



WILLIAM J. SCOTT

ATTORNEY GENERAL
STATE OF ILLINOIS
500 SOUTH SECOND STREET
SPRINGFIELD

January 13, 1977

FILE NO. S-1197

PENSIONS:

Whether Consultants to
High School Districts are
Teachers for Purposes of
Teachers' Retirement System

Roy A. Baker, Director
Teachers' Retirement System
of the State of Illinois
450 Iles Park Place
Springfield, Illinois 62706

Dear Mr. Baker:

I have your letter wherein you ask whether two individuals qualify as teachers and thus are eligible to participate in the Teachers' Retirement System. You also ask what the creditable earnings of these individuals would be if they are teachers. It is not necessary to answer this latter question since it is my opinion that neither of these individuals is a teacher.

Roy A. Baker - 2.

Each of these individuals contracted with a board of education of a high school district to serve as a consultant. In order to be eligible to participate in the Teachers' Retirement System, a person must be a teacher.

(Ill. Rev. Stat. 1975, ch. 108 1/2, par. 16-123.) "Teacher" is defined in section 16-106 of the Illinois Pension Code.

(Ill. Rev. Stat. 1975, ch. 108 1/2, par. 16-106.) The definition of "teacher" does not include consultants employed by high school districts. Assuming that the terms "advisors" and "professional personnel" cover consultants, some educational consultants are included in the definition of "teacher". Section 16-106 provides that persons employed as advisors by a dean or president of a community college qualify as teachers. That section also states that professional personnel employed by a superintendent of an educational service region are teachers.

It is a fundamental principle of statutory construction that the enumeration of certain things in a statute implies the exclusion of others (In re Estate of Leichtenberg, 7 Ill. 2d 545). Citing this rule of construction, I advised

Roy A. Baker - 3.

in opinion No. S-1039, issued January 26, 1976, that clerks of the circuit court were not members of the General Assembly Retirement System because they were not mentioned in the enumeration of elected officials that were within the definition of "member". The same analysis applies here.

Section 16-106 of The Pension Code lists a great number of officers and employees who qualify as teachers for the purposes of the Teachers' Retirement System. Consultants employed by the president of a community college or the superintendent of an educational service region appear to be included within the definition of "teacher". However, no mention is made of consultants employed by high school districts. It must be assumed that the legislature did not intend to include these consultants within the definition of "teacher". Therefore, the two individuals described in your letter do not qualify as teachers while they serve as consultants to high school districts.

Very truly yours,

A T T O R N E Y G E N E R A L