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Assembly
California Legislature
Committee on Rules

JAMES RAMOS
CHAIR

Thursday, July 13, 2023
10 minutes prior to Session
State Capitol, Room 126

CONSENT AGENDA

REQUESTS TO WAIVE JOINT RULE 61(A)(10)

1. SB 14 (Grove) Serious felonies: human trafficking
2. SB 765 (Portantino) Teachers: retired teachers: teacher preparation

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ROBERT RIVAS
SPEAKER OF THE ASSEMBLY

July 12, 2023

Honorable James Ramos, Chair
Assembly Committee on Rules
1021 O Street, Suite 6250
Sacramento, CA 95814

Dear Mr. Ramos:

I respectfully request a waiver of Joint Rule 61(a)(10) so that the Assembly Committee on Public Safety can meet and hear Senate Bill 14 (Grove) after the policy committee deadline.

If you have questions regarding this request, please feel free to contact me or my Policy Director Myesha Jackson. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to be "R. Rivas", written over a horizontal line.

ROBERT RIVAS
Speaker of the Assembly

AMENDED IN SENATE APRIL 27, 2023

AMENDED IN SENATE APRIL 13, 2023

AMENDED IN SENATE FEBRUARY 23, 2023

SENATE BILL

No. 14

Introduced by Senators Grove, Caballero, and Rubio

(Coauthors: Senators Alvarado-Gil, Dahle, Glazer, Jones, Newman, Nguyen, Niello, Ochoa Bogh, Seyarto, and Wilk)

(Coauthors: Assembly Members Alanis, Bains, Chen, Megan Dahle, Davies, Dixon, Essayli, Flora, *Vince Fong*, Garcia, Lackey, Low, Mathis, Joe Patterson, Ramos, Rodriguez, Blanca Rubio, Sanchez, Ta, and Waldron)

December 5, 2022

An act to amend Sections 667.1, 1170.125, and 1192.7 of the Penal Code, relating to felonies.

LEGISLATIVE COUNSEL'S DIGEST

SB 14, as amended, Grove. Serious felonies: human trafficking.

Existing law defines the ~~terms~~ *term* "serious felony" and "violent felony" for various purposes, including, among others, enhancing the punishment for felonies pursuant to existing sentencing provisions commonly known as the Three Strikes Law.

This bill would include human trafficking *of a minor* within the definition of a serious felony for all purposes, including for purposes of the Three Strikes Law. By expanding the scope of an enhancement, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

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

3 (a) California consistently ranks number one in the nation in
4 the number of human trafficking cases reported to the National
5 Human Trafficking Hotline.

6 (b) The Attorney General notes that California is one of the
7 largest sites for human trafficking in the United States and
8 recognizes the serious nature of this crime.

9 (c) Human trafficking is among the world’s fastest growing
10 criminal enterprises and is estimated to be a \$150,000,000,000 a
11 year global industry.

12 (d) Native American women and girls are victims of human
13 trafficking at a much higher rate compared to the overall
14 population.

15 (e) California has the sixth highest death rate of indigenous
16 women in urban cities.

17 (f) California was chosen to be the first pilot location for the
18 United States Department of Justice Missing and Murdered
19 Indigenous Persons Initiative.

20 SEC. 2. Section 667.1 of the Penal Code is amended to read:

21 667.1. (a) Notwithstanding subdivision (h) of Section 667, for
22 all offenses committed on or after November 7, 2012, but before
23 January 1, 2024, all references to existing statutes in subdivisions
24 (c) to (g), inclusive, of Section 667, are to those statutes as they
25 read on November 7, 2012.

26 (b) Notwithstanding subdivision (h) of Section 667, for all
27 offenses committed on or after January 1, 2024, all references to
28 existing statutes in subdivisions (c) to (g), inclusive, of Section
29 667, are to those statutes as they read on January 1, 2024.

30 SEC. 3. Section 1170.125 of the Penal Code is amended to
31 read:

32 1170.125. (a) Notwithstanding Section 2 of Proposition 184,
33 as adopted at the November 8, 1994, statewide general election,

1 for all offenses committed on or after November 7, 2012, but before
2 January 1, 2024, all references to existing statutes in Sections
3 1170.12 and 1170.126 are to those sections as they read on
4 November 7, 2012.

5 (b) Notwithstanding Section 2 of Proposition 184, as adopted
6 at the November 8, 1994, statewide general election, for all offenses
7 committed on or after January 1, 2024, all references to existing
8 statutes in Sections 1170.12 and 1170.126 are to those sections as
9 they read on January 1, 2024.

10 SEC. 4. Section 1192.7 of the Penal Code is amended to read:

11 1192.7. (a) (1) It is the intent of the Legislature that district
12 attorneys prosecute violent sex crimes under statutes that provide
13 sentencing under a “one strike,” “three strikes” or habitual sex
14 offender statute instead of engaging in plea bargaining over those
15 offenses.

16 (2) Plea bargaining in any case in which the indictment or
17 information charges any serious felony, any felony in which it is
18 alleged that a firearm was personally used by the defendant, or
19 any offense of driving while under the influence of alcohol, drugs,
20 narcotics, or any other intoxicating substance, or any combination
21 thereof, is prohibited, unless there is insufficient evidence to prove
22 the people’s case, or testimony of a material witness cannot be
23 obtained, or a reduction or dismissal would not result in a
24 substantial change in sentence.

25 (3) If the indictment or information charges the defendant with
26 a violent sex crime, as listed in subdivision (c) of Section 667.61,
27 that could be prosecuted under Sections 269, 288.7, subdivisions
28 (b) through (i) of Section 667, Section 667.61, or 667.71, plea
29 bargaining is prohibited unless there is insufficient evidence to
30 prove the people’s case, or testimony of a material witness cannot
31 be obtained, or a reduction or dismissal would not result in a
32 substantial change in sentence. At the time of presenting the
33 agreement to the court, the district attorney shall state on the record
34 why a sentence under one of those sections was not sought.

35 (b) As used in this section, “plea bargaining” means any
36 bargaining, negotiation, or discussion between a criminal
37 defendant, or their counsel, and a prosecuting attorney or judge,
38 whereby the defendant agrees to plead guilty or nolo contendere,
39 in exchange for any promises, commitments, concessions,
40 assurances, or consideration by the prosecuting attorney or judge

1 relating to any charge against the defendant or to the sentencing
2 of the defendant.

