
By: Delegates Conway, Proctor, James, Anderson, Arnick, Aumann, Barkley, Bartlett, Barve, Bates, Benson, Bobo, Bohanan, Boschert, Boteler, Boutin, Bozman, Branch, Bromwell, Bronrott, Burns, Busch, Cadden, Cane, Cardin, Carter, G. Clagett, V. Clagett, Cluster, Conroy, Costa, Cryor, C. Davis, D. Davis, DeBoy, Donoghue, Doory, Dumais, Dwyer, Eckardt, Edwards, Elliott, Elmore, Feldman, Franchot, Frank, Frush, Gaines, Gilleland, Glassman, Goldwater, Goodwin, Gordon, Griffith, Gutierrez, Haddaway, Hammen, Harrison, Haynes, Healey, Heller, Hixson, Hogan, Holmes, Howard, Hubbard, Hurson, Impallaria, Jameson, Jennings, Jones, Kach, Kaiser, Kelley, Kelly, King, Kirk, Krebs, Krysiak, Kullen, Lee, Leopold, Levy, Love, Madaleno, Malone, Mandel, Marriott, Mayer, McComas, McConkey, McDonough, McHale, McIntosh, McKee, McMillan, Menes, Miller, Minnick, Moe, Montgomery, Morhaim, Murray, Myers, Nathan-Pulliam, Niemann, Oaks, O'Donnell, Paige, Parker, Parrott, Patterson, Pendergrass, Petzold, Quinter, Ramirez, Rosenberg, Ross, Rudolph, Shank, Shewell, Simmons, Smigiel, Sophocleus, Sossi, Stern, Stocksdale, Stull, Taylor, Trueschler, F. Turner, V. Turner, Vallario, Vaughn, Walkup, Weir, Weldon, Wood, and Zirkin

Introduced and read first time: February 11, 2005

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Retirement and Pensions - Reemployment of Retirees**

3 FOR the purpose of exempting from a certain offset of a retirement allowance certain
 4 retirees of the Teachers' Retirement System or Teachers' Pension System;
 5 providing the criteria for hiring certain retirees of the Teachers' Retirement
 6 System or the Teachers' Pension System; providing that certain retirees of the
 7 Teachers' Retirement System or the Teachers' Pension System may only be
 8 reemployed for a certain period of time; requiring certain local school
 9 superintendents to approve certain hirings, determine certain placements, and
 10 certify certain information; requiring certain local school superintendents to
 11 make certain reimbursements under certain circumstances by a certain date;
 12 requiring the county boards of education to provide the State Board of Education
 13 with certain information by a certain date; requiring the county boards of
 14 education to provide the State Retirement Agency with certain information;
 15 requiring the State Board of Education to provide the county boards of education
 16 with certain information by a certain date; requiring the State Board of
 17 Education to adopt certain regulations; requiring the State Superintendent of

1 Schools to submit certain reports by a certain date to certain committees;
2 defining a certain term; and generally relating to the reemployment of retirees.

3 BY repealing and reenacting, without amendments,
4 Article - Education
5 Section 18-703(g)(1)
6 Annotated Code of Maryland
7 (2004 Replacement Volume and 2004 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article - State Personnel and Pensions
10 Section 22-406 and 23-407
11 Annotated Code of Maryland
12 (2004 Replacement Volume)

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

15 **Article - Education**

16 18-703.

17 (g) (1) The State Superintendent of Schools shall project annually the
18 number of vacancies for employment expected in each of the subsequent 5 years in
19 areas of critical or geographic shortage and the number of students expected to
20 graduate from programs qualifying them to teach in these fields during the same
21 period. The State Superintendent of Schools shall certify annually to the Office those
22 programs that continue to be areas of critical or geographic shortage as evidenced by
23 projected employment vacancies substantially exceeding projected qualified
24 graduates.

25 **Article - State Personnel and Pensions**

26 22-406.

27 (a) IN THIS SECTION, "AREA OF CRITICAL SHORTAGE" MEANS AN ACADEMIC
28 FIELD IDENTIFIED BY THE STATE BOARD OF EDUCATION IN ACCORDANCE WITH THE
29 PROVISIONS OF § 18-703(G)(1) OF THE EDUCATION ARTICLE AS HAVING PROJECTED
30 EMPLOYMENT VACANCIES WHICH SUBSTANTIALLY EXCEED PROJECTED QUALIFIED
31 GRADUATES.

