written statement to the Board at any time before the Board's decision is issued. The Board shall notify all parties when a notice of withdrawal is submitted.

Section 485.80 Decision of Board on Review

- a) Standard of Review

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In making its final decision with respect to an appeal of a suspension order, the Board shall not reverse the findings of the regional superintendent or State Superintendent unless they are against the manifest weight of the evidence.

b) Final Decision

Within 75 days after receipt of the brief or any response, or after the review hearing, whichever occurs last, the Board shall make a final decision that complies with Section 10-50 of the Illinois Administrative Procedure Act [5 ILCS 100/10-50] and shall serve by certified mail a copy of the final decision on each party.

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PART 475

CONTESTED CASES AND OTHER FORMAL HEARINGS

Section

475.10	Authority and Applicability
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475.20	Filing and Form of Documents
475.30	Appearance of Parties
475.40	Notice of Hearing
475.50	Motion and Answer
475.60	Hearing Officer: Qualifications, Powers and Duties
475.70	Pre-Hearing Conferences and Consent Orders
475.80	Depositions and Discovery
475.90	Hearings
475.100	Orders

AUTHORITY: Implementing Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and Sections 21-1 and 21-23 of the School Code [105 ILCS 5/21-1 and 21-23] and authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act.

SOURCE: Adopted at 4 Ill. Reg. 28, p. 253, effective July 9, 1980; codified at 8 Ill. Reg. 13757; amended at 29 Ill. Reg. 10146, effective June 30, 2005.

Section 475.10 Authority and Applicability

- a) This Part is authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)].
- b) This Part shall apply to all administrative hearings conducted under the jurisdiction of the Illinois State Board of Education (ISBE), the State Superintendent of Education, or the State Teacher Certification Board (STCB) wherein the provisions of the Illinois Administrative Procedure Act concerning contested cases apply or where provided by the rules of the State Board of Education governing formal administrative hearings, except as provided in subsection (c) of this Section.
- c) Where statutes or other rules applicable to the ISBE or the STCB contain practices different from those set forth in this Part, then those separate statutes and rules shall apply insofar as they differ from this Part, e.g., in the case of hearings related to renewal of teaching certificates conducted under Section 21-14 of the School Code [105 ILCS 5/21-14(h)(2)] and pursuant to 23 Ill. Adm. Code 25 (Certification).

(Source: Amended at 29 Ill. Reg. 10146, effective June 30, 2005)

Section 475.15 Alternatives to Appointment of Hearing Officers

- a) When an administrative hearing is to be held pursuant to this Part, the entity under whose jurisdiction the hearing will be held may determine whether a hearing officer will be designated. When no hearing officer is designated, all authority to conduct the hearing pursuant to this Part shall be exercised by:
 - 1) the State Superintendent or his representative, for hearings conducted under the jurisdiction of the ISBE or the State Superintendent;
 - 2) the STCB or its representative, for hearings conducted under the jurisdiction of the STCB.
- b) For purposes of this Part, the term “hearing officer” shall, as applicable, include the individuals described in subsection (a) of this Section.

(Source: Added at 29 Ill. Reg. 10146, effective June 30, 2005)

Section 475.20 Filing and Form of Documents

- a) Documents and requests permitted or required to be filed with the ISBE or the State Superintendent of Education pursuant to this Part shall be addressed and mailed or personally delivered in duplicate to the State Superintendent of Education, 100 North First Street, Springfield, Illinois 62777, unless another address or an alternative means of filing (such as electronic transmission or submission of facsimile copies) is designated in the notice of hearing. The office of the State Board of Education is open for filing of documents from 8:00 a.m. to 5:00 p.m., Monday through Friday, except on federal and State legal holidays.
- b) Documents and requests permitted or required to be filed with the STCB in connection with an evidentiary hearing shall be directed to the Secretary of the STCB in the same manner specified under subsection (a) of this Section.
- c) Documents shall clearly show the title of the proceedings in connection with which they are filed.
- d) Except as otherwise provided, a copy of all documents, including notices, motions, and petitions, shall be simultaneously filed with the designated hearing officer and the General Counsel to the ISBE (General Counsel) at 100 North First Street, Springfield, Illinois 62777.
- e) Documents shall be presented in letter-quality print on one side only of letter-sized paper, and one copy of each document filed shall be signed by the party or by the party's authorized representative.
- f) Computation of any period of time prescribed by this Part or any other applicable requirement shall begin with the first business day following the date of filing of the document with the State Superintendent of Education and shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday or legal holiday. Notice requirements shall be construed to mean notice received, but proof that notice was sent by certified or registered mail at least four days prior to the prescribed date shall be prima facie proof that notice was timely received.

(Source: Amended at 29 Ill. Reg. 10146, effective June 30, 2005)

Section 475.30 Appearance of Parties

Any person entitled to participation in proceedings may appear as follows:

- a) A natural person may appear on his/her own behalf or by a representative designated in writing.
- b) An association or other business, nonprofit or government organization may appear by any bona fide officer, employee or representative designated in writing.
- c) For hearings conducted under the jurisdiction of the ISBE or the State Superintendent of Education, a designated representative appearing on behalf of a party shall file a written notice of appearance with the hearing officer designated by the State Superintendent. For hearings conducted under the jurisdiction of the STCB, a designated representative appearing on behalf of a party shall file a written notice of appearance with the hearing officer designated by the STCB, the Secretary of the STCB, or the State Superintendent, as provided in Section 475.60 of this Part.

