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By: ~~Senator Kasemeyer~~ Senators Kasemeyer, Green, Hollinger, Currie,  
Hogan, Brinkley, DeGrange, Jones, Kramer, Lawlah, McFadden,  
Munson, Ruben, Schrader, and Stoltzfus

Introduced and read first time: February 4, 2005

Assigned to: Budget and Taxation

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2005

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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 ~~Employees' Retirement System, Employees' Pension System,~~  
 5 Teachers' Retirement System; or Teachers' Pension System; providing the  
 6 criteria for hiring certain retirees of ~~the Employees' Retirement System,~~  
 7 ~~Employees' Pension System,~~ the Teachers' Retirement System; or the Teachers'  
 8 Pension System; providing that certain retirees of ~~the Employees' Retirement~~  
 9 ~~System, Employees' Pension System,~~ the Teachers' Retirement System; or the  
 10 Teachers' Pension System may only be reemployed for a certain period of time;  
 11 prohibiting certain retirees from being rehired within a certain period of time  
 12 under certain circumstances; requiring certain local school superintendents to  
 13 approve certain hirings, determine certain placements, and certify certain  
 14 information within a certain period of time; requiring the Board of Trustees for  
 15 the State Retirement and Pension System and the State Department of  
 16 Education to review certain information from certain superintendents of local  
 17 school systems; requiring the Board of Trustees for the State Retirement and  
 18 Pension System to notify certain superintendents of local school systems of  
 19 certain findings; requiring certain local school superintendents to make certain  
 20 reimbursements under certain circumstances by a certain date; requiring ~~the~~  
 21 ~~county boards of education~~ certain local school superintendents to provide the  
 22 State Board Department of Education with certain information by a certain  
 23 date; requiring the county boards of education to provide the State Retirement  
 24 Agency with certain information; requiring the State Board of Education to  
 25 provide the county boards of education with certain information by a certain  
 26 date; requiring the State ~~Board~~ Department of Education to adopt certain

1 regulations; ~~requiring the Department of Health and Mental Hygiene to provide~~  
 2 ~~the State Retirement Agency with certain information;~~ requiring the State  
 3 Superintendent of Schools ~~and Department of Health and Mental Hygiene to~~  
 4 submit certain reports by a certain date to ~~certain committees~~ the Joint  
 5 Committee on Pensions; requiring the Board of Trustees for the State  
 6 Retirement and Pension System to submit certain reports by a certain date to  
 7 the Joint Committee on Pensions; providing for the termination of certain  
 8 sections of this Act; defining a certain term; and generally relating to the  
 9 reemployment of retirees.

10 BY repealing and reenacting, without amendments,  
 11 Article - Education  
 12 Section 18-703(g)(1)  
 13 Annotated Code of Maryland  
 14 (2004 Replacement Volume and 2004 Supplement)

15 BY repealing and reenacting, with amendments,  
 16 Article - State Personnel and Pensions  
 17 Section 22-406 and 23-407  
 18 Annotated Code of Maryland  
 19 (2004 Replacement Volume)

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

22 **Article - Education**

23 18-703.

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

32 **Article - State Personnel and Pensions**

33 22-406.

34 (a) IN THIS SECTION, "AREA OF CRITICAL SHORTAGE" MEANS AN ACADEMIC  
 35 FIELD IDENTIFIED BY THE STATE ~~BOARD~~ DEPARTMENT OF EDUCATION IN  
 36 ACCORDANCE WITH THE PROVISIONS OF § 18-703(G)(1) OF THE EDUCATION ARTICLE  
 37 AS HAVING PROJECTED EMPLOYMENT VACANCIES THAT SUBSTANTIALLY EXCEED  
 38 PROJECTED QUALIFIED GRADUATES.

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

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

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

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

10 (i) the individual's current employer is a participating employer  
11 other than the State and is the same participating employer that employed the  
12 individual at the time of the individual's last separation from employment with a  
13 participating employer before the individual commenced receiving a service  
14 retirement allowance or vested allowance;

15 (ii) the individual's current employer is any unit of State  
16 government and the individual's employer at the time of the individual's last  
17 separation from employment with the State before the individual commenced  
18 receiving a service retirement allowance or vested allowance was also a unit of State  
19 government; or

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

22 (2) The reduction required under paragraph (1) of this subsection shall  
23 equal:

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

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

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

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

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

1 (ii) an individual whose average final compensation was less than  
2 \$10,000 and who is reemployed on a temporary or contractual basis;