32 (B) An individual who is receiving a service retirement allowance or vested
33 allowance may accept employment with a participating employer on a permanent,
34 temporary, or contractual basis, if:

35 (1) the individual immediately notifies the Board of Trustees of the
36 individual's intention to accept this employment; and

1 (2) the individual specifies the compensation to be received.

2 [(b)] (C) (1) The Board of Trustees shall reduce the allowance of an
3 individual who accepts employment as provided under subsection [(a)] (B) of this
4 section if:

5 (i) the individual's current employer is a participating employer
6 other than the State and is the same participating employer that employed the
7 individual at the time of the individual's last separation from employment with a
8 participating employer before the individual commenced receiving a service
9 retirement allowance or vested allowance;

10 (ii) the individual's current employer is any unit of State
11 government and the individual's employer at the time of the individual's last
12 separation from employment with the State before the individual commenced
13 receiving a service retirement allowance or vested allowance was also a unit of State
14 government; or

15 (iii) the individual becomes reemployed within 12 months of
16 receiving an early service retirement allowance under § 22-402 of this subtitle.

17 (2) The reduction required under paragraph (1) of this subsection shall
18 equal:

19 (i) the amount by which the sum of the individual's initial annual
20 basic allowance and the individual's annual compensation exceeds the average final
21 compensation used to compute the basic allowance; or

22 (ii) for a retiree who retired under the Workforce Reduction Act
23 (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree's annual
24 compensation and the retiree's annual basic allowance at the time of retirement,
25 including the incentive provided by the Workforce Reduction Act, exceeds the average
26 final compensation used to compute the basic allowance.

27 (3) A reduction of an early service retirement allowance under paragraph
28 (1)(iii) of this subsection shall be applied only until the individual has received an
29 allowance for 12 months.

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

33 (i) an individual who has been retired for more than 10 years;

34 (ii) an individual whose average final compensation was less than
35 \$10,000 and who is reemployed on a temporary or contractual basis;

36 (iii) an individual who is serving in an elected position as an official
37 of a participating governmental unit or as a constitutional officer for a county that is
38 a participating governmental unit;

1 (iv) a retiree of the Teachers' Retirement System:

2 1. who retired and was reemployed by a participating
3 employer other than the State on or before September 30, 1994; and

4 2. whose employment compensation does not derive, in whole
5 or in part, from State funds; [or]

6 (V) A RETIREE OF THE TEACHERS' RETIREMENT SYSTEM WHO:

7 1. IS OR HAS BEEN CERTIFIED TO TEACH IN THE STATE;

8 2. HAS VERIFICATION OF SATISFACTORY OR BETTER
9 PERFORMANCE IN THE LAST ASSIGNMENT PRIOR TO RETIREMENT;

10 3. BASED ON THE RETIRED TEACHER'S QUALIFICATIONS,
11 HAS BEEN APPOINTED IN ACCORDANCE WITH § 4-103 OF THE EDUCATION ARTICLE;
12 AND

13 4. RECEIVES VERIFICATION OF SATISFACTORY OR BETTER
14 PERFORMANCE EACH YEAR THE TEACHER IS EMPLOYED UNDER PARAGRAPH (5) OF
15 THIS SUBSECTION;

16 (VI) A RETIREE OF THE TEACHERS' RETIREMENT SYSTEM WHO:

17 1. A. WAS EMPLOYED AS A PRINCIPAL WITHIN 5 YEARS OF
18 RETIREMENT; OR

19 B. WAS EMPLOYED AS A PRINCIPAL NOT MORE THAN 10
20 YEARS BEFORE RETIREMENT AND WAS EMPLOYED IN A POSITION SUPERVISING
21 PRINCIPALS IN THE RETIREE'S LAST ASSIGNMENT PRIOR TO RETIREMENT;

22 2. HAS VERIFICATION OF BETTER THAN SATISFACTORY
23 PERFORMANCE FOR EACH YEAR AS A PRINCIPAL AND, IF APPLICABLE, IN A POSITION
24 SUPERVISING PRINCIPALS PRIOR TO RETIREMENT;

25 3. BASED ON THE RETIREE'S QUALIFICATIONS, HAS BEEN
26 HIRED AS A PRINCIPAL; AND

27 4. RECEIVES VERIFICATION OF BETTER THAN
28 SATISFACTORY PERFORMANCE EACH YEAR THE RETIREE IS EMPLOYED AS A
29 PRINCIPAL UNDER PARAGRAPH (6) OF THIS SUBSECTION; OR

30 [(v)] (VII) a former employee of the Domestic Relations Division of
31 Anne Arundel County Circuit Court who transfers into the State Employees'
32 Personnel System under § 2-510 of the Courts Article.

