

SENATE BILL 251

K4

2lr1363
CF HB 98

By: **Senator Jones–Rodwell (Chair, Joint Committee on Pensions)**

Introduced and read first time: January 25, 2012

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 22, 2012

CHAPTER _____

1 AN ACT concerning

2 **Teachers' Retirement and Pension Systems – Reemployment of Retirees –**
3 **Maryland School for the Deaf Exemption**

4 FOR the purpose of exempting from a certain offset of a retirement allowance certain
5 retirees of the Teachers' Retirement System or the Teachers' Pension System
6 who are employed by the Maryland School for the Deaf; providing that the
7 superintendent of the Maryland School for the Deaf may employ a certain
8 number of certain retirees who will not be subject to a certain offset of a
9 retirement allowance; requiring that the superintendent of the Maryland School
10 for the Deaf is responsible for certain reimbursements under certain
11 circumstances; requiring the superintendent of the Maryland School for the
12 Deaf to submit certain reports to the Board of Trustees for the State Retirement
13 and Pension System and the Superintendent of the State Department of
14 Education in a certain manner and by a certain date; and generally relating to
15 the reemployment of retirees in the teachers' retirement and pension systems.

16 BY repealing and reenacting, without amendments,
17 Article – State Personnel and Pensions
18 Section 22–406(a) and (c)(4)(v) and (vi) and 23–407(a) and (c)(4)(iv) and (v)
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2011 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – State Personnel and Pensions

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section ~~22-406(c)(5) and (6) and 23-407(c)(5) and (6)~~ 22-406(c)(5), (6), (8), (9),
 2 and (10) and 23-407(c)(5), (6), (8), (9), and (10)
 3 Annotated Code of Maryland
 4 (2009 Replacement Volume and 2011 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article – State Personnel and Pensions**

8 22-406.

9 (a) In this section, “area of critical shortage” means an academic field
 10 identified by the State Department of Education in accordance with the provisions of §
 11 18-703(g)(1) of the Education Article as having projected employment vacancies that
 12 substantially exceed projected qualified graduates.

13 (c) (4) Except for an individual whose allowance is subject to a reduction
 14 as provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an
 15 allowance under this subsection does not apply to:

16 (v) a retiree of the Teachers’ Retirement System who:

- 17 1. is or has been certified to teach in the State;
- 18 2. has verification of satisfactory or better performance
 19 in the last assignment prior to retirement;
- 20 3. based on the retired teacher’s qualifications, has been
 21 appointed in accordance with § 4-103 of the Education Article; and
- 22 4. receives verification of satisfactory or better
 23 performance each year the teacher is employed under paragraph (5) of this subsection;

24 (vi) a retiree of the Teachers’ Retirement System who:

- 25 1. A. was employed as a principal within 5 years of
 26 retirement; or
- 27 B. was employed as a principal not more than 10 years
 28 before retirement and was employed in a position supervising principals in the
 29 retiree’s last assignment prior to retirement;
- 30 2. has verification of satisfactory performance for each
 31 year as a principal and, if applicable, in a position supervising principals prior to
 32 retirement;

1 [(i)] 1. is not making adequate yearly progress or is a school
2 in need of improvement as defined under the federal No Child Left Behind Act of 2001
3 and as implemented by the State Department of Education;

4 [(ii)] 2. is receiving funds under Title 1 of the federal No
5 Child Left Behind Act of 2001;

6 [(iii)] 3. has more than 50% of the students attending that
7 school who are eligible for free and reduced-price meals established by the United
8 States Department of Agriculture; or

9 [(iv)] 4. provides an alternative education program for
10 adjudicated youths or students who have been expelled, suspended, or identified for
11 suspension or expulsion from a public school; **OR**

12 **(II) THE MARYLAND SCHOOL FOR THE DEAF.**

13 (8) (i) Notwithstanding paragraph (5) of this subsection, each
14 superintendent of a local school system AND THE SUPERINTENDENT OF THE
15 MARYLAND SCHOOL FOR THE DEAF may rehire an additional number of
16 individuals described under paragraph (4)(v) of this subsection equal to the greater of:

17 1. five; or

18 2. 0.2% of the total full-time equivalent instructional
19 teachers employed by that local school system OR THE MARYLAND SCHOOL FOR
20 THE DEAF, rounded up to the nearest whole number not to exceed 15, as reported
21 annually by the State Department of Education.

22 (ii) At any one time, the total number of individuals rehired by a
23 superintendent of a local school system OR THE SUPERINTENDENT OF THE
24 MARYLAND SCHOOL FOR THE DEAF under this paragraph may not exceed the
25 number determined under subparagraph (i) of this paragraph.

