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SERVICE:	Certificated and Unclassified	RETIRED CERTIFICATED PERSONS
ISSUED BY:	Pers. Research (7-22-09)	
REPLACES:	PG: E 15 (8-15-08)	
REFERENCE:	Education Code Sections 24214, 24216, 24216.6, 44830, 44839.5, and 45134. Government Code Section 21224.	
CHANGES:	Earnings limitation increased from \$29,700 to \$30,580 for 2009-2010. Earnings limit exemptions extended through 6-30-10.	

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Certificated persons who are receiving a retirement allowance from the California State Teachers' Retirement System (CalSTRS) may be employed as substitute teachers or accept other part-time certificated or unclassified employment with the District under the conditions described below. They cannot, however, be employed in a classified position except as an aide.

1. Requirements:

- a. Must be retired and currently receiving a retirement allowance from the California State Teachers' Retirement System (CalSTRS).
- b. Must be approved for first year employment as a retired substitute teacher by Certificated Recruitment and Selection or by the sponsoring administrator for other part-time employment.
- c. Must be fingerprinted and cleared through the California Department of Justice. Employees returning to District employment may not begin work unless fingerprints have been processed and cleared to work by the Employee Relations Unit. Retirees previously fingerprinted, after January 1, 1992, may begin work only after Employee Relations Unit has cleared them for work. Cost of fingerprinting shall be at the applicant's expense.
- d. Must provide for the submission of a signed Certificate of Medical Examination (Form 8457) in the manner prescribed by Education Code Section 44839.5 for approval for first year employment as a retired substitute teacher. Applicant shall additionally submit evidence that within sixty days prior to employment, the applicant was found to be free from active tuberculosis (Tuberculosis Clearance Form 8459). This clearance shall be obtained from a licensed physician or health agency and must be determined through a Mantoux skin test. (A Tine test is not acceptable.) The skin test, if found positive, shall be followed by an X-ray of the lungs. Cost of medical examination and tuberculosis test shall be at the applicant's expense. (Does not include professional experts or any position for which certification is not required except as provided by E.C. 44839.5 where the person would be required to instruct or associate with children.)
- e. Must file Form 1440 (Employment Authorization for California State Teachers' Retirement System Retirant) with the County Superintendent of Schools for approval for first year certificated post retirement employment.
- f. Must possess or qualify for a credential authorizing the service to be rendered, if appropriate.

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1. Requirements: (Cont'd)

- g. Pursuant to Education Code Section 44830, applicants who have been employed in a position requiring certification in a California public school district within 39 months prior to employment with the LAUSD are not subject to demonstrating success on the California Basic Educational Skills Test (CBEST). The CBEST is not required for applicants who hold a Full California Credential issued on or before February 1, 1983, or return after more than 39 months and are employed in a certificated position utilizing their California credential if all of the following criteria are met:
- Taught 15 or more years in a California public school,
  - Employed at least 5 of those years in the same school district where employment is sought, and
  - Has been employed as a teacher or administrator within the last 10 years.

Those not exempt under the criteria above, are required to pass the CBEST or take the Teacher Training Academy (TTA) training.

2. Employment:

- a. Approvals for service will be on a year-to-year basis.
- b. The maximum a retiree may earn as an employee in a certificated position in the California public school system is \$30,580 effective July 1, 2009, for the 2009-2010 school year, except as provided under sections c. through e. below. Retirees who earn more than the maximum amount will have their retirement allowance reduced by the amount of such excess. Salary earned in one school year, but received in the following school year, is included in the limit for the school year in which it was earned.
- c. Effective through June 30, 2010, certificated persons retired for service on or before January 1, 2007 may be exempted from the CalSTRS earnings limit for the following services:
- (1) Direct classroom instruction in Grades K-12,
  - (2) Support for new teachers through the Beginning Teacher Support and Assessment (BTSA) program,
  - (3) Support to individuals completing student teaching assignments,
  - (4) Support to individuals participating in one of the following programs:
    - (a) Alternative certification programs
    - (b) School Paraprofessional Teacher Training Program
  - (5) Instruction and pupil services to students enrolled in special education programs,
  - (6) Instruction to students enrolled in English language learner programs. (E.C. 24216.5)

2. Employment: (Cont'd)

- d. Effective through June 30, 2010, the post-retirement earnings limit will not apply to individuals who, for at least 12 consecutive months after the most recent retirement, have not performed creditable service. (E.C. Section 24214,e)
  - e. Effective through June 30, 2010, post-retirement earnings limit will not apply to certificated persons retired for service on or before January 1, 2007 and are employed to provide direct remedial instruction to students in Grades 2 through 12, as specified in Education Code Section 24216.6, in supplemental remedial programs related to the high school exit exam and grade level retention. This remedial instruction must be performed outside of regular school hours.
3. Compensation: Salary rate for retirees shall be the same as for other employees performing comparable duties.
4. Re-approval: Retirees who wish to be re-approved (all assignments end with the school year) should request approval from the sponsoring administrator or, if serving as substitute teachers, at the Certificated Substitute Unit prior to July 1. Retired substitutes who do not respond with an intention to return must reapply and may be required to be reprocessed.
5. Employment in Classified Positions: CalSTRS retirees may not be employed in a classified position in the public school system except under certain circumstances, i.e., in a K-12 school when an aide is needed in a class with a high pupil-teacher ratio, and to provide one on one instruction in remedial classes or for underprivileged students, pursuant to CalPERS law commencing with Section 21220 of the Government Code. (E.C. 45134 and 88033)
6. California Public Employees Retirement System (CalPERS): A certificated employee, who remains in CalPERS, then retires and accepts a classified or certificated position in a California school district, generally will have the retirement allowance terminated if the employment exceeds 960 hours in a calendar year. (GC Section 21224)
7. Return to Full-Time Employment: Certificated persons returning to full-time employment from retirement must terminate their retirement allowance, except for individuals who are exempt from the earnings limit as provided under Section 2, above.