
By: **Senators Hollinger, Britt, Brochin, Colburn, Conway, Dyson, Frosh, Gladden, Greenip, Grosfeld, Haines, Harris, Hooper, Jimeno, Jones, Kelley, Kittleman, Klausmeier, Middleton, Pinsky, Stone, and Teitelbaum**

Introduced and read first time: February 4, 2005

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Retirement and Pensions - Reemployment of Retired Teachers, Principals,**
 3 **and Health Practitioners**

4 FOR the purpose of authorizing the hiring of certain retirees of the Employees'
 5 Retirement System, the Employees' Pension System, the Teachers' Retirement
 6 System, or the Teachers' Pension System to return to work without having an
 7 earnings limitation imposed on their retirement benefit under certain
 8 circumstances; requiring that the earnings limitation imposed on retirement
 9 benefits does not apply to certain retirees of the Teachers' Retirement System or
 10 the Teachers' Pension System who are rehired by certain employers to return to
 11 work in certain schools or teach certain subjects; requiring that the earnings
 12 limitation imposed on retirement benefits does not apply to certain retirees of
 13 the Employees' Retirement System or the Employees' Pension System who are
 14 hired as a health care practitioner in certain facilities or by certain county
 15 health boards; requiring certain superintendents of local school systems to
 16 submit a certain report to the State Board of Education by a certain date;
 17 providing that certain retirees of the Employees' Retirement System, the
 18 Teachers' Retirement System, the Employees' Pension System, or the Teachers'
 19 Pension System may not be rehired by certain employers within a certain period
 20 of time from the date when the retirees retired; requiring the State Board of
 21 Education to notify certain county boards of a finding that a shortage of teachers
 22 no longer exists; requiring the State Superintendent of Schools and the
 23 Secretary of Health and Mental Hygiene to submit certain reports by a certain
 24 date to certain committees; providing for the application of this Act; providing
 25 for the termination of this Act; and generally relating to the reemployment of
 26 retirees.

27 BY repealing and reenacting, with amendments,
 28 Article - State Personnel and Pensions
 29 Section 22-406 and 23-407
 30 Annotated Code of Maryland
 31 (2004 Replacement Volume)

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

3 **Article - State Personnel and Pensions**

4 22-406.

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

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

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

11 (b) (1) The Board of Trustees shall reduce the allowance of an individual
12 who accepts employment as provided under subsection (a) of this section if:

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

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

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

25 (2) The reduction required under paragraph (1) of this subsection shall
26 equal:

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

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

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

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

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

5 (ii) an individual whose average final compensation was less than
6 \$10,000 and who is reemployed on a temporary or contractual basis;

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

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

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

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

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

16 1. IS OR HAS BEEN CERTIFIED TO TEACH IN THE STATE, IN
17 ENGLISH, READING, MATH, SCIENCE, A FOREIGN LANGUAGE, CIVICS AND
18 GOVERNMENT, ECONOMICS, HISTORY, GEOGRAPHY, ENGLISH AS A SECOND
19 LANGUAGE, TECHNOLOGY EDUCATION, SPECIAL EDUCATION, OR ELEMENTARY
20 EDUCATION;

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

23 3. BASED ON THE RETIRED TEACHER'S QUALIFICATIONS,
24 HAS BEEN APPOINTED AS A SUBSTITUTE OR PERMANENT CLASSROOM TEACHER OR
25 TEACHER MENTOR IN A PUBLIC SCHOOL IN ACCORDANCE WITH § 4-103 OF THE
26 EDUCATION ARTICLE; AND

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

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

31 1. A. WAS EMPLOYED AS A PRINCIPAL WITHIN 5 YEARS OF
32 RETIREMENT; OR

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

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

7 2. TECHNOLOGY EDUCATION;

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

10 4. A CLASS FOR STUDENTS WITH LIMITED ENGLISH
11 PROFICIENCY.

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

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

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

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

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

25 (7) IF, AT THE TIME AN INDIVIDUAL IS REEMPLOYED UNDER
26 PARAGRAPH (4)(V) OR (VI) OF THIS SUBSECTION AT A SCHOOL DESCRIBED UNDER
27 PARAGRAPH (5)(I)1 OR (6)(I) OF THIS SUBSECTION, AND WHILE THE INDIVIDUAL IS
28 REEMPLOYED THE SCHOOL MAKES ADEQUATE YEARLY PROGRESS, THE INDIVIDUAL
29 MAY CONTINUE TO BE REEMPLOYED AT THAT SCHOOL FOR 3 YEARS FROM THE DATE
30 THE SCHOOL FIRST MADE ADEQUATE YEARLY PROGRESS AFTER THE INDIVIDUAL
31 WAS REHIRED.