26 (iii) An individual rehired under this paragraph:

27 1. A. shall be reemployed at a school specified in
28 paragraph (5)(i) of this subsection; and

29 B. may teach any subject or class or provide educational
30 services assigned by the individual's superintendent; or

31 2. A. may be reemployed at any school assigned by
32 the individual's superintendent; and

1 B. shall teach a subject or class or provide educational
2 services specified in paragraph (5)(ii) of this subsection.

3 (9) (i) The superintendent of the local school system OR THE
4 SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF rehiring an
5 individual under paragraph (4)(v) or (vi) of this subsection shall:

6 1. approve the rehiring of that individual; and
7 2. determine the school where the individual is to be
8 reemployed.

9 (ii) Within 30 days after rehiring an individual, the
10 superintendent of a local school system OR THE SUPERINTENDENT OF THE
11 MARYLAND SCHOOL FOR THE DEAF shall complete and file with the Board of
12 Trustees and the State Department of Education a form provided by the Board of
13 Trustees that certifies that the individual rehired by the local school system OR THE
14 MARYLAND SCHOOL FOR THE DEAF under paragraph (4)(v) or (vi) of this
15 subsection:

16 1. satisfied the criteria provided in paragraph (4)(v) or
17 (vi) of this subsection;
18 2. was reemployed at a school described under
19 paragraph (5)(i) or (6) of this subsection; and

20 3. if rehired under paragraph (4)(v) of this subsection,
21 was:

22 A. teaching in an area specified in paragraph (5)(ii) of
23 this subsection; or

24 B. teaching in any class or subject or providing
25 educational services as provided under paragraph (8) of this subsection.

26 (iii) 1. On or before April 1 of each year, the Board of
27 Trustees and the State Department of Education shall jointly review any forms filed
28 by a superintendent of a local school system AND THE SUPERINTENDENT OF THE
29 MARYLAND SCHOOL FOR THE DEAF under subparagraph (ii) of this paragraph
30 during the previous calendar year.

31 2. If the Board of Trustees and the State Department of
32 Education agree that a superintendent of a local school system OR THE MARYLAND
33 SCHOOL FOR THE DEAF has rehired an individual that does not satisfy the criteria
34 provided in paragraph (4)(v) or (vi) and (5), (6), or (8) of this subsection:

1 A. on or before July 1 of the year of the finding, the
 2 Board of Trustees shall notify the superintendent of the local school system OR THE
 3 MARYLAND SCHOOL FOR THE DEAF of this individual; and

4 B. the local school system OR THE MARYLAND SCHOOL
 5 FOR THE DEAF shall reimburse the Board of Trustees the amount equal to the
 6 reduction to the individual's retirement allowance that would have been made in
 7 paragraph (2) of this subsection.

8 (iv) If a superintendent of a local school system OR THE
 9 SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF rehires an
 10 individual that satisfies the criteria provided in paragraphs (4)(v) or (vi) and (5), (6), or
 11 (8) of this subsection and the Board of Trustees and the State Department of
 12 Education do not receive certification from the superintendent in the time required
 13 under subparagraph (ii) of this paragraph:

14 1. on or before July 1 of the year of the finding, the
 15 Board of Trustees shall notify the superintendent of the local school system AND THE
 16 SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF of this individual;
 17 and

18 2. the local school system OR THE MARYLAND SCHOOL
 19 FOR THE DEAF shall reimburse the Board of Trustees the amount equal to any
 20 reduction to the individual's retirement allowance that would have been made in
 21 paragraph (2) of this subsection as a result of the superintendent's failure to submit
 22 certification under subparagraph (ii) of this paragraph.

23 (v) The local school system OR THE MARYLAND SCHOOL FOR
 24 THE DEAF shall make the reimbursement on or before December 31 of the year the
 25 local school system OR THE MARYLAND SCHOOL FOR THE DEAF receives notice
 26 from the Board of Trustees under subparagraph (iii)2A of this paragraph.

27 (10) On or before August 1 of each year, the local superintendent AND
 28 THE SUPERINTENDENT FOR THE MARYLAND SCHOOL FOR THE DEAF shall report
 29 to the State Department of Education for the previous school year:

30 (i) the number of individuals rehired under paragraph (4)(v) or
 31 (vi) or (8) of this subsection;

32 (ii) 1. the school and school system where each individual
 33 was rehired; and

34 2. whether the school:

1 A. was not making adequate yearly progress or was a
2 school in need of improvement as defined under the federal No Child Left Behind Act
3 of 2001 and as implemented by the State Department of Education;

4 B. was receiving funds under Title 1 of the federal No
5 Child Left Behind Act of 2001;

6 C. has more than 50% of the students attending that
7 school who are eligible for free and reduced-price meals established by the United
8 States Department of Agriculture; or

9 D. provided an alternative education program for
10 adjudicated youths or students who have been expelled, suspended, or identified for
11 suspension or expulsion from a public school;

12 (iii) the original date of rehire for each individual;

13 (iv) the subject matter taught by each individual;

14 (v) the annual salary of each individual; and

15 (vi) the percentage of student population composed of children in
16 poverty that is required to be present in a school in that school system in order for that
17 school to qualify as a Title 1 school.

