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Introduced and read first time: February 11, 2005

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2005

CHAPTER _____

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; prohibiting certain retirees from being
 9 rehired within a certain period of time under certain circumstances; requiring
 10 certain local school superintendents to approve certain hirings, determine

1 certain placements, and certify certain information within a certain period of
 2 time; requiring the Board of Trustees for the State Retirement and Pension
 3 System and the State Department of Education to review certain information
 4 from certain superintendents of local school systems; requiring the Board of
 5 Trustees for the State Retirement and Pension System to notify certain
 6 superintendents of local school systems of certain findings; requiring certain
 7 local school superintendents to make certain reimbursements under certain
 8 circumstances by a certain date; requiring ~~the county boards of education~~
 9 certain local school superintendents to provide the State ~~Board Department~~ of
 10 Education with certain information by a certain date; ~~requiring the county~~
 11 ~~boards of education to provide the State Retirement Agency with certain~~
 12 ~~information; requiring the State Board of Education to provide the county~~
 13 ~~boards of education with certain information by a certain date; requiring the~~
 14 State ~~Board Department~~ of Education to adopt certain regulations; requiring
 15 the State Superintendent of Schools to submit certain reports by a certain date
 16 to ~~certain committees~~ the Joint Committee on Pensions; requiring the Board of
 17 Trustees for the State Retirement and Pension System to submit certain reports
 18 by a certain date to the Joint Committee on Pensions; providing for the
 19 termination of certain sections of this Act; defining a certain term; and generally
 20 relating to the reemployment of retirees.

21 BY repealing and reenacting, without amendments,
 22 Article - Education
 23 Section 18-703(g)(1)
 24 Annotated Code of Maryland
 25 (2004 Replacement Volume and 2004 Supplement)

26 BY repealing and reenacting, with amendments,
 27 Article - State Personnel and Pensions
 28 Section 22-406 and 23-407
 29 Annotated Code of Maryland
 30 (2004 Replacement Volume)

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

33 **Article - Education**

34 18-703.

35 (g) (1) The State Superintendent of Schools shall project annually the
 36 number of vacancies for employment expected in each of the subsequent 5 years in
 37 areas of critical or geographic shortage and the number of students expected to
 38 graduate from programs qualifying them to teach in these fields during the same
 39 period. The State Superintendent of Schools shall certify annually to the Office those
 40 programs that continue to be areas of critical or geographic shortage as evidenced by

1 projected employment vacancies substantially exceeding projected qualified
2 graduates.

3 **Article - State Personnel and Pensions**

4 22-406.

5 (a) IN THIS SECTION, "AREA OF CRITICAL SHORTAGE" MEANS AN ACADEMIC
6 FIELD IDENTIFIED BY THE STATE ~~BOARD~~ DEPARTMENT OF EDUCATION IN
7 ACCORDANCE WITH THE PROVISIONS OF § 18-703(G)(1) OF THE EDUCATION ARTICLE
8 AS HAVING PROJECTED EMPLOYMENT VACANCIES WHICH SUBSTANTIALLY EXCEED
9 PROJECTED QUALIFIED GRADUATES.

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

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

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

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

19 (i) the individual's current employer is a participating employer
20 other than the State and is the same participating employer that employed the
21 individual at the time of the individual's last separation from employment with a
22 participating employer before the individual commenced receiving a service
23 retirement allowance or vested allowance;

24 (ii) the individual's current employer is any unit of State
25 government and the individual's employer at the time of the individual's last
26 separation from employment with the State before the individual commenced
27 receiving a service retirement allowance or vested allowance was also a unit of State
28 government; or

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

31 (2) The reduction required under paragraph (1) of this subsection shall
32 equal:

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

36 (ii) for a retiree who retired under the Workforce Reduction Act
37 (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree's annual

1 compensation and the retiree's annual basic allowance at the time of retirement,
2 including the incentive provided by the Workforce Reduction Act, exceeds the average
3 final compensation used to compute the basic allowance.

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

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

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

11 (ii) an individual whose average final compensation was less than
12 \$10,000 and who is reemployed on a temporary or contractual basis;

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

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

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

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

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

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

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

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

28 4. RECEIVES VERIFICATION OF SATISFACTORY OR BETTER
29 PERFORMANCE EACH YEAR THE TEACHER IS EMPLOYED UNDER PARAGRAPH (5) OF
30 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
2 YEARS BEFORE RETIREMENT AND WAS EMPLOYED IN A POSITION SUPERVISING
3 PRINCIPALS IN THE RETIREE'S LAST ASSIGNMENT PRIOR TO RETIREMENT;

4 2. HAS VERIFICATION OF ~~BETTER THAN~~ SATISFACTORY
5 PERFORMANCE FOR EACH YEAR AS A PRINCIPAL AND, IF APPLICABLE, IN A POSITION
6 SUPERVISING PRINCIPALS PRIOR TO RETIREMENT;

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

9 4. RECEIVES VERIFICATION OF ~~BETTER THAN~~
10 SATISFACTORY PERFORMANCE EACH YEAR THE RETIREE IS EMPLOYED AS A
11 PRINCIPAL UNDER PARAGRAPH (6) OF THIS SUBSECTION; OR

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

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

19 1. IS NOT MAKING ADEQUATE YEARLY PROGRESS OR IS A
20 SCHOOL "~~IN-SCHOOL IMPROVEMENT~~" IN NEED OF IMPROVEMENT AS DEFINED
21 UNDER THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001 AND AS IMPLEMENTED
22 BY THE STATE DEPARTMENT OF EDUCATION;

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

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

28 (II) ~~EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS~~
29 ~~PARAGRAPH~~, AN INDIVIDUAL REHIRED AT A SCHOOL DESCRIBED UNDER
30 SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL TEACH:

31 1. IN AN AREA OF CRITICAL SHORTAGE;

32 2. A SPECIAL EDUCATION CLASS FOR STUDENTS WITH
33 SPECIAL NEEDS; OR

34 3. A CLASS FOR STUDENTS WITH LIMITED ENGLISH
35 PROFICIENCY.

