

1 AN ACT concerning schools.

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 Sections 16-106, 16-118, 16-150, and 16-152 as
6 follows:

7 (40 ILCS 5/16-106) (from Ch. 108 1/2, par. 16-106)

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

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

19 (2) Any educational, administrative, professional
20 or other staff employed in any facility of the Department
21 of Children and Family Services or the Department of
22 Human Services, in a position requiring certification
23 under the law governing the certification of teachers,
24 and any person who (i) works in such a position for the
25 Department of Corrections, (ii) was a member of this
26 System on May 31, 1987, and (iii) did not elect to become
27 a member of the State Employees' Retirement System
28 pursuant to Section 14-108.2 of this Code;

29 (3) Any regional superintendent of schools,
30 assistant regional superintendent of schools, State
31 Superintendent of Education; any person employed by the

1 State Board of Education as an executive; any executive
2 of the boards engaged in the service of public common
3 school education in school districts covered under this
4 system of which the State Superintendent of Education is
5 an ex-officio member;

6 (4) Any employee of a school board association
7 operating in compliance with Article 23 of the School
8 Code who is certificated under the law governing the
9 certification of teachers;

10 (5) Any person employed by the retirement system as
11 an executive, and any person employed by the retirement
12 system who is certificated under the law governing the
13 certification of teachers;

14 (6) Any educational, administrative, professional
15 or other staff employed by and under the supervision and
16 control of a regional superintendent of schools, provided
17 such employment position requires the person to be
18 certificated under the law governing the certification of
19 teachers and is in an educational program serving 2 or
20 more districts in accordance with a joint agreement
21 authorized by the School Code or by federal legislation;

22 (7) Any educational, administrative, professional
23 or other staff employed in an educational program
24 serving 2 or more school districts in accordance with a
25 joint agreement authorized by the School Code or by
26 federal legislation and in a position requiring
27 certification under the laws governing the certification
28 of teachers;

29 (8) Any officer or employee of a statewide teacher
30 organization or officer of a national teacher
31 organization who is certified under the law governing
32 certification of teachers, provided: (i) the individual
33 had previously established creditable service under this
34 Article, (ii) the individual files with the system an

1 irrevocable election to become a member, and (iii) the
2 individual does not receive credit for such service under
3 any other Article of this Code;

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

9 An annuitant receiving a retirement annuity under this
10 Article or under Article 17 of this Code who is temporarily
11 employed by a board of education or other employer as not
12 ~~exceeding-that~~ permitted under Section 16-118 is not a
13 "teacher" for purposes of this Article. A person who has
14 received a single-sum retirement benefit under Section
15 16-136.4 of this Article is not a "teacher" for purposes of
16 this Article.

17 (Source: P.A. 89-450, eff. 4-10-96; 89-507, eff. 7-1-97;
18 90-14, eff. 7-1-97; 90-448, eff. 8-16-97.)

19 (40 ILCS 5/16-118) (from Ch. 108 1/2, par. 16-118)

20 Sec. 16-118. Retirement. "Retirement": Entry upon a
21 retirement annuity or receipt of a single-sum retirement
22 benefit granted under this Article after termination of
23 active service as a teacher.

24 An annuitant receiving a retirement annuity other than a
25 disability retirement annuity may accept employment as a
26 teacher from a school board or other employer specified in
27 Section 16-106 without impairing retirement status if that
28 employment ~~(i) is~~ is not within the school year during
29 which service was terminated; and ~~(ii) does not exceed~~
30 100 paid days or 500 paid hours in any school year. Where
31 such permitted employment is partly on a daily and partly on
32 an hourly basis, a day shall be considered as 5 hours. The
33 employment may exceed the period permitted in clause (ii) of

1 this Section if the annuitant meets all of the following
2 requirements:

3 (1) The annuitant has been certificated in this
4 State under the law governing the certification of
5 teachers.

6 (2) The annuitant provides to the System
7 verification of satisfactory or better performance in his
8 or her last teaching assignment before retirement.

9 (3) The annuitant is to be employed as a classroom
10 teacher or substitute classroom teacher in a school
11 district or subject area in which the State Board of
12 Education finds that there is a shortage of teachers,
13 until the State Board of Education finds the shortage no
14 longer exists in that school district or subject area.

15 A school district must notify the System of any annuitant
16 whom it employs under this Section.

17 (Source: P.A. 86-273; 87-11; 87-794; 87-895.)

