

HOUSE BILL 962

K4

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By: Delegates Conway, Proctor, Gaines, Healey, Ross, Costa, Anderson, Branch, Braveboy, G. Clagett, Eckardt, Griffith, Guzzone, Haynes, Hixson, James, Jones, Levy, Love, Mathias, McIntosh, Niemann, Proctor, Rosenberg, Rudolph, and Stocksdale Stocksdale, Barnes, Benson, Davis, Frush, Holmes, Howard, Hubbard, Ivey, Levi, Pena-Melnyk, Ramirez, Valderrama, Vallario, and Vaughn

Introduced and read first time: February 9, 2007

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2007

CHAPTER _____

1 AN ACT concerning

2 **Teachers' Retirement System and Teachers' Pension System - Reemployment**
3 **of Retirees**

4 FOR the purpose of altering the total number of certain retirees of the Teachers'
5 Retirement System or Teachers' Pension System that certain school districts
6 may rehire; altering the criteria for hiring certain retirees of the Teachers'
7 Retirement System or the Teachers' Pension System who are exempt from a
8 certain offset of a retirement allowance; and generally relating to the
9 reemployment of retirees in the Teachers' Retirement System or the Teachers'
10 Pension System.

11 ~~BY repealing and reenacting, without amendments,~~
12 ~~Article — State Personnel and Pensions~~
13 ~~Section 22-406(e)(5) and 23-407(e)(5)~~
14 ~~Annotated Code of Maryland~~
15 ~~(2004 Replacement Volume and 2006 Supplement)~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
 2 Article – State Personnel and Pensions
 3 Section ~~22-406(e)(8) and 23-407(e)(8)~~ 22-406 and 23-407
 4 Annotated Code of Maryland
 5 (2004 Replacement Volume and 2006 Supplement)

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

8 **Article – State Personnel and Pensions**

9 22-406.

10 ~~(e) (5) (i) An individual who is rehired under paragraph (4)(v) of this~~
 11 ~~subsection shall be employed as a classroom teacher, substitute classroom teacher, or~~
 12 ~~teacher mentor in a public school that:~~

13 ~~1. is not making adequate yearly progress or is a school~~
 14 ~~in need of improvement as defined under the federal No Child Left Behind Act of 2001~~
 15 ~~and as implemented by the State Department of Education;~~

16 ~~2. is receiving funds under Title 1 of the federal No~~
 17 ~~Child Left Behind Act of 2001; or~~

18 ~~3. provides an alternative education program for~~
 19 ~~adjudicated youths or students who have been expelled, suspended, or identified for~~
 20 ~~suspension or expulsion from a public school.~~

21 ~~(ii) An individual rehired at a school described under~~
 22 ~~subparagraph (i) of this paragraph shall teach:~~

23 ~~1. in an area of critical shortage;~~

24 ~~2. a special education class for students with special~~
 25 ~~needs; or~~

26 ~~3. a class for students with limited English proficiency.~~

27 (a) In this section, “area of critical shortage” means an academic field
 28 identified by the State Department of Education in accordance with the provisions of §
 29 18-703(g)(1) of the Education Article as having projected employment vacancies that
 30 substantially exceed projected qualified graduates.

1 **(b) Except as provided in subsection (m) of this section, an individual who is**
2 **receiving a service retirement allowance or vested allowance may accept employment**
3 **with a participating employer on a permanent, 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 **(c) (1) The Board of Trustees shall reduce the allowance of an individual**
8 **who accepts employment as provided under subsection (b) of this section if:**

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

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

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

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

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

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

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

4 (4) Except for an individual whose allowance is subject to a reduction
5 as 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 who has been retired for 9 years, beginning on
8 January 1 after the date the individual retires;

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

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

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

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

17 2. whose employment compensation does not derive, in
18 whole or in part, from State funds;

19 (v) a retiree of the Teachers' Retirement System who:

20 1. is or has been certified to teach in the State;

21 2. has verification of satisfactory or better performance
22 in the last assignment prior to retirement;

23 3. based on the retired teacher's qualifications, has been
24 appointed in accordance with § 4-103 of the Education Article; and

25 4. receives verification of satisfactory or better
26 performance each year the teacher is employed under paragraph (5) of this subsection;

27 (vi) a retiree of the Teachers' Retirement System who:

28 1. A. was employed as a principal within 5 years of
29 retirement; or

1 B. was employed as a principal not more than 10 years
2 before retirement and was employed in a position supervising principals in the
3 retiree's last assignment prior to retirement;

4 2. has verification of satisfactory performance for each
5 year as a principal and, if applicable, in a position supervising principals prior to
6 retirement;

7 3. based on the retiree's qualifications, has been hired as
8 a principal; and

9 4. receives verification of satisfactory performance each
10 year the retiree is employed as a principal under paragraph (6) of this subsection;

11 (vii) a former employee of the Domestic Relations Division of
12 Anne Arundel County Circuit Court who transfers into the State Employees'
13 Personnel System under § 2-510 of the Courts Article; or

14 (viii) a retiree of the Employees' Retirement System who is
15 reemployed on a contractual basis for not more than 4 years by the Department of
16 Health and Mental Hygiene as a health care practitioner, as defined in § 1-301 of the
17 Health Occupations Article, in:

18 1. a State residential center as defined in § 7-101 of the
19 Health – General Article;

20 2. a chronic disease center subject to Title 19, Subtitle 5
21 of the Health – General Article;

22 3. a State facility as defined in § 10-101 of the Health –
23 General Article; or

24 4. a local health department subject to Title 3, Subtitle 2
25 of the Health – General Article.

26 (5) (i) An individual who is rehired under paragraph (4)(v) of this
27 subsection shall be employed as a classroom teacher, substitute classroom teacher, or
28 teacher mentor in a public school that:

29 1. is not making adequate yearly progress or is a school
30 in need of improvement as defined under the federal No Child Left Behind Act of 2001
31 and as implemented by the State Department of Education;

1 2. is receiving funds under Title 1 of the federal No
2 Child Left Behind Act of 2001; [or]

3 3. **HAS MORE THAN 50% OF THE STUDENTS**
4 **ATTENDING THAT SCHOOL WHO ARE ELIGIBLE FOR FREE AND REDUCED-PRICE**
5 **MEALS ESTABLISHED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE;**
6 **OR**

7 4. provides an alternative education program for
8 adjudicated youths or students who have been expelled, suspended, or identified for
9 suspension or expulsion from a public school.

10 (ii) An individual rehired at a school described under
11 subparagraph (i) of this paragraph shall teach:

12 1. in an area of critical shortage;

13 2. a special education class for students with special
14 needs; or

15 3. a class for students with limited English proficiency.

16 (6) An individual who is rehired under paragraph (4)(vi) of this
17 subsection shall be employed as a principal at a public school that:

18 (i) is not making adequate yearly progress or is a school in need
19 of improvement as defined under the federal No Child Left Behind Act of 2001 and as
20 implemented by the State Department of Education;

21 (ii) is receiving funds under Title 1 of the federal No Child Left
22 Behind Act of 2001; [or]

23 (iii) **HAS MORE THAN 50% OF THE STUDENTS ATTENDING**
24 **THAT SCHOOL WHO ARE ELIGIBLE FOR FREE AND REDUCED-PRICE MEALS**
25 **ESTABLISHED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE; OR**

26 (IV) provides an alternative education program for adjudicated
27 youths or students who have been expelled, suspended, or identified for suspension or
28 expulsion from a public school.

1 (7) An individual who is reemployed under paragraph (4)(v) or (vi) of
2 this subsection at a school described under paragraph (5) or (6) of this subsection may
3 not continue that reemployment after the school makes adequate yearly progress for 4
4 consecutive years.

5 (8) (i) Notwithstanding paragraph (5) of this subsection, each
6 superintendent of a local school system may rehire an additional number of
7 individuals described under paragraph (4)(v) of this subsection equal to the greater of:

8 1. [three] **FIVE**; or

9 2. ~~0.1%~~ **0.2%** of the total full-time equivalent
10 instructional teachers employed by that local school system, rounded up to the nearest
11 whole number not to exceed ~~10~~ **15**, as reported annually by the State Department of
12 Education.

13 (ii) At any one time, the total number of individuals rehired by a
14 superintendent of a local school system under this paragraph may not exceed the
15 number determined under subparagraph (i) of this paragraph.