(Source: Amended at 29 Ill. Reg. 10146, effective June 30, 2005)

Section 475.40 Notice of Hearing

- a) All hearings conducted under the jurisdiction of the ISBE or the State Superintendent shall be initiated by issuance by the ISBE or the State Superintendent of Education, upon written request or upon the Superintendent's own motion, of a written Notice of Opportunity for Hearing, which shall be served upon all known parties to the hearing.
- b) All hearings conducted under the jurisdiction of the STCB shall be initiated when the STCB or the State Superintendent of Education issues a written Notice of Opportunity for Hearing. Such a notice shall be served upon all known parties to the hearing and shall be issued:
 - 1) upon written request of a person entitled to a hearing; or
 - 2) upon presentation of evidence to the STCB or the State Superintendent demonstrating that a certificate should be suspended or revoked under Section 21-1 or 21-23 of the School Code [105 ILCS 5/21-1 or 21-23] or that an application for a certificate should be denied under Section 21-1 of the School Code.
- c) Any party receiving a Notice of Opportunity for Hearing must file a request for hearing within ten days after receipt. When such a request is received, a Notice of Hearing shall be issued by the entity under whose jurisdiction the hearing will be held.
- d) Requirements for Service of Notices
 - 1) Service of either a Notice of Opportunity for Hearing or a Notice of Hearing shall be complete when it has been:
 - A) served in person; or
 - B) served by certified or registered United States Mail, addressed to the last known address of the person(s), partnership(s), association(s), or corporation(s) involved.
 - 2) A Notice of Hearing shall be served no fewer than 30 days before the day designated for the hearing.
 - 3) The person serving the notice shall certify to the manner and date of service in the following form:

I certify that I served the foregoing by depositing a copy thereof in the United States Mail, postage prepaid, on _____, 20____, addressed to the following at the address shown:

Signature

If service is made by a non-attorney, the certificate of manner and date of service shall be subscribed and sworn to before a notary public.

- e) A Notice of Hearing served under this Section shall include:
 - 1) The time, place and nature of the hearing;
 - 2) The legal authority and jurisdiction under which the hearing is to be held;
 - 3) A reference to the particular section of the statutes and rules involved;
 - 4) A short and plain statement of the matters asserted, except where a more detailed statement is otherwise provided for by law; and
 - 5) A designation of a hearing officer, if any, to preside over the hearing, and the hearing officer's address.
- f) A copy of a Notice of Hearing served pursuant to this Section shall be referred to the designated hearing officer or other designated individual, together with the original complaint, application or report and any written request for a hearing filed pursuant to this Part.
- g) Service of any document other than a notice upon any party may be made by personal delivery or by depositing it in the United States Mail, postage prepaid, addressed to the last known address of the party. The person serving the document shall certify to the manner and date of service as specified in subsection (d)(3) of this Section.

(Source: Amended at 29 Ill. Reg. 10146, effective June 30, 2005)

Section 475.50 Motion and Answer

- a) A written answer to a Notice of Hearing may be filed not later than seven days prior to the date of the hearing. For hearings conducted under the jurisdiction of the ISBE or the State Superintendent of Education, all answers or motions preliminary to a hearing shall be presented to the State Superintendent or a designated hearing officer in accordance with Section 475.20 of this Part at least seven days prior to the date of the hearing. For hearings conducted under the jurisdiction of the STCB, all answers or motions preliminary to a hearing shall be presented to the Secretary of the STCB or a designated hearing officer in accordance with Section 475.20 of this Part at least seven days prior to the date of the hearing. Failure to file an answer shall be deemed a general denial of matters asserted.
- b) Unless made orally on the record during a hearing, or unless the hearing officer directs otherwise, a motion shall be in writing and shall be accompanied by any affidavits or other evidence relied upon, and, when appropriate, by a proposed order. For hearings conducted under the jurisdiction of the ISBE or the State Superintendent of Education, at least two copies of all motions shall be filed with the General Counsel, one copy shall be filed with the hearing officer, and at least one copy shall be served on each additional party, if any, to the hearing. For hearings conducted under the jurisdiction of the STCB, at least two copies of all motions shall be filed with the Secretary to the STCB, one copy shall be filed with the General Counsel, one copy shall be filed with the hearing officer, and at least one copy shall be served on each additional party, if any, to the hearing.
- c) Within seven days after service of a written motion, or such other period of time as the hearing officer may prescribe, owing to the complexity of the issues involved, a party may file a response in support of or in opposition to the motion, accompanied by affidavits or other evidence.
- d) No oral argument will be heard on a motion unless the hearing officer directs otherwise. If oral argument is permitted, then the hearing officer shall issue an order setting a date, time, and place for such argument. A telephone conference may be scheduled. A written brief may be filed with a motion or an answer to a motion, stating the arguments and authorities relied upon.
- e) A written motion will be disposed of by written order, with notice to all parties.
- f) The hearing officer shall rule upon all motions, except that the hearing officer shall have no authority to dismiss or decide a hearing on the merits without granting all parties to the proceeding a right to be heard and to establish a record.

