

# SENATE BILL 639

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5lr2370

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By: **Senator Serafini**

Introduced and read first time: February 6, 2015

Assigned to: Budget and Taxation

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 19, 2015

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

1 AN ACT concerning

2 **Teachers' Retirement and Pension Systems – Reemployment of Retirees –**  
3 **Exemptions**

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 who  
6 are employed in certain positions in a local school system or the Maryland School for  
7 the Deaf; authorizing local school system superintendents and the superintendent of  
8 the Maryland School for the Deaf to employ a certain number of certain retirees who  
9 will not be subject to a certain offset of a retirement allowance; requiring local school  
10 system superintendents and the superintendent of the Maryland School for the Deaf  
11 to submit certain reports to the Board of Trustees for the State Retirement and  
12 Pension System and the State Department of Education in a certain manner and by  
13 a certain date; making conforming changes; and generally relating to the  
14 reemployment of retirees of the teachers' retirement and pension systems.

15 BY repealing and reenacting, with amendments,  
16 Article – State Personnel and Pensions  
17 Section 22–406(c)(4), (8), (9), and (10), (m), and (n) and 23–407(c)(4), (8), (9), and (10),  
18 (m), and (n)  
19 Annotated Code of Maryland  
20 (2009 Replacement Volume and 2014 Supplement)

21 BY repealing and reenacting, without amendments,  
22 Article – State Personnel and Pensions

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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.



~~Section 22-406(e)(5), (6), and (8) and 23-407(e)(5), (6), and (8)~~ Section 22-406(c)(5)  
and (6) and 23-407(c)(5) and (6)  
 Annotated Code of Maryland  
 (2009 Replacement Volume and 2014 Supplement)

~~BY adding to~~  
~~Article - State Personnel and Pensions~~  
~~Section 22-406(e)(9) and (12) and 23-407(e)(9) and (12)~~  
~~Annotated Code of Maryland~~  
~~(2009 Replacement Volume and 2014 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.

(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:

(i) an individual who has been retired for 5 years, beginning on January 1 after the date the individual retires;

(ii) an individual whose average final compensation was less than \$25,000 and who is reemployed on a permanent, temporary, or contractual basis;

(iii) an individual who is serving in an elected position as an official of a participating governmental unit or as a constitutional officer for a county that is a participating governmental unit;

(iv) a retiree of the Teachers' Retirement System:

1. who retired and was reemployed by a participating employer other than the State on or before September 30, 1994; and

2. whose employment compensation does not derive, in whole or in part, from State funds;

(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;

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

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

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

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

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

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

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

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

17                  (vii)  a former employee of the Domestic Relations Division of Anne  
18 Arundel County Circuit Court who transfers into the State Employees' Personnel System  
19 under § 2–510 of the Courts Article;

20                  (viii) a retiree of the Employees' Retirement System who is  
21 reemployed on a contractual basis by the Department of Health and Mental Hygiene as a  
22 health care practitioner, as defined in § 1–301 of the Health Occupations Article, in:

23                  1.     a State residential center as defined in § 7–101 of the  
24 Health – General Article;

25                  2.     a chronic disease center subject to Title 19, Subtitle 5 of  
26 the Health – General Article;

27                  3.     a State facility as defined in § 10–101 of the Health –  
28 General Article; or

29                  4.     a local health department subject to Title 3, Subtitle 2 of  
30 the Health – General Article;

31                  (ix)   a retiree of the Employees' Retirement System and the Judges'  
32 Retirement System who is temporarily assigned to sit in a court of this State under the  
33 authority of Article IV, § 3A of the Maryland Constitution; [or]

1 (x) a retiree of the Employees' Retirement System who is  
 2 reemployed on a contractual basis for not more than 4 years as a parole and probation  
 3 employee in a position authorized under Title 6, Subtitle 1 of the Correctional Services  
 4 Article; OR

5 (XI) A RETIREE OF THE TEACHERS' RETIREMENT SYSTEM WHO  
 6 IS REEMPLOYED BY A LOCAL SCHOOL SYSTEM OR THE MARYLAND SCHOOL FOR THE  
 7 ~~DEAF IN A POSITION OTHER THAN A CLASSROOM TEACHER, SUBSTITUTE~~  
 8 ~~CLASSROOM TEACHER, TEACHER MENTOR, OR PRINCIPAL~~ AND IS REHIRED IN  
 9 ACCORDANCE WITH SUBSECTION (C)(8) OF THIS SECTION.

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

13 1. a public school that:

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

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

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

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

25 2. the Maryland School for the Deaf.

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

28 1. in an area of critical shortage;

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

30 or

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

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

3 (i) a public school that:

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

7 2. is receiving funds under Title 1 of the federal No Child Left  
8 Behind Act of 2001;

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

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

15 (ii) the Maryland School for the Deaf.

