

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL NO. 8

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Green” and substitute “Senators Green and Hollinger”; strike in their entirety lines 2 and 3 and substitute “Retirement and Pensions - Reemployment of Retirees”; in line 4, after “purpose of” insert “altering the criteria for hiring certain retirees of the Employees’ Retirement System, the Employees’ Pension System, the Teachers’ Retirement System, or the Teachers’ Pension System; 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 the 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; requiring the State Superintendent of Schools and the Secretary of Health and Mental Hygiene to submit certain reports by a certain date to certain committees; altering the conditions under which certain retirees who are receiving an ordinary disability retirement and who are reemployed by certain employers are subject to a reduction to their ordinary disability retirement allowance;”; in line 5, strike “of the Teachers’ Retirement and Pension Systems”; in line 7, after “benefit;” insert “providing for the application of this Act;”; strike beginning with “an” in line 7 down through “benefit” in line 10 and substitute “the reemployment of retirees”; in line 11, strike “without” and substitute “with”; in line 13, strike “22-406 and 23-407” and substitute “22-406, 23-407, and 29-116”; and after line 24, insert:

“BY repealing and reenacting, with amendments,

Chapter 733 of the Acts of the General Assembly of 2001  
Section 3”.

(Over)

AMENDMENT NO. 2

On page 3, in line 16, after “State” insert “, IN ENGLISH, READING, MATH, SCIENCE, A FOREIGN LANGUAGE, CIVICS AND GOVERNMENT, ECONOMICS, HISTORY, GEOGRAPHY, ENGLISH AS A SECOND LANGUAGE, TECHNOLOGY EDUCATION, SPECIAL EDUCATION, OR ELEMENTARY EDUCATION”; and in line 20, after “Article;” insert “AND”.

On pages 3 and 4, strike in their entirety the lines beginning with line 21 on page 3 through line 2 on page 4, inclusive.

On page 4, in line 3, strike “5.” and substitute “4.”; in line 4, strike “item 4 of this item” and substitute “PARAGRAPH (5) OF THIS SUBSECTION”; in lines 17 and 18 and 19, in each instance, strike “item 3 of this item” and substitute “PARAGRAPH (6) OF THIS SUBSECTION”; and after line 35, 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) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, 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. TECHNOLOGY EDUCATION;
3. A SPECIAL EDUCATION CLASS FOR STUDENTS WITH SPECIAL NEEDS; OR
4. A CLASS FOR STUDENTS WITH LIMITED ENGLISH PROFICIENCY.

(III) AN INDIVIDUAL REHIRED AT A SCHOOL DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT TEACH IN THE ARTS, AS DEFINED BY THE STATE DEPARTMENT OF EDUCATION BY REGULATION.

(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 DESCRIBED UNDER PARAGRAPH (5)(I)1 OR (6)(I) OF THIS SUBSECTION, 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) AN INDIVIDUAL WHO IS REHIRED UNDER PARAGRAPH (4)(V) OR (VI) OF THIS SUBSECTION MAY NOT BE EMPLOYED AT A PUBLIC SCHOOL THAT IS IN THE TOP 60% OF PUBLIC SCHOOLS IN THE STATE IN OVERALL PERFORMANCE FOR THE PRIOR SCHOOL YEAR IN READING AND MATH, AS CALCULATED ANNUALLY BY THE STATE BOARD OF EDUCATION.

(9) (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

4. THE ANNUAL SALARY OF EACH INDIVIDUAL.

(C) AN INDIVIDUAL WHO IS REHIRED UNDER THIS SECTION MAY NOT BE REHIRED WITHIN 45 DAYS OF THE DATE THE INDIVIDUAL RETIRED.”.

AMENDMENT NO. 3

On page 5, in lines 1, 4, 7, 9, 17, 20, 31, and 35, strike “(c)”, “(d)”, “(e)”, “(f)”, “(g)”, “(h)”, “(i)”, and “(j)”, respectively, and substitute “(D)”, “(E)”, “(F)”, “(G)”, “(H)”, “(I)”, “(J)”, and “(K)”,

respectively; strike beginning with “of:” in line 21 down through “(4)” in line 29 and substitute “OF”; and in line 34, strike “(b)(4)(vi)” and substitute “(B)(4)(V) OR (VI)”.

On page 6, in lines 1 and 10, strike “(k)” and “(l)”, respectively, and substitute “(L)” and “(M)”, respectively; and after line 12, insert:

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

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

(2) THE SCHOOL AND LOCAL SCHOOL SYSTEM WHERE EACH RETIREE HAS BEEN REHIRED;

(3) THE SUBJECT MATTER THAT EACH REHIRED RETIREE IS TEACHING;

(4) THE ANNUAL SALARY OF EACH REHIRED RETIREE 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.

(O) 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 HEALTH CARE PRACTITIONERS HIRED WHO ARE NOT RETIREES; AND

(4) THE ANNUAL SALARY OF EACH HEALTH CARE PRACTITIONER WHO IS HIRED.”.

AMENDMENT NO. 4

On page 7, in line 21, after “State” insert “, IN ENGLISH, READING, MATH, SCIENCE, A FOREIGN LANGUAGE, CIVICS AND GOVERNMENT, ECONOMICS, HISTORY, GEOGRAPHY, ENGLISH AS A SECOND LANGUAGE, TECHNOLOGY EDUCATION, SPECIAL EDUCATION, OR ELEMENTARY EDUCATION”; and in line 25, after “Article;” insert “AND”.