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

1 1. IS NOT MAKING ADEQUATE YEARLY PROGRESS OR IS A
2 SCHOOL "IN SCHOOL IMPROVEMENT" AS DEFINED UNDER THE FEDERAL NO CHILD
3 LEFT BEHIND ACT OF 2001 AND AS IMPLEMENTED BY THE STATE DEPARTMENT OF
4 EDUCATION;

5 2. IS RECEIVING FUNDS UNDER TITLE 1 OF THE FEDERAL NO
6 CHILD LEFT BEHIND ACT OF 2001; OR

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

10 (II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS
11 PARAGRAPH, AN INDIVIDUAL REHIRED AT A SCHOOL DESCRIBED UNDER
12 SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL TEACH:

13 1. IN AN AREA OF CRITICAL SHORTAGE;

14 2. A SPECIAL EDUCATION CLASS FOR STUDENTS WITH
15 SPECIAL NEEDS; OR

16 3. A CLASS FOR STUDENTS WITH LIMITED ENGLISH
17 PROFICIENCY.

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

22 (6) AN INDIVIDUAL WHO IS REHIRED UNDER PARAGRAPH (4)(VI) OF THIS
23 SUBSECTION SHALL BE EMPLOYED AS A PRINCIPAL AT A PUBLIC SCHOOL THAT:

24 (I) IS NOT MAKING ADEQUATE YEARLY PROGRESS OR IS A SCHOOL
25 "IN SCHOOL IMPROVEMENT" AS DEFINED UNDER THE FEDERAL NO CHILD LEFT
26 BEHIND ACT OF 2001 AND AS IMPLEMENTED BY THE STATE DEPARTMENT OF
27 EDUCATION;

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

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

33 (7) AN INDIVIDUAL WHO IS REEMPLOYED UNDER PARAGRAPH (4)(V) OR
34 (VI) OF THIS SUBSECTION AT A SCHOOL DESCRIBED UNDER PARAGRAPH (5) OR (6) OF
35 THIS SUBSECTION MAY NOT CONTINUE THAT REEMPLOYMENT AFTER THE SCHOOL
36 MAKES ADEQUATE YEARLY PROGRESS FOR 4 CONSECUTIVE YEARS.

1 (8) (I) THE SUPERINTENDENT OF THE LOCAL SCHOOL SYSTEM
2 REHIRING AN INDIVIDUAL UNDER PARAGRAPH (4)(V) OR (VI) OF THIS SUBSECTION
3 SHALL:

- 4 1. APPROVE THE REHIRING OF THAT INDIVIDUAL;
- 5 2. DETERMINE THE SCHOOL WHERE THE INDIVIDUAL IS TO
6 BE REEMPLOYED; AND
- 7 3. ON OR BEFORE SEPTEMBER 1 OF EACH YEAR THE
8 INDIVIDUAL IS REHIRED, COMPLETE A FORM PROVIDED BY THE BOARD OF TRUSTEES
9 AND FILED WITH THE BOARD OF TRUSTEES AND THE STATE BOARD OF EDUCATION
10 THAT STATES THAT THE INDIVIDUAL SATISFIES THE CRITERIA PROVIDED IN
11 PARAGRAPH (4)(V) OR (VI) OF THIS SUBSECTION AND IS REEMPLOYED AT A SCHOOL
12 DESCRIBED UNDER PARAGRAPH (5) OR (6) OF THIS SUBSECTION.

