

Chapter 137

(Senate Bill 236)

AN ACT concerning

Teachers' Retirement and Pension Systems – Obsolete Reemployment Provisions

FOR the purpose of ~~repealing~~ updating and altering certain obsolete provisions relating to the reemployment of certain teachers and principals who are retirees of the Teachers' Retirement and Pension Systems; and generally relating to the reemployment of retirees of the Teachers' Retirement and Pension Systems.

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 22–406(c)(4)(v) and (vi) and 23–407(c)(4)(iv) and (v)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 22–406(c)(5), (6), (7), and (10) and 23–407(c)(5), (6), (7), and (10)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

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

Article – State Personnel and Pensions

22–406.

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

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

1. is or has been certified to teach in the State;
2. has verification of satisfactory or better performance in the last assignment prior to retirement;
3. based on the retired teacher's qualifications, has been appointed in accordance with § 4–103 of the Education Article; and

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

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

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

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

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

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

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

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

1. a public school that:

A. ~~is not making adequate yearly progress or~~ is a school in need of improvement as defined under the federal ~~No Child Left Behind Act of 2001~~ **ELEMENTARY AND SECONDARY EDUCATION ACT** and as implemented by the State Department of Education;

B. is receiving funds under Title 1 of the federal ~~No Child Left Behind Act of 2001~~ **ELEMENTARY AND SECONDARY EDUCATION ACT**;

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

~~D. is~~ provides an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school; or

2. the Maryland School for the Deaf.

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

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

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

(i) a public school that:

1. ~~is not making adequate yearly progress or~~ is a school in need of improvement as defined under the federal ~~No Child Left Behind Act of 2001~~ **ELEMENTARY AND SECONDARY EDUCATION ACT** and as implemented by the State Department of Education;

2. is receiving funds under Title 1 of the federal ~~No Child Left Behind Act of 2001~~ **ELEMENTARY AND SECONDARY EDUCATION ACT**;

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

~~4. is~~ provides an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school; or

(ii) the Maryland School for the Deaf.

(7) An individual who is reemployed under paragraph (4)(v) or (vi) of this subsection at a school described under paragraph (5) or (6) of this subsection may not continue that reemployment ~~[after the school makes adequate yearly progress]~~ for **MORE THAN 4 5** consecutive years.

(10) On or before August 1 of each year, the local superintendent and the superintendent of the Maryland School for the Deaf shall report to the State Department of Education for the previous school year:

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

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

2. whether the school:

A. ~~was not making adequate yearly progress or~~ was a school in need of improvement as defined under the federal ~~No Child Left Behind Act of 2001~~ **ELEMENTARY AND SECONDARY EDUCATION ACT** and as implemented by the State Department of Education;

B. was receiving funds under Title 1 of the federal ~~No Child Left Behind Act of 2001~~ **ELEMENTARY AND SECONDARY EDUCATION ACT**;

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

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

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

(iv) the subject matter taught by each individual;

(v) if hired under paragraph (8) of this subsection, the position title of each individual;

(vi) the annual salary of each individual; and

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

23-407.

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

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

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

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

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

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

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

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

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

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

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

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

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

1. a public school that:

A. ~~is not making adequate yearly progress or~~ is a school in need of improvement as defined under the federal ~~No Child Left Behind Act of 2001~~ **ELEMENTARY AND SECONDARY EDUCATION ACT** and as implemented by the State Department of Education;

B. is receiving funds under Title 1 of the federal ~~No Child Left Behind Act of 2001~~ **ELEMENTARY AND SECONDARY EDUCATION ACT**;

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

~~D.† B.~~ provides an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school; or

2. the Maryland School for the Deaf.

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

1. in an area of critical shortage;

2. a special education class for students with special needs;

or

3. a class for students with limited English proficiency.

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

(i) a public school that:

1. ~~is not making adequate yearly progress or~~ is a school in need of improvement as defined under the federal ~~No Child Left Behind Act of 2001~~ **ELEMENTARY AND SECONDARY EDUCATION ACT** and as implemented by the State Department of Education;

2. is receiving funds under Title 1 of the federal ~~No Child Left Behind Act of 2001~~ **ELEMENTARY AND SECONDARY EDUCATION ACT**;

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

~~4. is~~ ~~2.~~ provides an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school; or

(ii) the Maryland School for the Deaf.

(7) An individual who is reemployed under paragraph (4)(iv) or (v) of this subsection at a school described under paragraph (5) or (6) of this subsection may not continue that reemployment **[after the school makes adequate yearly progress]** for **MORE THAN ~~4~~ 5** consecutive years.

(10) On or before August 1 of each year, the local superintendent and the superintendent of the Maryland School for the Deaf shall report to the State Department of Education for the previous school year:

- (i) the number of individuals rehired under paragraph (4)(iv) or (v) or (8) of this subsection;
- (ii) 1. the school and school system where each individual was rehired; and
2. whether the school:
- A. ~~was not making adequate yearly progress or~~ was a school in need of improvement as defined under the federal ~~No Child Left Behind Act of 2001~~ **ELEMENTARY AND SECONDARY EDUCATION ACT** and as implemented by the State Department of Education;
- B. was receiving funds under Title 1 of the federal ~~No Child Left Behind Act of 2001~~ **ELEMENTARY AND SECONDARY EDUCATION ACT**;
- C. ~~has~~ has more than 50% of the students attending that school who are eligible for free and reduced-price meals established by the United States Department of Agriculture; or
- ~~D. B.~~ provided an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school;
- (iii) the original date of rehire for each individual;
- (iv) the subject matter taught by each individual;
- (v) if hired under paragraph (8) of this subsection, the position title of each individual;
- (vi) the annual salary of each individual; and
- (vii) the percentage of student population composed of children in poverty that is required to be present in a school in that school system in order for that school to qualify as a Title 1 school.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.