16 (iii) An individual rehired under this paragraph:

17 1. **A.** shall be reemployed at a school specified in
18 paragraph (5)(i) of this subsection; and

19 [2.] **B.** may teach any subject or class or provide
20 educational services assigned by the individual's superintendent; **OR**

21 **2. A. MAY BE REEMPLOYED AT ANY SCHOOL**
22 **ASSIGNED BY THE INDIVIDUAL'S SUPERINTENDENT; AND**

23 **B. SHALL TEACH A SUBJECT OR CLASS OR PROVIDE**
24 **EDUCATIONAL SERVICES SPECIFIED IN PARAGRAPH (5)(II) OF THIS**
25 **SUBSECTION.**

26 (9) (i) The superintendent of the local school system rehiring an
27 individual under paragraph (4)(v) or (vi) of this subsection shall:

28 1. approve the rehiring of that individual; and

29 2. determine the school where the individual is to be
30 reemployed.

1 (ii) Within 30 days after rehiring an individual, the
2 superintendent of a local school system shall complete and file with the Board of
3 Trustees and the State Department of Education a form provided by the Board of
4 Trustees that certifies that the individual rehired by the local school system under
5 paragraph (4)(v) or (vi) of this subsection:

6 1. satisfied the criteria provided in paragraph (4)(v) or
7 (vi) of this subsection;

8 2. was reemployed at a school described under
9 paragraph (5)(i) or (6) of this subsection; and

10 3. if rehired under paragraph (4)(v) of this subsection,
11 was:

12 A. teaching in an area specified in paragraph (5)(ii) of
13 this subsection; or

14 B. teaching in any class or subject or providing
15 educational services as provided under paragraph (8) of this subsection.

16 (iii) 1. On or before April 1 of each year, the Board of
17 Trustees and the State Department of Education shall jointly review any forms filed
18 by a superintendent of a local school system under subparagraph (ii) of this paragraph
19 during the previous calendar year.

20 2. If the Board of Trustees and the State Department of
21 Education agree that a superintendent of a local school system has rehired an
22 individual that does not satisfy the criteria provided in paragraph (4)(v) or (vi) and (5),
23 (6), or (8) of this subsection:

24 A. on or before July 1 of the year of the finding, the
25 Board of Trustees shall notify the superintendent of the local school system of this
26 individual; and

27 B. the local school system shall reimburse the Board of
28 Trustees the amount equal to the reduction to the individual's retirement allowance
29 that would have been made in paragraph (2) of this subsection.

30 (iv) The local school system shall make the reimbursement on or
31 before December 31 of the year the local school system receives notice from the Board
32 of Trustees under subparagraph (iii)2A of this paragraph.

1 (10) On or before August 1 of each year, the local superintendent shall
 2 report to the State Department of Education for the previous school year:

3 (i) the number of individuals rehired under paragraph (4)(v) or
 4 (vi) or (8) of this subsection;

5 (ii) 1. the school and school system where each individual
 6 was rehired; and

7 2. whether the school:

8 A. was not making adequate yearly progress or was a
 9 school in need of improvement as defined under the federal No Child Left Behind Act
 10 of 2001 and as implemented by the State Department of Education;

11 B. was receiving funds under Title 1 of the federal No
 12 Child Left Behind Act of 2001; [or]

13 C. HAS MORE THAN 50% OF THE STUDENTS
 14 ATTENDING THAT SCHOOL WHO ARE ELIGIBLE FOR FREE AND REDUCED-PRICE
 15 MEALS ESTABLISHED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE;
 16 OR

17 D. provided an alternative education program for
 18 adjudicated youths or students who have been expelled, suspended, or identified for
 19 suspension or expulsion from a public school;

20 (iii) the original date of rehire for each individual;

21 (iv) the subject matter taught by each individual; [and]

22 (v) the annual salary of each individual; AND

23 (VI) THE PERCENTAGE OF STUDENT POPULATION
 24 COMPRISED OF CHILDREN IN POVERTY THAT IS REQUIRED TO BE PRESENT IN A
 25 SCHOOL IN THAT SCHOOL SYSTEM IN ORDER FOR THAT SCHOOL TO QUALIFY AS
 26 A TITLE 1 SCHOOL.

27 (d) An individual who is rehired under this section may not be rehired within
 28 45 days of the date the individual retired if:

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

5 (2) the individual's current employer is any unit of State government
6 and the individual's employer at the time of the individual's last separation from
7 employment with the State before the individual commenced receiving a service
8 retirement allowance was also a unit of State government.