13 (II) 1. IF A SUPERINTENDENT OF A LOCAL SCHOOL SYSTEM
14 COMPLETES THE CERTIFICATION REQUIRED BY SUBPARAGRAPH (I)3 OF THIS
15 PARAGRAPH FOR AN INDIVIDUAL REHIRED UNDER PARAGRAPH (4)(V) OR (VI) OF THIS
16 SUBSECTION, AND THE INDIVIDUAL REHIRED DOES NOT SATISFY THE CRITERIA
17 PROVIDED IN PARAGRAPH (4)(V) OR (VI) OF THIS SUBSECTION OR IS NOT
18 REEMPLOYED AT A SCHOOL DESCRIBED UNDER PARAGRAPH (5) OR (6) OF THIS
19 SUBSECTION, THE LOCAL SCHOOL SYSTEM SHALL REIMBURSE THE BOARD OF
20 TRUSTEES THE AMOUNT EQUAL TO THE REDUCTION TO THE INDIVIDUAL'S
21 RETIREMENT ALLOWANCE THAT WOULD HAVE BEEN MADE IN PARAGRAPH (2) OF
22 THIS SUBSECTION.

23 2. THE LOCAL SCHOOL SYSTEM SHALL MAKE THE
24 REIMBURSEMENT ON OR BEFORE JUNE 30 OF THE YEAR FOLLOWING EACH YEAR
25 THAT THE REDUCTION WOULD HAVE BEEN TAKEN.

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

- 29 1. THE NUMBER OF INDIVIDUALS REHIRED UNDER
30 PARAGRAPH (4)(V) OR (VI) OF THIS SUBSECTION;
- 31 2. THE LOCATION OF THE SCHOOL WHERE EACH
32 INDIVIDUAL IS EMPLOYED;
- 33 3. THE SUBJECT MATTER TAUGHT BY EACH INDIVIDUAL;
34 AND
- 35 4. THE ANNUAL SALARY OF EACH INDIVIDUAL.

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

1 [(c)] (E) An individual who is receiving a service retirement allowance or a
2 vested allowance and who is reemployed by a participating employer may not receive
3 creditable service or eligibility service during the period of reemployment.

4 [(d)] (F) The individual's compensation during the period of reemployment
5 may not be subject to the employer pickup provisions of § 21-303 of this article or any
6 reduction or deduction as a member contribution for pension or retirement purposes.

7 [(e)] (G) The State Retirement Agency shall institute appropriate reporting
8 procedures with the affected payroll systems to ensure compliance with this section.

9 [(f)] (H) (1) Immediately on the employment of any individual receiving a
10 service retirement allowance or a vested allowance, a participating employer shall
11 notify the State Retirement Agency of the type of employment and the anticipated
12 earnings of the individual.

13 (2) At least once each year, in a format specified by the State Retirement
14 Agency, each participating employer shall provide the State Retirement Agency with
15 a list of all employees included on any payroll of the employer, the Social Security
16 numbers of the employees, and their earnings for that year.

17 (I) THE COUNTY BOARDS OF EDUCATION SHALL NOTIFY THE STATE
18 RETIREMENT AGENCY OF ANY RETIRED TEACHERS WHO QUALIFY UNDER
19 SUBSECTION (C)(4)(V) OF THIS SECTION OR ANY PERSONNEL WHO QUALIFY UNDER
20 SUBSECTION (C)(4)(VI) OF THIS SECTION.

21 (J) THE STATE BOARD OF EDUCATION SHALL NOTIFY THE COUNTY BOARDS
22 OF EDUCATION OF A FINDING THAT THERE IS NO LONGER A SHORTAGE OF
23 TEACHERS IN A COUNTY OR SUBJECT AREA ON A STATEWIDE BASIS.

24 (K) IN ADDITION TO ANY REGULATIONS ADOPTED IN ACCORDANCE WITH §
25 6-202 OF THE EDUCATION ARTICLE, THE STATE BOARD OF EDUCATION SHALL ADOPT
26 REGULATIONS CONCERNING THE EMPLOYMENT TERMS OF RETIRED TEACHERS OR
27 PERSONNEL DESCRIBED IN SUBSECTION (C)(4)(V) OR (VI) OF THIS SECTION.

28 (L) IF THE RETIREE'S LAST ASSIGNMENT PRIOR TO RETIREMENT WAS IN A
29 POSITION DIRECTLY SUPERVISING PRINCIPALS AS PROVIDED UNDER SUBSECTION
30 (C)(4)(VI) OF THIS SECTION, THE COUNTY BOARDS OF EDUCATION SHALL VERIFY FOR
31 THE STATE RETIREMENT AGENCY THE RETIREE'S EMPLOYMENT AS A SUPERVISOR
32 AND A PRINCIPAL.