16 (8) ~~(7)~~ Notwithstanding paragraph (5) of this subsection, each  
17 superintendent of a local school system and the superintendent of the Maryland School for  
18 the Deaf may rehire ~~an additional number of individuals described under paragraph (4)(v)  
19 of this subsection equal to the greater of:~~

20 ~~1. five; or~~

21 ~~2. 0.2% of the total full-time equivalent instructional  
22 teachers employed by that local school system or the Maryland School for the Deaf, rounded  
23 up to the nearest whole number not to exceed 15, as reported annually by the State  
24 Department of Education.~~

25 ~~(ii) At any one time, the total number of individuals rehired by a  
26 superintendent of a local school system or the superintendent of the Maryland School for  
27 the Deaf under this paragraph may not exceed the number determined under  
28 subparagraph (i) of this paragraph.~~

29 ~~(iii) An individual rehired under this paragraph:~~

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

32 ~~B. may teach any subject or class or provide educational  
33 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~~ **A MAXIMUM OF FIVE INDIVIDUALS WHO ARE RETIREES OF THE TEACHERS' RETIREMENT SYSTEM IN ANY POSITION AT ANY SCHOOL IN THE SUPERINTENDENT'S LOCAL SCHOOL SYSTEM OR THE MARYLAND SCHOOL FOR THE DEAF.**

~~(9) EACH SUPERINTENDENT OF A LOCAL SCHOOL SYSTEM AND THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF MAY REHIRE A MAXIMUM OF 10 INDIVIDUALS DESCRIBED UNDER PARAGRAPH (4)(XI) OF THIS SUBSECTION EACH YEAR.~~

~~[(9)] (10)~~ (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) ~~for], (vi), OR (XI)~~ 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 **UNDER PARAGRAPH (4)(V) OR (VI) OF THIS SUBSECTION**, 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) WITHIN 30 DAYS AFTER REHIRING AN INDIVIDUAL UNDER PARAGRAPH (4)(XI) (8) OF THIS SUBSECTION, THE SUPERINTENDENT OF A LOCAL**

1 SCHOOL SYSTEM OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE  
2 DEAF SHALL COMPLETE AND FILE WITH THE BOARD OF TRUSTEES AND THE STATE  
3 DEPARTMENT OF EDUCATION A FORM PROVIDED BY THE BOARD OF TRUSTEES  
4 THAT CERTIFIES THAT THE INDIVIDUAL REHIRED BY THE LOCAL SCHOOL SYSTEM  
5 OR THE MARYLAND SCHOOL FOR THE DEAF UNDER PARAGRAPH ~~(4)(XI)~~ (8) OF THIS  
6 SUBSECTION SATISFIED THE CRITERIA PROVIDED IN PARAGRAPH ~~(4)(XI)~~ (8) OF THIS  
7 SUBSECTION.

8 [(iii)] (IV) 1. On or before April 1 of each year, the Board of  
9 Trustees and the State Department of Education shall jointly review any forms filed by a  
10 superintendent of a local school system or the superintendent of the Maryland School for  
11 the Deaf under subparagraph (ii) of this paragraph during the previous calendar year.

12 2. If the Board of Trustees and the State Department of  
13 Education agree that a superintendent of a local school system or the Maryland School for  
14 the Deaf has rehired an individual that does not satisfy the criteria provided in paragraphs  
15 (4)(v) and (5), paragraphs (4)(vi) and (6), ~~for~~ paragraph (8), ~~OR PARAGRAPHS (4)(XI) AND~~  
16 ~~(9)~~ of this subsection:

17 A. on or before July 1 of the year of the finding, the Board of  
18 Trustees shall notify the superintendent of the local school system or the Maryland School  
19 for the Deaf of this individual; and

20 B. the local school system or the Maryland School for the  
21 Deaf shall reimburse the Board of Trustees the amount equal to the reduction to the  
22 individual's retirement allowance that would have been made in paragraph (2) of this  
23 subsection.

24 [(iv)] (V) If a superintendent of a local school system or the  
25 superintendent of the Maryland School for the Deaf rehires an individual that satisfies the  
26 criteria provided in paragraphs (4)(v) ~~for~~, (vi), ~~OR (XI)~~, and (5), (6), ~~for~~ (8), ~~OR (9)~~ or (vi)  
27 and (5), (6), or (8) of this subsection and the Board of Trustees and the State Department  
28 of Education do not receive certification from the superintendent in the time required under  
29 subparagraph (ii) of this paragraph:

30 1. on or before July 1 of the year of the finding, the Board of  
31 Trustees shall notify the superintendent of the local school system or the superintendent of  
32 the Maryland School for the Deaf of this individual; and

33 2. the local school system or the Maryland School for the  
34 Deaf shall pay the Board of Trustees \$50 for each month the superintendent fails to submit  
35 the certification under subparagraph (ii) of this paragraph in the time required, not to  
36 exceed a total of \$1,000 for each individual whose certification is not submitted in the time  
37 required.

