

Senate Bill No. 1692

Passed the Senate August 30, 2000

Secretary of the Senate

Passed the Assembly August 28, 2000

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2000, at _____ o'clock ____M.

Private Secretary of the Governor

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CHAPTER _____

An act to add Section 24209.3 to the Education Code, relating to state teachers' retirement, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1692, Ortiz. State teachers' retirement: reinstatement.

The State Teachers' Retirement Law prescribes service retirement allowances for members who retire for service following termination of a prior service retirement and reinstatement.

This bill would prescribe enhanced service retirement allowances for members who retired for service and who reinstate and perform at least one year of creditable service, as specified. The bill would make related findings and declarations.

The bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) There is a shortage of qualified teachers in grades K-12.

(b) California is expected to need 130,000 additional teachers in grades K-12 and 5,000 additional full-time teachers in community colleges over the next five years.

(c) More than 7,200 members of the State Teachers' Retirement System retired in fiscal year 1998–1999.

(d) Reinstatement by members of the State Teachers' Retirement System who are retired for service would help address the teacher shortage.

(e) Providing an incentive for currently retired members of the State Teachers' Retirement System to reinstate would further state policy of encouraging



teacher recruitment and help to remedy current teacher shortages.

SEC. 2. Section 24209.3 is added to the Education Code, to read:

24209.3. (a) Notwithstanding subdivision (a) of Section 24209 and subdivision (d) of Section 24204, and exclusive of any amounts payable pursuant to Section 22714 or 22715, a member who retired for service and who reinstates and performs creditable service, as defined in Section 22119.5, after the most recent reinstatement in an amount equal to one year (1.000) of credited service or more, whether accumulated over a semester, calendar year, or period of years, shall, upon retirement for service on or after the effective date of this section, receive a service retirement allowance equal to the sum of both of the following:

(1) An amount calculated pursuant to Section 24202, 24202.5, 24203, 24203.5, or 24206 on service performed prior to reinstatement, the member's age at the subsequent retirement, from which age shall be deducted the total time during which the member was retired for service.

(2) An amount calculated pursuant to Section 24202, 24202.5, 24203, 24203.5, or 24206 on service credited subsequent to the most recent termination of retirement allowance, using the member's age at the subsequent retirement.

(b) Upon retirement for service following reinstatement, a member who retired pursuant to Section 24213, and received the terminated disability allowance for the prior retirement, shall receive a service retirement allowance equal to the sum of the following:

(1) An amount based on the service credit accrued prior to the effective date of the disability allowance, the member's age at the subsequent retirement from which age shall be deducted the total time during which the member was retired for service, and projected final compensation.

(2) An amount calculated pursuant to Section 24202, 24202.5, 24203, 24203.5, or 24206 on service credited



subsequent to the reinstatement and the member's age at retirement.

(c) If the total amount of credited service, other than that accrued pursuant to Sections 22714, 22715, 22717, and 22826, is equal to or greater than 30 years, the amounts identified in paragraphs (1) and (2) of subdivision (a) shall be calculated pursuant to Section 24203.5.

(d) For members receiving an allowance pursuant to Section 24410.5, the amount payable pursuant to this section shall not be less than the amount payable to the member as of the effective date of reinstatement.

(e) For purposes of determining an allowance increase pursuant to Sections 24415 and 24417, the calendar year of retirement shall be the year of the subsequent retirement if the final compensation used to calculate the allowance pursuant to this section is higher than the final compensation used to calculate the allowance for the prior retirement.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to hire a sufficient number of qualified teachers for the upcoming academic year, it is necessary that this act take effect immediately.



Approved _____, 2000

Governor

