

Chapter 471

(Senate Bill 251)

AN ACT concerning

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

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

BY repealing and reenacting, without amendments,

Article – State Personnel and Pensions

Section 22–406(a) and (c)(4)(v) and (vi) and 23–407(a) and (c)(4)(iv) and (v)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section ~~22–406(c)(5) and (6) and 23–407(c)(5) and (6)~~ 22–406(c)(5), (6), (8), (9), and (10) and 23–407(c)(5), (6), (8), (9), and (10)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

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

Article – State Personnel and Pensions

22–406.

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

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

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

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

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

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

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

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

1. a public school that:

[1.] A. is not making adequate yearly progress or is 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;

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

[3.] 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

[4.] D. provides 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**

2. THE MARYLAND SCHOOL FOR THE DEAF.

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

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

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

(I) a public school that:

[(i)] 1. is not making adequate yearly progress or is 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;

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

[(iii)] 3. 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

[(iv)]4. provides 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**

(II) THE MARYLAND SCHOOL FOR THE DEAF.

(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)(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 **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~~ **OR 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 ~~AND 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~~ **OF 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;

(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.

23–407.

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

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

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

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

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

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

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

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

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

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

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

1. a public school that:

[1.] A. is not making adequate yearly progress or is 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;

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

[3.] 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

[4.] D. provides 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**

2. THE MARYLAND SCHOOL FOR THE DEAF.

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

1. in an area of critical shortage;

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

3. a class for students with limited English proficiency.

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

(I) a public school that:

[(i)] 1. is not making adequate yearly progress or is 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;

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

[(iii)] 3. 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

[(iv)] 4. provides 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

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

(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 OR~~ OR 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 ~~AND OR~~ 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~~ OF 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.

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

Approved by the Governor, May 22, 2012.