36 (III) ~~AN INDIVIDUAL REHIRED AT A SCHOOL DESCRIBED UNDER~~
37 ~~SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT TEACH IN THE ARTS OR PHYSICAL~~

1 ~~EDUCATION, AS DEFINED BY THE STATE DEPARTMENT OF EDUCATION BY~~
2 ~~REGULATION.~~

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

5 (I) IS NOT MAKING ADEQUATE YEARLY PROGRESS OR IS A SCHOOL
6 ~~"IN SCHOOL IMPROVEMENT"~~ IN NEED OF IMPROVEMENT AS DEFINED UNDER THE
7 FEDERAL NO CHILD LEFT BEHIND ACT OF 2001 AND AS IMPLEMENTED BY THE STATE
8 DEPARTMENT OF EDUCATION;

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

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

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

18 (8) (I) NOTWITHSTANDING PARAGRAPH (5) OF THIS SUBSECTION,
19 EACH SUPERINTENDENT OF A LOCAL SCHOOL SYSTEM MAY REHIRE AN ADDITIONAL
20 NUMBER OF INDIVIDUALS DESCRIBED UNDER PARAGRAPH (4)(V) OF THIS
21 SUBSECTION EQUAL TO THE GREATER OF:

22 1. THREE; OR

23 2. 0.1% OF THE TOTAL FULL-TIME EQUIVALENT
24 INSTRUCTIONAL TEACHERS EMPLOYED BY THAT LOCAL SCHOOL SYSTEM, ROUNDED
25 UP TO THE NEAREST WHOLE NUMBER NOT TO EXCEED 10, AS REPORTED ANNUALLY
26 BY THE STATE DEPARTMENT OF EDUCATION.

27 (II) AT ANY ONE TIME, THE TOTAL NUMBER OF INDIVIDUALS
28 REHIRED BY A SUPERINTENDENT OF A LOCAL SCHOOL SYSTEM UNDER THIS
29 PARAGRAPH MAY NOT EXCEED THE NUMBER DETERMINED UNDER SUBPARAGRAPH
30 (I) OF THIS PARAGRAPH.

31 (III) AN INDIVIDUAL REHIRED UNDER THIS PARAGRAPH:

32 1. SHALL BE REEMPLOYED AT A SCHOOL SPECIFIED IN
33 PARAGRAPH (5)(I) OF THIS SUBSECTION; AND

34 2. MAY TEACH ANY SUBJECT OR CLASS OR PROVIDE
35 EDUCATIONAL SERVICES ASSIGNED BY THE INDIVIDUAL'S SUPERINTENDENT.

1 ~~(8)~~ (9) (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; AND
5 2. DETERMINE THE SCHOOL WHERE THE INDIVIDUAL IS TO
6 BE REEMPLOYED; ~~AND.~~

7 3. (II) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR THE
8 ~~INDIVIDUAL IS REHIRED, COMPLETE WITHIN 30 DAYS AFTER REHIRING AN~~
9 INDIVIDUAL, THE SUPERINTENDENT OF A LOCAL SCHOOL SYSTEM SHALL COMPLETE
10 AND FILE WITH THE BOARD OF TRUSTEES AND THE STATE DEPARTMENT OF
11 EDUCATION A FORM PROVIDED BY THE BOARD OF TRUSTEES AND FILED WITH THE
12 ~~BOARD OF TRUSTEES AND THE STATE BOARD OF EDUCATION THAT STATES THAT~~
13 THE INDIVIDUAL SATISFIES REHIRED BY THE LOCAL SCHOOL SYSTEM UNDER
14 PARAGRAPH (4)(V) OR (VI) OF THIS SUBSECTION:

15 1. SATISFIED THE CRITERIA PROVIDED IN PARAGRAPH (4)(V)
16 OR (VI) OF THIS SUBSECTION AND IS SUBSECTION:

17 2. WAS REEMPLOYED AT A SCHOOL DESCRIBED UNDER
18 PARAGRAPH ~~(5)~~ (5)(I) OR (6) OF THIS SUBSECTION; AND

19 3. IF REHIRED UNDER PARAGRAPH (4)(V) OF THIS
20 SUBSECTION, WAS:

21 A. TEACHING IN AN AREA SPECIFIED IN PARAGRAPH (5)(II)
22 OF THIS SUBSECTION; OR

23 B. TEACHING IN ANY CLASS OR SUBJECT OR PROVIDING
24 EDUCATIONAL SERVICES AS PROVIDED UNDER PARAGRAPH (8) OF THIS SUBSECTION.