3 (c) As used in this section, “serious felony” means any of the
4 following:

5 (1) Murder or voluntary manslaughter; (2) mayhem; (3) rape;
6 (4) sodomy by force, violence, duress, menace, threat of great
7 bodily injury, or fear of immediate and unlawful bodily injury on
8 the victim or another person; (5) oral copulation by force, violence,
9 duress, menace, threat of great bodily injury, or fear of immediate
10 and unlawful bodily injury on the victim or another person; (6)
11 lewd or lascivious act on a child under 14 years of age; (7) any
12 felony punishable by death or imprisonment in the state prison for
13 life; (8) any felony in which the defendant personally inflicts great
14 bodily injury on any person, other than an accomplice, or any
15 felony in which the defendant personally uses a firearm; (9)
16 attempted murder; (10) assault with intent to commit rape or
17 robbery; (11) assault with a deadly weapon or instrument on a
18 peace officer; (12) assault by a life prisoner on a noninmate; (13)
19 assault with a deadly weapon by an inmate; (14) arson; (15)
20 exploding a destructive device or any explosive with intent to
21 injure; (16) exploding a destructive device or any explosive causing
22 bodily injury, great bodily injury, or mayhem; (17) exploding a
23 destructive device or any explosive with intent to murder; (18) any
24 burglary of the first degree; (19) robbery or bank robbery; (20)
25 kidnapping; (21) holding of a hostage by a person confined in a
26 state prison; (22) attempt to commit a felony punishable by death
27 or imprisonment in the state prison for life; (23) any felony in
28 which the defendant personally used a dangerous or deadly weapon;
29 (24) selling, furnishing, administering, giving, or offering to sell,
30 furnish, administer, or give to a minor any heroin, cocaine,
31 phencyclidine (PCP), or any methamphetamine-related drug, as
32 described in paragraph (2) of subdivision (d) of Section 11055 of
33 the Health and Safety Code, or any of the precursors of
34 methamphetamines, as described in subparagraph (A) of paragraph
35 (1) of subdivision (f) of Section 11055 or subdivision (a) of Section
36 11100 of the Health and Safety Code; (25) any violation of
37 subdivision (a) of Section 289 where the act is accomplished
38 against the victim’s will by force, violence, duress, menace, or
39 fear of immediate and unlawful bodily injury on the victim or
40 another person; (26) grand theft involving a firearm; (27)

1 carjacking; (28) any felony offense, which would also constitute
2 a felony violation of Section 186.22; (29) assault with the intent
3 to commit mayhem, rape, sodomy, or oral copulation, in violation
4 of Section 220; (30) throwing acid or flammable substances, in
5 violation of Section 244; (31) assault with a deadly weapon,
6 firearm, machinegun, assault weapon, or semiautomatic firearm
7 or assault on a peace officer or firefighter, in violation of Section
8 245; (32) assault with a deadly weapon against a public transit
9 employee, custodial officer, or school employee, in violation of
10 Section 245.2, 245.3, or 245.5; (33) discharge of a firearm at an
11 inhabited dwelling, vehicle, or aircraft, in violation of Section 246;
12 (34) commission of rape or sexual penetration in concert with
13 another person, in violation of Section 264.1; (35) continuous
14 sexual abuse of a child, in violation of Section 288.5; (36) shooting
15 from a vehicle, in violation of subdivision (c) or (d) of Section
16 26100; (37) intimidation of victims or witnesses, in violation of
17 Section 136.1; (38) criminal threats, in violation of Section 422;
18 (39) any attempt to commit a crime listed in this subdivision other
19 than an assault; (40) any violation of Section 12022.53; (41) a
20 violation of subdivision (b) or (c) of Section 11418; (42) human
21 ~~trafficking~~, *trafficking of a minor*, in violation of *subdivision (c)*
22 *of* Section 236.1; and (43) any conspiracy to commit an offense
23 described in this subdivision.

24 (d) As used in this section, “bank robbery” means to take or
25 attempt to take, by force or violence, or by intimidation from the
26 person or presence of another any property or money or any other
27 thing of value belonging to, or in the care, custody, control,
28 management, or possession of, any bank, credit union, or any
29 savings and loan association.

30 As used in this subdivision, the following terms have the
31 following meanings:

32 (1) “Bank” means any member of the Federal Reserve System,
33 and any bank, banking association, trust company, savings bank,
34 or other banking institution organized or operating under the laws
35 of the United States, and any bank the deposits of which are insured
36 by the Federal Deposit Insurance Corporation.

37 (2) “Savings and loan association” means any federal savings
38 and loan association and any “insured institution” as defined in
39 Section 401 of the National Housing Act, as amended, and any

1 federal credit union as defined in Section 2 of the Federal Credit
2 Union Act.

3 (3) “Credit union” means any federal credit union and any
4 state-chartered credit union the accounts of which are insured by
5 the Administrator of the National Credit Union administration.

6 (e) The provisions of this section shall not be amended by the
7 Legislature except by statute passed in each house by rollcall vote
8 entered in the journal, two-thirds of the membership concurring,
9 or by a statute that becomes effective only when approved by the
10 electors.

11 SEC. 5. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.

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CONSULTANT
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COMMITTEE SECRETARY
IRENE RETEGUIN

*Assembly
California Legislature*



**ASSEMBLY COMMITTEE ON
PUBLIC EMPLOYMENT AND RETIREMENT**

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July 12, 2023

Honorable James Ramos, Chair
Assembly Committee on Rules
1021 O Street, Suite 6250
Sacramento, CA 95814

Dear Mr. Ramos:

I respectfully request a waiver of Joint Rule 61(a)(10) so that the Assembly Committee on Public Employment and Retirement can meet and hear Senate Bill 765 (Portantino) after the policy committee deadline.

If you have questions regarding this request, please feel free to contact me or my Chief Consultant, Michael Bolden at (916) 319-3957. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Tina McKinnor".

Tina McKinnor, Chair
Assembly Committee on Public Employment and Retirement

TM:mb

AMENDED IN ASSEMBLY JUNE 30, 2023

AMENDED IN ASSEMBLY JUNE 19, 2023

AMENDED IN SENATE MAY 3, 2023

AMENDED IN SENATE APRIL 11, 2023

AMENDED IN SENATE MARCH 20, 2023

SENATE BILL

No. 765

**Introduced by Senator Portantino
(Coauthor: Senator Jones)**

February 17, 2023

An act to amend Sections ~~24214.5, 44415.5, and 69432.9~~ 24214.5 and 44415.5 of, and to add Section 24214.1 to, the Education Code, and to amend Section 7522.56 of the Government Code, relating to teachers.

