

1 AN ACT in relation to teachers.

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
12 one school term:

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

18 (2) Any educational, administrative, professional
19 or other staff employed in any facility of the Department
20 of Children and Family Services or the Department of
21 Human Services, in a position requiring certification
22 under the law governing the certification of teachers,
23 and any person who (i) works in such a position for the
24 Department of Corrections, (ii) was a member of this
25 System on May 31, 1987, and (iii) did not elect to become
26 a member of the State Employees' Retirement System
27 pursuant to Section 14-108.2 of this Code; except that
28 "teacher" does not include any person who (A) becomes a
29 security employee of the Department of Human Services, as
30 defined in Section 14-110, after June 28, 2001 (the
31 effective date of Public Act 92-14), or (B) becomes a

1 member of the State Employees' Retirement System pursuant
2 to Section 14-108.2c of this Code;

3 (3) Any regional superintendent of schools,
4 assistant regional superintendent of schools, State
5 Superintendent of Education; any person employed by the
6 State Board of Education as an executive; any executive
7 of the boards engaged in the service of public common
8 school education in school districts covered under this
9 system of which the State Superintendent of Education is
10 an ex-officio member;

11 (4) Any employee of a school board association
12 operating in compliance with Article 23 of the School
13 Code who is certificated under the law governing the
14 certification of teachers;

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

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

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

22 (6) Any educational, administrative, professional
23 or other staff employed by and under the supervision and
24 control of a regional superintendent of schools, provided
25 such employment position requires the person to be
26 certificated under the law governing the certification of
27 teachers and is in an educational program serving 2 or
28 more districts in accordance with a joint agreement
29 authorized by the School Code or by federal legislation;

30 (7) Any educational, administrative, professional
31 or other staff employed in an educational program
32 serving 2 or more school districts in accordance with a
33 joint agreement authorized by the School Code or by
34 federal legislation and in a position requiring

1 certification under the laws governing the certification
2 of teachers;

3 (8) Any officer or employee of a statewide teacher
4 organization or officer of a national teacher
5 organization who is certified under the law governing
6 certification of teachers, provided: (i) the individual
7 had previously established creditable service under this
8 Article, (ii) the individual files with the system an
9 irrevocable election to become a member, and (iii) the
10 individual does not receive credit for such service under
11 any other Article of this Code;

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

17 A person who is employed by a private business enterprise
18 engaged in the business of providing schools with temporary
19 substitute teachers is not a "teacher" for the purposes of
20 this Article and is neither entitled to service credit nor
21 required to make employee contributions with respect to that
22 employment.

23 An annuitant receiving a retirement annuity under this
24 Article or under Article 17 of this Code who is temporarily
25 employed by a board of education or other employer not
26 exceeding that permitted under Section 16-118 is not a
27 "teacher" for purposes of this Article. A person who has
28 received a single-sum retirement benefit under Section
29 16-136.4 of this Article is not a "teacher" for purposes of
30 this Article.

31 (Source: P.A. 92-14, eff. 6-28-01; 92-416, eff. 8-17-01;
32 92-651, eff. 7-11-02.)

33 Section 10. The School Code is amended by changing

1 Section 10-20.7 as follows:

2 (105 ILCS 5/10-20.7) (from Ch. 122, par. 10-20.7)

3 Sec. 10-20.7. Appoint teachers and fix salaries. To
4 appoint all teachers and fix the amount of their salaries,
5 subject to limitations set forth in this Act.

6 In fixing salaries of certificated employees, school
7 boards shall make no discrimination on account of sex and
8 there shall be no loss in salary because of jury duty or
9 because such employee, pursuant to subpoena issued by the
10 clerk of a court and served on such employee, attends as a
11 witness upon trial or to have his or her deposition taken in
12 any school related matter pending in court, except that the
13 board may make a deduction equal to the amount received for
14 such jury duty or for per diem fees which the employee is
15 entitled to receive for complying with such subpoena.
16 Certified employees may be paid full salary by the board when
17 in the active service of this State, under orders of the
18 Commander-in-Chief, as members of the Illinois National Guard
19 or Illinois Naval Militia, provided that the board may deduct
20 from such salary any amounts received for such State service.
21 A school board may at any time after January 1 employ
22 teachers for the school year beginning on the following July
23 1.

24 A school board may contract with a private business
25 entity to train and provide qualified temporary substitute
26 teachers. The contract may provide that those qualified
27 temporary substitute teachers are employees of the private
28 business entity rather than employees of the school board.

29 (Source: P.A. 86-1366.)

30 Section 99. Effective date. This Act takes effect July
31 1, 2003.