9 (e) An individual who is receiving a service retirement allowance or a vested
10 allowance and who is reemployed by a participating employer may not receive
11 creditable service or eligibility service during the period of reemployment.

12 (f) The individual's compensation during the period of reemployment may
13 not be subject to the employer pickup provisions of § 21-303 of this article or any
14 reduction or deduction as a member contribution for pension or retirement purposes.

15 (g) The State Retirement Agency shall institute appropriate reporting
16 procedures with the affected payroll systems to ensure compliance with this section.

17 (h) (1) Immediately on the employment of any individual receiving a
18 service retirement allowance or a vested allowance, a participating employer shall
19 notify the State Retirement Agency of the type of employment and the anticipated
20 earnings of the individual.

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

25 (i) The State Department of Education shall adopt regulations to carry out
26 this section.

27 (j) At the request of the State Retirement Agency:

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

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

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

3 (k) The Department of Health and Mental Hygiene shall notify the State
4 Retirement Agency of any retirees who qualify under subsection (c)(4)(viii) of this
5 section.

6 (l) On or before September 1 of each year, the Secretary of Health and
7 Mental Hygiene shall submit a report in accordance with § 2-1246 of the State
8 Government Article to the Joint Committee on Pensions that provides:

9 (1) the number of rehired retirees under subsection (c)(4)(viii) of this
10 section;

11 (2) the annual salary of each rehired retiree at the time of retirement
12 and the current annual salary of each rehired retiree;

13 (3) the number of health care practitioners hired who are not retirees;
14 and

15 (4) the annual salary of each health care practitioner who is hired.

16 (m) An individual who is rehired under this section may not be rehired within
17 45 days of the date the individual retired if:

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

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

26 (n) On or before October 1 of each year, the State Superintendent of Schools
27 shall submit a report for the previous school year, to the Joint Committee on Pensions,
28 in accordance with § 2-1246 of the State Government Article, that provides:

29 (1) the number of rehired retirees under subsection (c)(4)(v) and (vi)
30 and (8) of this section;

1 (2) (i) the school and school system where each retiree was rehired;
2 and

3 (ii) whether the school:

4 1. was not making adequate yearly progress or was a
5 school in need of improvement as defined under the federal No Child Left Behind Act
6 of 2001 and as implemented by the State Department of Education;

7 2. was receiving funds under Title 1 of the federal No
8 Child Left Behind Act of 2001; [or]

9 3. HAS MORE THAN 50% OF THE STUDENTS
10 ATTENDING THAT SCHOOL WHO ARE ELIGIBLE FOR FREE AND REDUCED-PRICE
11 MEALS ESTABLISHED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE;
12 OR

13 4. provided an alternative education program for
14 adjudicated youths or students who have been expelled, suspended, or identified for
15 suspension or expulsion from a public school;

16 (3) a copy of the annual staffing report generated by the State
17 Superintendent of Schools in accordance with § 18-703(g)(1) of the Education Article
18 certifying areas of critical shortage for the previous school year as evidenced by
19 projected employment vacancies substantially exceeding projected qualified graduates;

20 (4) the subject matter that each rehired retiree was teaching;

21 (5) the salary of each rehired retiree; [and]

22 (6) the total number of years each retiree has been reemployed at the
23 school where the retiree was rehired for the previous school year; AND

24 (7) THE PERCENTAGE OF STUDENT POPULATION COMPRISED OF
25 CHILDREN IN POVERTY THAT IS REQUIRED TO BE PRESENT IN A SCHOOL IN
26 THAT SCHOOL SYSTEM IN ORDER FOR THAT SCHOOL TO QUALIFY AS A TITLE 1
27 SCHOOL.

28 (o) On or before October 1 of each year, the Board of Trustees shall submit a
29 report for the previous calendar year to the Joint Committee on Pensions, in
30 accordance with § 2-1246 of the State Government Article, that provides:

1 (1) the number of individuals in each local school system that the
 2 Board of Trustees and the State Department of Education agree were rehired and did
 3 not satisfy the criteria provided in subsection (c)(4)(v) or (vi) and (5), (6), or (8) of this
 4 section; and

5 (2) any reimbursements a local school system made under subsection
 6 (c)(9)(iii) of this section.