33 [(g)] (M) At the request of the State Retirement Agency:

34 (1) a participating employer shall certify to the State Retirement Agency
35 that it is not the same participating employer that employed an individual at the time
36 of the individual's last separation from employment before the individual commenced
37 receiving a service retirement allowance or a vested allowance; or

38 (2) a unit of State government shall certify to the State Retirement
39 Agency that the individual was not employed by any unit of State government at the

1 time of the individual's last separation from employment before the individual
2 commenced receiving a service retirement allowance or a vested allowance.

3 (N) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE STATE
4 SUPERINTENDENT OF SCHOOLS SHALL SUBMIT A REPORT TO THE EDUCATION AND
5 ECONOMIC DEVELOPMENT SUBCOMMITTEE OF THE APPROPRIATIONS COMMITTEE,
6 THE EDUCATION, BUSINESS, AND ADMINISTRATION SUBCOMMITTEE OF THE
7 BUDGET AND TAXATION COMMITTEE, AND THE JOINT COMMITTEE ON PENSIONS, IN
8 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THAT PROVIDES:

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

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

13 (3) A COPY OF ANY REPORT GENERATED BY THE STATE
14 SUPERINTENDENT OF SCHOOLS UNDER § 18-703(G)(1) OF THE EDUCATION ARTICLE
15 AND SUBMITTED TO THE OFFICE OF STUDENT FINANCIAL ASSISTANCE THAT
16 CERTIFIES ANY AREA OF CRITICAL SHORTAGE AS EVIDENCED BY PROJECTED
17 EMPLOYMENT VACANCIES SUBSTANTIALLY EXCEEDING PROJECTED QUALIFIED
18 GRADUATES;

19 (4) THE SUBJECT MATTER THAT EACH REHIRED RETIREE IS TEACHING;
20 AND

21 (5) THE SALARY OF EACH REHIRED RETIREE.

22 23-407.

23 (a) IN THIS SECTION, "AREA OF CRITICAL SHORTAGE" MEANS AN ACADEMIC
24 FIELD IDENTIFIED BY THE STATE BOARD OF EDUCATION IN ACCORDANCE WITH THE
25 PROVISIONS OF § 18-703(G)(1) OF THE EDUCATION ARTICLE AS HAVING PROJECTED
26 EMPLOYMENT VACANCIES WHICH SUBSTANTIALLY EXCEED PROJECTED QUALIFIED
27 GRADUATES.

28 (B) An individual who is receiving a service retirement allowance or a vested
29 allowance may accept employment with a participating employer on a permanent,
30 temporary, or contractual basis, if:

31 (1) the individual immediately notifies the Board of Trustees of the
32 individual's intention to accept this employment; and

33 (2) the individual specifies the compensation to be received.

34 [(b)] (C) (1) The Board of Trustees shall reduce the allowance of an
35 individual who accepts employment as provided under subsection [(a)] (B) of this
36 section if:

1 (i) the individual's current employer is a participating employer
2 other than the State and is the same participating employer that employed the
3 individual at the time of the individual's last separation from employment with a
4 participating employer before the individual commenced receiving a service
5 retirement allowance or vested allowance;

6 (ii) the individual's current employer is any unit of State
7 government and the individual's employer at the time of the individual's last
8 separation from employment with the State before the individual commenced
9 receiving a service retirement allowance or vested allowance was also a unit of State
10 government; or

11 (iii) the individual becomes reemployed within 12 months of
12 receiving an early service retirement allowance or an early vested allowance
13 computed under § 23-402 of this subtitle.

14 (2) The reduction required under paragraph (1) of this subsection shall
15 equal:

16 (i) the amount by which the sum of the individual's initial annual
17 basic allowance and the individual's annual compensation exceeds the average final
18 compensation used to compute the basic allowance; or

19 (ii) for a retiree who retired under the Workforce Reduction Act
20 (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree's annual
21 compensation and the retiree's annual basic allowance at the time of retirement,
22 including the incentive provided by the Workforce Reduction Act, exceeds the average
23 final compensation used to compute the basic allowance.

24 (3) A reduction of an early service retirement allowance or an early
25 vested allowance under paragraph (1)(iii) of this subsection shall be applied only until
26 the individual has received an allowance for 12 months.