18 23–407.

19 (a) In this section, “area of critical shortage” means an academic field
20 identified by the State Department of Education in accordance with the provisions of §
21 18–703(g)(1) of the Education Article as having projected employment vacancies that
22 substantially exceed projected qualified graduates.

23 (c) (4) Except for an individual whose allowance is subject to a reduction
24 as provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an
25 allowance under this subsection does not apply to:

26 (iv) a retiree of the Teachers’ Pension System who:

27 1. is or has been certified to teach in the State;

28 2. has verification of satisfactory or better performance
29 in the last assignment prior to retirement;

30 3. based on the retired teacher’s qualifications, has been
31 appointed in accordance with § 4–103 of the Education Article; and

1 4. receives verification of satisfactory or better
2 performance each year the teacher is employed under paragraph (5) of this subsection;

3 (v) a retiree of the Teachers' Pension System who:

4 1. A. was employed as a principal within 5 years of
5 retirement; or

6 B. was employed as a principal not more than 10 years
7 before retirement and was employed in a position supervising principals in the
8 retiree's last assignment prior to retirement;

9 2. has verification of satisfactory performance for each
10 year as a principal and, if applicable, in a position supervising principals prior to
11 retirement;

12 3. based on the retiree's qualifications, has been hired as
13 a principal; and

14 4. receives verification of satisfactory performance each
15 year the retiree is employed as a principal under paragraph (6) of this subsection;

16 (5) (i) An individual who is rehired under paragraph (4)(iv) of this
17 subsection shall be employed as a classroom teacher, substitute classroom teacher, or
18 teacher mentor in:

19 1. a public school that:

20 [1.] A. is not making adequate yearly progress or is a
21 school in need of improvement as defined under the federal No Child Left Behind Act
22 of 2001 and as implemented by the State Department of Education;

23 [2.] B. is receiving funds under Title 1 of the federal
24 No Child Left Behind Act of 2001;

25 [3.] C. has more than 50% of the students attending
26 that school who are eligible for free and reduced-price meals established by the United
27 States Department of Agriculture; or

28 [4.] D. provides an alternative education program for
29 adjudicated youths or students who have been expelled, suspended, or identified for
30 suspension or expulsion from a public school; **OR**

31 2. **THE MARYLAND SCHOOL FOR THE DEAF.**

1 (ii) An individual rehired at a school described under
2 subparagraph (i) of this paragraph shall teach:

- 3 1. in an area of critical shortage;
- 4 2. a special education class for students with special
5 needs; or
- 6 3. a class for students with limited English proficiency.

7 (6) An individual who is rehired under paragraph (4)(v) of this
8 subsection shall be employed as a principal at:

9 (I) a public school that:

10 [(i)] 1. is not making adequate yearly progress or is a school
11 in need of improvement as defined under the federal No Child Left Behind Act of 2001
12 and as implemented by the State Department of Education;

13 [(ii)] 2. is receiving funds under Title 1 of the federal No
14 Child Left Behind Act of 2001;

15 [(iii)] 3. has more than 50% of the students attending that
16 school who are eligible for free and reduced-price meals established by the United
17 States Department of Agriculture; or

18 [(iv)] 4. provides an alternative education program for
19 adjudicated youths or students who have been expelled, suspended, or identified for
20 suspension or expulsion from a public school; OR

21 (II) **THE MARYLAND SCHOOL FOR THE DEAF.**

22 (8) (i) Notwithstanding paragraph (5) of this subsection, each
23 superintendent of a local school system AND THE SUPERINTENDENT OF THE
24 MARYLAND SCHOOL FOR THE DEAF may rehire an additional number of
25 individuals described under paragraph (4)(v) of this subsection equal to the greater of:

26 1. five; or

27 2. 0.2% of the total full-time equivalent instructional
28 teachers employed by that local school system OR THE MARYLAND SCHOOL FOR
29 THE DEAF, rounded up to the nearest whole number not to exceed 15, as reported
30 annually by the State Department of Education.

31 (ii) At any one time, the total number of individuals rehired by a
32 superintendent of a local school system OR THE SUPERINTENDENT OF THE

1 MARYLAND SCHOOL FOR THE DEAF under this paragraph may not exceed the
2 number determined under subparagraph (i) of this paragraph.

3 (iii) An individual rehired under this paragraph:

4 1. A. shall be reemployed at a school specified in
5 paragraph (5)(i) of this subsection; and

6 B. may teach any subject or class or provide educational
7 services assigned by the individual's superintendent; or

8 2. A. may be reemployed at any school assigned by
9 the individual's superintendent; and

10 B. shall teach a subject or class or provide educational
11 services specified in paragraph (5)(ii) of this subsection.