- g) Unless otherwise ordered, the filing of an answer or motion shall not stay the proceeding or extend the time for the performance of any act.
- h) A party may participate in the proceeding without forfeiting any jurisdictional objection, if such objection is raised at or before the time the party files an answer or motion, or, if no answer or motion is made, before the commencement of the hearing.
- i) Additional Parties
 - 1) In the interest of convenient, expeditious and complete determination of matters, the hearing officer may consolidate or sever hearing proceedings involving any number of parties and may order additional parties to be joined.
 - 2) Upon timely written application, the hearing officer may permit any party to intervene in a hearing proceeding, subject to the necessity for conducting an orderly and expeditious hearing, when any of the following conditions is met:
 - A) The party is so situated as to be adversely affected by a final order arising from the hearing;
 - B) The party has an unconditional statutory right to intervene in the proceedings; or
 - C) A party's circumstances and the hearing proceeding have a question of law or fact in common.
 - 3) Two copies of a petition for intervention shall be filed with the General Counsel, one copy shall be filed with the hearing officer, and one copy shall be served on each party, no later than 48 hours prior to the date set for hearing of matters set forth in the Notice of Hearing. The hearing officer may permit later intervention when there is good cause shown for the delay.
 - 4) An intervenor shall have all the rights of an original party, except that the hearing officer may, in the Order allowing intervention, provide that the party shall not raise issues which might more properly have been raised at an earlier stage of the proceeding, that the party shall not raise new issues or add new parties, or that in other respects the party shall not interfere

with the conduct of the hearing, as justice and the avoidance of undue delay might require.

- j) A hearing may be postponed or continued for due cause by the hearing officer upon the hearing officer's own motion or upon motion of a party to the hearing. Such motion of the party shall set forth facts attesting that the request for continuance is not for the purpose of delay. Notice of any postponement or continuance shall be given in writing to all parties to the hearing within a reasonable time in advance of the previously scheduled hearing date. All parties involved in a hearing shall attempt to avoid undue delay caused by repeated postponements or continuances so that the subject matter may be resolved expeditiously.

(Source: Amended at 29 Ill. Reg. 10146, effective June 30, 2005)

Section 475.60 Hearing Officer: Qualifications, Powers and Duties

- a) *The State Superintendent or an attorney licensed to practice law in Illinois may act as a hearing officer to preside over a hearing and to exercise all the powers of a hearing officer enumerated in this Part. [5 ILCS 100/10-20]*
- b) Appointment of Hearing Officer
 - 1) When a hearing officer is to be appointed for a hearing conducted under the jurisdiction of the ISBE or the State Superintendent, the appointment shall be made by the State Superintendent.
 - 2) When a hearing officer is to be appointed for a hearing conducted under the jurisdiction of the STCB, the STCB may either appoint the hearing officer or request that the State Superintendent appoint a hearing officer. At the direction of the STCB, a hearing officer may either preside over the hearing in the presence of the STCB or conduct an independent hearing. A hearing officer may also afford the STCB such legal counsel as it may require during the course of a hearing and until a final order is executed.
- c) A hearing officer designated to preside over a hearing shall have all powers necessary and appropriate to conduct a fair, full and impartial hearing, including the following:
 - 1) To administer oaths and affirmations;
 - 2) To rule upon offers of proof and receive relevant evidence;
 - 3) To exercise the power of the Superintendent and issue subpoenas under any applicable statute;
 - 4) To provide for discovery and determine its scope;
 - 5) To initiate, schedule, and conduct a pre-hearing conference;
 - 6) To regulate the course of the hearing and the conduct of the parties and their counsel therein;
 - 7) To consider and rule upon procedural requests;
 - 8) To rule upon motions, objections, and evidentiary questions;

- 9) To hold conferences for the settlement or simplification of the issues;
 - 10) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify;
 - 11) To make decisions in accordance with the appropriate Act, any rules adopted pursuant to that Act, this Part, and the Illinois Administrative Procedure Act [5 ILCS 100].
- d) *Except in the disposition of matters that are authorized by law to be entertained or disposed of on an ex parte basis, no agency employee or hearing officer shall, after notice of hearing pursuant to this Part, communicate directly or indirectly, in connection with any issue of fact, with any person or party, or in connection with any other issue with any party or representative except upon notice and opportunity for all parties to participate. However, an agency member may communicate with other members of the agency and an agency member or hearing officer may have the aid and advice of one or more personal assistants.* [5 ILCS 100/10-60]
- e) Disqualification
- 1) When a hearing officer deems himself or herself disqualified to preside over a particular hearing, he or she shall withdraw by notice on the record directed to the State Superintendent of Education for hearings conducted under the jurisdiction of the ISBE or the State Superintendent or to the Secretary of the STCB for hearings conducted under the jurisdiction of the STCB.
 - 2) The ISBE, State Superintendent, or STCB, on its own motion or the motion of any party, may disqualify a hearing officer for bias or conflict of interest as provided under Section 10-30(b) of the Illinois Administrative Procedure Act [5 ILCS 100/10-30(b)], for physical or mental incapacity, or for persistent failure to meet statutory or other timelines. A party's motion shall be supported by affidavits setting forth the alleged grounds for disqualification. A motion by the ISBE, the State Superintendent, or the STCB shall state the alleged grounds for disqualification.
- f) Failure or Refusal to Appear or to Obey the Rulings of a Hearing Officer

