

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL NO. 1254

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Proctor,” insert “James.”; in line 5, after “System;” insert “requiring that certain retirees of the Teachers’ Retirement System or the Teachers’ Pension System who are rehired by certain employers return to work in certain schools or teach certain subjects; requiring certain superintendents of local school systems to submit a certain report to the State Board of Education by a certain date; providing that certain retirees of the Employees’ Retirement System, the Teachers’ Retirement System, the Employees’ Pension System, or Teachers’ Pension System may not be rehired by certain employers within a certain period of time from the date when the retirees retired; repealing the requirement that the State Board of Education provide the county boards of education with certain information regarding reconstituted schools;”; in line 6, after “Schools” insert “and the Secretary of Health and Mental Hygiene”; in line 9, after “benefit;” insert “providing for the application of this Act;”; and after line 18, insert:

“BY repealing and reenacting, with amendments,

Chapter 245 of the Acts of the General Assembly of 2000

Section 3”.

AMENDMENT NO. 2

On page 3, in line 16, after “IN” insert “ENGLISH.”; in line 17, after “LANGUAGE,” insert “CIVICS AND GOVERNMENT, ECONOMICS, HISTORY, GEOGRAPHY, ENGLISH AS A SECOND LANGUAGE.”; and in line 22, after “Article;” insert “AND”.

On pages 3 and 4, strike in their entirety the lines beginning with line 23 on page 3 through line 17 on page 4, inclusive.

On page 4, in line 18, strike “5.” and substitute “4.”; in line 19, strike “item 4 of this item” and substitute “PARAGRAPH (5) OF THIS SUBSECTION”; and in lines 32 and 33 and 34, in each

(Over)

instance, strike “item 3 of this item” and substitute “PARAGRAPH (6) OF THIS SUBSECTION”.

AMENDMENT NO. 3

On page 5, after line 12, insert:

“(5) (I) AN INDIVIDUAL WHO IS REHIRED UNDER PARAGRAPH (4)(V) OF THIS SUBSECTION SHALL BE EMPLOYED AS A CLASSROOM TEACHER, SUBSTITUTE CLASSROOM TEACHER, TEACHER MENTOR, OR SUBSTITUTE TEACHER MENTOR IN A PUBLIC SCHOOL THAT:

1. IS NOT MAKING ADEQUATE YEARLY PROGRESS AS DEFINED UNDER THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001 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; OR

3. PROVIDES AN ALTERNATIVE EDUCATION PROGRAM FOR STUDENTS WHO HAVE BEEN EXPELLED, SUSPENDED, OR IDENTIFIED FOR SUSPENSION OR EXPULSION FROM A PUBLIC SCHOOL.

(II) AN INDIVIDUAL REHIRED AT A SCHOOL DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL TEACH:

1. A CORE SUBJECT THAT HAS BEEN IDENTIFIED BY THE STATE DEPARTMENT OF EDUCATION BY REGULATION AS A CRITICAL SHORTAGE AREA;

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 A PUBLIC SCHOOL THAT:

(I) IS NOT MAKING ADEQUATE YEARLY PROGRESS AS DEFINED UNDER THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001 AND AS

IMPLEMENTED BY THE STATE DEPARTMENT OF EDUCATION;

(II) IS RECEIVING FUNDS UNDER TITLE 1 OF THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001; OR

(III) PROVIDES AN ALTERNATIVE EDUCATION PROGRAM FOR STUDENTS WHO HAVE BEEN EXPELLED, SUSPENDED, OR IDENTIFIED FOR SUSPENSION OR EXPULSION FROM A PUBLIC SCHOOL.

(7) IF, AT THE TIME AN INDIVIDUAL IS REEMPLOYED UNDER PARAGRAPH (4)(V) OR (VI) OF THIS SUBSECTION AT A SCHOOL NOT MAKING ADEQUATE YEARLY PROGRESS AS DEFINED UNDER THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001, AND WHILE THE INDIVIDUAL IS REEMPLOYED THE SCHOOL MAKES ADEQUATE YEARLY PROGRESS, THE INDIVIDUAL MAY CONTINUE TO BE REEMPLOYED AT THAT SCHOOL FOR 3 YEARS FROM THE DATE THE SCHOOL FIRST MADE ADEQUATE YEARLY PROGRESS AFTER THE INDIVIDUAL WAS REHIRED.