18 (40 ILCS 5/16-150) (from Ch. 108 1/2, par. 16-150)
19 Sec. 16-150. Re-entry. If an annuitant under this System
20 is again employed as a teacher (not including employment for
21 an-aggregate--period--exceeding--that permitted by Section
22 16-118), his or her retirement annuity shall be terminated
23 and the annuitant shall thereupon be regarded as an active
24 member. The annuitant's remaining accumulated contributions
25 shall be transferred to the Members' Contribution Reserve
26 from the Employer's Contribution Reserve.

27 Such annuitant is not entitled to a recomputation of his
28 or her retirement annuity unless at least one full year of
29 creditable service is rendered after the latest re-entry into
30 service and the annuitant must have rendered at least 3 years
31 of creditable service after last re-entry into service to
32 qualify for a recomputation of the retirement annuity based
33 on amendments enacted while in receipt of a retirement

1 annuity, except when retirement was due to disability.

2 However, regardless of age, an annuitant in receipt of a
3 retirement annuity may be given temporary employment by a
4 school board not exceeding that permitted under Section
5 16-118 and continue to receive the retirement annuity.

6 Unless retirement was necessitated by disability, a
7 retirement shall be considered cancelled and the retirement
8 allowance must be repaid in full if the annuitant is employed
9 as a teacher within the school year during which service was
10 terminated.

11 An annuitant's retirement which does not include a period
12 of at least one full and complete school year shall be
13 considered cancelled and the retirement annuity must be
14 repaid in full unless such retirement was necessitated by
15 disability.

16 (Source: P.A. 86-273; 87-794.)

17 (40 ILCS 5/16-152) (from Ch. 108 1/2, par. 16-152)

18 Sec. 16-152. Contributions by members.

19 (a) Each member shall make contributions for membership
20 service to this System as follows:

21 (1) Effective July 1, 1998, contributions of 7.50%
22 of salary towards the cost of the retirement annuity.
23 Such contributions shall be deemed "normal
24 contributions".

25 (2) Effective July 1, 1969, contributions of 1/2 of
26 1% of salary toward the cost of the automatic annual
27 increase in retirement annuity provided under Section
28 16-133.1.

29 (3) Effective July 24, 1959, contributions of 1% of
30 salary towards the cost of survivor benefits. Such
31 contributions shall not be credited to the individual
32 account of the member and shall not be subject to refund
33 except as provided under Section 16-143.2.

1 (b) The minimum required contribution for any year of
2 full-time teaching service shall be \$192.

3 (c) Contributions shall not be required of any annuitant
4 receiving a retirement annuity who is given temporary
5 employment as not--exceeding--that permitted under Section
6 16-118.

7 (d) A person who (i) was a member before July 1, 1998,
8 (ii) retires with more than 34 years of creditable service,
9 and (iii) does not elect to qualify for the augmented rate
10 under Section 16-129.1 shall be entitled, at the time of
11 retirement, to receive a partial refund of contributions made
12 under this Section for service occurring after the later of
13 June 30, 1998 or attainment of 34 years of creditable
14 service, in an amount equal to 1.00% of the salary upon which
15 those contributions were based.

16 (Source: P.A. 90-582, eff. 5-27-98.)

17 Section 10. The School Code is amended by adding Section
18 2-3.131 as follows:

19 (105 ILCS 5/2-3.131 new)

20 Sec. 2-3.131. Employment of retired teachers.

21 (a) For the purpose of employing retired teachers in
22 accordance with Section 16-118 of the Illinois Pension Code,
23 the State Board of Education shall notify all school
24 districts of (i) any school district or subject area in which
25 the State Board of Education finds that there is a shortage
26 of teachers and (ii) a finding that there is no longer a
27 shortage of teachers in a school district or subject area.

28 (b) The State Board of Education shall adopt rules
29 concerning the employment terms of retired teachers.

30 (c) On or before December 31, 2005, the State Board of
31 Education shall submit a report to the Governor and the
32 General Assembly, in accordance with Section 3.1 of the

1 General Assembly Organization Act, on the impact of this
2 amendatory Act of the 92nd General Assembly on teacher
3 recruitment and teacher shortages at public schools in this
4 State.

5 Section 99. Effective date. This Act takes effect on
6 July 1, 2001.