

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:--(1) is not within 90 days after the school-year
29 during-which service was terminated; and the annuitant holds
30 a teaching certificate issued under Article 21 of the School
31 Code and is being employed to teach in the same area in which
32 he or she was certified to teach before service was
33 terminated. (2)--does--not--exceed--100--paid--days--or--500--paid

1 hours-in-any-school-year.--Where-such-permitted-employment-is
2 partly-on-a-daily-and-partly-on-an-hourly-basis,-a-day--shall
3 be-considered-as-5-hours.

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

5 (40 ILCS 5/16-150) (from Ch. 108 1/2, par. 16-150)
6 Sec. 16-150. Re-entry. If an annuitant under this System
7 is again employed as a teacher (not including employment for
8 an-aggregate--period--exceeding--that permitted by Section
9 16-118), his or her retirement annuity shall be terminated
10 and the annuitant shall thereupon be regarded as an active
11 member. The annuitant's remaining accumulated contributions
12 shall be transferred to the Members' Contribution Reserve
13 from the Employer's Contribution Reserve.

14 Such annuitant is not entitled to a recomputation of his
15 or her retirement annuity unless at least one full year of
16 creditable service is rendered after the latest re-entry into
17 service and the annuitant must have rendered at least 3 years
18 of creditable service after last re-entry into service to
19 qualify for a recomputation of the retirement annuity based
20 on amendments enacted while in receipt of a retirement
21 annuity, except when retirement was due to disability.

22 However, regardless of age, an annuitant in receipt of a
23 retirement annuity may be given temporary employment by a
24 school board not exceeding that permitted under Section
25 16-118 and continue to receive the retirement annuity.

26 Unless retirement was necessitated by disability, a
27 retirement shall be considered cancelled and the retirement
28 allowance must be repaid in full if the annuitant is employed
29 as a teacher within the school year during which service was
30 terminated.

31 An annuitant's retirement which does not include a period
32 of at least one full and complete school year shall be
33 considered cancelled and the retirement annuity must be

1 repaid in full unless such retirement was necessitated by
2 disability.

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

4 (40 ILCS 5/16-152) (from Ch. 108 1/2, par. 16-152)
5 Sec. 16-152. Contributions by members.

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

8 (1) Effective July 1, 1998, contributions of 7.50%
9 of salary towards the cost of the retirement annuity.
10 Such contributions shall be deemed "normal
11 contributions".

12 (2) Effective July 1, 1969, contributions of 1/2 of
13 1% of salary toward the cost of the automatic annual
14 increase in retirement annuity provided under Section
15 16-133.1.

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

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

23 (c) Contributions shall not be required of any annuitant
24 receiving a retirement annuity who is given temporary
25 employment ~~as not--exceeding--that~~ permitted under Section
26 16-118.

27 (d) A person who (i) was a member before July 1, 1998,
28 (ii) retires with more than 34 years of creditable service,
29 and (iii) does not elect to qualify for the augmented rate
30 under Section 16-129.1 shall be entitled, at the time of
31 retirement, to receive a partial refund of contributions made
32 under this Section for service occurring after the later of
33 June 30, 1998 or attainment of 34 years of creditable

1 service, in an amount equal to 1.00% of the salary upon which
2 those contributions were based.

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

4 Section 10. The School Code is amended by adding Section
5 24-13.5 as follows:

6 (105 ILCS 5/24-13.5 new)

7 Sec. 24-13.5. Employment of retired teacher. A retired
8 teacher who is employed as a teacher by a school board as
9 permitted under Section 16-118 of the Illinois Pension Code
10 is entitled to be placed on the same salary schedule as any
11 other teacher hired by the school board and is entitled to
12 the same benefits, except retirement contributions, as any
13 other teacher hired by the school board.