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

37 (9) (I) THE SUPERINTENDENT OF THE LOCAL SCHOOL SYSTEM
38 REHIRING AN INDIVIDUAL UNDER PARAGRAPH (4)(V) OR (VI) OF THIS SUBSECTION

1 SHALL APPROVE THE REHIRING OF THAT INDIVIDUAL AND SHALL DETERMINE THE
2 SCHOOL WHERE THE INDIVIDUAL SHALL BE REEMPLOYED.

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

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

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

9 3. THE SUBJECT MATTER TAUGHT BY EACH INDIVIDUAL;
10 AND

11 4. THE ANNUAL SALARY OF EACH INDIVIDUAL.

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

14 [(c)] (D) 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)] (E) 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)] (F) The State Retirement Agency shall institute appropriate reporting
21 procedures with the affected payroll systems to ensure compliance with this section.

22 [(f)] (G) (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 (H) THE COUNTY BOARDS OF EDUCATION SHALL NOTIFY THE STATE
31 RETIREMENT AGENCY OF ANY RETIRED TEACHERS WHO QUALIFY UNDER
32 SUBSECTION (B)(4)(V) OF THIS SECTION OR ANY PERSONNEL WHO QUALIFY UNDER
33 SUBSECTION (B)(4)(VI) OF THIS SECTION.

34 (I) 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.

1 (J) IN ADDITION TO ANY REGULATIONS ADOPTED IN ACCORDANCE WITH §
2 6-202 OF THE EDUCATION ARTICLE, THE STATE BOARD OF EDUCATION SHALL ADOPT
3 REGULATIONS CONCERNING THE EMPLOYMENT TERMS OF RETIRED TEACHERS AND
4 PERSONNEL DESCRIBED IN SUBSECTION (B)(4)(V) OR (VI) OF THIS SECTION.

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

10 [(g)] (L) At the request of the State Retirement Agency:

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

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

19 (M) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL NOTIFY THE
20 STATE RETIREMENT AGENCY OF ANY RETIREES WHO QUALIFY UNDER SUBSECTION
21 (B)(4)(VIII) OF THIS SECTION.

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

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

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

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

32 (4) THE ANNUAL SALARY OF EACH REHIRED RETIREE AT THE TIME OF
33 RETIREMENT AND THE CURRENT ANNUAL SALARY OF EACH REHIRED RETIREE;

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

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

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

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

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

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

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

12 (3) THE NUMBER OF HEALTH CARE PRACTITIONERS HIRED WHO ARE
13 NOT RETIREES; AND

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

16 23-407.

17 (a) An individual who is receiving a service retirement allowance or a vested
18 allowance may accept employment with a participating employer on a permanent,
19 temporary, or contractual basis, if:

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

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

23 (b) (1) The Board of Trustees shall reduce the allowance of an individual
24 who accepts employment as provided under subsection (a) of this section if:

25 (i) the individual's current employer is a participating employer
26 other than the State and is the same participating employer that employed the
27 individual at the time of the individual's last separation from employment with a
28 participating employer before the individual commenced receiving a service
29 retirement allowance or vested allowance;

30 (ii) the individual's current employer is any unit of State
31 government and the individual's employer at the time of the individual's last
32 separation from employment with the State before the individual commenced
33 receiving a service retirement allowance or vested allowance was also a unit of State
34 government; or

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

4 (2) The reduction required under paragraph (1) of this subsection shall
5 equal:

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

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

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

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

20 (i) an individual whose average final compensation was less than
21 \$10,000 and who is reemployed on a temporary or contractual basis;

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

25 (III) A RETIREE OF THE TEACHERS' PENSION SYSTEM WHO:

26 1. IS OR HAS BEEN CERTIFIED TO TEACH IN THE STATE, IN
27 ENGLISH, READING, MATH, SCIENCE, A FOREIGN LANGUAGE, CIVICS AND
28 GOVERNMENT, ECONOMICS, HISTORY, GEOGRAPHY, ENGLISH AS A SECOND
29 LANGUAGE, TECHNOLOGY EDUCATION, SPECIAL EDUCATION, OR ELEMENTARY
30 EDUCATION;

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

33 3. BASED ON THE RETIRED TEACHER'S QUALIFICATIONS,
34 HAS BEEN APPOINTED AS A SUBSTITUTE OR PERMANENT CLASSROOM TEACHER OR
35 TEACHER MENTOR IN A PUBLIC SCHOOL IN ACCORDANCE WITH § 4-103 OF THE
36 EDUCATION ARTICLE; AND

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

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

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

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

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

13 3. BASED ON THE RETIREE'S QUALIFICATIONS, HAS BEEN
14 HIRED AS A PRINCIPAL;