LEGISLATIVE COUNSEL'S DIGEST

SB 765, as amended, Portantino. Teachers: retired teachers: teacher preparation: ~~student financial aid.~~ *preparation.*

(1) Existing law, the Teachers' Retirement Law, establishes the State Teachers' Retirement System (STRS) and creates the Defined Benefit Program of the State Teachers' Retirement Plan, which provides a defined benefit to members of the program, based on final compensation, credited service, and age at retirement, subject to certain variations. Under existing law, STRS is governed by the Teachers' Retirement Board.

Existing law permits members retired for service from STRS to perform retired member activities without reinstatement into the system if certain conditions are met. Existing law establishes a postretirement

compensation limit of \$0 during the first 180 calendar days after the most recent retirement of a retired member for the performance of retired member activities. Under existing law, if a retired member has attained normal retirement age at the time compensation is earned, this postretirement compensation limit does not apply if the appointment has been approved by the employer in a public meeting and a resolution containing certain information has been adopted by the governing body of the employer, as specified.

This bill would instead authorize a member retired from service to perform retired member activities, notwithstanding the above-mentioned 180 calendar days compensation limitation, if a request for exemption containing specified information is submitted by the Superintendent, the county superintendent of schools, or the chief executive officer of a community college to the system, under penalty of perjury, as prescribed.

Existing law limits the postretirement compensation of a member of the Defined Benefit Program of the Teachers' Retirement Plan to an amount calculated by STRS, as specified. If the member's postretirement compensation exceeds this amount, the law requires the member's retirement allowance to be reduced by the amount of excess compensation. Existing law, however, permits members retired for service from STRS to perform retired member activities, as defined, without being subject to the compensation limit under certain limited conditions and circumstances.

This bill would, commencing July 1, 2024, exempt a retired member, who has returned to perform retired member activities for an employer, after retirement to fulfill a critical need in a ~~certificated~~ *teaching* position, as defined, from the postretirement compensation limitation, as specified. The bill would require an employer to submit specified documentation, certified under penalty of perjury, to substantiate a retired member's eligibility. By expanding the crime of perjury, the bill would impose a state-mandated local program.

This bill would prohibit a retired member from performing retired member activities until after the system has received the specified documentation. The bill's exemption to existing law's postretirement compensation limitation would commence on the date the retired member is appointed or assigned to the teaching position and end on June 30 of that school year. The bill would prohibit a retired member from utilizing the exemption for more than 3 school years.

(2) Existing law establishes the Teacher Residency Grant Program and appropriates \$350,000,000 from the General Fund to the Commission on Teacher Credentialing for the 2021–22 fiscal year to award grants to certain applicant local educational agencies to support teacher residency programs that recruit and support the preparation of teachers, as provided. Under the program, a grant award can be no greater than \$25,000 per teacher candidate, as provided.

This bill would increase the maximum grant award to instead be no greater than \$40,000 per teacher candidate, as provided.

~~(3) The Cal Grant Program establishes the Cal Grant A and B Entitlement Awards, the California Community College Expanded Entitlement Awards, the California Community College Transfer Entitlement Awards, the Competitive Cal Grant A and B Awards, the Cal Grant C Awards, and the Cal Grant T Awards under the administration of the Student Aid Commission, and establishes eligibility requirements for awards under these programs for participating students attending qualifying institutions. Under existing law, a requirement of the program includes determining financial need to establish an applicant's initial eligibility for a Cal Grant award and a renewing recipient's continued eligibility, as provided, and agrees to repay the state the total amount of Cal Grant awards received pursuant to the exemption if the applicant fails to enroll in a teacher preparation program within one academic year of completing the applicant's baccalaureate degree, as specified.~~

~~This bill would, commencing with the 2024–25 award year, and for each award year thereafter, require 1,000 of the awarded Cal Grants to be exempt from the above-described requirement of determining financial need if the applicant meets the other requirements of the program, as specified, and the applicant files a statement of intent with the commission stating that the applicant agrees to enroll in a teacher preparation program upon completion of a baccalaureate degree, as provided.~~

~~The bill would also make legislative findings and declarations in support of its provisions.~~

~~(4)~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
- 3 (a) It is well known that California’s public education system
4 was, prior to the COVID-19 pandemic, experiencing a severe
5 educational workforce shortage, especially in regards to the
6 recruitment and retention of teachers.
- 7 (b) In fact, the challenges California has been experiencing is
8 not limited to California. Across the country, states and school
9 districts have been struggling to fill vacant teaching positions.
- 10 (c) With the onset of the COVID-19 pandemic in early 2020,
11 the state’s teacher shortage has been vastly exacerbated, in large
12 part due to a greater percentage of teachers choosing to leave the
13 profession.
- 14 (d) According to the California State Teachers’ Retirement
15 System (CalSTRS), in the last six months of 2020, after the
16 pandemic began, there were 5,644 teacher retirements, a 26-percent
17 increase over the same period from the previous year.
- 18 (e) By the end of the 2020–21 school year, 12,785 teachers had
19 retired and another 11,754 teachers retired after the 2021–22 school
20 year, both a marked increase from prepandemic times.
- 21 (f) In a February 2022 national poll conducted by the National
22 Education Association, 90 percent of its members said that feeling
23 burned out is a serious problem, 86 percent said they have seen
24 more educators leaving the profession or retiring early since the
25 start of the pandemic, and 80 percent reported that unfilled job
26 openings led to more work obligations for those who remained
27 teaching.
- 28 (g) As local educational agencies continue to try and find new
29 ways to recruit and retain talented and essential school staff, further
30 efforts at the state level that have proven to be helpful can be
31 utilized to alleviate the shortage, such as allowing retirees to return
32 to the classroom.
- 33 (h) Retired teachers and staff are some of the best-equipped
34 candidates to hit the ground running and provide the best
35 instruction and services to our students.

1 (i) Although the state has made significant investments in the
2 state budget for teacher candidate recruitment, professional
3 development, and retention programs, those investments will take
4 three or more years to develop fully credentialed teachers who can
5 enter the profession.

6 (j) Providing retired educational staff with a streamlined process
7 to reenter the classroom without jeopardizing their retiree status
8 or retirement allowance is a necessary and temporary tool the state
9 can utilize to immediately help address the educational staffing
10 shortages currently affecting the state's education system.

11 SEC. 2. Section 24214.1 is added to the Education Code, to
12 read:

13 24214.1. (a) Commencing July 1, 2024, the compensation
14 earned by a member who retired for service under this part shall
15 be exempt from subdivisions (d), (f), and (g) of Section 24214 if
16 the member performs retired member activities for an employer,
17 excluding a community college district, and all requirements
18 provided in this section are met.