7 23-407.

8 ~~(e) (5) (i) An individual who is rehired under paragraph (4)(iv) of this~~
 9 ~~subsection shall be employed as a classroom teacher, substitute classroom teacher, or~~
 10 ~~teacher mentor in a public school that:~~

11 ~~1. is not making adequate yearly progress or is a school~~
 12 ~~in need of improvement as defined under the federal No Child Left Behind Act of 2001~~
 13 ~~and as implemented by the State Department of Education;~~

14 ~~2. is receiving funds under Title 1 of the federal No~~
 15 ~~Child Left Behind Act of 2001; or~~

16 ~~3. provides an alternative education program for~~
 17 ~~adjudicated youths or students who have been expelled, suspended, or identified for~~
 18 ~~suspension or expulsion from a public school.~~

19 ~~(ii) An individual rehired at a school described under~~
 20 ~~subparagraph (i) of this paragraph shall teach:~~

21 ~~1. in an area of critical shortage;~~

22 ~~2. a special education class for students with special~~
 23 ~~needs; or~~

24 ~~3. a class for students with limited English proficiency.~~

25 (a) In this section, “area of critical shortage” means an academic field
 26 identified by the State Department of Education in accordance with the provisions of §
 27 18-703(g)(1) of the Education Article as having projected employment vacancies that
 28 substantially exceed projected qualified graduates.

29 (b) Except as provided in subsection (m) of this section, an individual who is
 30 receiving a service retirement allowance or a vested allowance may accept

1 employment with a participating employer on a permanent, temporary, or contractual
2 basis, if:

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

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

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

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

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

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

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

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

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

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

1 (4) Except for an individual whose allowance is subject to a reduction
2 as 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 whose average final compensation was less
5 than \$10,000 and who is reemployed on a temporary or contractual basis;

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

9 (iii) an individual who has been retired for 9 years, beginning on
10 January 1 after the date the individual retires;

11 (iv) a retiree of the Teachers' Pension System who:

12 1. is or has been certified to teach in the State;

13 2. has verification of satisfactory or better performance
14 in the last assignment prior to retirement;

15 3. based on the retired teacher's qualifications, has been
16 appointed in accordance with § 4-103 of the Education Article; and

17 4. receives verification of satisfactory or better
18 performance each year the teacher is employed under paragraph (5) of this subsection;

19 (v) a retiree of the Teachers' Pension System who:

20 1. A. was employed as a principal within 5 years of
21 retirement; or

22 B. was employed as a principal not more than 10 years
23 before retirement and was employed in a position supervising principals in the
24 retiree's last assignment prior to retirement;

25 2. has verification of satisfactory performance for each
26 year as a principal and, if applicable, in a position supervising principals prior to
27 retirement;

28 3. based on the retiree's qualifications, has been hired as
29 a principal; and

1 4. receives verification of satisfactory performance each
2 year the retiree is employed as a principal under paragraph (6) of this subsection; or

3 (vi) a retiree of the Employees' Pension System who is
4 reemployed on a contractual basis for not more than 4 years by the Department of
5 Health and Mental Hygiene as a health care practitioner, as defined in § 1-301 of the
6 Health Occupations Article in:

7 1. a State residential center as defined in § 7-101 of the
8 Health – General Article;

9 2. a chronic disease center subject to Title 19, Subtitle 5
10 of the Health – General Article;

11 3. a State facility as defined in § 10-101 of the Health –
12 General Article; or

13 4. a local health department subject to Title 3, Subtitle 2
14 of the Health – General Article.

15 (5) (i) An individual who is rehired under paragraph (4)(iv) of this
16 subsection shall be employed as a classroom teacher, substitute classroom teacher, or
17 teacher mentor in a public school that:

18 1. is not making adequate yearly progress or is a school
19 in need of improvement as defined under the federal No Child Left Behind Act of 2001
20 and as implemented 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. **HAS MORE THAN 50% OF THE STUDENTS**
24 **ATTENDING THAT SCHOOL WHO ARE ELIGIBLE FOR FREE AND REDUCED-PRICE**
25 **MEALS ESTABLISHED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE;**
26 **OR**

27 4. provides an alternative education program for
28 adjudicated youths or students who have been expelled, suspended, or identified for
29 suspension or expulsion from a public school.