15 4. RECEIVES VERIFICATION OF BETTER THAN
16 SATISFACTORY PERFORMANCE EACH YEAR THE RETIREE IS EMPLOYED AS A
17 PRINCIPAL UNDER PARAGRAPH (6) OF THIS SUBSECTION; AND

18 5. IS NOT EMPLOYED AS A PRINCIPAL UNDER PARAGRAPH (6)
19 OF THIS SUBSECTION FOR MORE THAN 4 YEARS;

20 [(iii)] (V) an individual who has been retired for more than 10 years;
21 OR

22 (VI) A RETIREE OF THE EMPLOYEES' PENSION SYSTEM WHO IS
23 REEMPLOYED ON A CONTRACTUAL BASIS BY THE DEPARTMENT OF HEALTH AND
24 MENTAL HYGIENE AS A HEALTH CARE PRACTITIONER, AS DEFINED IN § 1-301 OF THE
25 HEALTH OCCUPATIONS ARTICLE IN:

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

28 2. A CHRONIC DISEASE CENTER SUBJECT TO TITLE 19,
29 SUBTITLE 5 OF THE HEALTH - GENERAL ARTICLE;

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

32 4. A COUNTY BOARD OF HEALTH SUBJECT TO TITLE 3,
33 SUBTITLE 2 OF THE HEALTH - GENERAL ARTICLE.

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

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

3 1. IS NOT MAKING ADEQUATE YEARLY PROGRESS AS
4 DEFINED UNDER THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001 AND AS
5 IMPLEMENTED BY THE STATE DEPARTMENT OF EDUCATION;

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

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

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

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

17 2. TECHNOLOGY EDUCATION;

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

20 4. A CLASS FOR STUDENTS WITH LIMITED ENGLISH
21 PROFICIENCY.

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

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

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

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

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

35 (7) IF, AT THE TIME AN INDIVIDUAL IS REEMPLOYED UNDER
36 PARAGRAPH (4)(III) OR (IV) OF THIS SUBSECTION AT A SCHOOL DESCRIBED UNDER

1 PARAGRAPH (5)(I)1 OR (6)(I) OF THIS SUBSECTION, AND WHILE THE INDIVIDUAL IS
2 REEMPLOYED THE SCHOOL MAKES ADEQUATE YEARLY PROGRESS, THE INDIVIDUAL
3 MAY CONTINUE TO BE REEMPLOYED AT THAT SCHOOL FOR 3 YEARS FROM THE DATE
4 THE SCHOOL FIRST MADE ADEQUATE YEARLY PROGRESS AFTER THE INDIVIDUAL
5 WAS REHIRED.

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

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

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

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

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

21 3. THE SUBJECT MATTER TAUGHT BY EACH INDIVIDUAL;
22 AND

23 4. THE ANNUAL SALARY OF EACH INDIVIDUAL.

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

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

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

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

34 [(f)] (G) (1) Immediately on the employment of any individual receiving a
35 service retirement allowance or a vested allowance, a participating employer shall
36 notify the State Retirement Agency of the type of employment and the anticipated
37 earnings of the individual.

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

5 (H) THE COUNTY BOARDS OF EDUCATION SHALL NOTIFY THE STATE
6 RETIREMENT AGENCY OF ANY RETIRED TEACHERS WHO QUALIFY UNDER
7 SUBSECTION (B)(4)(III) OF THIS SECTION OR ANY PERSONNEL WHO QUALIFY UNDER
8 SUBSECTION (B)(4)(IV) OF THIS SECTION.

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

12 (J) IN ADDITION TO ANY REGULATIONS ADOPTED IN ACCORDANCE WITH §
13 6-202 OF THE EDUCATION ARTICLE, THE STATE BOARD OF EDUCATION SHALL ADOPT
14 REGULATIONS CONCERNING THE EMPLOYMENT TERMS OF RETIRED TEACHERS AND
15 PERSONNEL DESCRIBED IN SUBSECTION (B)(4)(III) OR (IV) OF THIS SECTION.

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

21 [(g)] (L) At the request of the State Retirement Agency:

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

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

30 (M) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL NOTIFY THE
31 STATE RETIREMENT AGENCY OF ANY RETIREES WHO QUALIFY UNDER SUBSECTION
32 (B)(4)(VI) OF THIS SECTION.

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

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

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

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

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

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

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

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

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

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

17 (1) THE NUMBER OF REHIRED RETIREEES UNDER SUBSECTION (B)(4)(VI)
18 OF THIS SECTION;

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

21 (3) THE NUMBER OF HEALTH CARE PRACTITIONERS HIRED WHO ARE
22 NOT RETIREEES; AND

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

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

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
30 effect July 1, 2005. It shall remain effective for a period of 4 years and, at the end of
31 June 30, 2009, with no further action required by the General Assembly, this Act shall
32 be abrogated and of no further force and effect.