19 (b) An employer, excluding a community college district, shall
20 submit all completed documentation required by the system to
21 substantiate the eligibility of the retired member for the exemption
22 pursuant to subdivision (a), including compliance with subdivision
23 (c).

24 (c) The retired member shall not perform retired member
25 activities until after the completed documentation has been received
26 by the system. The documentation required by subdivision (b)
27 shall include certification, under penalty of perjury, of the
28 following:

29 (1) The member is returning to fulfill a critical need in a
30 ~~certificated~~ *teaching* position as defined in subdivision (e).

31 (2) The employer first publicly advertised the ~~certificated~~
32 *teaching* position for appointment to those individuals with the
33 necessary qualifications to perform the requirements of the
34 position, and no one qualified accepted the appointment.

35 (3) The employer, having tried and failed to hire someone
36 pursuant to paragraph (2), hired a retired member, and the salary
37 offered to the retired member subject to this paragraph does not
38 exceed the salary that was offered as first publicly advertised
39 pursuant to paragraph (2).

1 (4) The compensation paid for the ~~certificated~~ *teaching* position
2 meets the requirements set forth in subdivision (b) of Section
3 24214.

4 (5) The *teaching position* vacancy occurred due to circumstances
5 beyond the control of the employer.

6 (6) The termination of employment of the retired member with
7 the employer is not the basis for the need to acquire the services
8 of the retired member.

9 (7) The member did not receive additional service credit
10 pursuant to Section 22714 or 22715, or receive from any public
11 employer any financial inducement to retire. For purposes of this
12 section, “financial inducement to retire” includes, but is not limited
13 to, any form of compensation or other payment that is paid directly
14 or indirectly by a public employer to the member, even if not in
15 cash, either before or after retirement, if the member retires for
16 service on or before a specific date or specific range of dates
17 established by a public employer on or before the date the
18 inducement is offered. The system shall liberally interpret this
19 subdivision to further the Legislature’s intent to make subdivision
20 (a) inapplicable to members if the member received a financial
21 incentive from any public employer to retire or otherwise terminate
22 employment with a public employer.

23 (d) (1) The period of exemption shall commence on the date
24 the retired member is appointed or assigned to the ~~certificated~~
25 *teaching* position and shall end on June 30 of that school year,
26 after which the limitation specified in subdivisions (d), (f), and (g)
27 of Section 24214 shall apply.

28 (2) A retired member is only eligible to utilize the exemption
29 created by subdivision (a) for a maximum of three school years.

30 (e) For the purposes of this section, ~~“certificated~~ “*teaching*
31 position” means a position requiring certification qualifications
32 authorized by the Commission on Teacher Credentialing pursuant
33 to Section ~~44001, or a position requiring administrative or~~
34 ~~supervisory credentials. 44001.~~

35 SEC. 3. Section 24214.5 of the Education Code is amended to
36 read:

37 24214.5. (a) (1) Notwithstanding subdivision (f) of Section
38 24214, the postretirement compensation limitation that shall apply
39 to the compensation paid in cash to the retired member for
40 performance of retired member activities, excluding

1 reimbursements paid by an employer for expenses incurred by the
2 member in which payment of the expenses by the member is
3 substantiated, shall be zero dollars (\$0) during the first 180 calendar
4 days after the most recent retirement of a member retired for service
5 under this part.

6 (2) For written agreements pertaining to the performance of
7 retired member activities entered into, extended, renewed, or
8 amended on or after January 1, 2014, the limitation in paragraph
9 (1) shall also apply to payments made for the performance of retired
10 member activities, including, but not limited to, those for
11 participation in a deferred compensation plan; to purchase an
12 annuity contract, tax-deferred retirement plan, or insurance
13 program; and for contributions to a plan that meets the requirements
14 of Section 125, 401(a), 401(k), 403(b), 457(b), or 457(f) of Title
15 26 of the United States Code when the cost is covered by an
16 employer.

17 (b) Subdivision (a) shall not apply and Section 24214 shall apply
18 if the Superintendent, the county superintendent of schools, or the
19 chief executive officer of a community college submits a request
20 for exemption to the system with certification, under penalty of
21 perjury, of the following:

22 (1) The nature of the employment.

23 (2) That the appointment is necessary to fill a critically needed
24 position before 180 calendar days have passed.

25 (3) That the member is not ineligible for application of this
26 subdivision pursuant to subdivision (c).

27 (4) That the termination of employment of the retired member
28 with the employer is not the basis for the need to acquire the
29 services of the member.

30 (c) Subdivision (b) shall not apply to a retired member if any
31 of the following conditions exist:

32 (1) The member has not attained normal retirement age at the
33 time the compensation is earned.

34 (2) The member's termination of employment with the employer
35 is the basis for the need to acquire the services of the member.

36 (3) The member received additional service credit pursuant to
37 Section 22714 or 22715 or received from any public employer any
38 financial inducement to retire. For purposes of this section,
39 "financial inducement to retire" includes, but is not limited to, any
40 form of compensation or other payment that is paid directly or

1 indirectly by a public employer to the member, even if not in cash,
2 either before or after retirement, if the member retires for service
3 on or before a specific date or specific range of dates established
4 by a public employer on or before the date the inducement is
5 offered. The system shall liberally interpret this paragraph to further
6 the Legislature's intent to make subdivision (b) inapplicable to
7 members if the member received a financial incentive from any
8 public employer to retire or otherwise terminate employment with
9 a public employer.

10 (d) The completed documentation required by this section shall
11 be received by the system prior to the retired member's
12 performance of retired member activities.

13 (e) Within 30 calendar days after the receipt of all documentation
14 required by the system pursuant to this section, the system shall
15 inform the entity seeking application of the exemption specified
16 in subdivision (b), and the retired member whether the
17 compensation paid to the member will be subject to the limitation
18 specified in subdivision (a).

19 (f) If a member retired for service under this part earns
20 compensation for performing retired member activities in excess
21 of the limitation specified in subdivision (a), the member's
22 retirement allowance shall be reduced by the amount of the excess
23 compensation. The amount of the reduction in an individual month
24 shall be no more than the monthly allowance payable in that month,
25 and the total amount of the reduction shall not exceed the amount
26 of the allowance payable during the first 180 calendar days, after
27 a member retired for service under this part.

28 (g) The amendments to this section enacted during the first year
29 of the 2013–14 Regular Session shall apply to compensation paid
30 on or after January 1, 2014.

