

AMENDED IN SENATE JUNE 15, 2004  
AMENDED IN ASSEMBLY MARCH 24, 2004  
CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2554**

---

---

**Introduced by Assembly Member Pavley**  
**(~~Coauthor: Assembly Member Levine~~)**  
**(Coauthor: Senator Karnette)**  
**(Coauthors: Assembly Members Chavez and Levine)**  
**(Coauthors: Senators Karnette and Kuehl)**

February 20, 2004

---

---

An act to amend Sections 24216, 24216.5, and 24216.6 of the Education Code, relating to state teachers' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 2554, as amended, Pavley. State teachers' retirement: postretirement earnings.

Under existing law, the service retirement allowance of a retired member of the Defined Benefit Program of the Teachers' Retirement Plan is reduced if the member's postretirement compensation from specified activities exceeds a certain dollar amount, except in specified circumstances.

Existing law exempts from that earnings limitation, until January 1, 2008, service performed in an emergency situation in certain vacant administrative positions for up to  $\frac{1}{2}$  of the full-time equivalent for that position, if certain conditions are met.

This bill would limit the period of that exemption to not more than 2 years after the date the retired member is appointed or assigned to that position.

Existing law also exempts from the earnings limitation, until July 1, 2005, any of a list of specified types of service performed by members who retired for service on or before January 1, 2000, if certain conditions were met.

This bill would extend that exemption until January 1, 2008, would expand it to apply to service performed by members who retired for service on or before ~~January~~ July 1, 2004, and would expand the list of types of service subject to the exemption to include instruction and services provided to pupils in special education programs and English language learner programs.

Existing law also exempts from the earnings limitation direct remedial instruction, as specified, performed by retired members who retired for service on or before July 1, 2000.

This bill would expand that exemption to apply to those services performed by members who retired for service on or before July 1, 2004.

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. Section 24216 of the Education Code is  
2 amended to read:

3 24216. (a) (1) A member retired for service under this part  
4 who is appointed as a trustee or administrator by the  
5 Superintendent of Public Instruction pursuant to Section 41320.1,  
6 or a member retired for service who is assigned by a county  
7 superintendent of schools pursuant to Article 2 (commencing with  
8 Section 42122) of Chapter 6 of Part 24, shall be exempt from  
9 subdivisions (d) and (f) of Section 24214 for a maximum period  
10 of two years.

11 (2) The period of exemption shall commence on the date the  
12 member retired for service is appointed or assigned and shall end  
13 no more than two calendar years from that date, after which the  
14 limitation specified in subdivisions (d) and (f) of Section 24214  
15 shall apply.



1 (3) An exemption under this subdivision shall be granted by the  
2 system providing that the Superintendent of Public Instruction or  
3 the county superintendent of schools submits documentation  
4 required by the system to substantiate the eligibility of the member  
5 retired for service for an exemption under this subdivision.

6 (b) (1) A member retired for service under this part who is  
7 employed by an employer to perform creditable service in an  
8 emergency situation to fill a vacant administrative position  
9 requiring highly specialized skills shall be exempt from the  
10 provisions of subdivisions (d) and (f) of Section 24214 for  
11 creditable service performed up to one-half of the full-time  
12 equivalent for that position, if the vacancy occurred due to  
13 circumstances beyond the control of the employer. The limitation  
14 specified in subdivisions (d) and (f) of Section 24214 shall apply  
15 to creditable service performed beyond the specified exemption.

16 (2) The period of exemption shall commence on the date the  
17 member retired for service is appointed or assigned and shall end  
18 no more than two calendar years from that date, after which the  
19 limitation specified in subdivisions (d) and (f) of Section 24214  
20 shall apply.

21 (3) An exemption under this subdivision shall be granted by the  
22 system subject to the following conditions:

23 (A) The recruitment process to fill the vacancy on a permanent  
24 basis is expected to extend over several months.

25 (B) The employment is reported in a public meeting of the  
26 governing body of the employer.

27 (C) The employer submits documentation required by the  
28 system to substantiate the eligibility of the member retired for  
29 service for an exemption under this subdivision.

30 (c) This section does not apply to any person who has received  
31 additional service credit pursuant to Section 22715 or 22716.

32 (d) A person who has received additional service credit  
33 pursuant to Section 22714 or 22714.5 shall be ineligible for one  
34 year from the effective date of retirement for the exemption  
35 provided in this section for service performed in the district from  
36 which he or she retired.