25 ~~(H)~~ (III) 1. IF A SUPERINTENDENT OF A LOCAL SCHOOL SYSTEM
26 COMPLETES THE CERTIFICATION REQUIRED BY SUBPARAGRAPH (I)3 OF THIS
27 PARAGRAPH FOR AN INDIVIDUAL REHIRED UNDER PARAGRAPH (4)(V) OR (VI) OF THIS
28 SUBSECTION, AND THE INDIVIDUAL REHIRED DOES NOT SATISFY THE CRITERIA
29 PROVIDED IN PARAGRAPH (4)(V) OR (VI) OF THIS SUBSECTION OR IS NOT
30 REEMPLOYED AT A SCHOOL DESCRIBED UNDER PARAGRAPH (5) OR (6) OF THIS
31 SUBSECTION, ON OR BEFORE APRIL 1 OF EACH YEAR, THE BOARD OF TRUSTEES AND
32 THE STATE DEPARTMENT OF EDUCATION SHALL JOINTLY REVIEW ANY FORMS FILED
33 BY A SUPERINTENDENT OF A LOCAL SCHOOL SYSTEM UNDER SUBPARAGRAPH (II) OF
34 THIS PARAGRAPH DURING THE PREVIOUS CALENDAR YEAR.

35 2. IF THE BOARD OF TRUSTEES AND THE STATE
36 DEPARTMENT OF EDUCATION AGREE THAT A SUPERINTENDENT OF A LOCAL
37 SCHOOL SYSTEM HAS REHIRED AN INDIVIDUAL THAT DOES NOT SATISFY THE
38 CRITERIA PROVIDED IN PARAGRAPH (4)(V) OR (VI) AND (5), (6), OR (8) OF THIS
39 SUBSECTION:

1 A. ON OR BEFORE JULY 1 OF THE YEAR OF THE FINDING,
 2 THE BOARD OF TRUSTEES SHALL NOTIFY THE SUPERINTENDENT OF THE LOCAL
 3 SCHOOL SYSTEM OF THIS INDIVIDUAL; AND

4 B. THE LOCAL SCHOOL SYSTEM SHALL REIMBURSE THE
 5 BOARD OF TRUSTEES THE AMOUNT EQUAL TO THE REDUCTION TO THE
 6 INDIVIDUAL'S RETIREMENT ALLOWANCE THAT WOULD HAVE BEEN MADE IN
 7 PARAGRAPH (2) OF THIS SUBSECTION.

8 ~~2-~~ (IV) THE LOCAL SCHOOL SYSTEM SHALL MAKE THE
 9 REIMBURSEMENT ON OR BEFORE JUNE 30 OF THE YEAR FOLLOWING EACH YEAR
 10 THAT THE REDUCTION WOULD HAVE BEEN TAKEN DECEMBER 31 OF THE YEAR THE
 11 LOCAL SCHOOL SYSTEM RECEIVES NOTICE FROM THE BOARD OF TRUSTEES UNDER
 12 SUBPARAGRAPH (III)2A OF THIS PARAGRAPH.

13 ~~(III)~~ (10) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE LOCAL
 14 SUPERINTENDENT SHALL REPORT ANNUALLY TO THE STATE BOARD DEPARTMENT
 15 OF EDUCATION ON FOR THE PREVIOUS SCHOOL YEAR:

16 ~~4-~~ (I) THE NUMBER OF INDIVIDUALS REHIRED UNDER
 17 PARAGRAPH (4)(V) OR (VI) OR (8) OF THIS SUBSECTION;

18 ~~2-~~ (II) THE LOCATION OF THE SCHOOL WHERE EACH
 19 INDIVIDUAL IS EMPLOYED

20 1. THE SCHOOL AND SCHOOL SYSTEM WHERE EACH
 21 INDIVIDUAL WAS REHIRED; AND

22 2. WHETHER THE SCHOOL:

23 A. WAS NOT MAKING ADEQUATE YEARLY PROGRESS OR WAS
 24 A SCHOOL IN NEED OF IMPROVEMENT AS DEFINED UNDER THE FEDERAL NO CHILD
 25 LEFT BEHIND ACT OF 2001 AND AS IMPLEMENTED BY THE STATE DEPARTMENT OF
 26 EDUCATION;

27 B. WAS RECEIVING FUNDS UNDER TITLE 1 OF THE FEDERAL
 28 NO CHILD LEFT BEHIND ACT OF 2001; OR

29 C. PROVIDED AN ALTERNATIVE EDUCATION PROGRAM FOR
 30 ADJUDICATED YOUTHS OR STUDENTS WHO HAVE BEEN EXPELLED, SUSPENDED, OR
 31 IDENTIFIED FOR SUSPENSION OR EXPULSION FROM A PUBLIC SCHOOL;

32 ~~(III)~~ THE ORIGINAL DATE OF REHIRE FOR EACH INDIVIDUAL;

33 ~~3-~~ (IV) THE SUBJECT MATTER TAUGHT BY EACH
 34 INDIVIDUAL; AND

35 4. (V) THE ANNUAL SALARY OF EACH INDIVIDUAL.