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

30 (i) an individual whose average final compensation was less than
31 \$10,000 and who is reemployed on a temporary or contractual basis;

32 (ii) an individual who is serving in an elected position as an official
33 of a participating governmental unit or as a constitutional officer for a county that is
34 a participating governmental unit; [or]

35 (iii) an individual who has been retired for more than 10 years;

36 (IV) A RETIREE OF THE TEACHERS' PENSION SYSTEM WHO:

37 1. IS OR HAS BEEN CERTIFIED TO TEACH IN THE STATE;

- 1 2. HAS VERIFICATION OF SATISFACTORY OR BETTER
2 PERFORMANCE IN THE LAST ASSIGNMENT PRIOR TO RETIREMENT;
- 3 3. BASED ON THE RETIRED TEACHER'S QUALIFICATIONS,
4 HAS BEEN APPOINTED IN ACCORDANCE WITH § 4-103 OF THE EDUCATION ARTICLE;
5 AND
- 6 4. RECEIVES VERIFICATION OF SATISFACTORY OR BETTER
7 PERFORMANCE EACH YEAR THE TEACHER IS EMPLOYED UNDER PARAGRAPH (5) OF
8 THIS SUBSECTION; OR
- 9 (V) A RETIREE OF THE TEACHERS' PENSION SYSTEM WHO:
 - 10 1. A. WAS EMPLOYED AS A PRINCIPAL WITHIN 5 YEARS OF
11 RETIREMENT; OR
 - 12 B. WAS EMPLOYED AS A PRINCIPAL NOT MORE THAN 10
13 YEARS BEFORE RETIREMENT AND WAS EMPLOYED IN A POSITION SUPERVISING
14 PRINCIPALS IN THE RETIREE'S LAST ASSIGNMENT PRIOR TO RETIREMENT;
 - 15 2. HAS VERIFICATION OF BETTER THAN SATISFACTORY
16 PERFORMANCE FOR EACH YEAR AS A PRINCIPAL AND, IF APPLICABLE, IN A POSITION
17 SUPERVISING PRINCIPALS PRIOR TO RETIREMENT;
 - 18 3. BASED ON THE RETIREE'S QUALIFICATIONS, HAS BEEN
19 HIRED AS A PRINCIPAL; AND
 - 20 4. RECEIVES VERIFICATION OF BETTER THAN
21 SATISFACTORY PERFORMANCE EACH YEAR THE RETIREE IS EMPLOYED AS A
22 PRINCIPAL UNDER PARAGRAPH (6) OF THIS SUBSECTION.
- 23 (5) (I) AN INDIVIDUAL WHO IS REHIRED UNDER PARAGRAPH (4)(IV) OF
24 THIS SUBSECTION SHALL BE EMPLOYED AS A CLASSROOM TEACHER, SUBSTITUTE
25 CLASSROOM TEACHER, TEACHER MENTOR, OR SUBSTITUTE TEACHER MENTOR IN A
26 PUBLIC SCHOOL THAT:
 - 27 1. IS NOT MAKING ADEQUATE YEARLY PROGRESS OR IS A
28 SCHOOL "IN SCHOOL IMPROVEMENT" AS DEFINED UNDER THE FEDERAL NO CHILD
29 LEFT BEHIND ACT OF 2001 AND AS IMPLEMENTED BY THE STATE DEPARTMENT OF
30 EDUCATION;
 - 31 2. IS RECEIVING FUNDS UNDER TITLE 1 OF THE FEDERAL NO
32 CHILD LEFT BEHIND ACT OF 2001; OR
 - 33 3. PROVIDES AN ALTERNATIVE EDUCATION PROGRAM FOR
34 STUDENTS WHO HAVE BEEN EXPELLED, SUSPENDED, OR IDENTIFIED FOR
35 SUSPENSION OR EXPULSION FROM A PUBLIC SCHOOL.

1 (II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS
2 PARAGRAPH, 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
6 SPECIAL NEEDS; OR
- 7 3. A CLASS FOR STUDENTS WITH LIMITED ENGLISH
8 PROFICIENCY.