- 1) Contumacious or improper conduct at any hearing before the hearing officer shall be grounds for exclusion from the hearing.
- 2) If a witness or a party refuses to answer a question after being directed to do so or refuses to obey an order to provide or to permit discovery, the hearing officer may make such orders with regard to the refusal as are just and appropriate, including an order denying the application or complaint of a party or regulating the contents of the record of the hearing.

g) Exclusion

At the request of any party, the hearing officer shall exclude all witnesses from the hearing room, except that, at any time, one representative of each party in addition to counsel shall be allowed to be present, even if that representative is also a witness. Individuals who are not witnesses are not affected by this subsection (g).

- h) On any procedural question not regulated by this Part, the appropriate Act, or the Illinois Administrative Procedure Act, a hearing officer may be guided to the extent practicable by any pertinent provisions of the Illinois Supreme Court Rules or the Illinois Code of Civil Procedure [735 ILCS 5].

(Source: Amended at 29 Ill. Reg. 10146, effective June 30, 2005)

Section 475.70 Pre-Hearing Conferences and Consent Orders

- a) Convening a Conference: Upon the hearing officer's own motion or the motion of a party, the hearing officer may direct the parties or their counsel to meet with the hearing officer for a conference to consider:
 - 1) Simplification of the issues;
 - 2) Necessity or desirability of amendment to documents for purposes of clarification, simplification or limitation;
 - 3) Stipulations, admissions of fact and of contents and authenticity of documents;
 - 4) Limitation of the number of witnesses;
 - 5) Propriety of prior mutual exchange between and among the parties who have prepared testimony or exhibits; and
 - 6) Such other matters as may tend to expedite disposition of the proceedings and assure a just conclusion thereof.
- b) Record of Conference: The hearing officer shall make an order that recites the action taken at the conference, the amendments allowed to any documents that have been filed, and the agreements made between the parties as to any of the matters considered. This order shall limit the issues for hearing to those not disposed of by admissions or agreements, and such an order, when entered, shall control the subsequent course of the hearing unless modified at the hearing to prevent manifest injustice.
- c) Consent Orders: At any time before the reception of evidence in any hearing or during any hearing, a reasonable opportunity may be afforded to permit negotiations by the parties or an agreement containing consent findings and a rule or order disposing of the whole or any part of the proceedings. The allowance of such opportunity and the duration thereof shall be in the discretion of the hearing officer after consideration of the nature of the proceedings, the requirements of the public interest, the representations of the parties, and the probability of an agreement that will result in a just disposition of the issues involved.
 - 1) Any agreement containing consent findings and rules or orders disposing of a proceeding shall also provide:

- A) That the rule or order shall have the same force and effect as if made after a full hearing;
 - B) That the entire record on which any rule or order may be based shall consist solely of the application or complaint and the agreement;
 - C) A waiver of any further procedural steps before the hearing officer; and
 - D) Waiver of any right to challenge or contest the validity of the findings and of the rule or order made in accordance with the agreement.
- 2) On or before the expiration of the time granted for negotiations, the parties or their counsel may:
- A) Submit the proposed agreement in writing to the hearing officer for his or her consideration; or
 - B) Inform the hearing officer that agreement cannot be reached.
- 3) In the event that an agreement contains consent findings and a rule or order is submitted in the time allowed, the hearing officer, upon written approval of the final decision-maker, i.e., the ISBE, the STCB, or the State Superintendent, may accept the agreement by issuing a decision based upon the agreed findings in accordance with Section 10-25(c) of the Illinois Administrative Procedure Act [5 ILCS 100/10-25(c)].

(Source: Amended at 29 Ill. Reg. 10146, effective June 30, 2005)

Section 475.80 Depositions and Discovery

- a) For reasons of unavailability or for other good cause shown, the testimony of any witness may be taken by deposition. Depositions may be taken orally, or upon written interrogatories before any person designated by the hearing officer and having the power to administer oaths.
- b) Any party desiring to take the deposition of a witness may make application in writing to the hearing officer, setting forth:
 - 1) The reasons why such deposition should be taken;
 - 2) The time when, the place where, and the name and post office address of the person before whom the deposition is to be taken;
 - 3) The name and address of each witness; and
 - 4) The subject matter concerning which each witness is expected to testify.
- c) Such notice as the hearing officer may order shall be given by the party taking the deposition to every other party.
- d) Each witness testifying upon deposition shall be sworn, and the parties not calling this witness shall have the right to cross-examination. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing, read to the witness, subscribed to by the witness and certified by the officer before whom the deposition is taken. Thereafter, the officer shall seal the deposition, with two copies thereof, in an envelope and mail the same by registered mail to the hearing officer. Subject to such objections to the questions and answers as were noted at the time of taking, the deposition may be read and offered in evidence by the party taking it as against any party who was present, was represented at the taking of the deposition, or had due notice of the taking of the deposition. No part of a deposition shall be admitted in evidence unless there is a showing that the reasons for the taking of the deposition in the first instance exist at the time of the hearing.
- e) Whenever appropriate to a just disposition of any issue in a hearing, the hearing officer may allow discovery by any other appropriate procedure, such as by written interrogatories upon a party, by requests for admission, or by entry for inspection of the employment or place of employment involved.

