

HB1181/704164/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1181
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “– BRAC”; in line 6, after the semicolon insert “limiting the period of time that certain retirees who are exempt from a certain offset of a retirement allowance may be reemployed at certain schools;”; in the same line, strike the second “a”; in line 7, strike “requirement” and substitute “requirements”; in line 11, strike “22-406(c)(5) and (n) and 23-407(c)(5) and (n)” and substitute “22-406(c)(8), (9), and (10) and (n) and 23-407(c)(8), (9), and (10) and (n)”; and after line 13, insert:

BY adding to

Article – State Personnel and Pensions

Section 22-406(c)(9) and 23-407(c)(9)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 18 on page 1 through line 16 on page 2, inclusive, and substitute:

“(c) (8) (i) Notwithstanding paragraph (5) **OR (9)** of this subsection, each superintendent of a local school system may rehire an additional number of individuals described under paragraph (4)(v) of this subsection equal to the greater of:

1. five; or

(Over)

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

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

(iii) An individual rehired under this paragraph:

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

B. may teach any subject or class or provide educational services assigned by the individual's superintendent; or

2. A. may be reemployed at any school assigned by the individual's superintendent; and

B. shall teach a subject or class or provide educational services specified in paragraph (5)(ii) of this subsection.

(9) (I) THIS PARAGRAPH APPLIES ONLY TO THE FOLLOWING LOCAL SCHOOL SYSTEMS:

1. ANNE ARUNDEL COUNTY;

2. BALTIMORE CITY;

3. BALTIMORE COUNTY;

- 4. CECIL COUNTY;**
- 5. FREDERICK COUNTY;**
- 6. HARFORD COUNTY;**
- 7. HOWARD COUNTY;**
- 8. MONTGOMERY COUNTY; AND**
- 9. PRINCE GEORGE'S COUNTY.**

(II) NOTWITHSTANDING PARAGRAPH (5) OR (8) OF THIS SUBSECTION, EACH SUPERINTENDENT OF A LOCAL SCHOOL SYSTEM LISTED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY REHIRE AN INDIVIDUAL DESCRIBED UNDER PARAGRAPH (4)(V) OF THIS SUBSECTION AS A CLASSROOM TEACHER, SUBSTITUTE CLASSROOM TEACHER, OR TEACHER MENTOR IN A PUBLIC SCHOOL THAT, ON OR AFTER JULY 1 BEFORE THE SCHOOL YEAR FOR WHICH THE INDIVIDUAL IS TO BE REHIRED, IS SUBJECT TO AT LEAST A 5% INCREASE IN STUDENT ENROLLMENT ABOVE THE PROJECTED STUDENT ENROLLMENT AS DETERMINED BY THE SUPERINTENDENT ON OR BEFORE THE PRECEDING JUNE 1.

(III) AN INDIVIDUAL REHIRED UNDER THIS PARAGRAPH MAY TEACH ANY SUBJECT OR CLASS OR PROVIDE EDUCATIONAL SERVICES ASSIGNED BY THE INDIVIDUAL'S SUPERINTENDENT.

(IV) AN INDIVIDUAL REHIRED UNDER THIS PARAGRAPH MAY NOT BE REEMPLOYED FOR MORE THAN 4 YEARS.

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

1. approve the rehiring of that individual; and
2. determine the school where the individual is to be reemployed.

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

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

2. was reemployed at a school described under paragraph [(5)(i) or (6)] (5)(I), (6), OR (9) of this subsection; and

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

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

B. teaching in any class or subject or providing educational services as provided under paragraph (8) OR (9) of this subsection.

(iii) 1. On or before April 1 of each year, the Board of Trustees and the State Department of Education shall jointly review any forms filed

by a superintendent of a local school system under subparagraph (ii) of this paragraph during the previous calendar year.