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

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

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

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

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

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

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

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

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

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

22 1. A. WAS EMPLOYED AS A PRINCIPAL WITHIN 5 YEARS OF  
23 RETIREMENT; OR

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

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

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

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

1 [(v)] (VII) a former employee of the Domestic Relations Division of  
 2 Anne Arundel County Circuit Court who transfers into the State Employees'  
 3 Personnel System under § 2-510 of the Courts Article; ~~OR~~

4 ~~(VIII) A RETIREE OF THE EMPLOYEES' RETIREMENT SYSTEM WHO IS~~  
 5 ~~REEMPLOYED ON A CONTRACTUAL BASIS FOR NOT MORE THAN 4 YEARS BY THE~~  
 6 ~~DEPARTMENT OF HEALTH AND MENTAL HYGIENE AS A HEALTH CARE~~  
 7 ~~PRACTITIONER, AS DEFINED IN § 1-301 OF THE HEALTH OCCUPATIONS ARTICLE, IN:~~

8 ~~1. A STATE RESIDENTIAL CENTER AS DEFINED IN § 7-101 OF~~  
 9 ~~THE HEALTH GENERAL ARTICLE;~~

10 ~~2. A CHRONIC DISEASE CENTER SUBJECT TO TITLE 19,~~  
 11 ~~SUBTITLE 5 OF THE HEALTH GENERAL ARTICLE;~~

12 ~~3. A STATE FACILITY AS DEFINED IN § 10-101 OF THE~~  
 13 ~~HEALTH GENERAL ARTICLE; OR~~

14 ~~4. A COUNTY BOARD OF HEALTH SUBJECT TO TITLE 3,~~  
 15 ~~SUBTITLE 2 OF THE HEALTH GENERAL ARTICLE.~~

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

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

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

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

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

32 1. IN AN AREA OF CRITICAL SHORTAGE;

33 2. ~~TECHNOLOGY EDUCATION;~~

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





1 CRITERIA PROVIDED IN PARAGRAPH (4)(V) OR (VI) AND (5), (6), OR (8) OF THIS  
 2 SUBSECTION:

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

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

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

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

18 ~~4-~~ (I) THE NUMBER OF INDIVIDUALS REHIRED UNDER  
 19 PARAGRAPH (4)(V) OR (VI) OR (8) OF THIS SUBSECTION;

20 ~~2-~~ (II) THE LOCATION OF THE SCHOOL WHERE EACH  
 21 INDIVIDUAL IS EMPLOYED

22 1. THE SCHOOL AND SCHOOL SYSTEM WHERE EACH  
 23 INDIVIDUAL WAS REHIRED; AND

24 2. WHETHER THE SCHOOL:

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

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

31 C. PROVIDED 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 (III) THE ORIGINAL DATE OF REHIRE FOR EACH INDIVIDUAL;

35 ~~3-~~ (IV) THE SUBJECT MATTER TAUGHT BY EACH  
 36 INDIVIDUAL; AND



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

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

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

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

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

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

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

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

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

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

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

37 ~~(K) (L) IN ADDITION TO ANY REGULATIONS ADOPTED IN ACCORDANCE~~  
38 ~~WITH § 6-202 OF THE EDUCATION ARTICLE, THE STATE BOARD DEPARTMENT OF~~  
39 ~~EDUCATION SHALL ADOPT REGULATIONS CONCERNING THE EMPLOYMENT TERMS~~

1 ~~OF RETIRED TEACHERS OR PERSONNEL DESCRIBED IN SUBSECTION (C)(4)(V) OR (VI)~~  
 2 ~~OF TO CARRY OUT THIS SECTION.~~

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

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

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

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

17 ~~(N) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL NOTIFY THE~~  
 18 ~~STATE RETIREMENT AGENCY OF ANY RETIREEES WHO QUALIFY UNDER SUBSECTION~~  
 19 ~~(C)(4)(VIII) OF THIS SECTION.~~

20 ~~(O)~~ (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 RETIREEES UNDER SUBSECTION (C)(4)(V)  
 28 AND (VI) 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)(V) OR (VI) AND (5), (6), OR (8) OF THIS SECTION; AND

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

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

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

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

35                   (3)       ~~THE NUMBER OF HEALTH CARE PRACTITIONERS HIRED WHO ARE~~  
 36 ~~NOT RETIREES; AND~~

37                   (4)       ~~THE ANNUAL SALARY OF EACH HEALTH CARE PRACTITIONER WHO~~  
 38 ~~IS HIRED.~~

1 23-407.