(Source: Amended at 29 Ill. Reg. 10146, effective June 30, 2005)

Section 475.90 Hearings

- a) All hearings shall be public unless required by statute to be otherwise.
- b) The following shall be the order of proceedings of all hearings, subject to modification by the hearing officer for good cause:
 - 1) Presentation, argument, and disposition of motions preliminary to a hearing on the merits of the matters raised in the notice or answer;
 - 2) Presentation of complainant's opening statement;
 - 3) Presentation of respondent's opening statement;
 - 4) Complainant's case;
 - 5) Respondent's case;
 - 6) Complainant's rebuttal, if any;
 - 7) Respondent's rebuttal, if any;
 - 8) Complainant's closing statement;
 - 9) Respondent's closing statement;
 - 10) Presentation and argument of all motions prior to final order;
 - 11) Presentation of written briefs if required or allowed by the hearing officer;
 - 12) Filing of proposed findings of fact and conclusions of law and recommendations of the hearing officer.
- c) The complainant shall have the burden of proof except in cases under the jurisdiction of the STCB pursuant to Section 21-1 of the School Code where the STCB must determine the good character of an applicant, in which case the applicant has the burden of proof.
- d) Failure of a party to appear on the date set for hearing or failure to proceed as ordered by the hearing officer may, at the sole discretion of the hearing officer, constitute a default. In the case of a default, the hearing officer shall enter such

findings, opinions, and recommendations as are appropriate based on the pleadings and evidence received into the record.

e) Evidence

- 1) A party shall be entitled to present the party's case or defense and oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for full and true disclosure of the facts. *Any oral or documentary evidence may be received but a presiding hearing officer may exclude evidence that is irrelevant, immaterial or unduly repetitious. The rules of evidence and privileges applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under such rules of evidence may be admitted, except where excluded by statute, if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interest of the parties will not be prejudiced, a hearing officer may allow evidence to be received in written form. [5 ILCS 100/10-40]*
- 2) The testimony of a witness shall be under oath or affirmation administered by the hearing officer.
- 3) If a party objects to the admission or rejection of any examination, or to the failure to limit its scope, the party shall state briefly the grounds for the objection. Rulings on all objections shall appear in the record. When the admissibility of disputed evidence depends upon an arguable interpretation of substantive law, the hearing officer shall admit such evidence subject to the right of the hearing officer to strike the evidence from the record either during the hearing or as a part of the findings of fact and conclusions of law if the hearing officer determines that it was improperly admitted, in which case it shall not be considered in making findings of fact, conclusions of law and recommendations.
- 4) Formal exception to an adverse ruling is not required.

- f) *Official notice may be taken of any material fact not appearing in evidence in the record if the Circuit Courts of this State could take judicial notice of such fact. In addition, notice may be taken of generally recognized technical or scientific facts within the STCB's, or the ISBE's or its employees' specialized knowledge. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the facts*

so noticed. The agency's expertise, technical competence and specialized knowledge may be utilized in the evaluation of the evidence. [5 ILCS 100/10-40(c)]

- g) Hostile or Adverse Witness:
 - 1) If the hearing officer determines that a witness is hostile or unwilling or adverse, the witness may be examined by the party calling the witness as if under cross-examination.
 - 2) The party calling an occurrence witness, upon the showing that the party called the witness in good faith and is surprised by the witness' testimony, may impeach the witness by proof of prior inconsistent statements.
- h) *Oral proceedings or any part thereof shall be recorded* [5 ILCS 100/10-35(b)] by a certified court reporter. Such records shall be transcribed either:
 - 1) upon written application filed with the reporter or hearing officer by any party and upon the payment of fees at the rate provided in the agreement with the reporter or as established by the State Superintendent of Education, or
 - 2) upon receipt of summons in administrative review or an order of a court, with payment of fees when allowed or required by statute. Any recording or transcription will be retained through and including the time allotted for appeal, revision, re-hearing, or other manner of review, prior to final disposition as provided for by the ISBE, the State Superintendent of Education, the STCB, the hearing officer, or by law.
- i) The official record of each hearing conducted pursuant to this Part shall consist of the items enumerated in Section 10-35(a) of the Illinois Administrative Procedure Act [5 ILCS 100/10-35(a)].
- j) The hearing officer may require or allow parties to submit written briefs to the hearing officer within 21 days after the close of the hearing or such other reasonable time as the hearing officer shall determine consistent with the ISBE's, the STCB's, or the State Superintendent of Education's responsibility for expeditious decision.