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

13 (6) AN INDIVIDUAL WHO IS REHIRED UNDER PARAGRAPH (4)(VI) OF THIS
14 SUBSECTION SHALL BE EMPLOYED AS A PRINCIPAL AT A PUBLIC SCHOOL THAT:

15 (I) IS NOT MAKING ADEQUATE YEARLY PROGRESS OR IS IN
16 "IMPROVEMENT STATUS" AS DEFINED UNDER THE FEDERAL NO CHILD LEFT BEHIND
17 ACT OF 2001 AND AS IMPLEMENTED BY THE STATE DEPARTMENT OF EDUCATION;

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

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

23 (7) AN INDIVIDUAL WHO IS REEMPLOYED UNDER PARAGRAPH (4)(IV) OR
24 (V) OF THIS SUBSECTION AT A SCHOOL DESCRIBED UNDER PARAGRAPH (5) OR (6) OF
25 THIS SUBSECTION MAY NOT CONTINUE THAT REEMPLOYMENT AFTER THE SCHOOL
26 MAKES ADEQUATE YEARLY PROGRESS FOR 4 CONSECUTIVE YEARS.

27 (8) (I) THE SUPERINTENDENT OF THE LOCAL SCHOOL SYSTEM
28 REHIRING AN INDIVIDUAL UNDER PARAGRAPH (4)(IV) OR (V) OF THIS SUBSECTION
29 SHALL:

- 30 1. APPROVE THE REHIRING OF THAT INDIVIDUAL;
- 31 2. DETERMINE THE SCHOOL WHERE THE INDIVIDUAL IS TO
32 BE REEMPLOYED; AND
- 33 3. ON OR BEFORE SEPTEMBER 1 OF EACH YEAR THE
34 INDIVIDUAL IS REHIRED, COMPLETE A FORM PROVIDED BY THE BOARD OF TRUSTEES
35 AND FILED WITH THE BOARD OF TRUSTEES AND THE STATE BOARD OF EDUCATION
36 THAT STATES THAT THE INDIVIDUAL SATISFIES THE CRITERIA PROVIDED IN

1 PARAGRAPH (4)(IV) OR (V) OF THIS SUBSECTION AND IS REEMPLOYED AT A SCHOOL
2 DESCRIBED UNDER PARAGRAPH (5) OR (6) OF THIS SUBSECTION.

3 (II) 1. IF A SUPERINTENDENT OF A LOCAL SCHOOL SYSTEM
4 COMPLETES THE CERTIFICATION REQUIRED BY SUBPARAGRAPH (I)3 OF THIS
5 PARAGRAPH FOR AN INDIVIDUAL REHIRED UNDER PARAGRAPH (4)(IV) OR (V) OF THIS
6 SUBSECTION, AND THE INDIVIDUAL REHIRED DOES NOT SATISFY THE CRITERIA
7 PROVIDED IN PARAGRAPH (4)(IV) OR (V) OF THIS SUBSECTION OR IS NOT
8 REEMPLOYED AT A SCHOOL DESCRIBED UNDER PARAGRAPH (5) OR (6) OF THIS
9 SUBSECTION, THE LOCAL SCHOOL SYSTEM SHALL REIMBURSE THE BOARD OF
10 TRUSTEES THE AMOUNT EQUAL TO THE REDUCTION TO THE INDIVIDUAL'S
11 RETIREMENT ALLOWANCE THAT WOULD HAVE BEEN MADE IN PARAGRAPH (2) OF
12 THIS SUBSECTION.

13 2. THE LOCAL SCHOOL SYSTEM SHALL MAKE THE
14 REIMBURSEMENT ON OR BEFORE JUNE 30 OF THE YEAR FOLLOWING EACH YEAR
15 THAT THE REDUCTION WOULD HAVE BEEN TAKEN.

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

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

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

23 3. THE SUBJECT MATTER TAUGHT BY EACH INDIVIDUAL;
24 AND

25 4. THE ANNUAL SALARY OF EACH INDIVIDUAL.

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

28 [(c)] (E) An individual who is receiving a service retirement allowance or a
29 vested allowance and who is reemployed by a participating employer may not receive
30 creditable service or eligibility service during the period of reemployment.

31 [(d)] (F) The individual's compensation during the period of reemployment
32 may not be subject to the employer pickup provisions of § 21-303 of this article or any
33 reduction or deduction as a member contribution for pension or retirement purposes.

34 [(e)] (G) The State Retirement Agency shall institute appropriate reporting
35 procedures with the affected payroll systems to ensure compliance with this section.