37 (e) This section shall remain in effect only until January 1,  
38 2008, and as of that date is repealed, unless a later enacted statute,  
39 which is enacted before January 1, 2008, deletes or extends that  
40 date.



1 SEC. 2. Section 24216.5 of the Education Code is amended  
2 to read:

3 24216.5. (a) The compensation earned by a member who  
4 retired for service under this part shall be exempt from  
5 subdivisions (d), (f), and (g) of Section 24214, if all of the  
6 following conditions are met:

7 (1) The member retired for service with an effective date on or  
8 before ~~January~~ *July* 1, 2004.

9 (2) The member retired for service is employed by a school  
10 district to provide any of the following:

11 (A) Direct classroom instruction to pupils enrolled in  
12 kindergarten or any grades 1 to 12, inclusive.

13 (B) Support and assessment for new teachers through the  
14 Beginning Teacher Support and Assessment program authorized  
15 by Section 44279.1.

16 (C) Support to individuals completing student teaching  
17 assignments.

18 (D) Support to individuals participating in the following  
19 programs:

20 (i) Pre-Internship Teaching Program authorized pursuant to  
21 Article 5.6 (commencing with Section 44305) of Chapter 2 of Part  
22 25.

23 (ii) Alternative certification programs authorized pursuant to  
24 Article 11 (commencing with Section 44380) of Chapter 2 of Part  
25 25.

26 (iii) School Paraprofessional Teacher Training Program  
27 established pursuant to Article 12 (commencing with Section  
28 44390) of Chapter 2 of Part 25.

29 (E) Instruction and pupil services provided to pupils enrolled  
30 in special education programs authorized pursuant to Part 30  
31 (commencing with Section 56000) of Division 4 of Title 2.

32 (F) Instruction to pupils enrolled in English language learner  
33 programs authorized pursuant to Chapter 3 (commencing with  
34 Section 300), Chapter 4 (commencing with Section 400), and  
35 Chapter 6 (commencing with Section 430) of Part 1 of Division 1.

36 (3) All members retired for service whose employment with a  
37 school district meets the conditions specified in this section shall  
38 be treated as a distinct class of temporary employees within the  
39 existing bargaining unit whose service may not be included in  
40 computing the service required as a prerequisite to attainment of



1 or eligibility for classification as a permanent employee of a school  
2 district. The compensation for service performed by this class of  
3 employees shall be established in accordance with subdivision (b)  
4 of Section 24214 and agreed to in the collective bargaining  
5 agreement between the employing school district and the  
6 exclusive representative for the existing bargaining unit within  
7 which these temporary employees of the school district are treated  
8 as a distinct class.

9 (4) The employing school district submits documentation  
10 required by the system to substantiate the eligibility of the  
11 temporary employment of a member retired for service for the  
12 exemption under this subdivision.

13 (b) A school district that employs a member retired for service  
14 pursuant to this section shall maintain accurate records of the  
15 retired member's compensation earned and shall report that  
16 compensation monthly to the system regardless of the method of  
17 payment or the source of funds from which the compensation is  
18 paid.

19 (c) This section does not apply to the compensation earned for  
20 creditable service performed by a member retired for service for  
21 a community college district.

22 (d) This section shall remain in effect only until January 1,  
23 2008, and as of that date is repealed unless a later enacted statute  
24 which is enacted before January 1, 2008, deletes or extends that  
25 date.

26 SEC. 3. Section 24216.6 of the Education Code is amended  
27 to read:

28 24216.6. (a) The compensation earned by a member who  
29 retired for service under this part shall be exempt from  
30 subdivisions (d), (f), and (g) of Section 24214, if all of the  
31 following conditions are met:

32 (1) The member retired for service with an effective date on or  
33 before July 1, 2004.

34 (2) The member retired for service is employed by a school  
35 district to provide direct remedial instruction to pupils in grades 2  
36 to 12, inclusive. "Remedial instruction" means the programs  
37 specified in Sections 37252 and 37252.2.

38 (3) All members retired for service whose employment with a  
39 school district meets the conditions specified in this section shall  
40 be treated as a distinct class of temporary employees within the



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

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

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

21 (c) This section does not apply to the compensation earned for  
22 creditable service performed by a member retired for service for  
23 a county office of education or a community college district.

