

Personnel

Employment of Retired Teachers

Any retired teacher employed by the district shall be exempt from the limitation on earnings specified in Education Code [24214\(d\)](#), (f), and (g) for members of the State Teachers Retirement System (STRS) provided that the teacher retired from service with an effective date on or before January 1, 2004 and is employed to provide any of the following services: (Education Code [24216.5](#), [24216.6](#))

1. Direct classroom instruction to students in grades K-12
2. Support and assessment for new teachers through the Beginning Teacher Support and Assessment System pursuant to Education Code [44279.1-44279.7](#)
3. Support to individuals completing student teaching assignments
4. Support to individuals participating in a pre-internship teaching program (Education Code [44305-44308](#)), an alternative certification program (Education Code [44380-44386](#)), or a school paraprofessional teacher training program (Education Code [44390-44393](#))
5. Instruction and student services provided to students enrolled in special education programs pursuant to Education Code [56000-56885](#)
6. Instruction to students enrolled in English language learner programs pursuant to Education Code [400-410](#) and [430-446](#)
7. Direct remedial instruction to students in grades 2-12 for the programs specified in Education Code [37252](#) and [37252.2](#)

Any retired teacher may also be exempt from the limitation on earnings if the teacher returned to work after the date of retirement and, for a period of at least 12 months, has not performed creditable service as defined in Education Code [22119.5](#) as an employee or independent contractor within the California public school system. (Education Code [24214](#))

Retired teachers who are exempt from the limitation on earnings shall be treated as part of a distinct class of temporary employees within the existing bargaining unit whose service shall not be included in computing the service required as a prerequisite to attainment of or eligibility for classification as a permanent employee of the district. The compensation shall be agreed to in the collective bargaining agreement between the district and the exclusive representative for the bargaining unit and shall not be less than the minimum nor exceed that paid by the district to other employees performing comparable duties. (Education Code [24214](#), [24216.5](#), [24216.6](#))

The Superintendent or designee shall submit documentation required by STRS to substantiate the eligibility of the temporary employment of a retired teacher for the exemption from the limitation on earnings. (Education Code [24216.5](#), [24216.6](#))

The Superintendent or designee shall maintain accurate records of the retired teacher's compensation earned and shall report that compensation monthly to STRS regardless of the method of payment or the source of funds from which the compensation is paid. (Education Code [24216.5](#), [24216.6](#))

Legal Reference:

EDUCATION CODE

[400-410](#) English language acquisition program

[430-446](#) English learner and immigrant student federal conformity act

[22119.5](#) Creditable service, definition

[24214](#) Creditable service by retiree

[24216.5](#) Exemption from earnings limitation

[24216.6](#) Exemption from earnings limitation

[37252-37253.5](#) Supplemental Instruction

[44279.1-44279.7](#) Beginning Teacher Support and Assessment System

[44305-44308](#) Pre-internship teaching program
[44380-44386](#) Alternative certification program
[44390-44393](#) School paraprofessional teacher training program
[44830](#) Employment of certificated employees
[44830.3](#) Employment of district interns
[56000-56885](#) Special education