1                    [(v)] (VI) The local school system or the Maryland School for the  
 2 Deaf shall make the reimbursement on or before December 31 of the year the local school  
 3 system or the Maryland School for the Deaf receives notice from the Board of Trustees  
 4 under subparagraph [(iii)2A] (IV)2A of this paragraph.

5                    ~~[(10)] (II)~~ On or before August 1 of each year, the local superintendent and  
 6 the superintendent of the Maryland School for the Deaf shall report to the State  
 7 Department of Education for the previous school year:

8                    (i) the number of individuals rehired under paragraph (4)(v) or (vi)  
 9 or (8) of this subsection;

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

12                    2. whether the school:

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

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

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

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

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

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

26                    **(V) IF HIRED UNDER PARAGRAPH (8) OF THIS SUBSECTION, THE**  
 27 **POSITION TITLE OF EACH INDIVIDUAL;**

28                    ~~(VI)~~ (VI) the annual salary of each individual; and

29                    ~~(VII)~~ (VII) the percentage of student population composed of children  
 30 in poverty that is required to be present in a school in that school system in order for that  
 31 school to qualify as a Title 1 school.



~~(12) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE LOCAL SUPERINTENDENT AND THE SUPERINTENDENT 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 (9) OF THIS SUBSECTION;~~

~~(II) THE SCHOOL AND SCHOOL SYSTEM WHERE EACH INDIVIDUAL WAS REHIRED;~~

~~(III) THE ORIGINAL DATE OF REHIRE FOR EACH INDIVIDUAL;~~

~~(IV) THE POSITION TITLE OF EACH INDIVIDUAL; AND~~

~~(V) THE ANNUAL SALARY OF EACH INDIVIDUAL.~~

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

(1) (I) the number of rehired retirees under subsection (c)(4)(v) and (vi) and (8) of this section;

[(2)] (II) [(i)] 1. the school and school system where each retiree was rehired; and

[(ii)] 2. whether the school:

[1.] 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;

[2.] B. was 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. 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;

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

5            [(4)] (IV) the subject matter that each rehired retiree was teaching;

6            [(5)] (V) the salary of each rehired retiree;

7            [(6)] (VI) the total number of years each retiree has been reemployed at  
 8 the school where the retiree was rehired for the previous school year; and

9            [(7)] (VII) the percentage of student population composed of children in  
 10 poverty that is required to be present in a school in that school system in order for that  
 11 school to qualify as a Title 1 school; AND

12            (2) THE NUMBER OF RETIREES REHIRED UNDER SUBSECTION ~~(c)(9)~~  
 13 (C)(8) OF THIS SECTION.

14            (n) On or before October 1 of each year, the Board of Trustees shall submit a  
 15 report for the previous calendar year to the Joint Committee on Pensions, in accordance  
 16 with § 2-1246 of the State Government Article, that provides:

17            (1) the number of individuals in each local school system that the Board of  
 18 Trustees and the State Department of Education agree were rehired and did not satisfy the  
 19 criteria provided in subsection (c)(4)(v) ~~for, (vi), OR (XI), and (5), (6), for (8), OR (9)~~ or (vi)  
 20 and (5), (6), or (8) of this section; and

21            (2) any reimbursements a local school system made under subsection  
 22 [(c)(9)(iii)] ~~(c)(10)(vi)~~ (C)(9)(IV) of this section.

23 23-407.

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

27            (i) an individual whose average final compensation was less than  
 28 \$25,000 and who is reemployed on a permanent, temporary, or contractual basis;

29            (ii) an individual who is serving in an elected position as an official  
 30 of a participating governmental unit or as a constitutional officer for a county that is a  
 31 participating governmental unit;

32            (iii) an individual who has been retired for 5 years, beginning on  
 33 January 1 after the date the individual retires;

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

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

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

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

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

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

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

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

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

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

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

21 (vi) a retiree of the Employees' Pension System who is reemployed on  
22 a contractual basis by the Department of Health and Mental Hygiene as a health care  
23 practitioner, as defined in § 1–301 of the Health Occupations Article in:

24 1. a State residential center as defined in § 7–101 of the  
25 Health – General Article;

26 2. a chronic disease center subject to Title 19, Subtitle 5 of  
27 the Health – General Article;

28 3. a State facility as defined in § 10–101 of the  
29 Health – General Article; or

30 4. a local health department subject to Title 3, Subtitle 2 of  
31 the Health – General Article;

1 (vii) a retiree of the Employees' Pension System and the Judges'  
2 Retirement System who is temporarily assigned to sit in a court of this State under the  
3 authority of Article IV, § 3A of the Maryland Constitution; [or]