31 SEC. 4. Section 44415.5 of the Education Code is amended to
32 read:

33 44415.5. (a) For purposes of this section, the following
34 definitions apply for the Teacher Residency Grant Program:

35 (1) "Experienced mentor teacher" means an educator who meets
36 all of the following requirements:

37 (A) Has at least three years of teaching experience and holds a
38 clear credential in the subject in which the mentor teacher will be
39 mentoring. For programs leading to the issuance of new PK-3 early
40 childhood education specialist credentials, the mentor teacher must

1 have at least three years of teaching experience in prekindergarten,
2 transitional kindergarten, kindergarten, or any of grades 1 to 3,
3 inclusive, and hold a clear multiple subject credential.

4 (B) Has a record of successful teaching as demonstrated, at a
5 minimum, by satisfactory annual performance evaluations for the
6 preceding three years.

7 (C) Receives specific training for the mentor teacher role, and
8 engages in ongoing professional learning and networking with
9 other mentors.

10 (D) Receives compensation, appropriate release time, or both,
11 to serve as a mentor in the initial preparation or beginning teacher
12 induction component of the teacher residency program.

13 (2) “Teacher residency program” is a grant applicant-based
14 program that partners with one or more commission-approved
15 teacher preparation programs offered by a regionally accredited
16 institution of higher education in which a prospective teacher
17 teaches at least one-half time alongside a teacher of record, who
18 is designated as the experienced mentor teacher, for at least one
19 full school year while engaging in initial preparation coursework.

20 (b) For the 2021–22 fiscal year, the sum of three hundred fifty
21 million dollars (\$350,000,000) is hereby appropriated from the
22 General Fund to the commission for the Teacher Residency Grant
23 Program to support teacher residency programs that recruit and
24 support the preparation of teachers pursuant to this section. This
25 funding shall be available for encumbrance until June 30, 2026.

26 (c) (1) The commission shall make grants to applicants to
27 establish new teacher residency programs, or expand, strengthen,
28 or improve access to existing teacher residency programs that
29 support either of the following:

30 (A) Designated shortage fields, including, but not limited to,
31 special education, bilingual education, science, computer science,
32 technology, engineering, mathematics, transitional kindergarten,
33 or kindergarten, school counselors, and any other fields identified
34 by the commission based on an annual analysis of state and
35 regional hiring and vacancy data.

36 (B) Local efforts to recruit, develop support systems for, provide
37 outreach and communication strategies to, and retain a diverse
38 teacher workforce that reflects a local educational agency
39 community’s diversity.

1 (2) Grant recipients shall work with one or more
2 commission-accredited teacher preparation programs and may
3 work with other community partners or nonprofit organizations to
4 develop and implement programs of preparation and mentoring
5 for resident teachers who will be supported through program funds
6 and subsequently employed by the sponsoring grant recipient.

7 (3) A grant applicant may consist of one or more, or any
8 combination, of the following:

- 9 (A) A school district.
- 10 (B) A county office of education.
- 11 (C) A charter school.
- 12 (D) A regional occupational center or program operated by a
13 joint powers authority or a county office of education.

14 (d) Grants allocated pursuant to subdivision (c) shall be up to
15 forty thousand dollars (\$40,000) per teacher candidate in the
16 residency program of the jurisdiction of the grant recipient,
17 matched by that grant recipient at a rate of 80 percent of the grant
18 amount received per participant, as described in subdivision (f).
19 Residents are also eligible for other forms of federal, state, and
20 local educational agency financial assistance to support the cost
21 of their preparation. Grant program funding shall be used for, but
22 is not limited to, any of the following:

- 23 (1) Teacher preparation costs.
- 24 (2) Stipends for mentor teachers, including, but not limited to,
25 housing stipends.
- 26 (3) Residency program staff costs.
- 27 (4) Mentoring and beginning teacher induction costs following
28 initial preparation.

29 (e) A grant recipient shall not use more than 5 percent of a grant
30 award for program administration costs.

31 (f) A grant recipient shall provide a match of grant funding in
32 the form of one or both of the following:

- 33 (1) Eighty cents (\$0.80) for every one dollar (\$1) of grant
34 funding received per participant, to be used in a manner consistent
35 with allowable grant activities pursuant to subdivision (d).
- 36 (2) An in-kind match of program director personnel costs,
37 mentor teacher personnel costs, or other personnel costs related to
38 the Teacher Residency Grant Program, provided by the grant
39 recipient.

40 (g) Grant recipients shall do all of the following:

1 (1) Ensure that candidates are prepared to earn a preliminary
2 teaching credential, including a PK-3 early childhood education
3 specialist credential, in furtherance of paragraph (1) of subdivision
4 (c) upon completion of the program.

5 (2) Ensure that candidates are provided instruction in all of the
6 following:

7 (A) Teaching the content area or areas in which the teacher will
8 become certified to teach.

9 (B) Planning, curriculum development, and assessment.

10 (C) Learning and child development.

11 (D) Management of the classroom environment.

12 (E) Use of culturally responsive practices, supports for language
13 development, and supports for serving pupils with disabilities.

14 (F) Professional responsibilities, including interaction with
15 families and colleagues.

16 (3) Provide each candidate mentoring and beginning teacher
17 induction support following the completion of the initial credential
18 program necessary to obtain a clear credential and ongoing
19 professional development and networking opportunities during
20 the candidate's first years of teaching at no cost to the candidate.

21 (4) Prepare candidates to teach in a school within the jurisdiction
22 of the grant recipient in which they will work and learn the
23 instructional initiatives and curriculum of the grant recipient.

24 (5) Group teacher candidates in cohorts to facilitate professional
25 collaboration among residents, and ensure candidates are enrolled
26 in a teaching school or professional development program that is
27 organized to support a high-quality teacher learning experience in
28 a supportive work environment.

29 (h) To receive a grant, an applicant shall submit an application
30 to the commission at a time, in a manner, and containing
31 information prescribed by the commission.

32 (i) When selecting grant recipients, the commission shall do
33 both of the following:

34 (1) Require applicants to demonstrate a need for teachers in one
35 or more designated shortage fields or for the purposes described
36 in subparagraph (B) of paragraph (1) of subdivision (c), and to
37 propose to establish a new, or expand, strengthen, or improve
38 access to an existing, teacher residency program that recruits,
39 prepares, and supports teachers to teach in either one or more such
40 fields or in furtherance of subparagraph (B) of paragraph (1) of

1 subdivision (c) in a school within the jurisdiction of the sponsoring
2 grant applicant.

