

SB3218



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3218

Introduced 2/6/2024, by Sen. Doris Turner

SYNOPSIS AS INTRODUCED:

40 ILCS 5/16-106

from Ch. 108 1/2, par. 16-106

Amends the Downstate Teacher Article of the Illinois Pension Code. Provides that "teacher" includes any educational, administrative, professional, or other staff in a position requiring certification under the law governing the certification of teachers who is employed by a nonpublic special education facility located within the boundaries of the State and whose income from that employment is derived entirely from public funding through local school districts, payments from the Department of Human Services, or payments from the Department of Children and Family Services.

LRB103 37767 RPS 67896 b

A BILL FOR

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by
5 changing Section 16-106 as follows:

6 (40 ILCS 5/16-106) (from Ch. 108 1/2, par. 16-106)

7 Sec. 16-106. Teacher. "Teacher": The following
8 individuals, provided that, for employment prior to July 1,
9 1990, they are employed on a full-time basis, or if not
10 full-time, on a permanent and continuous basis in a position
11 in which services are expected to be rendered for at least one
12 school term:

13 (1) Any educational, administrative, professional or
14 other staff employed in the public common schools included
15 within this system in a position requiring certification
16 under the law governing the certification of teachers;

17 (2) Any educational, administrative, professional or
18 other staff employed in any facility of the Department of
19 Children and Family Services or the Department of Human
20 Services, in a position requiring certification under the
21 law governing the certification of teachers, and any
22 person who (i) works in such a position for the Department
23 of Corrections, (ii) was a member of this System on May 31,

1 1987, and (iii) did not elect to become a member of the
2 State Employees' Retirement System pursuant to Section
3 14-108.2 of this Code; except that "teacher" does not
4 include any person who (A) becomes a security employee of
5 the Department of Human Services, as defined in Section
6 14-110, after June 28, 2001 (the effective date of Public
7 Act 92-14), or (B) becomes a member of the State
8 Employees' Retirement System pursuant to Section 14-108.2c
9 of this Code;

10 (3) Any regional superintendent of schools, assistant
11 regional superintendent of schools, State Superintendent
12 of Education; any person employed by the State Board of
13 Education as an executive; any executive of the boards
14 engaged in the service of public common school education
15 in school districts covered under this system of which the
16 State Superintendent of Education is an ex-officio member;

17 (4) Any employee of a school board association
18 operating in compliance with Article 23 of the School Code
19 who is certificated under the law governing the
20 certification of teachers, provided that he or she becomes
21 such an employee before the effective date of this
22 amendatory Act of the 99th General Assembly;

23 (5) Any person employed by the retirement system who:

24 (i) was an employee of and a participant in the
25 system on August 17, 2001 (the effective date of
26 Public Act 92-416), or

1 (ii) becomes an employee of the system on or after
2 August 17, 2001;

3 (6) Any educational, administrative, professional or
4 other staff employed by and under the supervision and
5 control of a regional superintendent of schools or the
6 chief administrative officer of the education service
7 centers established under Section 2-3.62 of the School
8 Code and serving that portion of a Class II county outside
9 a city of 500,000 or more inhabitants, provided such
10 employment position requires the person to be certificated
11 under the law governing the certification of teachers and
12 is in an educational program serving 2 or more districts
13 in accordance with a joint agreement authorized by the
14 School Code or by federal legislation;

15 (7) Any educational, administrative, professional or
16 other staff employed in an educational program serving 2
17 or more school districts in accordance with a joint
18 agreement authorized by the School Code or by federal
19 legislation and in a position requiring certification
20 under the laws governing the certification of teachers;

21 (8) Any officer or employee of a statewide teacher
22 organization or officer of a national teacher organization
23 who is certified under the law governing certification of
24 teachers, provided: (i) the individual had previously
25 established creditable service under this Article, (ii)
26 the individual files with the system an irrevocable

1 election to become a member before the effective date of
2 this amendatory Act of the 97th General Assembly, (iii)
3 the individual does not receive credit for such service
4 under any other Article of this Code, and (iv) the
5 individual first became an officer or employee of the
6 teacher organization and becomes a member before the
7 effective date of this amendatory Act of the 97th General
8 Assembly;

9 (9) Any educational, administrative, professional, or
10 other staff employed in a charter school operating in
11 compliance with the Charter Schools Law who is
12 certificated under the law governing the certification of
13 teachers;

14 (10) Any person employed, on the effective date of
15 this amendatory Act of the 94th General Assembly, by the
16 Macon-Piatt Regional Office of Education in a
17 birth-through-age-three pilot program receiving funds
18 under Section 2-389 of the School Code who is required by
19 the Macon-Piatt Regional Office of Education to hold a
20 teaching certificate, provided that the Macon-Piatt
21 Regional Office of Education makes an election, within 6
22 months after the effective date of this amendatory Act of
23 the 94th General Assembly, to have the person participate
24 in the system. Any service established prior to the
25 effective date of this amendatory Act of the 94th General
26 Assembly for service as an employee of the Macon-Piatt

1 Regional Office of Education in a birth-through-age-three
2 pilot program receiving funds under Section 2-389 of the
3 School Code shall be considered service as a teacher if
4 employee and employer contributions have been received by
5 the system and the system has not refunded those
6 contributions; -

7 (11) Any educational, administrative, professional, or
8 other staff in a position requiring certification under
9 the law governing the certification of teachers who is
10 employed by a nonpublic special education facility, as
11 defined by Section 14-7.02 of the School Code, located
12 within the boundaries of the State and whose income from
13 that employment is derived entirely from public funding
14 through local school districts, payments from the
15 Department of Human Services, or payments from the
16 Department of Children and Family Services.

17 An annuitant receiving a retirement annuity under this
18 Article who is employed by a board of education or other
19 employer as permitted under Section 16-118 or 16-150.1 is not
20 a "teacher" for purposes of this Article. A person who has
21 received a single-sum retirement benefit under Section
22 16-136.4 of this Article is not a "teacher" for purposes of
23 this Article. For purposes of this Article, "teacher" does not
24 include a person employed by an entity that provides
25 substitute teaching services under Section 2-3.173 of the
26 School Code and is not a school district.

1 (Source: P.A. 101-502, eff. 8-23-19; 102-210, eff. 1-1-22.)