(Source: Amended at 29 Ill. Reg. 10146, effective June 30, 2005)

Section 475.100 Orders

- a) The provisions of this subsection (a) shall apply in those cases where the hearing officer is authorized by statute or rule to act as the personal representative of the State Superintendent of Education and in those cases where no hearing officer has been designated by the entity authorized to conduct the hearing and that entity or its representative is acting as the hearing officer, as provided in Section 475.15 of this Part.
 - 1) The hearing officer's findings and conclusions shall be in writing and shall include findings of fact and conclusions of law separately stated and in conformance with Section 10-50(a) of the Illinois Administrative Procedure Act [5 ILCS 100/10-50(a)]. Findings of fact shall be based exclusively on the evidence presented at the hearing or known to all parties, including matters officially noticed. Findings of fact, if set forth in statutory language, shall be accompanied by a statement of the underlying, supporting facts. Each conclusion of law shall be supported by authority or reasoned opinion.
 - 2) The hearing officer shall, in addition to the findings of fact and opinion required by subsection (a)(1) of this Section, render a decision and issue an order upon consideration of the record as a whole or such portion thereof as may be supported by competent, material and substantial evidence. The decision in the case will be the decision for and of the ISBE, the State Superintendent of Education, or the STCB, as applicable.
- b) The provisions of this subsection (b) shall apply in those cases where the final decision is required to be rendered by an individual or entity other than the hearing officer, including all hearings conducted under the jurisdiction of the State Teacher Certification Board pursuant to Section 21-1 or Section 21-23 of the School Code for which hearing officers are appointed.
 - 1) **Hearing Officer's Recommendations**
 - A) **Initial Recommendations:** The hearing officer shall prepare proposed findings of fact and conclusions of law and make recommendations by way of a proposed order that complies with Section 10-45 of the Illinois Administrative Procedure Act. These recommendations shall be made upon consideration of the record as a whole or such portion thereof as may be supported by competent, material and substantial evidence.

- B) Opportunity to File Exceptions: The hearing officer shall forward a copy of the proposed findings of fact, conclusions of law and recommendations to each party of record in the hearing and each party of record shall be allowed 21 days in which to submit exceptions to the findings, conclusions and recommendations of the hearing officer and to present a brief to the hearing officer in support of the position of the party.
- 2) Preparation of Final Order: Upon the hearing officer's recommendations, the ISBE, the STCB, or the State Superintendent of Education shall review the record and the hearing officer's findings, conclusions, and recommendations, together with exceptions thereto and briefs in support thereof, and shall either:
 - A) request the hearing officer to prepare a final set of findings and conclusions and a recommended order for approval and issuance; or
 - B) issue a final order, within 90 days unless an extension is agreed to by the parties, that complies with Section 10-50 of the Illinois Administrative Procedure Act [5 ILCS 100/10-50] and as set forth by applicable statutes.
- c) Effectiveness of Orders: The final decision in each case will become effective immediately upon the execution of the order or as specified by applicable statute. The parties shall be immediately notified either personally or by mail, postage paid, certified or registered, addressed to the last known address of each party. A copy of the order shall be delivered or mailed to each party and to the party's attorney of record. *Each order shall indicate whether it is final and, if so, that it is subject to the Administrative Review Law [735 ILCS 5/Art. III].* [5 ILCS 100/10-50(b)]

(Source: Amended at 29 Ill. Reg. 10146, effective June 30, 2005)

tion with the State Teacher Certification Board. Each applicant to the institution's teacher education program shall be provided with a copy of the procedures established pursuant to this Section. (Source: P.A. 81-1188; 89-397, § 5.)

Effect of Amendments.

The 1995 amendment by P.A. 89-397, effective August 20, 1995, in the second sentence substituted "disability" for "handicap".

105 ILCS 5/21-22 Expiration of first year

Sec. 21-22. *Expiration of first year.* The first year of all certificates shall expire on June 30 following the date of issue.

(Source: Laws 1961, p. 31.)

105 ILCS 5/21-23 Suspension or revocation of certificate

Sec. 21-23. *Suspension or revocation of certificate.*

(a) Any certificate issued pursuant to this Article, including but not limited to any administrative certificate or endorsement, may be suspended for a period not to exceed one calendar year by the regional superintendent or for a period not to exceed 5 calendar years by the State Superintendent of Education upon evidence of immorality, a condition of health detrimental to the welfare of pupils, incompetency, unprofessional conduct, the neglect of any professional duty, willful failure to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act [325 ILCS 5/1 et seq.], failure to establish satisfactory repayment on an educational loan guaranteed by the Illinois Student Assistance Commission, or other just cause. Unprofessional conduct shall include refusal to attend or participate in, institutes, teachers' meetings, professional readings, or to meet other reasonable requirements of the regional superintendent or State Superintendent of Education. Unprofessional conduct also includes conduct that violates the standards, ethics, or rules applicable to the security, administration, monitoring, or scoring of, or the reporting of scores from, any assessment test or the Prairie State Achievement Examination administered under Section 2-3.64 [105 ILCS 5/2-3.64] or that is known or intended to produce or report manipulated or artificial, rather than actual, assessment or achievement results or gains from the administration of those tests or examinations. It shall also include neglect or unnecessary delay in making of statistical and other reports required by school officers. The regional superintendent or State Superintendent of Education shall upon receipt of evidence of immorality, a condition of health detrimental to the welfare of pupils, incompetency, unprofessional conduct, the neglect of any professional duty or other just cause serve written notice to the individual and afford the individual opportunity for a hearing prior to suspension. If a hearing is requested within 10 days of