1 (D) AN INDIVIDUAL WHO IS REHIRED UNDER THIS SECTION MAY NOT BE
2 REHIRED WITHIN 45 DAYS OF THE DATE THE INDIVIDUAL RETIRED IF:

3 (1) THE INDIVIDUAL'S CURRENT EMPLOYER IS A PARTICIPATING
4 EMPLOYER OTHER THAN THE STATE AND IS THE SAME PARTICIPATING EMPLOYER
5 THAT EMPLOYED THE INDIVIDUAL AT THE TIME OF THE INDIVIDUAL'S LAST
6 SEPARATION FROM EMPLOYMENT WITH A PARTICIPATING EMPLOYER BEFORE THE
7 INDIVIDUAL COMMENCED RECEIVING A SERVICE RETIREMENT ALLOWANCE; OR

8 (2) THE INDIVIDUAL'S CURRENT EMPLOYER IS ANY UNIT OF STATE
9 GOVERNMENT AND THE INDIVIDUAL'S EMPLOYER AT THE TIME OF THE
10 INDIVIDUAL'S LAST SEPARATION FROM EMPLOYMENT WITH THE STATE BEFORE THE
11 INDIVIDUAL COMMENCED RECEIVING A SERVICE RETIREMENT ALLOWANCE WAS
12 ALSO A UNIT OF STATE GOVERNMENT.

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

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

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

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

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

29 ~~(I) THE COUNTY BOARDS OF EDUCATION SHALL NOTIFY THE STATE~~
30 ~~RETIREMENT AGENCY OF ANY RETIRED TEACHERS WHO QUALIFY UNDER~~
31 ~~SUBSECTION (C)(4)(V) OF THIS SECTION OR ANY PERSONNEL WHO QUALIFY UNDER~~
32 ~~SUBSECTION (C)(4)(VI) OF THIS SECTION.~~

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

36 ~~(K) (I) IN ADDITION TO ANY REGULATIONS ADOPTED IN ACCORDANCE~~
37 ~~WITH § 6-202 OF THE EDUCATION ARTICLE, THE STATE BOARD DEPARTMENT OF~~
38 ~~EDUCATION SHALL ADOPT REGULATIONS CONCERNING THE EMPLOYMENT TERMS~~
39 ~~OF RETIRED TEACHERS OR PERSONNEL DESCRIBED IN SUBSECTION (C)(4)(V) OR (VI)~~
40 ~~OF TO CARRY OUT THIS SECTION.~~

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

6 [(g)] ~~(M)~~ (J) At the request of the State Retirement Agency:

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

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

15 ~~(N)~~ (K) ON OR BEFORE ~~SEPTEMBER 1~~ OCTOBER 1 OF EACH YEAR, THE STATE
 16 SUPERINTENDENT OF SCHOOLS SHALL SUBMIT A REPORT FOR THE PREVIOUS
 17 SCHOOL YEAR, TO THE EDUCATION AND ECONOMIC DEVELOPMENT SUBCOMMITTEE
 18 OF THE APPROPRIATIONS COMMITTEE, THE EDUCATION, BUSINESS, AND
 19 ADMINISTRATION SUBCOMMITTEE OF THE BUDGET AND TAXATION COMMITTEE,
 20 AND THE JOINT COMMITTEE ON PENSIONS, IN ACCORDANCE WITH § 2-1246 OF THE
 21 STATE GOVERNMENT ARTICLE, THAT PROVIDES:

22 (1) THE NUMBER OF REHIRED RETIREES UNDER SUBSECTION (C)(4)(V)
 23 AND (VI) AND (8) OF THIS SECTION;

24 (2) (I) THE SCHOOL AND SCHOOL SYSTEM WHERE EACH RETIREE ~~HAS~~
 25 BEEN WAS REHIRED; AND

26 (II) WHETHER THE SCHOOL:

27 1. WAS NOT MAKING ADEQUATE YEARLY PROGRESS OR WAS
 28 A SCHOOL IN NEED OF 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. WAS RECEIVING FUNDS UNDER TITLE 1 OF THE FEDERAL
 32 NO CHILD LEFT BEHIND ACT OF 2001; OR

33 3. PROVIDED AN ALTERNATIVE EDUCATION PROGRAM FOR
 34 ADJUDICATED YOUTHS OR STUDENTS WHO HAVE BEEN EXPELLED, SUSPENDED, OR
 35 IDENTIFIED FOR SUSPENSION OR EXPULSION FROM A PUBLIC SCHOOL;

36 (3) A COPY OF ~~ANY~~ THE ANNUAL STAFFING REPORT GENERATED BY THE
 37 STATE SUPERINTENDENT OF SCHOOLS UNDER IN ACCORDANCE WITH § 18-703(G)(1)
 38 OF THE EDUCATION ARTICLE ~~AND SUBMITTED TO THE OFFICE OF STUDENT~~
 39 ~~FINANCIAL ASSISTANCE THAT CERTIFIES ANY AREA~~ CERTIFYING AREAS OF

1 CRITICAL SHORTAGE FOR THE PREVIOUS SCHOOL YEAR AS EVIDENCED BY
 2 PROJECTED EMPLOYMENT VACANCIES SUBSTANTIALLY EXCEEDING PROJECTED
 3 QUALIFIED GRADUATES;

4 (4) THE SUBJECT MATTER THAT EACH REHIRED RETIREE ~~IS~~ WAS
 5 TEACHING; ~~AND~~

6 (5) THE SALARY OF EACH REHIRED RETIREE; AND

7 (6) THE TOTAL NUMBER OF YEARS EACH RETIREE HAS BEEN
 8 REEMPLOYED AT THE SCHOOL WHERE THE RETIREE WAS REHIRED FOR THE
 9 PREVIOUS SCHOOL YEAR.

