

**PERSONNEL**

**SUBJECT: Early Retirement Option**

When it is beneficial to the County Office of Education, the County Superintendent of Schools may offer certificated employees the option to retire early in accordance with law.

**2 Years of Service Credit Retirement Incentive**

As an incentive to early retirement for certificated employees participating in the State Teachers' Retirement System (STRS), the County Superintendent of Schools may offer such employees an additional two years of service credit. (Education Code 22714, 44929)

Before taking formal action to approve this service incentive, the County Superintendent of Schools shall determine that encouraging early retirement would be in the best interest of the County Office of Education 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 County Office of Education. The County Superintendent of Schools shall demonstrate and certify to that the formal action taken would result in a net savings to the County Office of Education. (Education Code 22714, 44929)

The County Superintendent of Schools may also consider the impact of the early retirement option on the staffing needs of County Office of Education's schools/programs 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)

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 a period of 60 to 120 days after the County Superintendent of Schools takes formal action to implement the option. (Education Code 22714)

In providing the early retirement option, the County Office of Education shall meet all conditions as specified in Education Code 22714 and 44929.

**2+2 Retirement Incentive: 2 Years of Service Credit + 2 Years of Age Credit**

As an incentive to early retirement for certificated employees participating in the State Teachers' Retirement System, the County Superintendent of Schools may offer an additional two years of service credit and two years of age credit to employees who retire within the "window period" established by the County Superintendent of Schools in a Memorandum of Understanding prior to January 1, 2005 pursuant to repealed Education Code 22714.5.

(cf. 4117.12/4317.12 - Retirement Consultancy Contracts)

Legal Reference:

EDUCATION CODE

22714 Service credit under STRS; additional two years

44929 Service credit under STRS; additional two years

UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers

COURT DECISIONS

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

Management Resources:

CALIFORNIA STATE TEACHERS' RETIREMENT SYSTEM PUBLICATIONS

Retirement Incentive Program, Frequently Asked Questions

WEB SITES

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