1 (ii) An individual rehired at a school described under
2 subparagraph (i) of this paragraph shall teach:

- 3 1. in an area of critical shortage;
4 2. a special education class for students with special
5 needs; or
6 3. a class for students with limited English proficiency.

7 (6) An individual who is rehired under paragraph (4)(v) of this
8 subsection shall be employed as a principal at a public school that:

9 (i) is not making adequate yearly progress or is a school in need
10 of improvement as defined under the federal No Child Left Behind Act of 2001 and as
11 implemented by the State Department of Education;

12 (ii) is receiving funds under Title 1 of the federal No Child Left
13 Behind Act of 2001; [or]

14 (iii) **HAS MORE THAN 50% OF THE STUDENTS ATTENDING**
15 **THAT SCHOOL WHO ARE ELIGIBLE FOR FREE AND REDUCED-PRICE MEALS**
16 **ESTABLISHED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE; OR**

17 (IV) provides an alternative education program for adjudicated
18 youths or students who have been expelled, suspended, or identified for suspension or
19 expulsion from a public school.

20 (7) An individual who is reemployed under paragraph (4)(iv) or (v) of
21 this subsection at a school described under paragraph (5) or (6) of this subsection may
22 not continue that reemployment after the school makes adequate yearly progress for 4
23 consecutive years.

24 (8) (i) Notwithstanding paragraph (5) of this subsection, each
25 superintendent of a local school system may rehire an additional number of
26 individuals described under paragraph (4)(v) of this subsection equal to the greater of:

- 27 1. [three] FIVE; or
28 2. ~~0.1%~~ **0.2%** of the total full-time equivalent
29 instructional teachers employed by that local school system, rounded up to the nearest

1 whole number not to exceed ~~10~~ **15**, as reported annually by the State Department of
2 Education.

3 (ii) At any one time, the total number of individuals rehired by a
4 superintendent of a local school system under this paragraph may not exceed the
5 number determined under subparagraph (i) of this paragraph.

6 (iii) An individual rehired under this paragraph:

7 1. **A.** shall be reemployed at a school specified in
8 paragraph (5)(i) of this subsection; and

9 [2.] **B.** may teach any subject or class or provide
10 educational services assigned by the individual's superintendent; **OR**

11 **2. A. MAY BE REEMPLOYED AT ANY SCHOOL**
12 **ASSIGNED BY THE INDIVIDUAL'S SUPERINTENDENT; AND**

13 **B. SHALL TEACH A SUBJECT OR CLASS OR PROVIDE**
14 **EDUCATIONAL SERVICES SPECIFIED IN PARAGRAPH (5)(II) OF THIS**
15 **SUBSECTION.**

16 (9) (i) The superintendent of the local school system rehiring an
17 individual under paragraph (4)(iv) or (v) of this subsection shall:

18 1. approve the rehiring of that individual; and

19 2. determine the school where the individual is to be
20 reemployed.

21 (ii) Within 30 days after rehiring an individual, the
22 superintendent of a local school system shall complete and file with the Board of
23 Trustees and the State Department of Education a form provided by the Board of
24 Trustees that certifies that the individual rehired by the local school system under
25 paragraph (4)(v) or (vi) of this subsection:

26 1. satisfied the criteria provided in paragraph (4)(iv) or
27 (v) of this subsection;

28 2. was reemployed at a school described under
29 paragraph (5)(i) or (6) of this subsection; and

1 A. was not making adequate yearly progress or was a
2 school in need of improvement as defined under the federal No Child Left Behind Act
3 of 2001 and as implemented by the State Department of Education;

4 B. was receiving funds under Title 1 of the federal No
5 Child Left Behind Act of 2001; [or]

6 C. HAS MORE THAN 50% OF THE STUDENTS
7 ATTENDING THAT SCHOOL WHO ARE ELIGIBLE FOR FREE AND REDUCED-PRICE
8 MEALS ESTABLISHED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE;
9 OR

10 D. provided an alternative education program for
11 adjudicated youths or students who have been expelled, suspended, or identified for
12 suspension or expulsion from a public school;

13 (iii) the original date of rehire for each individual;

14 (iv) the subject matter taught by each individual; [and]

15 (v) the annual salary of each individual; AND

16 (VI) THE PERCENTAGE OF STUDENT POPULATION
17 COMPRISED OF CHILDREN IN POVERTY THAT IS REQUIRED TO BE PRESENT IN A
18 SCHOOL IN THAT SCHOOL SYSTEM IN ORDER FOR THAT SCHOOL TO QUALIFY AS
19 A TITLE 1 SCHOOL.