10 (L) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE BOARD OF TRUSTEES
 11 SHALL SUBMIT A REPORT FOR THE PREVIOUS CALENDAR YEAR TO THE JOINT
 12 COMMITTEE ON PENSIONS, IN ACCORDANCE WITH § 2-1246 OF THE STATE
 13 GOVERNMENT ARTICLE, THAT PROVIDES:

14 (1) THE NUMBER OF INDIVIDUALS IN EACH LOCAL SCHOOL SYSTEM
 15 THAT THE BOARD OF TRUSTEES AND THE STATE DEPARTMENT OF EDUCATION
 16 AGREE WERE REHIRED AND DID NOT SATISFY THE CRITERIA PROVIDED IN
 17 SUBSECTION (B)(4)(V) OR (VI) AND (5), (6), OR (8) OF THIS SECTION; AND

18 (2) ANY REIMBURSEMENTS A LOCAL SCHOOL SYSTEM MADE UNDER
 19 SUBSECTION (B)(9)(III) OF THIS SECTION.

20 23-407.

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

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

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

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

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

35 (i) the individual's current employer is a participating employer
 36 other than the State and is the same participating employer that employed the
 37 individual at the time of the individual's last separation from employment with a

1 participating employer before the individual commenced receiving a service
2 retirement allowance or vested allowance;

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

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

11 (2) The reduction required under paragraph (1) of this subsection shall
12 equal:

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

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

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

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

27 (i) an individual whose average final compensation was less than
28 \$10,000 and who is reemployed on a temporary or contractual basis;

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

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

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

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

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

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

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

7 (V) A RETIREE OF THE TEACHERS' PENSION SYSTEM WHO:

8 1. A. WAS EMPLOYED AS A PRINCIPAL WITHIN 5 YEARS OF
9 RETIREMENT; OR

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

13 2. HAS VERIFICATION OF ~~BETTER THAN~~ SATISFACTORY
14 PERFORMANCE FOR EACH YEAR AS A PRINCIPAL AND, IF APPLICABLE, IN A POSITION
15 SUPERVISING PRINCIPALS PRIOR TO RETIREMENT;

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

18 4. RECEIVES VERIFICATION OF ~~BETTER THAN~~
19 SATISFACTORY PERFORMANCE EACH YEAR THE RETIREE IS EMPLOYED AS A
20 PRINCIPAL UNDER PARAGRAPH (6) OF THIS SUBSECTION.

21 (5) (I) AN INDIVIDUAL WHO IS REHIRED UNDER PARAGRAPH (4)(IV) OF
22 THIS SUBSECTION SHALL BE EMPLOYED AS A CLASSROOM TEACHER, SUBSTITUTE
23 CLASSROOM TEACHER, ~~OR SUBSTITUTE TEACHER MENTOR~~ TEACHER MENTOR, IN A
24 PUBLIC SCHOOL THAT:

25 1. IS NOT MAKING ADEQUATE YEARLY PROGRESS OR IS A
26 SCHOOL "~~IN-SCHOOL IMPROVEMENT~~" IN NEED OF IMPROVEMENT AS DEFINED
27 UNDER THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001 AND AS IMPLEMENTED
28 BY THE STATE DEPARTMENT OF EDUCATION;

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

31 3. PROVIDES AN ALTERNATIVE EDUCATION PROGRAM FOR
32 ~~ADJUDICATED YOUTHS OR~~ STUDENTS WHO HAVE BEEN EXPELLED, SUSPENDED, OR
33 IDENTIFIED FOR SUSPENSION OR EXPULSION FROM A PUBLIC SCHOOL.

34 (II) ~~EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS~~
35 ~~PARAGRAPH~~, AN INDIVIDUAL REHIRED AT A SCHOOL DESCRIBED UNDER
36 SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL TEACH:

37 1. IN AN AREA OF CRITICAL SHORTAGE;

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

3 3. A CLASS FOR STUDENTS WITH LIMITED ENGLISH
4 PROFICIENCY.

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

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

11 (I) IS NOT MAKING ADEQUATE YEARLY PROGRESS OR IS IN
12 ~~"IMPROVEMENT STATUS"~~ NEED OF IMPROVEMENT AS DEFINED UNDER THE
13 FEDERAL NO CHILD LEFT BEHIND ACT OF 2001 AND AS IMPLEMENTED BY THE STATE
14 DEPARTMENT OF EDUCATION;

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

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

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

24 (8) (I) NOTWITHSTANDING PARAGRAPH (5) OF THIS SUBSECTION,
25 EACH SUPERINTENDENT OF A LOCAL SCHOOL SYSTEM MAY REHIRE AN ADDITIONAL
26 NUMBER OF INDIVIDUALS DESCRIBED UNDER PARAGRAPH (4)(V) OF THIS
27 SUBSECTION EQUAL TO THE GREATER OF:

28 1. THREE; OR

29 2. 0.1% OF THE TOTAL FULL-TIME EQUIVALENT
30 INSTRUCTIONAL TEACHERS EMPLOYED BY THAT LOCAL SCHOOL SYSTEM, ROUNDED
31 UP TO THE NEAREST WHOLE NUMBER NOT TO EXCEED 10, AS REPORTED ANNUALLY
32 BY THE STATE DEPARTMENT OF EDUCATION.

33 (II) AT ANY ONE TIME, THE TOTAL NUMBER OF INDIVIDUALS
34 REHIRED BY A SUPERINTENDENT OF A LOCAL SCHOOL SYSTEM UNDER THIS
35 PARAGRAPH MAY NOT EXCEED THE NUMBER DETERMINED UNDER SUBPARAGRAPH
36 (I) OF THIS PARAGRAPH.

