

HOUSE BILL 98

K4

2lr1362
CF 2lr1363

By: **Delegate Griffith (Chair, Joint Committee on Pensions)**

Introduced and read first time: January 19, 2012

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Teachers' Retirement and Pension Systems – Reemployment of Retirees –**
3 **Maryland School for the Deaf Exemption**

4 FOR the purpose of exempting from a certain offset of a retirement allowance certain
5 retirees of the Teachers' Retirement System or the Teachers' Pension System
6 who are employed by the Maryland School for the Deaf; and generally relating
7 to the reemployment of retirees in the teachers' retirement and pension
8 systems.

9 BY repealing and reenacting, without amendments,
10 Article – State Personnel and Pensions
11 Section 22–406(a) and (c)(4)(v) and (vi) and 23–407(a) and (c)(4)(iv) and (v)
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2011 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – State Personnel and Pensions
16 Section 22–406(c)(5) and (6) and 23–407(c)(5) and (6)
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2011 Supplement)

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

21 **Article – State Personnel and Pensions**

22 22–406.

23 (a) In this section, “area of critical shortage” means an academic field
24 identified by the State Department of Education in accordance with the provisions of §

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 18–703(g)(1) of the Education Article as having projected employment vacancies that
2 substantially exceed projected qualified graduates.

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

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

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

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

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

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

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

15 1. A. was employed as a principal within 5 years of
16 retirement; or

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

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

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

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

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

30 1. a public school that:

1 [1.] **A.** is not making adequate yearly progress or is 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 [2.] **B.** is receiving funds under Title 1 of the federal
5 No Child Left Behind Act of 2001;

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

9 [4.] **D.** provides an alternative education program for
10 adjudicated youths or students who have been expelled, suspended, or identified for
11 suspension or expulsion from a public school; **OR**

12 **2. THE MARYLAND SCHOOL FOR THE DEAF.**

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

15 1. in an area of critical shortage;

16 2. a special education class for students with special
17 needs; or

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

19 (6) An individual who is rehired under paragraph (4)(vi) of this
20 subsection shall be employed as a principal at:

21 **(I)** a public school that:

22 [[i)] **1.** is not making adequate yearly progress or is a school
23 in need of improvement as defined under the federal No Child Left Behind Act of 2001
24 and as implemented by the State Department of Education;

25 [[ii)] **2.** is receiving funds under Title 1 of the federal No
26 Child Left Behind Act of 2001;

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

30 [[iv)] **4.** provides an alternative education program for
31 adjudicated youths or students who have been expelled, suspended, or identified for
32 suspension or expulsion from a public school; **OR**

1 (II) THE MARYLAND SCHOOL FOR THE DEAF.

2 23-407.

3 (a) In this section, "area of critical shortage" means an academic field
4 identified by the State Department of Education in accordance with the provisions of §
5 18-703(g)(1) of the Education Article as having projected employment vacancies that
6 substantially exceed projected qualified graduates.

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

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

- 11 1. is or has been certified to teach in the State;
- 12 2. has verification of satisfactory or better performance
13 in the last assignment prior to retirement;
- 14 3. based on the retired teacher's qualifications, has been
15 appointed in accordance with § 4-103 of the Education Article; and
- 16 4. receives verification of satisfactory or better
17 performance each year the teacher is employed under paragraph (5) of this subsection;

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

- 19 1. A. was employed as a principal within 5 years of
20 retirement; or
- 21 B. was employed as a principal not more than 10 years
22 before retirement and was employed in a position supervising principals in the
23 retiree's last assignment prior to retirement;
- 24 2. has verification of satisfactory performance for each
25 year as a principal and, if applicable, in a position supervising principals prior to
26 retirement;
- 27 3. based on the retiree's qualifications, has been hired as
28 a principal; and
- 29 4. receives verification of satisfactory performance each
30 year the retiree is employed as a principal under paragraph (6) of this subsection;

1 (5) (i) An individual who is rehired under paragraph (4)(iv) of this
2 subsection shall be employed as a classroom teacher, substitute classroom teacher, or
3 teacher mentor in:

4 1. a public school that:

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

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

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

13 [4.] D. provides 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; **OR**

16 **2. THE MARYLAND SCHOOL FOR THE DEAF.**

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

19 1. in an area of critical shortage;

20 2. a special education class for students with special
21 needs; or

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

23 (6) An individual who is rehired under paragraph (4)(v) of this
24 subsection shall be employed as a principal at:

25 **(I)** a public school that:

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

29 [(ii)] 2. is receiving funds under Title 1 of the federal No
30 Child Left Behind Act of 2001;

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

4 [(iv)] 4. provides an alternative education program for
5 adjudicated youths or students who have been expelled, suspended, or identified for
6 suspension or expulsion from a public school; **OR**

7 **(II) THE MARYLAND SCHOOL FOR THE DEAF.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 July 1, 2012.