notice of opportunity for hearing it shall act as a stay of proceedings not to exceed 30 days, unless the individual requests a delay. In such an instance, the stay of proceedings must be continued for another 30 days. No certificate shall be suspended until the teacher has an opportunity for a hearing at the educational service region. When a certificate is suspended, the right of appeal shall lie to the State Teacher Certification Board. When an appeal is taken within 10 days after notice of suspension it shall act as a stay of proceedings not to exceed 120 days. If a certificate is suspended for a period greater than one year, the State Superintendent of Education shall review the suspension prior to the expiration of that period to determine whether the cause for the suspension has been remedied or continues to exist. Upon determining that the cause for suspension has not abated, the State Superintendent of Education may order that the suspension be continued for an appropriate period. Nothing in this Section prohibits the continuance of such a suspension for an indefinite period if the State Superintendent determines that the cause for the suspension remains unabated. Any certificate may be revoked for the same reasons as for suspension by the State Superintendent of Education. No certificate shall be revoked until the teacher has an opportunity for a hearing before the State Teacher Certification Board, which hearing must be held within 120 days from the date the appeal is taken, unless the State Teacher Certification Board requests a delay. In such an instance, the stay of the revocation proceedings must be continued until the completion of the proceedings.

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

(b) Any certificate issued pursuant to this Article may be suspended for an appropriate length of time as determined by either the regional superintendent or State Superintendent of Education upon evidence that the holder of the certificate has been named as a perpetrator in an indicated report filed pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5/1 et seq.], approved June 26, 1975, as amended, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act [325 ILCS 5/1 et seq.].

The regional superintendent or State Superintendent of Education shall, upon receipt of evidence that the certificate holder has been named a perpetrator in any indicated report, serve written notice to the individual and afford the individual opportunity for a hearing prior to suspension. If a hearing is

requested within 10 days of notice of opportunity for hearing, it shall act as a stay of proceedings not to exceed 30 days, unless the individual requests a delay. In such an instance, the stay of proceedings must be continued for another 30 days. No certificate shall be suspended until the teacher has an opportunity for a hearing at the educational service region. When a certificate is suspended, the right of appeal shall lie to the State Teacher Certification Board. When an appeal is taken within 10 days after notice of suspension it shall act as a stay of proceedings not to exceed 120 days. The State Superintendent may revoke any certificate upon proof at hearing by clear and convincing evidence that the certificate holder has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act [325 ILCS 5/1 et seq.]. No certificate shall be revoked until the teacher has an opportunity for a hearing before the State Teacher Certification Board, which hearing must be held within 120 days from the date the appeal is taken, unless the teacher or the hearing officer appointed by the State Teacher Certification Board requests a delay. In such an instance, the stay of the revocation proceedings must be continued until the completion of the proceedings.

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

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

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

(Source: P.A. 86-400; 86-1249; 89-610, § 5; 93-679, § 15.)

Effect of Amendments.

The 1996 amendment by P.A. 89-610, effective August 6, 1996, in subsection (a), in the first sentence, inserted "including but not limited to any administrative certificate or endorsement" and added the third sentence; and added subsection (d).

The 2004 amendment by P.A. 93-679, effective June 30, 2004, twice inserted "unless the individual requests a delay. In such an instance, the stay of proceedings must be continued for another 30 days"; three times substituted "120 days" for "60 days"; and twice

inserted references to "unless the teacher or hearing officer appointed by the State Teacher Certification Board requests a delay. In such an instance, the stay of the revocation proceedings must be continued until the completion of the proceedings."

105 ILCS 5/21-23a Conviction of sex or narcotics offense, first degree murder, attempted first degree murder, or Class X felony as grounds for revocation of certificate

Sec. 21-23a. *Conviction of sex or narcotics offense, first degree murder, attempted first degree murder, or Class X felony as grounds for revocation of certificate.* (a) Whenever the holder of any certificate issued pursuant to this Article has been convicted of any sex offense or narcotics offense as defined in this Section, the regional superintendent or the State Superintendent of Education shall forthwith suspend the certificate. If the conviction is reversed and the holder is acquitted of the offense in a new trial or the charges against him are dismissed, the suspending authority shall forthwith terminate the suspension of the certificate. When the conviction becomes final, the State Superintendent of Education shall forthwith revoke the certificate. "Sex offense" as used in this Section means any one or more of the following offenses: (1) any offense defined in Sections 11-6 and 11-9 and Sections 11-14 through 11-21, inclusive [720 ILCS 5/11-6, 720 ILCS 5/11-9, and 720 ILCS 5/11-14 through 720 ILCS 5/11-21], and Sections 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 720 ILCS 5/12-14, 720 ILCS 5/12-14.1, 720 ILCS 5/12-15 and 720 ILCS 5/12-16]; (2) any attempt to commit any of the foregoing offenses, and (3) any offense committed or attempted in any other state which, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. "Narcotics offense" as used in this Section means any one or more of the following offenses: (1) any offense defined in the Cannabis Control Act [720 ILCS 550/1 et seq.] except those defined in Sections 4(a), 4(b) and 5(a) of that Act [720 ILCS 550/4 and 720 ILCS 550/5] and any offense for which the holder of any certificate is placed on probation under the provisions of Section 10 of that Act [720 ILCS 550/10] and fulfills the terms and conditions of probation as may be required by the court; (2) any offense defined in the "Illinois Controlled Substances Act" [720 ILCS 570/100 et seq.] except any offense for which the holder of any certificate is placed on probation under the provisions of Section 410 of that Act [720 ILCS 570/410] and fulfills the terms and conditions of probation as may be required by the court; (3) any offense defined in the Methamphetamine Control and Community Protection Act [720 ILCS 646/1 et seq.] except any offense for which the holder of any certificate is placed on probation under the provision of Section 70 of that Act [720 ILCS 646/70] and fulfills the terms and conditions of probation as may be required by the court; (4) any attempt to commit any of the foregoing

offenses; and (5) any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses.