(8) (I) THE SUPERINTENDENT OF THE LOCAL SCHOOL SYSTEM REHIRING AN INDIVIDUAL UNDER PARAGRAPH (4)(V) OR (VI) OF THIS SUBSECTION SHALL APPROVE THE REHIRING OF THAT INDIVIDUAL AND SHALL DETERMINE THE SCHOOL WHERE THE INDIVIDUAL SHALL BE REEMPLOYED.

(II) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE LOCAL SUPERINTENDENT SHALL REPORT ANNUALLY TO THE STATE BOARD OF EDUCATION:

1. THE NUMBER OF INDIVIDUALS REHIRED UNDER PARAGRAPH (4)(V) OR (VI) OF THIS SUBSECTION;

2. THE LOCATION OF THE SCHOOL WHERE EACH INDIVIDUAL IS EMPLOYED;

3. THE SUBJECT MATTER TAUGHT BY EACH INDIVIDUAL; AND

(Over)

4. THE ANNUAL SALARY OF EACH INDIVIDUAL.

(9) AN INDIVIDUAL WHO IS REHIRED UNDER PARAGRAPH (4)(V), (VI), OR (VIII) OF THIS SUBSECTION MAY NOT RECEIVE AN ANNUAL SALARY THAT IS GREATER THAN 70% OF THE INDIVIDUAL'S ANNUAL SALARY AT THE TIME THE INDIVIDUAL RETIRED.

(10) AN INDIVIDUAL WHO IS REHIRED UNDER PARAGRAPH (4)(V), (VI), OR (VIII) OF THIS SUBSECTION MAY NOT BE REHIRED WITHIN 60 DAYS OF THE DATE THE INDIVIDUAL RETIRED.”.

AMENDMENT NO. 4

On pages 5 and 6, strike beginning with “of:” in line 33 on page 5 down through “(4)” in line 6 on page 6 and substitute “OF”.

On page 6, in line 10, strike the brackets; in line 11, after “(B)(4)(V)” insert “OR (VI)”; strike beginning with “EDUCATION” in line 29 down through “PENSIONS,” in line 32 and substitute “HOUSE APPROPRIATIONS COMMITTEE AND THE SENATE BUDGET AND TAXATION COMMITTEE”; in line 34, after “(B)(4)(V)” insert “AND (VI)”; in line 36, after “AND” insert “LOCAL”.

On page 7, in line 2, strike “AND”; in line 3, strike “SALARIES” and substitute “ANNUAL SALARY”; and in the same line, after “RETIREE” insert “AT THE TIME OF RETIREMENT AND THE CURRENT ANNUAL SALARY OF EACH REHIRED RETIREE;”

(5) THE NUMBER OF TEACHERS AND PRINCIPALS HIRED BY THE LOCAL SCHOOL SYSTEMS THAT ARE NOT RETIREES;

(6) THE SCHOOL AND LOCAL SCHOOL SYSTEM WHERE EACH TEACHER AND PRINCIPAL HAS BEEN HIRED;

(7) THE SUBJECT MATTER THAT EACH TEACHER IS TEACHING; AND

(8) THE ANNUAL SALARY OF EACH TEACHER AND PRINCIPAL WHO IS HIRED.

(N) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL SUBMIT A REPORT IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE TO THE HOUSE APPROPRIATIONS COMMITTEE AND THE SENATE BUDGET AND TAXATION COMMITTEE THAT PROVIDES:

(1) THE NUMBER OF REHIRED RETIREES UNDER SUBSECTION (B)(4)(VIII) OF THIS SECTION;

(2) THE ANNUAL SALARY OF EACH REHIRED RETIREE AT THE TIME OF RETIREMENT AND THE CURRENT ANNUAL SALARY OF EACH REHIRED RETIREE;

(3) THE NUMBER OF NURSES HIRED WHO ARE NOT RETIREES; AND

(4) THE ANNUAL SALARY OF EACH NURSE WHO IS HIRED”.

