

ASSEMBLY BILL

No. 2970

Introduced by Assembly Member Pavley
(Coauthors: Assembly Members Chan, Chavez, Dymally,
Karnette, Mullin, and Wolk)
(Coauthors: Senators Kuehl and Romero)

February 24, 2006

An act to amend Section 24216.5 of, and to add Chapter 3.51 (commencing with Section 44765) to Part 25 of, the Education Code, relating to teachers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2970, as introduced, Pavley. Teachers.

(1) The Teachers' Retirement Law limits the amount of postretirement income that may be earned in specified types of employment by a retired member of the Defined Benefit Program without a reduction in the member's retirement benefits. Existing law, operative until January 1, 2008, provides exemptions from this limit, and requires, in this regard, that the member have retired for service on or before January 1, 2004, and that he or she be employed in certain capacities, including providing direct classroom instruction to pupils enrolled in kindergarten or any of grades 1 to 12, inclusive, and providing support to individuals in specified teacher training and certification programs.

This bill would extend the operation of these provisions until January 1, 2012. This bill would also delete from the provisions described above the requirement that the member have retired for service on or before January 1, 2004, and instead provide that the member have an effective retirement date at least 30 days prior to the date he or she returns to work. The bill would also create additional

categories of service a member could provide to be within the exemption to the earnings limit to include providing support in the California Peer Assistance and Review Program for Teachers, providing services to pupils in English language learner programs, and providing service as a principal, assistant principal, or as a school nurse in kindergarten or any of grades 1 to 12, inclusive.

(2) Existing law establishes the Commission on Teacher Credentialing and requires it to establish professional standards, assessments, and examinations for purposes of issuing teaching credentials. Existing law, the Teacher Incentive Program of 1990, requires the commission, in cooperation with the State Department of Education, to establish and maintain a comprehensive teacher supply and demand reporting system that is designed to prepare annual reports on the availability of teachers and other certificated personnel according to the types of credentials and by geographic regions within the state.

This bill would require the Student Aid Commission to establish a fund to provide student loan forgiveness of up to \$8,000 per fiscal year for new or experienced teachers who commit to teach in a school ranked in decile 1 on the Academic Performance Index. The bill would require the State Department of Education to establish a fund to be known as the High Priority School Improvement Fund to provide funds to school districts that include schools ranked in decile 1 on the Academic Performance Index that can be used for improvements and incentives to attract new teachers, as specified. The bill would require the department to establish a formula to fully fund Peer Assistance and Review Programs for Teachers established, as specified, by school districts that include schools ranked in decile 1 on the Academic Performance Index.

This bill would require the State Department of Education, by June 1, 2007, in consultation with the Commission on Teacher Credentialing and the Student Aid Commission, to develop an Internet Web site to be known as Teach California and to serve as a central repository regarding incentives available to new and experienced teachers within the state, as specified.

This bill would require the Commission on Teacher Credentialing to adopt standards for the streamlined issuance of a teaching credential to an out-of-state teacher who satisfies specified criteria.

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. This act shall be known and may be cited as the
2 Teacher Recruitment and Retention Act of 2006.

3 SEC. 2. Section 24216.5 of the Education Code is amended to
4 read:

5 24216.5. (a) The compensation earned by a member who
6 retired for service under this part shall be exempt from
7 subdivisions (d), (f), and (g) of Section 24214, if all of the
8 following conditions are met:

9 (1) The member retired for service with an effective
10 ~~retirement date on or before January 1, 2004~~ *at least 30 calendar*
11 *days prior to the date the member returns to work.*

12 (2) The member retired for service is employed by a school
13 district to provide any of the following:

14 (A) Direct classroom instruction to pupils enrolled in
15 kindergarten or any grades 1 to 12, inclusive.

16 (B) Support and assessment for new teachers through the
17 Beginning Teacher Support and Assessment program authorized
18 by Section 44279.1.

19 (C) Support to individuals completing student teaching
20 assignments.

21 (D) Support to individuals participating in the following
22 programs:

23 (i) Pre-Internship Teaching Program authorized pursuant to
24 Article 5.6 (commencing with Section 44305) of Chapter 2 of
25 Part 25.

26 (ii) Alternative certification programs authorized pursuant to
27 Article 11 (commencing with Section 44380) of Chapter 2 of
28 Part 25.

29 (iii) School Paraprofessional Teacher Training Program
30 established pursuant to Article 12 (commencing with Section
31 44390) of Chapter 2 of Part 25.