(b) Whenever the holder of a certificate issued pursuant to this Article has been convicted of first degree murder, attempted first degree murder, or a Class X felony, the regional superintendent or the State Superintendent of Education shall forthwith suspend the certificate. If the conviction is reversed, and the holder is acquitted of that offense in a new trial or the charges that he or she committed that offense are dismissed, the suspending authority shall forthwith terminate the suspension of the certificate. When the conviction becomes final, the State Superintendent of Education shall forthwith revoke the certificate. The stated offenses of "first degree murder", "attempted first degree murder", and "Class X felony" referred to in this Section include any offense committed in another state that, if committed in this State, would have been punishable as any one of the stated offenses.

(Source: P.A. 83-1067; 89-428, § 225; 89-462, § 225; 89-610, § 5; 94-556, § 950.)

Effect of Amendments.

The 1995 amendment by P.A. 89-428, effective December 13, 1995 and the 1996 amendment by P.A. 89-462, effective May 29, 1996, made identical amendments: they each, in the fourth sentence inserted "12-14.1".

The 1996 amendment by P.A. 89-610, effective August 6, 1996, in the section catchline inserted "first degree murder, attempted first degree murder, or Class X felony"; added the subsection (a) designation; and added subsection (b).

The 2005 amendment by P.A. 94-556, effective September 11, 2005, in (a) in the sentence beginning "Narcotics offense", added item (3) and redesignated former items (3) and (4) accordingly and made related and stylistic changes.

105 ILCS 5/21-23b Conviction of felony

Sec. 21-23b. *Conviction of felony.* (a) Whenever the holder of any certificate issued under this Article is employed by the school board of any school district, including a special charter district or school district organized under Article 34, and is convicted, either after a bench trial, trial by jury, or plea of guilty, of any offense for which a sentence to death or a term of imprisonment in a penitentiary for one year or more is provided, the school board shall promptly notify the State Board of Education in writing of the name of the certificate holder, the fact of the conviction, and the name and location of the court in which the conviction occurred.

(b) Whenever the State Board of Education receives notice of a conviction under subsection (a) or otherwise learns that any person who is a "teacher" as that term is defined in Section 16-106 of the Illinois Pension Code [40 ILCS 5/16-106] has been convicted, either after a bench trial, trial by jury, or plea of guilty, of any offense for which a sentence to death or a term of imprisonment in a penitentiary for one year or more is provided, the State Board of

Education shall promptly notify in writing the board of trustees of the Teachers' Retirement System of the State of Illinois and the board of trustees of the Public School Teachers' Pension and Retirement Fund of the City of Chicago of the name of the certificate holder or teacher, the fact of the conviction, the name and location of the court in which the conviction occurred, and the number assigned in that court to the case in which the conviction occurred.

(Source: P.A. 87-1001, § 1.)

105 ILCS 5/21-24 Administrative Review Law

Sec. 21-24. *Administrative Review Law.* The provisions of the Administrative Review Law [735 ILCS 5/3-101 et seq.], and all amendments and modifications thereof and the rules adopted pursuant thereto, shall apply to and govern all proceedings instituted for the judicial review of final administrative decisions of the State Board of Education, the State Teacher Certification Board, and the regional superintendent of schools under this Article. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure [735 ILCS 5/3-101]. The commencement of any action for review shall operate as a stay of enforcement and no action based on any decision of the State Board of Education, State Teacher Certification Board or the regional superintendent of schools shall be taken pending final disposition of such review.

(Source: P.A. 84-551.)

105 ILCS 5/21-25 School service personnel certificate

Sec. 21-25. *School service personnel certificate.* (a) Subject to the provisions of Section 21-1a [105 ILCS 5/21-1a], a school service personnel certificate shall be issued to those applicants of good character, good health, a citizen of the United States and at least 19 years of age who have a Bachelor's degree with not fewer than 120 semester hours from a regionally accredited institution of higher learning and who meets the requirements established by the State Superintendent of Education in consultation with the State Teacher Certification Board. A school service personnel certificate with a school nurse endorsement may be issued to a person who holds a bachelor of science degree from an institution of higher learning accredited by the North Central Association or other comparable regional accrediting association. Persons seeking any other endorsement on the school service personnel certificate shall be recommended for the endorsement by a recognized teacher education institution as having completed a program of preparation approved by the State Superintendent of Education in consultation with the State Teacher Certification Board.

(b) Until August 30, 2002, a school service personnel certificate endorsed for school social work may be issued to a student who has completed a school