AMENDMENT NO. 5

On page 8, in line 13, after “IN” insert “ENGLISH,”; in line 14, after “LANGUAGE,” insert “CIVICS AND GOVERNMENT, ECONOMICS, HISTORY, GEOGRAPHY, ENGLISH AS A SECOND LANGUAGE,”; and in line 19, after “Article;” insert “AND”.

On pages 8 and 9, strike in their entirety the lines beginning with line 20 on page 8 through line 12 on page 9, inclusive.

On page 9, in line 13, strike “5.” and substitute “4.”; in line 14, strike “item 4 of this item” and substitute “PARAGRAPH (5) OF THIS SUBSECTION”; and in lines 27, 28, and 29, in each instance, strike “item 3 of this item” and substitute “PARAGRAPH (6) OF THIS SUBSECTION”.

AMENDMENT NO. 6

On page 10, after line 6, insert:

“(5) (I) AN INDIVIDUAL WHO IS REHIRED UNDER PARAGRAPH (4)(III) OF THIS SUBSECTION SHALL BE EMPLOYED AS A CLASSROOM TEACHER,

(Over)

SUBSTITUTE CLASSROOM TEACHER, TEACHER MENTOR, OR SUBSTITUTE TEACHER MENTOR IN A PUBLIC SCHOOL THAT:

1. IS NOT MAKING ADEQUATE YEARLY PROGRESS AS DEFINED UNDER THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001 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; OR

3. PROVIDES AN ALTERNATIVE EDUCATION PROGRAM FOR STUDENTS WHO HAVE BEEN EXPELLED, SUSPENDED, OR IDENTIFIED FOR SUSPENSION OR EXPULSION FROM A PUBLIC SCHOOL.

(II) AN INDIVIDUAL REHIRED AT A SCHOOL DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL TEACH:

1. A CORE SUBJECT THAT HAS BEEN IDENTIFIED BY THE STATE DEPARTMENT OF EDUCATION BY REGULATION AS A CRITICAL SHORTAGE AREA;

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)(IV) OF THIS SUBSECTION SHALL BE EMPLOYED AS A PRINCIPAL AT A PUBLIC SCHOOL THAT:

(I) IS NOT MAKING ADEQUATE YEARLY PROGRESS AS DEFINED UNDER THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001 AND AS IMPLEMENTED BY THE STATE DEPARTMENT OF EDUCATION;

(II) IS RECEIVING FUNDS UNDER TITLE 1 OF THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001; OR

(III) PROVIDES AN ALTERNATIVE EDUCATION PROGRAM FOR STUDENTS WHO HAVE BEEN EXPELLED OR SUSPENDED, OR IDENTIFIED FOR SUSPENSION OR EXPULSION FROM A PUBLIC SCHOOL.

(7) IF, AT THE TIME AN INDIVIDUAL IS REEMPLOYED UNDER PARAGRAPH (4)(III) OR (IV) OF THIS SUBSECTION AT A SCHOOL NOT MAKING ADEQUATE YEARLY PROGRESS AS DEFINED UNDER THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001, AND WHILE THE INDIVIDUAL IS REEMPLOYED THE SCHOOL MAKES ADEQUATE YEARLY PROGRESS, THE INDIVIDUAL MAY CONTINUE TO BE REEMPLOYED AT THAT SCHOOL FOR 3 YEARS FROM THE DATE THE SCHOOL FIRST MADE ADEQUATE YEARLY PROGRESS AFTER THE INDIVIDUAL WAS REHIRED.

(8) (I) THE SUPERINTENDENT OF THE LOCAL SCHOOL SYSTEM REHIRING AN INDIVIDUAL UNDER PARAGRAPH (4)(III) OR (IV) OF THIS SUBSECTION SHALL APPROVE THE REHIRING OF THAT INDIVIDUAL AND DETERMINE THE SCHOOL WHERE THE INDIVIDUAL SHALL BE REEMPLOYED.