20 (d) An individual who is rehired under this section may not be rehired within
21 45 days of the date the individual retired if:

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

26 (2) the individual's current employer is any unit of State government
27 and the individual's employer at the time of the individual's last separation from
28 employment with the State before the individual commenced receiving a service
29 retirement allowance was also a unit of State government.

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

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

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

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

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

17 (i) The State Department of Education shall adopt regulations to carry out
18 this section.

19 (j) At the request of the State Retirement Agency:

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

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

28 (k) The Department of Health and Mental Hygiene shall notify the State
29 Retirement Agency of any retirees who qualify under subsection (c)(4)(vi) of this
30 section.

31 (l) On or before September 1 of each year, the Secretary of Health and
32 Mental Hygiene shall submit a report in accordance with § 2-1246 of the State
33 Government Article to the Joint Committee on Pensions that provides:

1 (1) the number of rehired retirees under subsection (c)(4)(vi) of this
2 section;

3 (2) the annual salary of each rehired retiree at the time of retirement
4 and the current annual salary of each rehired retiree;

5 (3) the number of health care practitioners hired who are not retirees;
6 and

7 (4) the annual salary of each health care practitioner who is hired.

8 (m) An individual who is rehired under this section may not be rehired within
9 45 days of the date the individual retired if:

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

14 (2) the individual's current employer is any unit of State government
15 and the individual's employer at the time of the individual's last separation from
16 employment with the State before the individual commenced receiving a service
17 retirement allowance was also a unit of State government.

18 (n) On or before October 1 of each year, the State Superintendent of Schools
19 shall submit a report for the previous school year, to the Joint Committee on Pensions,
20 in accordance with § 2-1246 of the State Government Article, that provides:

21 (1) the number of rehired retirees under subsection (c)(4)(iv) and
22 (v) and (8) of this section;

23 (2) (i) the school and school system where each retiree was rehired;
24 and

25 (ii) whether the school:

26 1. was not making adequate yearly progress or was a
27 school in need of improvement as defined under the federal No Child Left Behind Act
28 of 2001 and as implemented by the State Department of Education;

29 2. was receiving funds under Title 1 of the federal No
30 Child Left Behind Act of 2001; [or]

1 3. HAS MORE THAN 50% OF THE STUDENTS
2 ATTENDING THAT SCHOOL WHO ARE ELIGIBLE FOR FREE AND REDUCED-PRICE
3 MEALS ESTABLISHED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE;
4 OR

5 4. provided an alternative education program for
6 adjudicated youths or students who have been expelled, suspended, or identified for
7 suspension or expulsion from a public school;

8 (3) a copy of the annual staffing report generated by the State
9 Superintendent of Schools in accordance with § 18-703(g)(1) of the Education Article
10 certifying areas of critical shortage for the previous school year as evidenced by
11 projected employment vacancies substantially exceeding projected qualified graduates;

12 (4) the subject matter that each rehired retiree was teaching;

13 (5) the salary of each rehired retiree; [and]

14 (6) the total number of years each retiree has been reemployed at the
15 school where the retiree was rehired for the previous school year; AND

16 (7) THE PERCENTAGE OF STUDENT POPULATION COMPRISED OF
17 CHILDREN IN POVERTY THAT IS REQUIRED TO BE PRESENT IN A SCHOOL IN
18 THAT SCHOOL SYSTEM IN ORDER FOR THAT SCHOOL TO QUALIFY AS A TITLE 1
19 SCHOOL.

20 (o) On or before October 1 of each year, the Board of Trustees shall submit a
21 report for the previous calendar year to the Joint Committee on Pensions, in
22 accordance with § 2-1246 of the State Government Article, that provides:

23 (1) the number of individuals in each local school system that the
24 Board of Trustees and the State Department of Education agree were rehired and did
25 not satisfy the criteria provided in subsection (c)(4)(iv) or (v) and (5), (6), or (8) of this
26 section; and

27 (2) any reimbursements a local school system made under subsection
28 (c)(9)(ii) of this section.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 2007.