

Board Policy 5750: Employing Retired Teachers and Administrators

Original Adopted Date: Last Reviewed Date:

One of the Board's personnel goals is to recruit, select, and employ the best qualified personnel to staff the schools within the District. As such, retired employees who leave the District in good standing may be re-employed as a "Return to Work" employee according to the following guidelines:

1. The District may employ a person previously employed as a school district or charter school instructional, pupil service, or other certificated staff member, certificated teacher or administrator who is receiving retirement benefits from the public employee retirement system of Idaho (PERSI) for positions requiring such certification provided such individual was not promised "rehire" by the District before their retirement was in effect. These employees are referred to below as "retiree" or "retirees".

In addition, effective until June 30, 2026, the District may hire individuals who retired from any PERSI-eligible employer, so long as the individual retired on or after age 55, and so long as the individual acknowledges they may not accrue additional retirement benefits. All such employment under Idaho 59-1356(5) must end on or before June 30, 2026.

These employees are considered to be employed "at-will" and in accordance with the Standard Retired Teacher Contract or Standard Retired Administrator Contract form that has been approved by the State Superintendent of Public Instruction and which expires at the end of every school year.

2. Any employment contract between the District and retirees shall be separate and apart from the collective bargaining agreement or master agreement between the District and the local teachers association.
3. Retirees employed consistent with this policy and State law shall accrue one day per month of sick leave. No annual sick leave shall be accumulated unless additional sick leave has been negotiated between each individual retiree and the District at the time of employment. Sick leave accrued by a retired employee under Idaho Code § 33-1004H does not qualify for unused sick leave benefits under Idaho Code § 33-1228.
4. The District **will not** provide health insurance and life insurance benefits for retirees hired consistent with this policy.
5. The District shall not employ certificated teachers and administrators who receive or received benefits under the previously existing early retirement program provided in now repealed Idaho Code 33-1004G.
6. Retirees who qualify to be rehired are those who:
 - A. Have reached the Rule of 90;
 - B. Are not participating in the early retirement program;
 - C. Are retired at or after 60 years of age;
 - D. Have never received a "promise of rehire" before their retirement date;
 - E. Have received at least one payment from their PERSI retirement account; and

- F. Meet all conditions and requirements of PERSI to qualify for this program, as such may change from time to time.
- 7. Any year in which a retired teacher or administrator is hired, the Superintendent shall sign a form to be retained by the District in the employee's personnel file attesting that:
 - A. Any retired teachers or administrators have been employed using the standard retired teacher or retired administrator contract, as appropriate;
 - B. The length of any such contract is one year; and
 - C. Rehire was not agreed to between the teacher or administrator and the District prior to retirement.

These policies are authorized solely for the use of ISBA members who subscribe to ISBA Policy Services. They are not intended for, nor authorized for, any other purpose or use. Such materials shall not be copied, distributed, or otherwise used by any agent, employee, individual, or organization except as necessary for official District/Charter business by authorized ISBA Policy Services subscribers. Any personal, private, proprietary, or non-subscribed use is strictly prohibited.

© Idaho School Boards Association

Legal References

IC § 18-1356

Description

Gifts To Public Servants By Persons Subject To Their Jurisdiction

IC § 33-1004H

Employing Retired Teachers and Administrators

IC § 33-1228

Teachers - Severance Allowance at Retirement

IC § 33-513

Professional Personnel

IC § 59-1302

Definitions

IC § 59-1356

Reemployment of Retired Members

Other References

ISBA Policy Services

Description

<https://www.idsba.org/member-services/policy/>

Cross References

Code

5100

Description

[Hiring Process and Criteria](#)

5100-P(1)

[Hiring Process and Criteria - Procedures for Obtaining Personnel Records for Applicants](#)

5100-P(2)

[Hiring Process and Criteria - Veteran's Preference](#)

5100-F(1)

[Hiring Process and Criteria - Authorization for Release of Information on Past Employment with School Employers](#)

5100-F(2)

[Hiring Process and Criteria - Request to Employer](#)

5100-F(3)

[Hiring Process and Criteria - Request for Verification of Certificate Status](#)