

AMENDED IN ASSEMBLY MAY 1, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1736

Introduced by Assembly Member Ducheny

January 6, 2000

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1736, as amended, 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, *as defined*, to pupils in ~~kindergarten or grades 1~~ *grades 2* 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~~ grades 2 to 12,
12 inclusive. *“Remedial instruction” means the programs*
13 *specified in Sections 37252 and 37252.5.*

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

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

34 (b) A school district that employs a member retired
35 for service pursuant to this section shall maintain
36 accurate records of the retired member’s compensation
37 earned and shall report that compensation monthly to the



1 system regardless of the method of payment or the source
2 of funds from which the compensation is paid.
3 (c) This section shall not apply to the compensation
4 earned for creditable service performed by a member
5 retired for service for a county office of education or a
6 community college district.

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