



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB1558

Introduced 2/9/2011, by Sen. John O. Jones

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/16-106

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

Amends the Downstate Teachers Article of the Illinois Pension Code. Provides that a person who becomes an employee of a school board association, an officer or employee of a statewide teacher organization, or an officer of a national teacher organization must have, before the effective date of the amendatory Act, qualified as a teacher under the Downstate Teachers Article of the Illinois Pension Code in order to have service in one of those positions qualify him or her as a teacher under that Article of the Code. Also makes technical changes.

LRB097 06983 JDS 47076 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

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 changing  
5 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 in  
11 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 person  
22 who (i) works in such a position for the Department of  
23 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 Employees'  
8 Retirement System pursuant to Section 14-108.2c of this  
9 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 in  
15 school districts covered under this system of which the  
16 State Superintendent of Education is an ex-officio member. †

17 †  
18 (4) Any employee of a school board association  
19 operating in compliance with Article 23 of the School Code  
20 who is certificated under the law governing the  
21 certification of teachers and first qualifies as a teacher  
22 under any paragraph of Section 16-106 before the effective  
23 date of this amendatory Act of the 97th General Assembly. †

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

25 (i) was an employee of and a participant in the  
26 system on August 17, 2001 (the effective date of Public

1 Act 92-416), or

2 (ii) becomes an employee of the system on or after  
3 August 17, 2001. +

4 (6) Any educational, administrative, professional or  
5 other staff employed by and under the supervision and  
6 control of a regional superintendent of schools, provided  
7 such employment position requires the person to be  
8 certificated under the law governing the certification of  
9 teachers and is in an educational program serving 2 or more  
10 districts in accordance with a joint agreement authorized  
11 by the School Code or by federal legislation. +

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

18 (8) Any officer or employee of a statewide teacher  
19 organization or officer of a national teacher organization  
20 who is certified under the law governing certification of  
21 teachers, provided: (i) the individual had previously  
22 established creditable service under this Article; + (ii)  
23 the individual files with the system an irrevocable  
24 election to become a member; ~~and~~ (iii) the individual  
25 does not receive credit for such service under any other  
26 Article of this Code; and (iv) the individual first

1 qualifies as a teacher under any paragraph of Section  
2 16-106 before the effective date of this amendatory Act of  
3 the 97th General Assembly. †

4 (9) Any educational, administrative, professional, or  
5 other staff employed in a charter school operating in  
6 compliance with the Charter Schools Law who is certificated  
7 under the law governing the certification of teachers.

8 (10) Any person employed, on February 27, 2007 (the  
9 effective date of Public Act 94-1111) ~~this amendatory Act~~  
10 ~~of the 94th General Assembly~~, by the Macon-Piatt Regional  
11 Office of Education in a birth-through-age-three pilot  
12 program receiving funds under Section 2-389 of the School  
13 Code who is required by the Macon-Piatt Regional Office of  
14 Education to hold a teaching certificate, provided that the  
15 Macon-Piatt Regional Office of Education makes an  
16 election, within 6 months after February 27, 2007 (the  
17 effective date of Public Act 94-1111) ~~this amendatory Act~~  
18 ~~of the 94th General Assembly~~, to have the person  
19 participate in the system. Any service established prior to  
20 February 27, 2007 (the effective date of Public Act  
21 94-1111) ~~this amendatory Act of the 94th General Assembly~~  
22 for service as an employee of the Macon-Piatt Regional  
23 Office of Education in a birth-through-age-three pilot  
24 program receiving funds under Section 2-389 of the School  
25 Code shall be considered service as a teacher if employee  
26 and employer contributions have been received by the system

1 and the system has not refunded those contributions.

2 An annuitant receiving a retirement annuity under this  
3 Article or under Article 17 of this Code who is employed by a  
4 board of education or other employer as permitted under Section  
5 16-118 or 16-150.1 is not a "teacher" for purposes of this  
6 Article. A person who has received a single-sum retirement  
7 benefit under Section 16-136.4 of this Article is not a  
8 "teacher" for purposes of this Article.

9 A person who is a teacher as described in item (8) of this  
10 Section may establish service credit for similar employment  
11 prior to becoming certified as a teacher if he or she (i) is  
12 certified as a teacher on or before February 27, 2007 (the  
13 effective date of Public Act 94-1111) ~~this amendatory Act of~~  
14 ~~the 94th General Assembly~~, (ii) applies in writing to the  
15 system within 6 months after February 27, 2007 (the effective  
16 date of Public Act 94-1111) ~~this amendatory Act of the 94th~~  
17 ~~General Assembly~~, and (iii) pays to the system contributions  
18 equal to the normal costs calculated from the date of first  
19 full-time employment as described in item (8) to the date of  
20 payment, compounded annually at the rate of 8.5% per year for  
21 periods before February 27, 2007 (the effective date of Public  
22 Act 94-1111) ~~this amendatory Act of the 94th General Assembly~~  
23 and for subsequent periods at a rate equal to the System's  
24 actuarially assumed rate of return on investments. However,  
25 credit shall not be granted under this paragraph for any such  
26 prior employment for which the applicant received credit under

1 any other provision of this Code.

2 (Source: P.A. 93-320, eff. 7-23-03; 94-1111, eff. 2-27-07.)