3 (2) Give priority consideration to grant applicants who
4 demonstrate a commitment to increasing diversity in the teaching
5 workforce, have a higher percentage than other applicants of
6 unduplicated pupils, as defined in Section 42238.02, and have one
7 or more schools that exhibit one or both of the following
8 characteristics:

9 (A) A school where 50 percent or more of the enrolled pupils
10 are eligible for free or reduced-price meals.

11 (B) A school that is located in either a rural location or a densely
12 populated region.

13 (j) A candidate in a teacher residency program sponsored by a
14 grant provided pursuant to subdivision (c) shall agree in writing
15 to serve in a school within the jurisdiction of the grant recipient
16 that sponsored the candidate for a period of at least four school
17 years beginning with the school year that begins after the candidate
18 successfully completes the initial year of preparation and obtains
19 a preliminary teaching credential, including a PK-3 early childhood
20 education specialist credential. A candidate who fails to earn a
21 preliminary credential, or who fails to complete the period of the
22 placement, shall reimburse the sponsoring grant recipient the
23 amount of grant funding invested in the candidate's residency
24 training. The amount to be reimbursed shall be adjusted
25 proportionately to reflect the service provided if the candidate
26 taught at least one year, but less than four years, at a school within
27 the jurisdiction of the sponsoring grant recipient. A candidate shall
28 have five school years to complete the four-school-year teaching
29 commitment.

30 (k) If a candidate is unable to complete a school year of teaching,
31 that school year may still be counted toward the required four
32 complete school years if any of the following occur:

33 (1) The candidate has completed at least one-half of the school
34 year.

35 (2) The employer deems the candidate to have fulfilled their
36 contractual requirements for the school year for the purposes of
37 salary increases, probationary or permanent status, and retirement.

38 (3) The candidate was not able to teach due to the financial
39 circumstances of the sponsoring grant recipient, including a

1 decision to not reelect the employee for the succeeding school
2 year.

3 (4) The candidate has a condition covered under the federal
4 Family and Medical Leave Act of 1993 (29 U.S.C. Sec. 2061 et
5 seq.) or similar state law.

6 (5) The candidate was called or ordered to active duty status
7 for more than 30 days as a member of a reserve component of the
8 Armed Forces of the United States.

9 (l) For purposes of administering the grant program pursuant
10 to subdivision (c), the commission shall do all of the following:

11 (1) Determine the number of grants to be awarded and the total
12 amount awarded to each grant applicant.

13 (2) Require grant recipients to submit program and expenditure
14 reports, as specified by the commission, as a condition of receiving
15 grant funds.

16 (3) Annually review each grant recipient's program and
17 expenditure reports to determine if any candidate has failed to
18 meet their commitment pursuant to subdivision (j).

19 (m) If the commission determines or is informed that a
20 sponsored candidate failed to earn a preliminary credential or failed
21 to meet their commitment to teach pursuant to subdivision (j), the
22 commission shall confirm with the grant recipient the applicable
23 grant amount to be recovered from the candidate and the grant
24 recipient. The amount to be recovered shall be adjusted
25 proportionately to reflect the service provided if the candidate
26 taught at least one year, but less than four years, at the sponsoring
27 grant recipient.

28 (n) Upon confirming the amount to be recovered from the grant
29 recipient pursuant to subdivision (m), the commission shall notify
30 the grant recipient of the amount to be repaid within 60 days. The
31 grant recipient shall have 60 days from the date of the notification
32 to make the required repayment to the commission. If the grant
33 recipient fails to make the required payment within 60 days, the
34 commission shall notify the Controller and the grant recipient of
35 the failure to repay the amount owed. The Controller shall deduct
36 an amount equal to the amount owed to the commission from the
37 grant recipient's next principal apportionment or apportionments
38 of state funds, other than basic aid apportionments required by
39 Section 6 of Article IX of the California Constitution. If the grant
40 recipient is a regional occupational center or program operated by

1 a joint powers authority that does not receive a principal
2 apportionment or apportionments of state funds, or a consortia of
3 local educational agencies, the commission shall notify the
4 Controller of the local educational agency where the candidate
5 taught and the Controller shall deduct the amount owed from the
6 applicable local educational agency's next principal apportionment
7 or apportionments of state funds, other than basic aid
8 apportionments required by Section 6 of Article IX of the
9 California Constitution.

10 (o) An amount recovered by the commission or deducted by
11 the Controller pursuant to subdivision (n) shall be deposited into
12 the Proposition 98 Reversion Account.

13 (p) Grant recipients may recover from a sponsored candidate
14 who fails to earn a preliminary credential, or who fails to complete
15 the period of placement, the amount of grant funding invested in
16 the candidate's residency training. The amount to be recovered
17 shall be adjusted proportionately to reflect the service provided if
18 the candidate taught at least one year, but less than four years, at
19 a school within the jurisdiction of the sponsoring grant recipient.

20 (q) Grant recipients shall not charge a teacher resident a fee to
21 participate in the Teacher Residency Grant Program.

22 (r) (1) Notwithstanding subdivision (c), the commission may
23 allocate up to twenty-five million dollars (\$25,000,000) of the
24 amount appropriated pursuant to subdivision (b) to capacity grants
25 that shall be awarded on a competitive basis to local educational
26 agencies or consortia, as designated pursuant to this section,
27 partnering with regionally accredited institutions of higher
28 education to expand, strengthen, improve access to, or create
29 teacher residency programs.

30 (2) (A) The commission shall determine the number of capacity
31 grants to be awarded and the amount of the applicable grants.

32 (B) Individual capacity grants shall not exceed two hundred
33 fifty thousand dollars (\$250,000) per grant recipient.

34 (s) For purposes of making the computations required by Section
35 8 of Article XVI of the California Constitution, the appropriation
36 made by subdivision (b) shall be deemed to be "General Fund
37 revenues appropriated for school districts," as defined in
38 subdivision (c) of Section 41202, for the 2020–21 fiscal year, and
39 included within the "total allocations to school districts and
40 community college districts from General Fund proceeds of taxes

1 appropriated pursuant to Article XIII B,” as defined in subdivision
2 (e) of Section 41202, for the 2020–21 fiscal year.