(II) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE LOCAL SUPERINTENDENT SHALL REPORT ANNUALLY TO THE STATE BOARD OF EDUCATION:

1. THE NUMBER OF INDIVIDUALS REHIRED UNDER PARAGRAPH (4)(III) OR (IV) OF THIS SUBSECTION;

2. THE LOCATION OF THE SCHOOL WHERE EACH INDIVIDUAL IS EMPLOYED;

3. THE SUBJECT MATTER TAUGHT BY EACH INDIVIDUAL; AND

4. THE ANNUAL SALARY OF EACH INDIVIDUAL.

(9) AN INDIVIDUAL WHO IS REHIRED UNDER PARAGRAPH (4)(III), (IV), OR (VI) OF THIS SUBSECTION MAY NOT RECEIVE AN ANNUAL SALARY THAT IS GREATER THAN 70% OF THE INDIVIDUAL'S ANNUAL SALARY AT THE TIME THE INDIVIDUAL RETIRED.

(10) AN INDIVIDUAL WHO IS REHIRED UNDER PARAGRAPH (4)(III), (IV), OR (VI) OF THIS SUBSECTION MAY NOT BE REHIRED WITHIN 60 DAYS OF THE DATE THE INDIVIDUAL RETIRED.”.

AMENDMENT NO. 7

On page 10, strike beginning with “of:” in line 27 down through “(4)” in line 35 and substitute “OF”.

On page 11, in line 3, strike the brackets; in line 4, after “(B)(4)(III)” insert “OR (IV)”; strike beginning with “EDUCATION” in line 22 down through “PENSIONS,” in line 25 and substitute “HOUSE APPROPRIATIONS COMMITTEE AND THE SENATE BUDGET AND TAXATION COMMITTEE”; in line 28, after “(B)(4)(III)” insert “AND (IV)”; in line 30, after “AND” insert “LOCAL”; in line 33, strike “AND”; in line 34, strike “SALARIES” and substitute “ANNUAL SALARY”; in the same line, after “RETIREE” insert “AT THE TIME OF RETIREMENT AND THE CURRENT ANNUAL SALARY OF EACH REHIRED RETIREE;”

(5) THE NUMBER OF TEACHERS AND PRINCIPALS HIRED BY THE LOCAL SCHOOL SYSTEMS WHO ARE NOT RETIREES;

(6) THE SCHOOL AND LOCAL SCHOOL SYSTEM WHERE EACH TEACHER AND PRINCIPAL HAS BEEN HIRED;

(7) THE SUBJECT MATTER THAT EACH TEACHER IS TEACHING; AND

(8) THE ANNUAL SALARY OF EACH TEACHER AND PRINCIPAL WHO IS HIRED.

(N) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL SUBMIT A REPORT IN ACCORDANCE WITH §



2-1246 OF THE STATE GOVERNMENT ARTICLE TO THE HOUSE APPROPRIATIONS COMMITTEE AND THE SENATE BUDGET AND TAXATION COMMITTEE THAT PROVIDES:

(1) THE NUMBER OF REHIRED RETIREES UNDER SUBSECTION (B)(4)(VI) OF THIS SECTION;

(2) THE ANNUAL SALARY OF EACH REHIRED RETIREE AT THE TIME OF RETIREMENT AND THE CURRENT ANNUAL SALARY OF EACH REHIRED RETIREE;

(3) THE NUMBER OF NURSES HIRED WHO ARE NOT RETIREES; AND

(4) THE ANNUAL SALARY OF EACH NURSE WHO IS HIRED”;

and in line 37, strike “7” and substitute “9”.

AMENDMENT NO. 8

On page 12, in line 1, strike “2006” and substitute “2008”; after line 2, insert:

“Chapter 245 of the Acts of 2000

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2000. It shall remain effective for a period of [4] 8 years and, at the end of June 30, [2004] 2008, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”;

in lines 5 and 10, in each instance, strike “5” and substitute “7”; in lines 6 and 11, in each instance, strike “2006” and substitute “2008”; after line 13, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to a retiree’s employment contract in effect before the effective date of this Act.”;

(Over)

and in line 14, strike “2.” and substitute “3.”.