

AMENDED IN ASSEMBLY APRIL 15, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 360

Introduced by Assembly Member Ma

February 23, 2009

~~An act to amend Section 22138.5 of the Education Code, relating to
An act relating to teacher's retirement.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 360, as amended, Ma. State teachers' retirement: creditable service: community colleges.

Existing law creates the State Teachers' Retirement System to provide specified pension and health benefits for teachers, as defined, and others employed in the state's schools and community colleges. The Teachers' Retirement Board is authorized to determine compensation earnable, as defined, for persons employed on a part-time basis.

This bill would state that the Legislature encourages the State Teachers' Retirement System to conduct a study that would examine the feasibility and cost-effectiveness of either creating a new program for part-time instructors or making appropriate modifications to the Defined Benefit Program to more appropriately reflect the career of a part-time instructor.

~~The State Teachers' Retirement Law specifies the days or hours of creditable service that equal "full time" for the purpose of calculating benefits under the Defined Benefit Program of the State Teachers' Retirement System, and prescribes minimum standards to be applied to employees providing part-time instruction in a community college.~~

~~This bill would provide an alternate definition of "full time" for an instructor employed on a part-time basis in a community college, which~~

would be based on $\frac{1}{2}$ of the number of hours that is the minimum standard for full-time faculty teaching the same type of class as the part-time instructor.

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

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

1 *SECTION 1. The Legislature encourages the State Teachers’*
2 *Retirement System to conduct a study to examine the feasibility*
3 *and cost-effectiveness of either creating a new program for*
4 *part-time instructors or making appropriate modifications to the*
5 *Defined Benefit Program to more appropriately reflect the career*
6 *of a part-time instructor.*

7 ~~SECTION 1. Section 22138.5 of the Education Code is~~
8 ~~amended to read:~~

9 ~~22138.5. (a) “Full time” means the days or hours of creditable~~
10 ~~service the employer requires to be performed by a class of~~
11 ~~employees in a school year in order to earn the compensation~~
12 ~~earnable as defined in Section 22115 and specified under the terms~~
13 ~~of a collective bargaining agreement or employment agreement.~~
14 ~~For the purpose of crediting service under this part, “full time”~~
15 ~~may not be less than the minimum standard specified in this~~
16 ~~section. Each collective bargaining agreement or employment~~
17 ~~agreement that applies to a member subject to the minimum~~
18 ~~standard specified in paragraph (5) of subdivision (c) shall specify~~
19 ~~the number of hours of creditable service that equal “full time”~~
20 ~~pursuant to this section, and shall make specific reference to this~~
21 ~~section.~~

22 ~~(b) The minimum standard for full time in prekindergarten~~
23 ~~through grade 12 is as follows:~~

24 ~~(1) One hundred seventy-five days per year or 1,050 hours per~~
25 ~~year, except as provided in paragraphs (2) and (3).~~

26 ~~(2) (A) One hundred ninety days per year or 1,520 hours per~~
27 ~~year for all principals and program managers, including advisers,~~
28 ~~coordinators, consultants, and developers or planners of curricula,~~
29 ~~instructional materials, or programs, and for administrators, except~~
30 ~~as provided in subparagraph (B).~~

31 ~~(B) Two hundred fifteen days per year or 1,720 hours per year~~
32 ~~including school and legal holidays pursuant to the policy adopted~~

1 by the employer's governing board for administrators at a county
2 office of education:

3 ~~(3) One thousand fifty hours per year for teachers in adult
4 education programs:~~

5 ~~(e) The minimum standard for full time in community colleges
6 is as follows:~~

7 ~~(1) One hundred seventy-five days per year or 1,050 hours per
8 year, except as provided in paragraphs (2), (3), (4), (5), (6), or (7).
9 Full time includes time for duties the employer requires to be
10 performed as part of the full-time assignment for a particular class
11 of employees.~~

12 ~~(2) One hundred ninety days per year or 1,520 hours per year
13 for all program managers and for administrators, except as provided
14 in paragraph (3):~~

15 ~~(3) Two hundred fifteen days per year or 1,720 hours per year
16 including school and legal holidays pursuant to the policy adopted
17 by the employer's governing board for administrators at a district
18 office.~~

19 ~~(4) One hundred seventy-five days per year or 1,050 hours per
20 year for all counselors and librarians:~~

21 ~~(5) Five hundred twenty-five instructional hours per school year
22 for all instructors employed on a part-time basis, except instructors
23 specified in paragraph (6) or (7). If an instructor receives
24 compensation for office hours pursuant to Article 10 (commencing
25 with Section 87880) of Chapter 3 of Part 51, the minimum standard
26 shall be increased appropriately by the number of office hours
27 required annually for the class of employees.~~

28 ~~(6) Eight hundred seventy-five instructional hours per school
29 year for all instructors employed in adult education programs. If
30 an instructor receives compensation for office hours pursuant to
31 Article 10 (commencing with Section 87880) of Chapter 3 of Part
32 51, the minimum standard shall be increased appropriately by the
33 number of office hours required annually for the class of
34 employees.~~

35 ~~(7) For an instructor employed on a part-time basis for whom
36 525 instructional hours per school year represents more than
37 one-half of the number of hours that is the minimum standard for
38 full-time faculty teaching the same type of class as the part-time
39 instructor, the number of instructional hours per school year shall
40 be one-half of the number of hours that is the minimum standard~~

- 1 ~~for full-time faculty teaching the same type of class at that~~
- 2 ~~community college.~~
- 3 ~~(d) The board has final authority to determine full time for~~
- 4 ~~purposes of crediting service under this part if full time is not~~
- 5 ~~otherwise specified in this section.~~