3 ~~SEC. 5. Section 69432.9 of the Education Code is amended to~~
4 ~~read:~~

5 ~~69432.9. (a) A Cal Grant applicant shall submit a complete~~
6 ~~official financial aid application pursuant to Section 69433 and~~
7 ~~applicable regulations adopted by the commission. Each pupil~~
8 ~~enrolled in grade 12 in a California public school, including a~~
9 ~~charter school, other than pupils who opt out as provided in~~
10 ~~subdivision (d), shall be deemed to be a Cal Grant applicant.~~

11 ~~(b) Financial need shall be determined to establish an applicant’s~~
12 ~~initial eligibility for a Cal Grant award and a renewing recipient’s~~
13 ~~continued eligibility using the federal financial need methodology~~
14 ~~pursuant to subdivision (a) of Section 69506 and applicable~~
15 ~~regulations adopted by the commission, and as established by Title~~
16 ~~IV of the federal Higher Education Act of 1965, as amended (20~~
17 ~~U.S.C. Sec. 1070 et seq.).~~

18 ~~(1) “Expected family contribution,” with respect to an applicant~~
19 ~~or renewing recipient, shall be determined using the federal~~
20 ~~methodology pursuant to subdivision (a) of Section 69506 (as~~
21 ~~established by Title IV of the federal Higher Education Act of~~
22 ~~1965, as amended (20 U.S.C. Sec. 1070 et seq.)) and applicable~~
23 ~~rules and regulations adopted by the commission.~~

24 ~~(2) “Financial need” means the difference between the student’s~~
25 ~~cost of attendance as determined by the commission and the~~
26 ~~expected family contribution. The calculation of financial need~~
27 ~~shall be consistent with Title IV of the federal Higher Education~~
28 ~~Act of 1965, as amended (20 U.S.C. Sec. 1070 et seq.).~~

29 ~~(3) (A) The minimum financial need required for receipt of an~~
30 ~~initial and renewal Cal Grant A or C award shall be no less than~~
31 ~~the maximum annual award value for the applicable institution,~~
32 ~~plus an additional one thousand five hundred dollars (\$1,500) of~~
33 ~~financial need.~~

34 ~~(B) The minimum financial need required for receipt of an initial~~
35 ~~and renewal Cal Grant B award shall be no less than seven hundred~~
36 ~~dollars (\$700).~~

37 ~~(4) Notwithstanding paragraphs (2) and (3), for the 2020–21~~
38 ~~and 2021–22 award years, a student with an initial or renewal Cal~~
39 ~~Grant A award impacted by a change in the student’s living status,~~
40 ~~from living on-campus to living off-campus or from living~~

1 on-campus to living at home, due to the COVID-19 pandemic,
2 shall have the student's eligibility for the initial or renewal Cal
3 Grant A award calculated based on what it would have been had
4 the change in the student's living status due to the COVID-19
5 pandemic not occurred.

6 (e) (1) The commission shall require that a grade point average
7 be submitted to it for all Cal Grant A and B applicants, except for
8 those permitted to provide test scores in lieu of a grade point
9 average or as provided in subclause (H) of clause (iii) of
10 subparagraph (B) of paragraph (2).

11 (2) (A) On or before January 1, 2025, the commission shall
12 require that any grade point average data required for eligibility
13 for student financial aid programs be submitted by local educational
14 agencies through the California Longitudinal Pupil Achievement
15 Data System established by Section 60900 for transmittal to the
16 California College Guidance Initiative. The governing board of
17 the Cradle-to-Career Data System shall be responsible for
18 developing a timeline to guide the commission's implementation
19 of this paragraph.

20 (B) (i) The commission shall require that a grade point average
21 be submitted to it electronically on a standardized form for all
22 grade 12 pupils at public schools, including charter schools, no
23 later than October 1 of each academic year, except for pupils who
24 have opted out as provided in subdivision (d). Social security
25 numbers shall not be included in the information submitted to the
26 commission. However, if the commission determines that a social
27 security number is required to complete the application for financial
28 aid, the school, school district, or charter school may obtain
29 permission from the parent or guardian of the pupil, or the pupil,
30 if the pupil is 18 years of age, to submit the pupil's social security
31 number to the commission.

32 (ii) The commission shall require that each report of a grade
33 point average include a certification, executed under penalty of
34 perjury, by a school official, that the grade point average reported
35 is accurately reported. The certification shall include a statement
36 that it is subject to review by the commission or its designee.

37 (iii) (I) The commission shall adopt regulations that establish
38 a grace period for receipt of the grade point average and any
39 appropriate corrections, and that set forth the circumstances under
40 which a student may submit a specified test score designated by

1 the commission, by regulation, in lieu of submitting a qualifying
2 grade point average.

3 (H) Notwithstanding subclause (I), for the 2021–22 award year,
4 commission staff may waive the requirement to submit a test score
5 in lieu of a qualifying grade point average for a student who does
6 not have a grade point average and is unable to submit a test score
7 due to unavailability of designated testing due to the COVID-19
8 pandemic. The commission shall require a student seeking a waiver
9 under this subclause to submit a signed certification verifying they
10 were prevented from taking and submitting a test score in lieu of
11 a qualifying grade point average due to the COVID-19 pandemic.
12 For purposes of consideration for a Cal Grant A or B Entitlement
13 award when applying with a waiver under this subclause for the
14 2021–22 award year, students shall have until May 16, 2021, to
15 complete and submit their financial aid application and signed
16 certification verifying they were prevented from taking and
17 submitting a test score in lieu of a qualifying grade point average.

18 (iv) The requirements of this subparagraph shall become
19 inoperative upon the submission by the commission of any required
20 grade point average through the Cradle-to-Career Data System
21 pursuant to subparagraph (A).

22 (3) It is the intent of the Legislature that high schools and
23 institutions of higher education certify the grade point averages of
24 their students in time to meet the application deadlines imposed
25 by this chapter.

26 (4) (A) It is the intent of the Legislature that the commission
27 make available to each high school and school district a report
28 identifying all grade 12 pupils within the high school or school
29 district, respectively, who have and have not completed the Free
30 Application for Federal Student Aid or the California Dream Act
31 application.

32 (B) The requirements of this paragraph shall become inoperative
33 upon the submission by the local educational agency of any
34 required grade point average through the Cradle-to-Career Data
35 System pursuant to subparagraph (A) of paragraph (2).

36 (d) (1) The school district or charter school shall, no later than
37 January 1 of a pupil's grade 11 academic year, notify, in writing,
38 each grade 11 pupil and, for a pupil under 18 years of age, the
39 pupil's parent or guardian that, pursuant to subdivision (a), the
40 pupil will be deemed a Cal Grant applicant unless the pupil opts

1 out within a period of time specified in the notice, which shall not
 2 be less than 30 days. The required notice shall indicate when the
 3 school will first send grade point averages to the commission and
 4 the submission deadline of October 1. The school district or charter
 5 school shall provide an opportunity for the pupil to opt out of being
 6 automatically deemed a Cal Grant applicant.