12 (9) (i) The superintendent of the local school system OR THE
13 SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF rehiring an
14 individual under paragraph (4)(iv) or (v) of this subsection shall:

15 1. approve the rehiring of that individual; and

16 2. determine the school where the individual is to be
17 reemployed.

18 (ii) Within 30 days after rehiring an individual, the
19 superintendent of a local school system OR THE SUPERINTENDENT OF THE
20 MARYLAND SCHOOL FOR THE DEAF shall complete and file with the Board of
21 Trustees and the State Department of Education a form provided by the Board of
22 Trustees that certifies that the individual rehired by the local school system OR THE
23 MARYLAND SCHOOL FOR THE DEAF under paragraph (4)(iv) or (v) of this
24 subsection:

25 1. satisfied the criteria provided in paragraph (4)(iv) or
26 (v) of this subsection;

27 2. was reemployed at a school described under
28 paragraph (5)(i) or (6) of this subsection; and

29 3. if rehired under paragraph (4)(iv) of this subsection,
30 was:

31 A. teaching in an area specified in paragraph (5)(ii) of
32 this subsection; or

1 B. teaching in any class or subject or providing
2 educational services as provided under paragraph (8) of this subsection.

3 (iii) 1. On or before April 1 of each year, the Board of
4 Trustees and the State Department of Education shall jointly review any forms filed
5 by a superintendent of a local school system AND THE SUPERINTENDENT OF THE
6 MARYLAND SCHOOL FOR THE DEAF under subparagraph (ii) of this paragraph.

7 2. If the Board of Trustees and the State Department of
8 Education agree that a superintendent of a local school system OR THE MARYLAND
9 SCHOOL FOR THE DEAF has rehired an individual that does not satisfy the criteria
10 provided in paragraph (4)(iv) or (v) and (5), (6), or (8) of this subsection:

11 A. on or before July 1 of the year of the finding, the
12 Board of Trustees shall notify the superintendent of the local school system OR THE
13 MARYLAND SCHOOL FOR THE DEAF of this individual; and

14 B. the local school system OR THE MARYLAND SCHOOL
15 FOR THE DEAF shall reimburse the Board of Trustees the amount equal to the
16 reduction to the individual's retirement allowance that would have been made in
17 paragraph (2) of this subsection.

18 (iv) If a superintendent of a local school system OR THE
19 SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF rehires an
20 individual that satisfies the criteria provided in paragraphs (4)(iv) or (v) and (5), (6), or
21 (8) of this subsection and the Board of Trustees and the State Department of
22 Education do not receive certification from the superintendent in the time required
23 under subparagraph (ii) of this paragraph:

24 1. on or before July 1 of the year of the finding, the
25 Board of Trustees shall notify the superintendent of the local school system AND THE
26 SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF of this individual;
27 and

28 2. the local school system OR MARYLAND SCHOOL FOR
29 THE DEAF shall reimburse the Board of Trustees the amount equal to any reduction
30 to the individual's retirement allowance that would have been made in paragraph (2)
31 of this subsection as a result of the superintendent's failure to submit certification
32 under subparagraph (ii) of this paragraph.

33 (v) The local school system OR THE MARYLAND SCHOOL FOR
34 THE DEAF shall make the reimbursement on or before December 31 of the year the
35 local school system OR THE MARYLAND SCHOOL FOR THE DEAF receives notice
36 from the Board of Trustees under subparagraph (iii)2A of this paragraph.

1 (10) On or before August 1 of each year, the local superintendent AND
2 THE SUPERINTENDENT FOR THE MARYLAND SCHOOL FOR THE DEAF shall report
3 to the State Department of Education for the previous school year:

4 (i) the number of individuals rehired under paragraph (4)(iv) or
5 (v) or (8) of this subsection;

6 (ii) 1. the school and school system where each individual
7 was rehired; and

8 2. whether the school:

9 A. was not making adequate yearly progress or was a
10 school in need of improvement as defined under the federal No Child Left Behind Act
11 of 2001 and as implemented by the State Department of Education;

12 B. was receiving funds under Title 1 of the federal No
13 Child Left Behind Act of 2001;

14 C. has more than 50% of the students attending that
15 school who are eligible for free and reduced-price meals established by the United
16 States Department of Agriculture; or

17 D. provided an alternative education program for
18 adjudicated youths or students who have been expelled, suspended, or identified for
19 suspension or expulsion from a public school;

20 (iii) the original date of rehire for each individual;

21 (iv) the subject matter taught by each individual;

22 (v) the annual salary of each individual; and

23 (vi) the percentage of student population composed of children in
24 poverty that is required to be present in a school in that school system in order for that
25 school to qualify as a Title 1 school.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 July 1, 2012.