

Personnel

POSTRETIREMENT EMPLOYMENT

The Governing Board may hire retired certificated individuals who possess unique knowledge and experience to perform specialized work of a limited duration.

Any retired certificated individual who is a member of the defined benefit program of the State Teachers' Retirement System (STRS) and who is hired by the district to perform services pursuant to this administrative regulation shall not make contributions to the retirement fund or accrue service credit based on compensation earned from that service. (Education Code 24214)

Any retired individual retained under this administrative regulation shall be paid at a rate commensurate with that of other district employees performing comparable duties. (Education Code 24214)

Beginning July 1, 2010, any certificated individual who is a member of STRS and who retires from service below normal retirement age shall not be hired for service pursuant to this administrative regulation for at least six calendar months after his/her retirement from service. (Education Code 24214.5)

Postretirement Compensation Limitation

Upon retaining the services of a retired individual as a district employee, employee of a third party, or an independent contractor, the Superintendent or designee shall: (Education Code 22461, 24214)

1. Advise the retired individual of the postretirement compensation limitation set forth in Education Code 24116, 24214, and 24215
2. Maintain accurate records of the retired individual's compensation and report it monthly to STRS and the individual regardless of the method of payment or the fund from which the payments are made

When employing a retired individual eligible for any of the exemptions from the postretirement compensation limitation stated below, the Superintendent or designee shall submit to STRS, no later than June 30 of the school year for which the exemption is to apply, all required documentation to substantiate eligibility for the exemption. (Education Code 24216, 24216.5, 24216.6)

Exemption for Providing Specified Instructional Services

Until June 20, 2012, any retired certificated individual employed by the district shall be exempt from the compensation limitation for members of STRS provided that he/she retired from service

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with an effective date on or before January 1, 2009, and is employed to provide any of the following services: (Education Code 24216.5, 24216.6)

1. Direct classroom instruction to students in grades K-12
2. Support and assessment for new teachers through the Beginning Teacher Support and Assessment program pursuant to Education Code 44279.1-44279.7
3. Support to individuals completing student teaching assignments
4. Support to individuals participating in an alternative certification program pursuant to Education Code 44380-44386, or a school paraprofessional teacher training program pursuant to Education Code 44390-44393
5. Instruction and student services to students enrolled in special education programs pursuant to Education Code 56000-56885
6. Instruction to students enrolled in English language learner programs pursuant to Education Code 300-340, 400-410 and 430-446
7. Direct remedial instruction to students in grades 2-12 for the programs specified in Education Code 37252 and 37252.2

Retired individuals who are exempt from the limitation on compensation shall be treated as part of a distinct class of temporary employees within the existing bargaining unit whose service may not be included in computing the service required as a prerequisite to attainment of or eligibility for classification as a permanent employee of the district. (Education Code 24216.5, 24216.6)

The compensation for the class of retired individuals shall be agreed to in the collective bargaining agreement between the district and the exclusive representative for the bargaining unit. (Education Code 24216.5, 24216.6)

Exemption for Appointment as a Trustee/Administrator or for Emergency Situations

Until June 30, 2012, A retired certificated individual shall be exempt from the postretirement compensation limitation for a maximum period of 24 consecutive months if he/she is appointed by the Superintendent of Public Instruction as a trustee or administrator pursuant to Education Code 41320.1, appointed as a trustee by the State Board of Education pursuant to Education Code 52055.57-52055.60. (The Local Educational Agency Intervention program), or assigned to a position by the County Superintendent of Schools pursuant to Education Code 42122-42129. (Education Code 24216)

Until June 30, 2012, a retired individual shall be exempt from the postretirement compensation

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limitation up to an additional one-half of the full-time position when employed in an emergency situation to fill a vacant administrative position requiring highly specialized skills, provided that all of the following conditions are met: (Education Code 24216)

1. The vacancy occurred due to circumstances beyond the district's control.
2. The recruitment process to fill the vacancy on a permanent basis is expected to extend over several months.
3. The employment is reported in a public meeting of the Board.
4. The retired individual's termination of employment with the district is not the basis for the vacant administrative position.

The above exemptions shall not apply to any individual who has received additional retirement service credit pursuant to Education Code 22715 or 22716. A retiree who has received an additional service credit pursuant to Education Code 22714 or 22714.5 shall be ineligible for the above exemptions for one year from his/her effective date of retirement for service performed in any California district, community college district, or county office of education. (Education Code 24216)

Consultancy Contracts

A retired certificated employee serving as a consultant shall be retained as an employee and his/her service shall be limited in accordance with retirement system rules and regulations. (Education Code 35046)

To be eligible for consideration for a consultancy contract, a retired certificated employee must have served the district or the County Superintendent for at least 10 years and be at least 55 years of age. (Education Code 35046)

Retirement consultancy contracts are renewable annually for up to five years or until the employee reaches age 65, whichever comes first. (Education Code 35046)

- (cf. 4131.1 - Beginning Teacher Support/Induction)
- (cf. 4112.21 - Interns)
- (cf. 4222 - Teacher Aides/Paraprofessionals)
- (cf. 4112.23 - Special Education Staff)
- (cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)
- (cf. 5123 - Promotion/Acceleration/Retention)
- (cf. 6179 - Supplemental Instruction)
- (cf. 9320 - Meetings and Notices)
- (cf. 4117.13/4317.13 - Early Retirement Option)

POSTRETIREMENT EMPLOYMENT (continued)

Legal Reference:

EDUCATION CODE

- 300-340 English language education
- 400-410 English language acquisition program
- 430-446 English Learner and Immigrant Student Federal Conformity Act
- 22119.5 Creditable service, definition
- 22461 Notice of earnings limitation
- 22714 Encouragement of retirement
- 22714.5 2+2 service and year credit option under STRS
- 22715 Additional service credit
- 22716 Unpaid services
- 24116 Service at California State University
- 24214 Creditable service by retiree
- 24214.5 Postretirement compensation limit; members below normal retirement age
- 24215 Service at California State University
- 24216 Payments to retirants in excess of limitation
- 24216.5 Exemption from earnings limitation
- 24216.6 Exemption from earnings limitation
- 35046 Consultancy contracts
- 37252-37254.1 Supplemental instruction
- 41320.1 Appointment of trustee
- 42120-42129 Budget completion
- 44279.1-44279.7 Beginning Teacher Support and Assessment Program
- 44380-44386 Alternative certification program
- 44390-44393 School paraprofessional teacher training program
- 44830 Employment of certificated employees
- 44830.3 Employment of district interns
- 44929 Service credit under STRS; additional two years
- 44929.1 2+2 service and year credit option under STRS
- 52055.57-52055.60 Local Educational Agency Intervention program
- 56000-56885 Special education

Management Resources:

WEB SITES

California State Teachers' Retirement System: <http://www.calstrs.com>

2/99 11/99) 11/00
12/19/01, (11/99 11/00) 11/04
8/10/05, 3/06
3/07, 11/14/07
4/9/08, 11/08
3/11/09, 3/10
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