On pages 7 and 8, strike in their entirety the lines beginning with line 26 on page 7 through line 7 on page 8, inclusive.

On page 8, in line 8, strike “5.” and substitute “4.”; in line 9, strike “item 4 of this item” and substitute “PARAGRAPH (5) OF THIS SUBSECTION”; and in lines 22 and 23 and 24, in each instance, strike “item 3 of this item” and substitute “PARAGRAPH (6) OF THIS SUBSECTION”.

On page 9, after line 2, insert:

“(5) (I) AN INDIVIDUAL WHO IS REHIRED UNDER PARAGRAPH (4)(III) 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) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, 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. TECHNOLOGY EDUCATION;

3. A SPECIAL EDUCATION CLASS FOR STUDENTS WITH SPECIAL NEEDS; OR

4. A CLASS FOR STUDENTS WITH LIMITED ENGLISH PROFICIENCY.

(III) AN INDIVIDUAL REHIRED AT A SCHOOL DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT TEACH IN THE ARTS, AS DEFINED

BY THE STATE DEPARTMENT OF EDUCATION BY REGULATION.

(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, 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 DESCRIBED UNDER PARAGRAPH (5)(I)1 OR (6)(I) OF THIS SUBSECTION, 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) AN INDIVIDUAL WHO IS REHIRED UNDER PARAGRAPH (4)(III) OR (IV) OF THIS SUBSECTION MAY NOT BE EMPLOYED AT A PUBLIC SCHOOL THAT IS IN THE TOP 60% OF PUBLIC SCHOOLS IN THE STATE IN OVERALL PERFORMANCE FOR THE PRIOR SCHOOL YEAR IN READING AND MATH, AS CALCULATED ANNUALLY BY THE STATE BOARD OF EDUCATION.

(9) (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 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)(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.

(C) AN INDIVIDUAL WHO IS REHIRED UNDER THIS SECTION MAY NOT BE REHIRED WITHIN 45 DAYS OF THE DATE THE INDIVIDUAL RETIRED.”.

AMENDMENT NO. 5

On page 9, in lines 3, 6, 9, 11, 19, 22, and 33, strike “(c)”, “(d)”, “(e)”, “(f)”, “(g)”, “(h)”, and “(i)”, respectively, and substitute “(D)”, “(E)”, “(F)”, “(G)”, “(H)”, “(I)”, and “(J)”, respectively; strike beginning with “of:” in line 23 down through “(4)” in line 31 and substitute “OF”; and in line 36, strike “(b)(4)(iv)” and substitute “(B)(4)(III) OR (IV)”.

On page 10, in lines 1, 5, and 14, strike “(j)”, “(k)”, and “(l)”, respectively, and substitute “(K)”, “(L)”, and “(M)”, respectively; and after line 16, insert:

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

(1) THE NUMBER OF REHIRED RETIREES UNDER SUBSECTION (B)(4)(III) AND (IV) OF THIS SECTION;

(2) THE SCHOOL AND LOCAL SCHOOL SYSTEM WHERE EACH RETIREE HAS BEEN REHIRED;

(3) THE SUBJECT MATTER THAT EACH REHIRED RETIREE IS TEACHING;

(4) THE ANNUAL SALARY OF EACH REHIRED RETIREE 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.

(O) 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 HEALTH CARE PRACTITIONERS HIRED WHO ARE NOT RETIREES; AND

(4) THE ANNUAL SALARY OF EACH HEALTH CARE PRACTITIONER WHO IS HIRED.”.

AMENDMENT NO. 6

On page 10, after line 16, insert:

“29-116.

(a) The Board of Trustees shall reduce the pension of a retiree on ordinary disability if:

(1) the retiree is under normal retirement age;

(2) the medical board certifies in a report to the Board of Trustees that the retiree is [engaged in a gainful occupation paying more] EMPLOYED BY A PARTICIPATING EMPLOYER AT AN ANNUAL COMPENSATION THAT IS GREATER than the difference between:

(i) the retiree’s retirement allowance at retirement; and

(ii) the retiree’s average final compensation plus \$5,000;

(3) the Board of Trustees agrees with the medical board’s report; and

(4) the retiree’s allowance has not been temporarily suspended as provided in § 29-115 of this subtitle.

(b) The Board of Trustees shall reduce the pension of a retiree who has been receiving an ordinary disability retirement allowance for:

(Over)

(1) less than 10 years, by \$1 for every \$2 that the retiree's current compensation exceeds the limit under subsection (a) of this section; or

(2) at least 10 years, by \$1 for every \$5 that the retiree's current compensation exceeds the limit under subsection (a) of this section.

(c) The pension to be reduced under this section is the pension at retirement without any cost-of-living adjustment.".

AMENDMENT NO. 7

On page 10, after line 31, insert:

"Chapter 733 of the Acts of 2001

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2001. Section 2 of this Act shall remain effective for a period of [3] 7 years and, at the end of June 30, [2004] 2008, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

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.";

and in line 32, strike "2." and substitute "3.".