

# HOUSE BILL 1181

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8lr2626

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By: **Delegates Rudolph and James**

Introduced and read first time: February 8, 2008

Assigned to: Appropriations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2008

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Teachers' Retirement System and Teachers' Pension System – Reemployment**  
3 **of Retirees –~~BRAC~~**

4 FOR the purpose of altering the criteria for hiring certain retirees of the Teachers'  
5 Retirement System or the Teachers' Pension System who are exempt from a  
6 certain offset of a retirement allowance; limiting the period of time that certain  
7 retirees who are exempt from a certain offset of a retirement allowance may be  
8 reemployed at certain schools; altering a certain reporting ~~requirement~~  
9 requirements; and generally relating to the reemployment of retirees in the  
10 Teachers' Retirement System or the Teachers' Pension System.

11 BY repealing and reenacting, with amendments,

12 Article – State Personnel and Pensions

13 Section ~~22-406(c)(5) and (n) and 23-407(c)(5) and (n)~~ 22-406(c)(8), (9), and (10)

14 and (n) and 23-407(c)(8), (9), and (10) and (n)

15 Annotated Code of Maryland

16 (2004 Replacement Volume and 2007 Supplement)

17 BY adding to

18 Article – State Personnel and Pensions

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

20 Annotated Code of Maryland

21 (2004 Replacement Volume and 2007 Supplement)

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

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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 **Article – State Personnel and Pensions**

2 22–406.

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

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

9 ~~2. is receiving funds under Title 1 of the federal No~~  
 10 ~~Child Left Behind Act of 2001;~~

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

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

17 ~~5. IS IMPACTED BY THE FEDERAL BASE~~  
 18 ~~REALIGNMENT AND CLOSURE (BRAC).~~

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

28 1. five; or

29 2. 0.2% of the total full-time equivalent instructional  
 30 teachers employed by that local school system, rounded up to the nearest whole  
 31 number not to exceed 15, as reported annually by the State Department of Education.

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

4                   (iii) An individual rehired under this paragraph:

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

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

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

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

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

15                               **1. ANNE ARUNDEL COUNTY;**

16                               **2. BALTIMORE CITY;**

17                               **3. BALTIMORE COUNTY;**

18                               **4. CECIL COUNTY;**

19                               **5. FREDERICK COUNTY;**

20                               **6. HARFORD COUNTY;**

21                               **7. HOWARD COUNTY;**

22                               **8. MONTGOMERY COUNTY; AND**

23                               **9. PRINCE GEORGE’S COUNTY.**

24                   **(II) NOTWITHSTANDING PARAGRAPH (5) OR (8) OF THIS**  
25 **SUBSECTION, EACH SUPERINTENDENT OF A LOCAL SCHOOL SYSTEM LISTED IN**  
26 **SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY REHIRE AN INDIVIDUAL**  
27 **DESCRIBED UNDER PARAGRAPH (4)(V) OF THIS SUBSECTION AS A CLASSROOM**  
28 **TEACHER, SUBSTITUTE CLASSROOM TEACHER, OR TEACHER MENTOR IN A**  
29 **PUBLIC SCHOOL THAT, ON OR AFTER JULY 1 BEFORE THE SCHOOL YEAR FOR**  
30 **WHICH THE INDIVIDUAL IS TO BE REHIRED, IS SUBJECT TO AT LEAST A 5%**

1 INCREASE IN STUDENT ENROLLMENT ABOVE THE PROJECTED STUDENT  
 2 ENROLLMENT AS DETERMINED BY THE SUPERINTENDENT ON OR BEFORE THE  
 3 PRECEDING JUNE 1.