37 (III) AN INDIVIDUAL REHIRED UNDER THIS PARAGRAPH:

1 1. SHALL BE REEMPLOYED AT A SCHOOL SPECIFIED IN
 2 PARAGRAPH (5)(I) OF THIS SUBSECTION; AND

3 2. MAY TEACH ANY SUBJECT OR CLASS OR PROVIDE
 4 EDUCATIONAL SERVICES ASSIGNED BY THE INDIVIDUAL'S SUPERINTENDENT.

5 ~~(8)~~ ~~(9)~~ (I) THE SUPERINTENDENT OF THE LOCAL SCHOOL SYSTEM
 6 REHIRING AN INDIVIDUAL UNDER PARAGRAPH (4)(IV) OR (V) OF THIS SUBSECTION
 7 SHALL:

8 1. APPROVE THE REHIRING OF THAT INDIVIDUAL; AND

9 2. DETERMINE THE SCHOOL WHERE THE INDIVIDUAL IS TO
 10 BE REEMPLOYED; AND,

11 ~~3-~~ (II) ~~ON OR BEFORE SEPTEMBER 1 OF EACH YEAR THE~~
 12 ~~INDIVIDUAL IS REHIRED, COMPLETE WITHIN 30 DAYS AFTER REHIRING AN~~
 13 ~~INDIVIDUAL, THE SUPERINTENDENT OF A LOCAL SCHOOL SYSTEM SHALL COMPLETE~~
 14 ~~AND FILE WITH THE BOARD OF TRUSTEES AND THE STATE DEPARTMENT OF~~
 15 ~~EDUCATION A FORM PROVIDED BY THE BOARD OF TRUSTEES AND FILED WITH THE~~
 16 ~~BOARD OF TRUSTEES AND THE STATE BOARD OF EDUCATION THAT STATES~~
 17 ~~CERTIFIES THAT THE INDIVIDUAL SATISFIES REHIRED BY THE LOCAL SCHOOL~~
 18 ~~SYSTEM UNDER PARAGRAPH (4)(V) OR (VI) OF THIS SUBSECTION:~~

19 1. SATISFIED THE CRITERIA PROVIDED IN PARAGRAPH (4)(IV)
 20 OR (V) OF THIS ~~SUBSECTION AND IS~~ SUBSECTION;

21 2. WAS REEMPLOYED AT A SCHOOL DESCRIBED UNDER
 22 ~~PARAGRAPH (5) (5)(I)~~ OR (6) OF THIS SUBSECTION; AND

23 3. IF REHIRED UNDER PARAGRAPH (4)(IV) OF THIS
 24 SUBSECTION, WAS:

25 A. TEACHING IN AN AREA SPECIFIED IN PARAGRAPH (5)(II)
 26 OF THIS SUBSECTION; OR

27 B. TEACHING IN ANY CLASS OR SUBJECT OR PROVIDING
 28 EDUCATIONAL SERVICES AS PROVIDED UNDER PARAGRAPH (8) OF THIS SUBSECTION.

29 ~~(II)~~ (III) 1. ~~IF A SUPERINTENDENT OF A LOCAL SCHOOL SYSTEM~~
 30 ~~COMPLETES THE CERTIFICATION REQUIRED BY SUBPARAGRAPH (I)3 OF THIS~~
 31 ~~PARAGRAPH FOR AN INDIVIDUAL REHIRED UNDER PARAGRAPH (4)(IV) OR (V) OF THIS~~
 32 ~~SUBSECTION, AND THE INDIVIDUAL REHIRED DOES NOT SATISFY THE CRITERIA~~
 33 ~~PROVIDED IN PARAGRAPH (4)(IV) OR (V) OF THIS SUBSECTION OR IS NOT~~
 34 ~~REEMPLOYED AT A SCHOOL DESCRIBED UNDER PARAGRAPH (5) OR (6) OF THIS~~
 35 ~~SUBSECTION, ON OR BEFORE APRIL 1 OF EACH YEAR, THE BOARD OF TRUSTEES AND~~
 36 ~~THE STATE DEPARTMENT OF EDUCATION SHALL JOINTLY REVIEW ANY FORMS FILED~~
 37 ~~BY A SUPERINTENDENT OF A LOCAL SCHOOL SYSTEM UNDER SUBPARAGRAPH (II) OF~~
 38 ~~THIS PARAGRAPH.~~

1 2. IF THE BOARD OF TRUSTEES AND THE STATE
2 DEPARTMENT OF EDUCATION AGREE THAT A SUPERINTENDENT OF A LOCAL
3 SCHOOL SYSTEM HAS REIHRED AN INDIVIDUAL THAT DOES NOT SATISFY THE
4 CRITERIA PROVIDED IN PARAGRAPH (4)(IV) OR (V) AND (5), (6), OR (8) OF THIS
5 SUBSECTION:

6 A. ON OR BEFORE JULY 1 OF THE YEAR OF THE FINDING,
7 THE BOARD OF TRUSTEES SHALL NOTIFY THE SUPERINTENDENT OF THE LOCAL
8 SCHOOL SYSTEM OF THIS INDIVIDUAL; AND

9 B. THE LOCAL SCHOOL SYSTEM SHALL REIMBURSE THE
10 BOARD OF TRUSTEES THE AMOUNT EQUAL TO THE REDUCTION TO THE
11 INDIVIDUAL'S RETIREMENT ALLOWANCE THAT WOULD HAVE BEEN MADE IN
12 PARAGRAPH (2) OF THIS SUBSECTION.

