

AMENDED IN SENATE JUNE 25, 2003  
AMENDED IN ASSEMBLY MARCH 20, 2003  
CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 434**

**Introduced by Assembly Member Hancock**

February 14, 2003

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~~An act to amend Section 24216.5 of the Education Code, relating to state teachers' retirement. An act relating to parks.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 434, as amended, Hancock. ~~State teachers' retirement: postretirement earnings~~ *Parks.*

*This bill would declare the Legislature's intent to develop a plan to increase access to urban parks.*

~~Under existing law, the service retirement allowance of a retired member of the Defined Benefit Program of the State Teachers' Retirement Plan is generally reduced if the member's postretirement compensation from specified activities exceeds a certain dollar amount. However, existing law exempts, until July 1, 2005, a retired member from that postretirement compensation limitation if the member retired on or before January 1, 2000, and is employed to provide direct classroom instruction to pupils in kindergarten or any of grades 1 to 12, inclusive, to provide support and assessment for new teachers or to provide support to individuals completing student teaching assignments or participating in the Preinternship Teaching Program, an alternative certification program, or the School Paraprofessional Teacher Training Program.~~

~~Under this bill, that exemption would be applicable to members who retired on or before January 1, 2003, and who are employed to provide that same instruction or support and would continue in effect until January 1, 2010.~~

Vote: majority. Appropriation: no. Fiscal committee: *yes no*. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 24216.5 of the Education Code is~~  
2     ~~SECTION 1. It is the intent of the Legislature to develop a plan~~  
3     ~~to increase access to urban parks.~~  
4     ~~amended to read:~~  
5     ~~24216.5. (a) The compensation earned by a member who~~  
6     ~~retired for service under this part shall be exempt from~~  
7     ~~subdivisions (d), (f), and (g) of Section 24214, if all of the~~  
8     ~~following conditions are met:~~  
9     ~~(1) The member retired for service with an effective date on or~~  
10    ~~before January 1, 2003.~~  
11    ~~(2) The member retired for service is employed by a school~~  
12    ~~district to provide any of the following:~~  
13    ~~(A) Direct classroom instruction to pupils enrolled in~~  
14    ~~kindergarten or any grades 1 to 12, inclusive.~~  
15    ~~(B) Support and assessment for new teachers through the~~  
16    ~~Beginning Teacher Support and Assessment program authorized~~  
17    ~~by Section 44279.1.~~  
18    ~~(C) Support to individuals completing student teaching~~  
19    ~~assignments.~~  
20    ~~(D) Support to individuals participating in the following~~  
21    ~~programs:~~  
22    ~~(i) Pre-Internship Teaching Program authorized pursuant to~~  
23    ~~Article 5.6 (commencing with Section 44305) of Chapter 2 of Part~~  
24    ~~25.~~  
25    ~~(ii) Alternative certification programs authorized pursuant to~~  
26    ~~Article 11 (commencing with Section 44380) of Chapter 2 of Part~~  
27    ~~25.~~  
28    ~~(iii) School Paraprofessional Teacher Training Program~~  
29    ~~established pursuant to Article 12 (commencing with Section~~  
30    ~~44390) of Chapter 2 of Part 25.~~



1 ~~(3) All members retired for service whose employment with a~~  
2 ~~school district meets the conditions specified in this section shall~~  
3 ~~be treated as a distinct class of temporary employees within the~~  
4 ~~existing bargaining unit whose service may not be included in~~  
5 ~~computing the service required as a prerequisite to attainment of~~  
6 ~~or eligibility for classification as a permanent employee of a school~~  
7 ~~district. The compensation for service performed by this class of~~  
8 ~~employees shall be established in accordance with subdivision (b)~~  
9 ~~of Section 24214 and agreed to in the collective bargaining~~  
10 ~~agreement between the employing school district and the~~  
11 ~~exclusive representative for the existing bargaining unit within~~  
12 ~~which these temporary employees of the school district are treated~~  
13 ~~as a distinct class.~~

14 ~~(4) The employing school district submits documentation~~  
15 ~~required by the system to substantiate the eligibility of the~~  
16 ~~temporary employment of a member retired for service for the~~  
17 ~~exemption under this subdivision.~~

18 ~~(b) A school district that employs a member retired for service~~  
19 ~~pursuant to this section shall maintain accurate records of the~~  
20 ~~retired member's compensation earned and shall report that~~  
21 ~~compensation monthly to the system regardless of the method of~~  
22 ~~payment or the source of funds from which the compensation is~~  
23 ~~paid.~~

24 ~~(c) This section does not apply to the compensation earned for~~  
25 ~~creditable service performed by a member retired for service for~~  
26 ~~a community college district.~~

27 ~~(d) The amendments made to this section by an act enacted in~~  
28 ~~the second year of the 1999-2000 Regular Session shall apply to~~  
29 ~~the 2000-01 school year and all subsequent school years.~~

30 ~~(e) This section shall remain in effect only until January 1,~~  
31 ~~2010, and as of that date is repealed unless a later enacted statute~~  
32 ~~which is enacted before January 1, 2010, deletes or extends that~~  
33 ~~date.~~

