

SENATE BILL 251

K4

(2lr1363)

ENROLLED BILL

— Budget and Taxation/Appropriations —

Introduced by **Senator Jones–Rodwell (Chair, Joint Committee on Pensions)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

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.

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.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, without amendments,
 2 Article – State Personnel and Pensions
 3 Section 22–406(a) and (c)(4)(v) and (vi) and 23–407(a) and (c)(4)(iv) and (v)
 4 Annotated Code of Maryland
 5 (2009 Replacement Volume and 2011 Supplement)

6 BY repealing and reenacting, with amendments,
 7 Article – State Personnel and Pensions
 8 Section ~~22–406(c)(5) and (6) and 23–407(c)(5) and (6)~~ 22–406(c)(5), (6), (8), (9),
 9 and (10) and 23–407(c)(5), (6), (8), (9), and (10)
 10 Annotated Code of Maryland
 11 (2009 Replacement Volume and 2011 Supplement)

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

14 **Article – State Personnel and Pensions**

15 22–406.

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (5) (i) An individual who is rehired under paragraph (4)(v) of this
12 subsection shall be employed as a classroom teacher, substitute classroom teacher, or
13 teacher mentor in:

14 1. a public school that:

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

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

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

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

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

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

29 1. in an area of critical shortage;

30 2. a special education class for students with special
31 needs; or

1 3. a class for students with limited English proficiency.

2 (6) An individual who is rehired under paragraph (4)(vi) of this
3 subsection shall be employed as a principal at:

4 (I) a public school that:

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

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

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

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

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

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

21 1. five; or

22 2. 0.2% of the total full-time equivalent instructional
23 teachers employed by that local school system OR THE MARYLAND SCHOOL FOR
24 THE DEAF, rounded up to the nearest whole number not to exceed 15, as reported
25 annually by the State Department of Education.

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

30 (iii) An individual rehired under this paragraph:

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

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

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

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

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

10 1. approve the rehiring of that individual; and

11 2. determine the school where the individual is to be
12 reemployed.

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

20 1. satisfied the criteria provided in paragraph (4)(v) or
21 (vi) of this subsection;

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

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

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

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

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

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

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

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

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

18 1. on or before July 1 of the year of the finding, the
19 Board of Trustees shall notify the superintendent of the local school system ~~AND~~ **OR**
20 **THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF** of this
21 individual; and

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

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

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

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

- 1 (ii) 1. the school and school system where each individual
2 was rehired; and
- 3 2. whether the school:
- 4 A. was not making adequate yearly progress or was a
5 school in need of improvement as defined under the federal No Child Left Behind Act
6 of 2001 and as implemented by the State Department of Education;
- 7 B. was receiving funds under Title 1 of the federal No
8 Child Left Behind Act of 2001;
- 9 C. has more than 50% of the students attending that
10 school who are eligible for free and reduced-price meals established by the United
11 States Department of Agriculture; or
- 12 D. provided an alternative education program for
13 adjudicated youths or students who have been expelled, suspended, or identified for
14 suspension or expulsion from a public school;
- 15 (iii) the original date of rehire for each individual;
- 16 (iv) the subject matter taught by each individual;
- 17 (v) the annual salary of each individual; and
- 18 (vi) the percentage of student population composed of children in
19 poverty that is required to be present in a school in that school system in order for that
20 school to qualify as a Title 1 school.

21 23–407.

22 (a) In this section, “area of critical shortage” means an academic field
23 identified by the State Department of Education in accordance with the provisions of §
24 18–703(g)(1) of the Education Article as having projected employment vacancies that
25 substantially exceed projected qualified graduates.

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

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

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

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

1 3. based on the retired teacher's qualifications, has been
2 appointed in accordance with § 4-103 of the Education Article; and

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

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

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

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

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

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

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

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

21 1. a public school that:

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

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

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

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

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

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

4 1. in an area of critical shortage;

5 2. a special education class for students with special
6 needs; or

7 3. a class for students with limited English proficiency.

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

10 (I) a public school that:

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

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

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

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

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

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

27 1. five; or

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

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

5 (iii) An individual rehired under this paragraph:

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

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

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

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

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

17 1. approve the rehiring of that individual; and

18 2. determine the school where the individual is to be
19 reemployed.

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (v) The local school system OR THE MARYLAND SCHOOL FOR
36 THE DEAF shall make the reimbursement on or before December 31 of the year the

1 local school system OR THE MARYLAND SCHOOL FOR THE DEAF receives notice
2 from the Board of Trustees under subparagraph (iii)2A of this paragraph.

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

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

8 (ii) 1. the school and school system where each individual
9 was rehired; and

10 2. whether the school:

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

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

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

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

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

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

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

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

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