13 2- (IV) 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 DECEMBER 31 OF THE YEAR THE
16 LOCAL SCHOOL SYSTEM RECEIVES NOTICE FROM THE BOARD OF TRUSTEES UNDER
17 SUBPARAGRAPH (III)2A OF THIS PARAGRAPH.

18 ~~(III)~~ (10) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE LOCAL
19 SUPERINTENDENT SHALL REPORT ANNUALLY TO THE STATE BOARD DEPARTMENT
20 OF EDUCATION ON FOR THE PREVIOUS SCHOOL YEAR:

21 + (I) THE NUMBER OF INDIVIDUALS REIHRED UNDER
22 PARAGRAPH (4)(IV) OR (V) OR (8) OF THIS SUBSECTION;

23 2- (II) THE LOCATION OF THE SCHOOL WHERE EACH
24 INDIVIDUAL IS EMPLOYED

25 1. THE SCHOOL AND SCHOOL SYSTEM WHERE EACH
26 INDIVIDUAL WAS REIHRED; AND

27 2. WHETHER THE SCHOOL:

28 A. WAS NOT MAKING ADEQUATE YEARLY PROGRESS OR WAS
29 A SCHOOL IN NEED OF IMPROVEMENT AS DEFINED UNDER THE FEDERAL NO CHILD
30 LEFT BEHIND ACT OF 2001 AND AS IMPLEMENTED BY THE STATE DEPARTMENT OF
31 EDUCATION;

32 B. WAS RECEIVING FUNDS UNDER TITLE 1 OF THE FEDERAL
33 NO CHILD LEFT BEHIND ACT OF 2001; OR

34 C. PROVIDED AN ALTERNATIVE EDUCATION PROGRAM FOR
35 ADJUDICATED YOUTHS OR STUDENTS WHO HAVE BEEN EXPELLED, SUSPENDED, OR
36 IDENTIFIED FOR SUSPENSION OR EXPULSION FROM A PUBLIC SCHOOL;

37 (III) THE ORIGINAL DATE OF REHIRE FOR EACH INDIVIDUAL;

1 3- (IV) THE SUBJECT MATTER TAUGHT BY EACH
2 INDIVIDUAL; AND

3 4- (V) THE ANNUAL SALARY OF EACH INDIVIDUAL.

4 (D) AN INDIVIDUAL WHO IS REHIRED UNDER THIS SECTION MAY NOT BE
5 REHIRED WITHIN 45 DAYS OF THE DATE THE INDIVIDUAL RETIRED IF:

6 (1) THE INDIVIDUAL'S CURRENT EMPLOYER IS A PARTICIPATING
7 EMPLOYER OTHER THAN THE STATE AND IS THE SAME PARTICIPATING EMPLOYER
8 THAT EMPLOYED THE INDIVIDUAL AT THE TIME OF THE INDIVIDUAL'S LAST
9 SEPARATION FROM EMPLOYMENT WITH A PARTICIPATING EMPLOYER BEFORE THE
10 INDIVIDUAL COMMENCED RECEIVING A SERVICE RETIREMENT ALLOWANCE; OR

11 (2) THE INDIVIDUAL'S CURRENT EMPLOYER IS ANY UNIT OF STATE
12 GOVERNMENT AND THE INDIVIDUAL'S EMPLOYER AT THE TIME OF THE
13 INDIVIDUAL'S LAST SEPARATION FROM EMPLOYMENT WITH THE STATE BEFORE THE
14 INDIVIDUAL COMMENCED RECEIVING A SERVICE RETIREMENT ALLOWANCE WAS
15 ALSO A UNIT OF STATE GOVERNMENT.

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

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

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

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

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

32 ~~(I) THE COUNTY BOARDS OF EDUCATION SHALL NOTIFY THE STATE~~
33 ~~RETIREMENT AGENCY OF ANY RETIRED TEACHERS WHO QUALIFY UNDER~~
34 ~~SUBSECTION (C)(4)(IV) OF THIS SECTION OR ANY PERSONNEL WHO QUALIFY UNDER~~
35 ~~SUBSECTION (C)(4)(V) OF THIS SECTION.~~

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

1 ~~(K)~~ (I) IN ADDITION TO ANY REGULATIONS ADOPTED IN ACCORDANCE
 2 WITH ~~§ 6-202 OF THE EDUCATION ARTICLE~~, THE STATE BOARD DEPARTMENT OF
 3 EDUCATION SHALL ADOPT REGULATIONS CONCERNING THE EMPLOYMENT TERMS
 4 OF RETIRED TEACHERS AND PERSONNEL DESCRIBED IN SUBSECTION (C)(4)(IV) OR (V)
 5 ~~OF TO CARRY OUT THIS SECTION.~~

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

11 [(g)] ~~(M)~~ (J) At the request of the State Retirement Agency:

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

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

20 ~~(N)~~ (K) ON OR BEFORE ~~SEPTEMBER 1~~ OCTOBER 1 OF EACH YEAR, THE STATE
 21 SUPERINTENDENT OF SCHOOLS SHALL SUBMIT A REPORT FOR THE PREVIOUS
 22 SCHOOL YEAR, TO THE EDUCATION AND ECONOMIC DEVELOPMENT SUBCOMMITTEE
 23 ~~OF THE APPROPRIATIONS COMMITTEE, THE EDUCATION, BUSINESS, AND~~
 24 ~~ADMINISTRATION SUBCOMMITTEE OF THE BUDGET AND TAXATION COMMITTEE,~~
 25 ~~AND THE JOINT COMMITTEE ON PENSIONS~~, IN ACCORDANCE WITH § 2-1246 OF THE
 26 STATE GOVERNMENT ARTICLE, THAT PROVIDES:

27 (1) THE NUMBER OF REHIRED RETIREES UNDER SUBSECTION (C)(4)(IV)
 28 AND (V) AND (8) OF THIS SECTION;

29 (2) (I) THE SCHOOL AND SCHOOL SYSTEM WHERE EACH RETIREE HAS
 30 ~~BEEN~~ WAS REHIRED; AND

31 (II) WHETHER THE SCHOOL:

32 1. WAS NOT MAKING ADEQUATE YEARLY PROGRESS OR WAS
 33 A SCHOOL IN NEED OF IMPROVEMENT AS DEFINED UNDER THE FEDERAL NO CHILD
 34 LEFT BEHIND ACT OF 2001 AND AS IMPLEMENTED BY THE STATE DEPARTMENT OF
 35 EDUCATION;

36 2. WAS RECEIVING FUNDS UNDER TITLE 1 OF THE FEDERAL
 37 NO CHILD LEFT BEHIND ACT OF 2001; OR

1 3. PROVIDED AN ALTERNATIVE EDUCATION PROGRAM FOR
 2 ADJUDICATED YOUTHS OR STUDENTS WHO HAVE BEEN EXPELLED, SUSPENDED, OR
 3 IDENTIFIED FOR SUSPENSION OR EXPULSION FROM A PUBLIC SCHOOL;

4 (3) A COPY OF ~~ANY THE ANNUAL STAFFING REPORT~~ GENERATED BY THE
 5 STATE SUPERINTENDENT OF SCHOOLS ~~UNDER IN ACCORDANCE WITH § 18-703(G)(1)~~
 6 OF THE EDUCATION ARTICLE ~~AND SUBMITTED TO THE OFFICE OF STUDENT~~
 7 ~~FINANCIAL ASSISTANCE THAT CERTIFIES ANY AREA CERTIFYING AREAS OF~~
 8 CRITICAL SHORTAGE FOR THE PREVIOUS SCHOOL YEAR AS EVIDENCED BY
 9 PROJECTED EMPLOYMENT VACANCIES SUBSTANTIALLY EXCEEDING PROJECTED
 10 QUALIFIED GRADUATES;

11 (4) THE SUBJECT MATTER THAT EACH REHIRED RETIREE ~~IS WAS~~
 12 TEACHING; AND

13 (5) THE SALARY OF EACH REHIRED RETIREE; AND

14 (6) THE TOTAL NUMBER OF YEARS EACH RETIREE HAS BEEN
 15 REEMPLOYED AT THE SCHOOL WHERE THE RETIREE WAS REHIRED FOR THE
 16 PREVIOUS SCHOOL YEAR.

17 (L) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE BOARD OF TRUSTEES
 18 SHALL SUBMIT A REPORT FOR THE PREVIOUS CALENDAR YEAR TO THE JOINT
 19 COMMITTEE ON PENSIONS, IN ACCORDANCE WITH § 2-1246 OF THE STATE
 20 GOVERNMENT ARTICLE, THAT PROVIDES:

21 (1) THE NUMBER OF INDIVIDUALS IN EACH LOCAL SCHOOL SYSTEM
 22 THAT THE BOARD OF TRUSTEES AND THE STATE DEPARTMENT OF EDUCATION
 23 AGREE WERE REHIRED AND DID NOT SATISFY THE CRITERIA PROVIDED IN
 24 SUBSECTION (B)(4)(IV) OR (V) AND (5), (6), OR (8) OF THIS SECTION; AND

25 (2) ANY REIMBURSEMENTS A LOCAL SCHOOL SYSTEM MADE UNDER
 26 SUBSECTION (B)(9)(II) OF THIS SECTION.

27 SECTION 2. AND BE IT FURTHER ENACTED, That;

28 (a) This section applies to an individual who:

29 (1) is a retiree of the Teachers' Retirement System or Teachers' Pension
 30 System; and

31 (2) was reemployed as a principal for the 2004-2005 school year:

32 (i) by a school system that, for the 2003-2004 school year did not
 33 make annual yearly progress as defined under the federal No Child Left Behind Act
 34 of 2001 and as implemented by the State Department of Education; and

35 (ii) at a school that, for 2003-2004 school year:

1 1. made annual yearly progress as defined under the federal
2 No Child Left Behind Act of 2001 and as implemented by the State Department of
3 Education; and

4 2. is not receiving funds under Title 1 of the federal No Child
5 Left Behind Act of 2001.

6 (b) An individual described under subsection (a) of this section may continue
7 to be reemployed until June 30, 2007, without being subject to a reduction to the
8 individual's retirement allowance as specified in § 22-406(c)(2) or § 23-407(c)(2) of
9 the State Personnel and Pensions Article, if the individual remains a principal at the
10 same school where the individual was placed for the 2004-2005 school year.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 2005. Section 2 of this Act shall remain effective for a period of 2 years and, at
13 the end of June 30, 2007, with no further action required by the General Assembly,
14 Section 2 of this Act shall be abrogated and of no further force and effect.