2. If the Board of Trustees and the State Department of Education agree that a superintendent of a local school system has rehired an individual that does not satisfy the criteria provided in paragraph (4)(v) or (vi) and (5), (6), [or (8)] (8), OR (9) of this subsection:

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

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

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

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

(i) the number of individuals rehired under paragraph (4)(v) or [(vi) or (8)] (VI), (8), OR (9) of this subsection;

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

2. whether the school:

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

B. was receiving funds under Title 1 of the federal No Child Left Behind Act of 2001;

C. has more than 50% of the students attending that school who are eligible for free and reduced-price meals established by the United States Department of Agriculture; [or]

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

E. ON OR AFTER JULY 1 OF THE PREVIOUS YEAR HAD A GREATER THAN 5% INCREASE IN STUDENT ENROLLMENT ABOVE THE PROJECTED STUDENT ENROLLMENT AS DETERMINED ON OR BEFORE JUNE 1 OF THE PREVIOUS YEAR BY THE SUPERINTENDENT OF THE LOCAL SCHOOL SYSTEM WHERE THE SCHOOL WAS LOCATED;

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

(iv) the subject matter taught by each individual;

(v) the annual salary of each individual; and

(vi) the percentage of student population comprised of children in poverty that is required to be present in a school in that school system in order for that school to qualify as a Title 1 school.”.

AMENDMENT NO. 3

On page 2, strike beginning with “(vi)” in line 20 down through “(8)” in line 21 and substitute “(VI), (8), AND (9)”.

On page 3, strike beginning with “WAS” in line 4 down through “(BRAC)” in line 5 and substitute “ON OR AFTER JULY 1 OF THE PREVIOUS YEAR HAD A GREATER THAN 5% INCREASE IN STUDENT ENROLLMENT ABOVE THE PROJECTED STUDENT ENROLLMENT AS DETERMINED ON OR BEFORE JUNE 1 OF THE PREVIOUS YEAR BY THE SUPERINTENDENT OF THE LOCAL SCHOOL SYSTEM WHERE THE SCHOOL WAS LOCATED”.

AMENDMENT NO. 4

On pages 3 and 4, strike in their entirety the lines beginning with line 18 on page 3 through line 5 on page 4, inclusive, and substitute:

“(c) (8) (i) Notwithstanding paragraph (5) OR (9) of this subsection, each superintendent of a local school system may rehire an additional number of individuals described under paragraph [(4)(v)] (4)(IV) of this subsection equal to the greater of:

1. five; or
2. 0.2% of the total full-time equivalent instructional teachers employed by that local school system, rounded up to the nearest whole number not to exceed 15, as reported annually by the State Department of Education.

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

(iii) An individual rehired under this paragraph:

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

B. may teach any subject or class or provide educational services assigned by the individual's superintendent; or

2. A. may be reemployed at any school assigned by the individual's superintendent; and

B. shall teach a subject or class or provide educational services specified in paragraph (5)(ii) of this subsection.

(9) (I) THIS PARAGRAPH APPLIES ONLY TO THE FOLLOWING LOCAL SCHOOL SYSTEMS:

- 1. ANNE ARUNDEL COUNTY;**
- 2. BALTIMORE CITY;**
- 3. BALTIMORE COUNTY;**
- 4. CECIL COUNTY;**
- 5. FREDERICK COUNTY;**
- 6. HARFORD COUNTY;**
- 7. HOWARD COUNTY;**
- 8. MONTGOMERY COUNTY; AND**

9. PRINCE GEORGE'S COUNTY.

(II) NOTWITHSTANDING PARAGRAPH (5) OR (8) OF THIS SUBSECTION, EACH SUPERINTENDENT OF A LOCAL SCHOOL SYSTEM LISTED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY REHIRE AN INDIVIDUAL DESCRIBED UNDER PARAGRAPH (4)(IV) OF THIS SUBSECTION AS A CLASSROOM TEACHER, SUBSTITUTE CLASSROOM TEACHER, OR TEACHER MENTOR IN A PUBLIC SCHOOL THAT, ON OR AFTER JULY 1 BEFORE THE SCHOOL YEAR FOR WHICH THE INDIVIDUAL IS TO BE REHIRED, IS SUBJECT TO AT LEAST A 5% INCREASE IN STUDENT ENROLLMENT ABOVE THE PROJECTED STUDENT ENROLLMENT AS DETERMINED BY THE SUPERINTENDENT ON OR BEFORE THE PRECEDING JUNE 1.

