

Early Retirement Option

The Governing Board may offer certificated employees the option to retire early in accordance with law when it is beneficial to the district.

As an incentive to early retirement for certificated employees participating in the State Teachers' Retirement System (STRS), the Board may offer such employees an additional two years of service credit or, until January 1, 2005, an additional two years of service and age credit. (Education Code 22714, 22714.5, 44929, 44929.1)

(cf. 4117.12/4317.12 - Retirement Consultancy Contracts)

Before taking formal action to approve either of these service incentives, the Board shall determine that encouraging early retirement would be in the best interest of the district due to the curtailment of services or changes in the manner in which services are performed and that the retirement will result in a net savings to the district. (Education Code 22714, 22714.5, 44929)

The Board may also consider the impact of the early retirement options on the staffing needs of district schools and the ability to satisfy federal requirements for highly qualified teachers pursuant to 20 USC 6319.

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

In order to offer two years of service and two years of age incentive to represented certificated employees, the Board shall enter into a memorandum of understanding between the district and the employee organization. For certificated employees who are not represented by an employee organization, the Board shall take formal action to make this incentive applicable to all of the members of the Defined Benefit Program. (Education Code 22714.5)

The Board shall demonstrate and certify to the County Superintendent that the formal action taken would result in a net savings to the district. (Education Code 22714, 22714.5)

To be eligible for the two years of service credit option, the employee must have five or more years of service credit and must retire during the period of 60 to 120 days after the Board takes formal action to implement the option. (Education Code 22714)

To be eligible for the two years of service credit and two years of age credit option, the employee must have five or more years of service credit and must retire within the period designated in the memorandum of understanding or formal action described above. (Education Code 22714.5)

In providing the early retirement options, the district shall meet all conditions as specified in Education Code 22714, 22714.5, 44929, and 44929.1.

Legal Reference:

EDUCATION CODE

22714 Service credit under STRS; additional two years

22714.5 2+2 service and year credit option under STRS

44929 Service credit under STRS; additional two years

44929.1 2+2 service and year credit option under STRS

UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers

COURT DECISIONS

United Teachers-Los Angeles. v. Los Angeles Unified School District (1994) 24 Cal.App. 4th 1510

Management Resources:

WEB SITES

California State Teachers Retirement System: <http://www.calstrs.com>

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: September 22, 2004 Fresno, California