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

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

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

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

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

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

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

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

29 (2) The reduction required under paragraph (1) of this subsection shall  
30 equal:

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

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

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

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

7 (i) an individual whose average final compensation was less than  
8 \$10,000 and who is reemployed on a temporary or contractual basis;

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

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

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

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

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

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

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

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

24 1. A. WAS EMPLOYED AS A PRINCIPAL WITHIN 5 YEARS OF  
25 RETIREMENT; OR

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

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

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

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

1                   (VI)    A RETIREE OF THE EMPLOYEES' PENSION SYSTEM WHO IS  
2 REEMPLOYED ON A CONTRACTUAL BASIS FOR NOT MORE THAN 4 YEARS BY THE  
3 DEPARTMENT OF HEALTH AND MENTAL HYGIENE AS A HEALTH CARE  
4 PRACTITIONER, AS DEFINED IN § 1-301 OF THE HEALTH OCCUPATIONS ARTICLE IN:

5                           1.    A STATE RESIDENTIAL CENTER AS DEFINED IN § 7-101 OF  
6 THE HEALTH GENERAL ARTICLE;

7                           2.    A CHRONIC DISEASE CENTER SUBJECT TO TITLE 19,  
8 SUBTITLE 5 OF THE HEALTH GENERAL ARTICLE;

9                           3.    A STATE FACILITY AS DEFINED IN § 10-101 OF THE  
10 HEALTH GENERAL ARTICLE; OR

11                          4.    A COUNTY BOARD OF HEALTH SUBJECT TO TITLE 3,  
12 SUBTITLE 2 OF THE HEALTH GENERAL ARTICLE.

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

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

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

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

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

29                           1.    IN AN AREA OF CRITICAL SHORTAGE;

30                           2.    ~~TECHNOLOGY EDUCATION~~;

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

33                           4.    3. A CLASS FOR STUDENTS WITH LIMITED ENGLISH  
34 PROFICIENCY.

35                   (III)    ~~AN INDIVIDUAL REHIRED AT A SCHOOL DESCRIBED UNDER~~  
36 ~~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)(V) 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)(IV) OR  
15 (V) 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)(IV) OR (V) 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  
13 CERTIFIES THAT THE INDIVIDUAL SATISFIES REHIRED BY THE LOCAL SCHOOL  
14 SYSTEM UNDER PARAGRAPH (4)(V) OR (VI) OF THIS SUBSECTION:

15                                   1.       SATISFIED THE CRITERIA PROVIDED IN PARAGRAPH (4)(IV)  
16 OR (V) 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)(IV) 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)(IV) OR (V) OF THIS~~  
28 ~~SUBSECTION, AND THE INDIVIDUAL REHIRED DOES NOT SATISFY THE CRITERIA~~  
29 ~~PROVIDED IN PARAGRAPH (4)(IV) OR (V) 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.~~

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)(IV) OR (V) 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 TO THE STATE BOARD DEPARTMENT OF  
 15 EDUCATION ON FOR THE PREVIOUS SCHOOL YEAR:

16                                   ~~4-~~     (I) THE NUMBER OF INDIVIDUALS REHIRED UNDER  
 17 PARAGRAPH (4)(IV) OR (V) 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)(IV) OF THIS SECTION OR ANY PERSONNEL WHO QUALIFY UNDER~~  
32 ~~SUBSECTION (C)(4)(V) 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 AND PERSONNEL DESCRIBED IN SUBSECTION (C)(4)(IV) OR (V)~~  
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)(V)~~ 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)~~ THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL NOTIFY THE  
16 STATE RETIREMENT AGENCY OF ANY RETIREES WHO QUALIFY UNDER SUBSECTION  
17 ~~(C)(4)(VI)~~ OF THIS SECTION.

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

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

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

29 (II) WHETHER THE SCHOOL:

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

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

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

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

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

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

11          (6)     THE TOTAL NUMBER OF YEARS EACH RETIREE HAS BEEN  
 12 REEMPLOYED AT THE SCHOOL WHERE THE RETIREE WAS REHIRED FOR THE  
 13 PREVIOUS SCHOOL YEAR.

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

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

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

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

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

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

32           (3)     ~~THE NUMBER OF HEALTH CARE PRACTITIONERS HIRED WHO ARE~~  
 33 ~~NOT RETIREES; AND~~

34           (4)     ~~THE ANNUAL SALARY OF EACH HEALTH CARE PRACTITIONER WHO~~  
 35 ~~IS HIRED.~~

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

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

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

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

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

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

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

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

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

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