

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 98
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after the semicolon insert “providing that the superintendent of the Maryland School for the Deaf may employ a certain number of certain retirees who will not be subject to a certain offset of a retirement allowance; requiring that the superintendent of the Maryland School for the Deaf is responsible for certain reimbursements under certain circumstances; requiring the superintendent of the Maryland School for the Deaf to submit certain reports to the Board of Trustees for the State Retirement and Pension System and the Superintendent of the State Department of Education in a certain manner and by a certain date;”; and in line 16, strike “22-406(c)(5) and (6) and 23-407(c)(5) and (6)” and substitute “22-406(c)(5), (6), (8), (9), and (10) and 23-407(c)(5), (6), (8), (9), and (10)”.

AMENDMENT NO. 2

On page 4, after line 1, insert:

“(8) (i) Notwithstanding paragraph (5) of this subsection, each superintendent of a local school system AND THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF may rehire an additional number of individuals described under paragraph (4)(v) 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 OR THE MARYLAND SCHOOL FOR THE DEAF, rounded up to the nearest whole number not to exceed 15, as reported annually by the State Department of Education.

(Over)

(ii) At any one time, the total number of individuals rehired by a superintendent of a local school system OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF 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) The superintendent of the local school system OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF 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 OR THE SUPERINTENDENT OF THE

MARYLAND SCHOOL FOR THE DEAF 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 OR THE MARYLAND SCHOOL FOR THE DEAF 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) 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) 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 AND THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF 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 OR THE MARYLAND SCHOOL FOR THE DEAF has rehired an individual that does not satisfy the criteria provided in paragraph (4)(v) or (vi) and (5), (6), or (8) 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 OR THE MARYLAND SCHOOL FOR THE DEAF of this individual; and

B. the local school system OR THE MARYLAND SCHOOL FOR THE DEAF 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) If a superintendent of a local school system OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF rehires an individual that satisfies the criteria provided in paragraphs (4)(v) or (vi) and (5), (6), or (8) of this subsection and the Board of Trustees and the State Department of Education do not receive certification from the superintendent in the time required under subparagraph (ii) of this paragraph:

1. on or before July 1 of the year of the finding, the Board of Trustees shall notify the superintendent of the local school system OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF of this individual; and

2. the local school system OR THE MARYLAND SCHOOL FOR THE DEAF shall reimburse the Board of Trustees the amount equal to any reduction to the individual's retirement allowance that would have been made in paragraph (2) of this subsection as a result of the superintendent's failure to submit certification under subparagraph (ii) of this paragraph.

(v) The local school system OR THE MARYLAND SCHOOL FOR THE DEAF shall make the reimbursement on or before December 31 of the year the

local school system OR THE MARYLAND SCHOOL FOR THE DEAF receives notice from the Board of Trustees under subparagraph (iii)2A of this paragraph.

(10) On or before August 1 of each year, the local superintendent AND THE SUPERINTENDENT FOR THE MARYLAND SCHOOL FOR THE DEAF 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) 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;

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

(Over)

(iv) the subject matter taught by each individual;

(v) the annual salary of each individual; and

(vi) the percentage of student population composed 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.”.

On page 6, after line 7, insert:

“(8) (i) Notwithstanding paragraph (5) of this subsection, each superintendent of a local school system AND THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF may rehire an additional number of individuals described under paragraph (4)(v) 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 OR THE MARYLAND SCHOOL FOR THE DEAF, 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 OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF 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) The superintendent of the local school system OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF 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 OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF 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 OR THE MARYLAND SCHOOL FOR THE DEAF under paragraph (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) 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) 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 AND THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF under subparagraph (ii) of this paragraph.

2. If the Board of Trustees and the State Department of Education agree that a superintendent of a local school system OR THE MARYLAND SCHOOL FOR THE DEAF has rehired an individual that does not satisfy the criteria provided in paragraph (4)(iv) or (v) and (5), (6), or (8) 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 OR THE MARYLAND SCHOOL FOR THE DEAF of this individual; and

B. the local school system OR THE MARYLAND SCHOOL FOR THE DEAF 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) If a superintendent of a local school system OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF rehires an individual that satisfies the criteria provided in paragraphs (4)(iv) or (v) and (5), (6), or (8) of this subsection and the Board of Trustees and the State Department of Education do not receive certification from the superintendent in the time required under subparagraph (ii) of this paragraph:

1. on or before July 1 of the year of the finding, the Board of Trustees shall notify the superintendent of the local school system OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF of this individual; and

2. the local school system OR THE MARYLAND SCHOOL FOR THE DEAF shall reimburse the Board of Trustees the amount equal to any reduction to the individual's retirement allowance that would have been made in paragraph (2) of this subsection as a result of the superintendent's failure to submit certification under subparagraph (ii) of this paragraph.

(v) The local school system OR THE MARYLAND SCHOOL FOR THE DEAF shall make the reimbursement on or before December 31 of the year the local school system OR THE MARYLAND SCHOOL FOR THE DEAF receives notice from the Board of Trustees under subparagraph (iii)2A of this paragraph.

(10) On or before August 1 of each year, the local superintendent AND THE SUPERINTENDENT FOR THE MARYLAND SCHOOL FOR THE DEAF 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) 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;

(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 composed 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.”.