

**ASSEMBLY BILL**

**No. 1736**

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**Introduced by Assembly Member Ducheny**

January 6, 2000

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An act to add Section 24216.6 to the Education Code, relating to state teachers' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 1736, as introduced, Ducheny. State teachers' retirement: postretirement compensation.

Under existing law, a member retired for service may earn compensation for creditable service in any one school year up to \$15,000, as adjusted, without a reduction in his or her retirement allowance. If a member retired for service earns compensation for creditable service in excess of that amount, his or her retirement allowance is reduced by the amount of the excess compensation.

This bill would provide that the earnings paid to a member who retired from service on or before July 1, 2000, and who is employed by a school district to provide direct remedial instruction to pupils in kindergarten or grades 1 to 12, inclusive, are exempt from the above provisions if certain other conditions are met.

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 24216.6 is added to the  
2 Education Code, to read:

3 24216.6. (a) The compensation earned by a member  
4 who retired for service under this part shall be exempt  
5 from subdivisions (d), (f), and (g) of Section 24214, if all  
6 of the following conditions are met:

7 (1) The member retired for service with an effective  
8 date on or before July 1, 2000.

9 (2) The member retired for service is employed by a  
10 school district to provide direct remedial instruction to  
11 pupils in kindergarten or grades 1 to 12, inclusive.

12 (3) All members retired for service whose  
13 employment with a school district meets the conditions  
14 specified in this section shall be treated as a distinct class  
15 of temporary employees within the existing bargaining  
16 unit whose service shall not be included in computing the  
17 service required as a prerequisite to attainment of or  
18 eligibility for classification as a permanent employee of a  
19 school district. The compensation for service performed  
20 by this class of employees shall be established in  
21 accordance with subdivision (b) of Section 24214 and  
22 agreed to in the collective bargaining agreement  
23 between the employing school district and the exclusive  
24 representative for the existing bargaining unit within  
25 which these temporary employees of the school district  
26 are treated as a distinct class.

27 (4) The employing school district submits  
28 documentation required by the system to substantiate  
29 the eligibility of the temporary employment of a member  
30 retired for service for the exemption under this  
31 subdivision.

32 (b) A school district that employs a member retired  
33 for service pursuant to this section shall maintain  
34 accurate records of the retired member's compensation  
35 earned and shall report that compensation monthly to the  
36 system regardless of the method of payment or the source  
37 of funds from which the compensation is paid.



1 (c) This section shall not apply to the compensation  
2 earned for creditable service performed by a member  
3 retired for service for a county office of education or a  
4 community college district.

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