32 (iv) *The California Peer Assistance and Review Program for*
33 *Teachers as established pursuant to Article 4.5 (commencing*
34 *with Section 44500) of Chapter 3 of Part 25 of Division 3 of Title*
35 *2.*

36 (E) Instruction and pupil services provided to pupils enrolled
37 in special education programs authorized pursuant to Part 30
38 (commencing with Section 56000) of Division 4 of Title 2.

1 (F) Instruction *and services* to pupils enrolled in English
2 language learner programs authorized pursuant to Chapter 3
3 (commencing with Section 300), Chapter 4 (commencing with
4 Section 400), and Chapter 6 (commencing with Section 430) of
5 Part 1 of Division 1.

6 (G) *Service as a principal or assistant principal in*
7 *kindergarten or any of grades 1 to 12, inclusive.*

8 (H) *Service as a school nurse in kindergarten or any of grades*
9 *1 to 12, inclusive.*

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

23 (4) The employing school district submits documentation
24 required by the system to substantiate the eligibility of the
25 temporary employment of a member retired for service for the
26 exemption under this subdivision.

27 (b) A school district that employs a member retired for service
28 pursuant to this section shall maintain accurate records of the
29 retired member’s compensation earned and shall report that
30 compensation monthly to the system regardless of the method of
31 payment or the source of funds from which the compensation is
32 paid.

33 (c) This section does not apply to the compensation earned for
34 creditable service performed by a member retired for service for
35 a community college district.

36 (d) This section shall remain in effect only until January 1,
37 ~~2008~~ 2012, and as of that date is repealed unless a later enacted
38 statute which is enacted before January 1, ~~2008~~ 2012, deletes or
39 extends that date.

1 SEC. 3. Chapter 3.51 (commencing with Section 44765) is
2 added to Part 25 of the Education Code, to read:

3
4 CHAPTER 3.51. TEACHER RECRUITMENT AND RETENTION ACT
5 OF 2006
6

7 44765. This chapter shall be known and may be cited as the
8 Teacher Recruitment and Retention Act of 2006.

9 44766. (a) The Student Aid Commission shall establish a
10 fund to provide student loan forgiveness of up to eight thousand
11 dollars (\$8,000) per fiscal year for new or experienced teachers
12 who commit to teach in a school ranked in decile 1 on the
13 Academic Performance Index.

14 (b) The department shall establish a fund to be known as the
15 High Priority School Improvement Fund to provide funds to
16 school districts that include schools ranked in decile 1 on the
17 Academic Performance Index that may be used for
18 improvements and incentives to attract new teachers, including
19 any of the following, as determined by collective bargaining
20 between the recipient school district and the exclusive
21 representative of the certificated employees in the school district:

- 22 (1) Improvements to school facilities.
- 23 (2) Hiring of additional certificated and classified employees,
24 including school nurses, librarians, and counselors.
- 25 (3) Additional salary stipends and other salary incentives for
26 teachers and administrators.
- 27 (4) Enhancements to teacher benefit packages.
- 28 (5) Purchase of new technology, including computers.
- 29 (6) Any other purpose that is otherwise permissible under law
30 and that serves as an incentive to attract new teachers.

31 (c) The department shall establish a formula to fully fund Peer
32 Assistance and Review Programs for Teachers established
33 pursuant to Article 4.5 (commencing with Section 44500) of
34 Chapter 3 by school districts that include schools ranked in decile
35 1 on the Academic Performance Index.

36 44767. The department, by June 1, 2007, in consultation with
37 the Commission on Teacher Credentialing and the Student Aid
38 Commission, shall develop an Internet Web site to be known as
39 Teach California to serve as a central repository of information
40 regarding scholarships, home loan offers, student loan

1 forgiveness programs, and other incentives available to new and
2 experienced teachers within the state. Internet-based links to the
3 Web site developed pursuant to this section shall be posted on the
4 main Internet Web sites for the state, the department, and the
5 Commission on Teacher Credentialing. The department may post
6 downloadable creative lesson plans submitted by teachers within
7 the state, that are based on the academic content standards
8 adopted by the state board pursuant to Section 60605 on the Web
9 site developed pursuant to this section.

10 44768. The Commission on Teacher Credentialing shall
11 adopt standards for the streamlined issuance of a teaching
12 credential to an out-of-state teacher who satisfies both of the
13 following criteria:

14 (a) Possession of a teaching credential from another state that
15 has equivalent educational, testing, and training requirements for
16 its issuance as compared to the requirements for the issuance of
17 teaching credentials pursuant to this chapter.

18 (b) A minimum of five years of teaching experience.