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

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

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

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

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

19 1. satisfied the criteria provided in paragraph (4)(v) or  
 20 (vi) of this subsection;  
 21 2. was reemployed at a school described under  
 22 paragraph [(5)(i) or (6)] (5)(I), (6), OR (9) of this subsection; and

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

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

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

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

33 2. If the Board of Trustees and the State Department of  
 34 Education agree that a superintendent of a local school system has rehired an

1 individual that does not satisfy the criteria provided in paragraph (4)(v) or (vi) and (5),  
2 (6), [or (8)] (8), OR (9) of this subsection:

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

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

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

12 [(10)] (11) On or before August 1 of each year, the local superintendent  
13 shall report to the State Department of Education for the previous school year:

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

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

18 2. whether the school:

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

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

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

27 D. provided 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; OR

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

- 1                    (iii) the original date of rehire for each individual;  
 2                    (iv) the subject matter taught by each individual;  
 3                    (v) the annual salary of each individual; and  
 4                    (vi) the percentage of student population comprised of children  
 5 in poverty that is required to be present in a school in that school system in order for  
 6 that school to qualify as a Title 1 school.

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

10                    (1) the number of rehired retirees under subsection (c)(4)(v) and ~~(vi)~~  
 11 ~~and (8)~~ **(VI), (8), AND (9)** of this section;

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

14                    (ii) whether the school:

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

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

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

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

26                                    **5. WAS IMPACTED BY THE FEDERAL BASE**  
 27 **REALIGNMENT AND CLOSURE (BRAC) ON OR AFTER JULY 1 OF THE PREVIOUS**  
 28 **YEAR HAD A GREATER THAN 5% INCREASE IN STUDENT ENROLLMENT ABOVE**  
 29 **THE PROJECTED STUDENT ENROLLMENT AS DETERMINED ON OR BEFORE JUNE**  
 30 **1 OF THE PREVIOUS YEAR BY THE SUPERINTENDENT OF THE LOCAL SCHOOL**  
 31 **SYSTEM WHERE THE SCHOOL WAS LOCATED;**

32                    (3) a copy of the annual staffing report generated by the State  
 33 Superintendent of Schools in accordance with § 18–703(g)(1) of the Education Article

1 certifying areas of critical shortage for the previous school year as evidenced by  
2 projected employment vacancies substantially exceeding projected qualified graduates;

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

4 (5) the salary of each rehired retiree;

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

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

10 23-407.

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

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

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

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

22 ~~4. provides an alternative education program for~~  
23 ~~adjudicated youths or students who have been expelled, suspended, or identified for~~  
24 ~~suspension or expulsion from a public school; OR~~

25 ~~5. IS IMPACTED BY THE FEDERAL BASE~~  
26 ~~REALIGNMENT AND CLOSURE (BRAC).~~

27 (ii) ~~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. a special education class for students with special~~  
31 ~~needs; or~~





1                                   **9. PRINCE GEORGE'S COUNTY.**

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

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

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

17                                   **[(9) (10) (i) The superintendent of the local school system rehiring**  
 18 **an individual under paragraph (4)(iv) or (v) of this subsection shall:**

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

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

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

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

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

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

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

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

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

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

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

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

20 [(10)] (11) On or before August 1 of each year, the local superintendent  
21 shall report to the State Department of Education for the previous school year:

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

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

26 2. whether the school:

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

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

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

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

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

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

10                   (iv) the subject matter taught by each individual;

11                   (v) the annual salary of each individual; and

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

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

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

19                   (1) the number of rehired retirees under subsection (c)(4)(iv) and ~~(v)~~  
 20 ~~and (8)~~ **(V), (8), AND (9)** of this section;

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

23                   (ii) whether the school:

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

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

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

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

4                   5.     ~~WAS IMPACTED BY THE FEDERAL BASE~~  
 5 ~~REALIGNMENT AND CLOSURE (BRAC) ON OR AFTER JULY 1 OF THE PREVIOUS~~  
 6 ~~YEAR HAD A GREATER THAN 5% INCREASE IN STUDENT ENROLLMENT ABOVE~~  
 7 ~~THE PROJECTED STUDENT ENROLLMENT AS DETERMINED ON OR BEFORE JUNE~~  
 8 ~~1 OF THE PREVIOUS YEAR BY THE SUPERINTENDENT OF THE LOCAL SCHOOL~~  
 9 ~~SYSTEM WHERE THE SCHOOL WAS LOCATED;~~

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

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

15                   (5)    the salary of each rehired retiree;

16                   (6)    the total number of years each retiree has been reemployed at the  
 17 school where the retiree was rehired for the previous school year; and

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

21                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 22 July 1, 2008.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.