

## Personnel

### Employment of Retired Teachers

Any retired teacher employed by the district shall be exempt from the limitation on earnings specified in Education Code 24214(d), (f) and (g) for members of the State Teachers Retirement System (STRS) provided that the teacher retired from service with an effective date on or before January 1, 2004 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 System pursuant to Education Code 44279.1-44279.7

(cf. 4131 – staff development)

3. Support to individuals completing student teaching assignments
4. Support to individuals participating in a pre-internship teaching program (Education Code 44305-44308), an alternative certification program (Education Code 44380-44386), or a school paraprofessional teacher training program (Education Code 44390-44393)

(cf. 4112-21 – Interns)

(cf. 4222 – Teacher Aides/Paraprofessionals)

5. Instruction and student services provided 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 400-410 and 430-446
7. Direct remedial instruction to students in grades 1-12 for the programs specified in Education Code 37252 and 37252.2

Any retired teacher may also be exempt from the limitation on earnings if the teacher returned to work after the date of retirement and, for a period of at least 12 months, has not performed creditable service as defined in Education Code 22119.5 as an employee or independent contractor within the California public school system. (Education Code 24214)

## **Personnel**

### **Employment of Retired Teachers (continued)**

Retired teachers who are exempt from the limitation on earnings shall be treated as part of a distinct class of temporary employees within the existing bargaining unit whose service shall not be included in computing the service required as a prerequisite to attainment of eligibility for classifications as a permanent employee of the district. The compensation shall be agreed to in the collective bargaining agreement between the district and the exclusive representative for the bargaining unit and shall not be less than the minimum nor exceed that paid by the district to other employees performing comparable duties. (Education Code 24214, 24216.5, 24216.6)

(cf. 4121 – Temporary Substitute Personnel)

The Superintendent or designee shall submit documentation required by STRS to substantiate the eligibility of the temporary employment of a retired teacher for the exemption from the limitation on earnings (Education Code 24216.5, 24216.5, 24216.6)

The Superintendent or designee shall maintain accurate records of the retired teacher's compensation earned and shall report that compensation monthly to STRS regardless of the method of payment or the source of funds from which the compensation is paid. (Education Code 24216.5, 24216.6)

(cf. 4117.12/4317.12 Retirement Consultancy Contracts)

#### Legal Reference:

##### EDUCATION CODE

400-410 English language acquisition program  
430-446 English learner and immigrant student federal conformity act  
22119.5 Creditable service, definition  
24214 Creditable service by retiree  
24216.5 Exemption from earnings limitation  
37252-37253.5 Supplemental instruction  
44279.1-44279.7 Beginning Teacher Support and Assessment System  
44305-44308 Pre-internship teaching program  
44380-44386 Alternative certification program  
44390-44393 School paraprofessional teacher training program  
44830 Employment of certificated employees  
44830.3 Employment of district interns  
56000-56885 Special education

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