36 [(f)] (H) (1) Immediately on the employment of any individual receiving a
37 service retirement allowance or a vested allowance, a participating employer shall

1 notify the State Retirement Agency of the type of employment and the anticipated
2 earnings of the individual.

3 (2) At least once each year, in a format specified by the State Retirement
4 Agency, each participating employer shall provide the State Retirement Agency with
5 a list of all employees included on any payroll of the employer, the Social Security
6 numbers of the employees, and their earnings for that year.

7 (I) THE COUNTY BOARDS OF EDUCATION SHALL NOTIFY THE STATE
8 RETIREMENT AGENCY OF ANY RETIRED TEACHERS WHO QUALIFY UNDER
9 SUBSECTION (C)(4)(IV) OF THIS SECTION OR ANY PERSONNEL WHO QUALIFY UNDER
10 SUBSECTION (C)(4)(V) OF THIS SECTION.

11 (J) THE STATE BOARD OF EDUCATION SHALL NOTIFY THE COUNTY BOARDS
12 OF EDUCATION OF A FINDING THAT THERE IS NO LONGER A SHORTAGE OF
13 TEACHERS IN A COUNTY OR SUBJECT AREA ON A STATEWIDE BASIS.

14 (K) IN ADDITION TO ANY REGULATIONS ADOPTED IN ACCORDANCE WITH §
15 6-202 OF THE EDUCATION ARTICLE, THE STATE BOARD OF EDUCATION SHALL ADOPT
16 REGULATIONS CONCERNING THE EMPLOYMENT TERMS OF RETIRED TEACHERS AND
17 PERSONNEL DESCRIBED IN SUBSECTION (C)(4)(IV) OR (V) OF THIS SECTION.

18 (L) IF THE RETIREE'S LAST ASSIGNMENT PRIOR TO RETIREMENT WAS IN A
19 POSITION DIRECTLY SUPERVISING PRINCIPALS AS PROVIDED UNDER SUBSECTION
20 (C)(4)(V) OF THIS SECTION, THE COUNTY BOARDS OF EDUCATION SHALL VERIFY FOR
21 THE STATE RETIREMENT AGENCY THE RETIREE'S EMPLOYMENT AS A SUPERVISOR
22 AND A PRINCIPAL.

23 [(g)] (M) At the request of the State Retirement Agency:

24 (1) a participating employer shall certify to the State Retirement Agency
25 that it is not the same participating employer that employed an individual at the time
26 of the individual's last separation from employment before the individual commenced
27 receiving a service retirement allowance or a vested allowance; or

28 (2) a unit of State government shall certify to the State Retirement
29 Agency that the individual was not employed by any unit of State government at the
30 time of the individual's last separation from employment before the individual
31 commenced receiving a service retirement allowance or a vested allowance.

32 (N) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE STATE
33 SUPERINTENDENT OF SCHOOLS SHALL SUBMIT A REPORT TO THE EDUCATION AND
34 ECONOMIC DEVELOPMENT SUBCOMMITTEE OF THE APPROPRIATIONS COMMITTEE,
35 THE EDUCATION, BUSINESS, AND ADMINISTRATION SUBCOMMITTEE OF THE
36 BUDGET AND TAXATION COMMITTEE, AND THE JOINT COMMITTEE ON PENSIONS, IN
37 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THAT PROVIDES:

38 (1) THE NUMBER OF REHIRED RETIREEES UNDER SUBSECTION (C)(4)(IV)
39 AND (V) OF THIS SECTION;

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

3 (3) A COPY OF ANY REPORT GENERATED BY THE STATE
4 SUPERINTENDENT OF SCHOOLS UNDER § 18-703(G)(1) OF THE EDUCATION ARTICLE
5 AND SUBMITTED TO THE OFFICE OF STUDENT FINANCIAL ASSISTANCE THAT
6 CERTIFIES ANY AREA OF CRITICAL SHORTAGE AS EVIDENCED BY PROJECTED
7 EMPLOYMENT VACANCIES SUBSTANTIALLY EXCEEDING PROJECTED QUALIFIED
8 GRADUATES;

9 (4) THE SUBJECT MATTER THAT EACH REHIRED RETIREE IS TEACHING;
10 AND

11 (5) THE SALARY OF EACH REHIRED RETIREE.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 2005.