(III) AN INDIVIDUAL REHIRED UNDER THIS PARAGRAPH MAY TEACH ANY SUBJECT OR CLASS OR PROVIDE EDUCATIONAL SERVICES ASSIGNED BY THE INDIVIDUAL'S SUPERINTENDENT.

(IV) AN INDIVIDUAL REHIRED UNDER THIS PARAGRAPH MAY NOT BE REEMPLOYED FOR MORE THAN 4 YEARS.

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

- 1. approve the rehiring of that individual; and**
- 2. determine the school where the individual is to be reemployed.**

(ii) Within 30 days after rehiring an individual, the superintendent of a local school system shall complete and file with the Board of

(Over)

Trustees and the State Department of Education a form provided by the Board of Trustees that certifies that the individual rehired by the local school system under paragraph [(4)(v) or (vi)](4)(IV) OR (V) of this subsection:

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

2. was reemployed at a school described under paragraph [(5)(i) or (6)] (5)(I), (6), OR (9) of this subsection; and

3. if rehired under paragraph (4)(iv) of this subsection, was:

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

B. teaching in any class or subject or providing educational services as provided under paragraph (8) OR (9) of this subsection.

(iii) 1. On or before April 1 of each year, the Board of Trustees and the State Department of Education shall jointly review any forms filed by a superintendent of a local school system under subparagraph (ii) of this paragraph DURING THE PREVIOUS CALENDAR YEAR.

2. If the Board of Trustees and the State Department of Education agree that a superintendent of a local school system has rehired an individual that does not satisfy the criteria provided in paragraph (4)(iv) or (v) and (5), (6), [or (8)] (8), OR (9) of this subsection:

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

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

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

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

(i) the number of individuals rehired under paragraph (4)(iv) or [(v) or (8)] (V), (8), OR (9) of this subsection;

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

2. whether the school:

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

B. was receiving funds under Title 1 of the federal No Child Left Behind Act of 2001;

C. has more than 50% of the students attending that school who are eligible for free and reduced-price meals established by the United States Department of Agriculture; [or]

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

E. ON OR AFTER JULY 1 OF THE PREVIOUS YEAR HAD A GREATER THAN 5% INCREASE IN STUDENT ENROLLMENT ABOVE THE PROJECTED STUDENT ENROLLMENT AS DETERMINED ON OR BEFORE JUNE 1 OF THE PREVIOUS YEAR BY THE SUPERINTENDENT OF THE LOCAL SCHOOL SYSTEM WHERE THE SCHOOL WAS LOCATED;

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

(iv) the subject matter taught by each individual;

(v) the annual salary of each individual; and

(vi) the percentage of student population comprised of children in poverty that is required to be present in a school in that school system in order for that school to qualify as a Title 1 school.”.

AMENDMENT NO. 5

On page 4, strike beginning with “(v)” in line 10 down through “(8)” in line 11 and substitute “**(v), (8), AND (9)**”; strike beginning with “WAS” in line 26 down through “**(BRAC)**” in line 27 and substitute “**ON OR AFTER JULY 1 OF THE PREVIOUS YEAR HAD A GREATER THAN 5% INCREASE IN STUDENT ENROLLMENT ABOVE THE PROJECTED STUDENT ENROLLMENT AS DETERMINED ON OR BEFORE JUNE 1 OF THE PREVIOUS YEAR BY THE SUPERINTENDENT OF THE LOCAL SCHOOL SYSTEM WHERE THE SCHOOL WAS LOCATED**”.