7 ~~(2) Until a pupil turns 18 years of age, only a parent or guardian~~
 8 ~~may opt the pupil out. Once a pupil turns 18 years of age, only the~~
 9 ~~pupil may opt the pupil out and, if before the conclusion of the~~
 10 ~~notice period, the pupil may opt in over the prior decision of a~~
 11 ~~parent or guardian to opt out.~~

12 ~~(e) Commencing with the 2024-25 award year, and for each~~
 13 ~~award year thereafter, 1,000 of the awarded Cal Grants shall be~~
 14 ~~exempt from the requirements of subdivision (b) if all of the~~
 15 ~~following are met:~~

16 ~~(1) The requirements of subdivisions (c) and (d).~~

17 ~~(2) The applicant files a statement of intent with the Student~~
 18 ~~Aid Commission stating that the applicant agrees to enroll in a~~
 19 ~~teacher preparation program that is approved by the Commission~~
 20 ~~on Teacher Credentialing upon completion of the applicant's~~
 21 ~~baccalaureate degree.~~

22 ~~(3) The applicant agrees to repay the state the total amount of~~
 23 ~~Cal Grant awards received pursuant to this subdivision if the~~
 24 ~~applicant fails to enroll in a teacher preparation program that is~~
 25 ~~approved by the Commission on Teacher Credentialing within one~~
 26 ~~academic year of completing the applicant's baccalaureate degree.~~

27 ~~SEC. 6.~~

28 ~~SEC. 5.~~ Section 7522.56 of the Government Code is amended
 29 to read:

30 7522.56. (a) This section shall apply to any person who is
 31 receiving a pension benefit from a public retirement system and
 32 shall supersede any other provision in conflict with this section.

33 (b) A retired person shall not serve, be employed by, or be
 34 employed through a contract directly by, a public employer in the
 35 same public retirement system from which the retiree receives the
 36 benefit without reinstatement from retirement, except as permitted
 37 by this section.

38 (c) A person who retires from a public employer may serve
 39 without reinstatement from retirement or loss or interruption of
 40 benefits provided by the retirement system upon appointment by

1 the appointing power of a public employer either during an
2 emergency to prevent stoppage of public business or because the
3 retired person has skills needed to perform work of limited
4 duration.

5 (d) Appointments of the person authorized under this section
6 shall not exceed a total for all employers in that public retirement
7 system of 960 hours or other equivalent limit, in a calendar or
8 fiscal year, depending on the administrator of the system. The rate
9 of pay for the employment shall not be less than the minimum,
10 nor exceed the maximum, paid by the employer to other employees
11 performing comparable duties, divided by 173.333 to equal an
12 hourly rate. A retired person whose employment without
13 reinstatement is authorized by this section shall acquire no service
14 credit or retirement rights under this section with respect to the
15 employment unless they reinstate from retirement.

16 (e) (1) Notwithstanding subdivision (c), any retired person shall
17 not be eligible to serve or be employed by a public employer if,
18 during the 12-month period prior to an appointment described in
19 this section, the retired person received any unemployment
20 insurance compensation arising out of prior employment subject
21 to this section with a public employer. A retiree shall certify in
22 writing to the employer upon accepting an offer of employment
23 that they are in compliance with this requirement.

24 (2) A retired person who accepts an appointment after receiving
25 unemployment insurance compensation as described in this
26 subdivision shall terminate that employment on the last day of the
27 current pay period and shall not be eligible for reappointment
28 subject to this section for a period of 12 months following the last
29 day of employment.

30 (f) A retired person shall not be eligible to be employed pursuant
31 to this section for a period of 180 days following the date of
32 retirement unless they meet one of the following conditions:

33 (1) The employer certifies the nature of the employment and
34 that the appointment is necessary to fill a critically needed position
35 before 180 days have passed and the appointment has been
36 approved by the governing body of the employer in a public
37 meeting. The appointment may not be placed on a consent calendar.

38 (2) (A) Except as otherwise provided in this paragraph, for state
39 employees, the state employer certifies the nature of the
40 employment and that the appointment is necessary to fill a critically

1 needed state employment position before 180 days have passed
2 and the appointment has been approved by the Department of
3 Human Resources. The department may establish a process to
4 delegate appointing authority to individual state agencies, but shall
5 audit the process to determine if abuses of the system occur. If
6 necessary, the department may assume an agency's appointing
7 authority for retired workers and may charge the department an
8 appropriate amount for administering that authority.

9 (B) For legislative employees, the Senate Committee on Rules
10 or the Assembly Rules Committee certifies the nature of the
11 employment and that the appointment is necessary to fill a critically
12 needed position before 180 days have passed and approves the
13 appointment in a public meeting. The appointment may not be
14 placed on a consent calendar.

15 (C) For employees of the California State University, the
16 Trustees of the California State University certifies the nature of
17 the employment and that the appointment is necessary to fill a
18 critically needed position before 180 days have passed and
19 approves the appointment in a public meeting. The appointment
20 may not be placed on a consent calendar.

21 (3) The retiree is eligible to participate in the Faculty Early
22 Retirement Program pursuant to a collective bargaining agreement
23 with the California State University that existed prior to January
24 1, 2013, or has been included in subsequent agreements.

25 (4) The retiree is a public safety officer or firefighter hired to
26 perform a function or functions regularly performed by a public
27 safety officer or firefighter.

28 (g) A retired person who accepted a retirement incentive upon
29 retirement shall not be eligible to be employed pursuant to this
30 section for a period of 180 days following the date of retirement
31 and subdivision (f) shall not apply.

32 (h) This section shall not apply to a person who is retired from
33 the State Teachers' Retirement System, and who is subject to
34 Section 24214, 24214.1, 24214.5, or 26812 of the Education Code.

35 (i) This section shall not apply to (1) a subordinate judicial
36 officer whose position, upon retirement, is converted to a judgeship
37 pursuant to Section 69615, and they return to work in the converted
38 position, and the employer is a trial court, or (2) a retiree of the
39 Judges' Retirement System or the Judges' Retirement System II
40 who is assigned to serve in a court pursuant to Section 68543.5.

1 ~~SEC. 7.~~

2 *SEC. 6.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district will be incurred because this act creates a new crime or
6 infraction, eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section 17556 of
8 the Government Code, or changes the definition of a crime within
9 the meaning of Section 6 of Article XIII B of the California
10 Constitution.

O