4 (viii) a retiree of the Employees' Pension System who is reemployed on  
5 a contractual basis for not more than 4 years as a parole and probation employee in a  
6 position authorized under Title 6, Subtitle 1 of the Correctional Services Article; **OR**

7 **(IX) A RETIREE OF THE TEACHERS' PENSION SYSTEM WHO IS**  
8 **REEMPLOYED BY A LOCAL SCHOOL SYSTEM OR THE MARYLAND SCHOOL FOR THE**  
9 **DEAF ~~IN A POSITION OTHER THAN A CLASSROOM TEACHER, SUBSTITUTE~~**  
10 **~~CLASSROOM TEACHER, TEACHER MENTOR, OR PRINCIPAL~~ AND IS REHIRED IN**  
11 **ACCORDANCE WITH SUBSECTION (C)(8) OF THIS SECTION.**

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

15 1. a public school that:

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

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

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

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

27 2. the Maryland School for the Deaf.

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

30 1. in an area of critical shortage;

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

32 or

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

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

4 (i) a public school that:

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

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

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

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

16 (ii) the Maryland School for the Deaf.

17 (8) ~~(4)~~ Notwithstanding paragraph (5) of this subsection, each  
18 superintendent of a local school system and the superintendent of the Maryland School for  
19 the Deaf may rehire ~~an additional number of individuals described under paragraph (4)(v)~~  
20 ~~of this subsection equal to the greater of:~~

21 ~~1. five; or~~

22 ~~2. 0.2% of the total full-time equivalent instructional~~  
23 ~~teachers employed by that local school system or the Maryland School for the Deaf, rounded~~  
24 ~~up to the nearest whole number not to exceed 15, as reported annually by the State~~  
25 ~~Department of Education.~~

26 ~~(ii) At any one time, the total number of individuals rehired by a~~  
27 ~~superintendent of a local school system or the superintendent of the Maryland School for~~  
28 ~~the Deaf under this paragraph may not exceed the number determined under~~  
29 ~~subparagraph (i) of this paragraph.~~

30 ~~(iii) An individual rehired under this paragraph:~~

31 ~~1. A. shall be reemployed at a school specified in~~  
32 ~~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~~

~~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~~ **A MAXIMUM OF FIVE INDIVIDUALS WHO ARE RETIREES OF THE TEACHERS' PENSION SYSTEM IN ANY POSITION AT ANY SCHOOL IN THE SUPERINTENDENT'S LOCAL SCHOOL SYSTEM OR THE MARYLAND SCHOOL FOR THE DEAF.**

~~(9) EACH SUPERINTENDENT OF A LOCAL SCHOOL SYSTEM AND THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF MAY REHIRE A MAXIMUM OF 10 INDIVIDUALS DESCRIBED UNDER PARAGRAPH (4)(IX) OF THIS SUBSECTION EACH YEAR.~~

~~[(9)] (10)~~ (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), OR (IX)]~~ 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 **UNDER PARAGRAPH (4)(IV) OR (V) OF THIS SUBSECTION**, 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

~~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.~~

1 (iii) WITHIN 30 DAYS AFTER REHIRING AN INDIVIDUAL UNDER  
 2 PARAGRAPH ~~(4)(ix)~~ (8) OF THIS SUBSECTION, THE SUPERINTENDENT OF A LOCAL  
 3 SCHOOL SYSTEM OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE  
 4 DEAF SHALL COMPLETE AND FILE WITH THE BOARD OF TRUSTEES AND THE STATE  
 5 DEPARTMENT OF EDUCATION A FORM PROVIDED BY THE BOARD OF TRUSTEES  
 6 THAT CERTIFIES THAT THE INDIVIDUAL REHIRED BY THE LOCAL SCHOOL SYSTEM  
 7 OR THE MARYLAND SCHOOL FOR THE DEAF UNDER PARAGRAPH ~~(4)(ix)~~ (8) OF THIS  
 8 SUBSECTION SATISFIED THE CRITERIA PROVIDED IN PARAGRAPH ~~(4)(ix)~~ (8) OF THIS  
 9 SUBSECTION.

10 [(iii)] (iv) 1. On or before April 1 of each year, the Board of  
 11 Trustees and the State Department of Education shall jointly review any forms filed by a  
 12 superintendent of a local school system or the superintendent of the Maryland School for  
 13 the Deaf under subparagraph (ii) of this paragraph.

14 2. If the Board of Trustees and the State Department of  
 15 Education agree that a superintendent of a local school system or the Maryland School for  
 16 the Deaf has rehired an individual that does not satisfy the criteria provided in paragraphs  
 17 (4)(iv) and (5), paragraphs (4)(v) and (6), ~~for~~ paragraph (8), ~~OR PARAGRAPHS (4)(ix) AND~~  
 18 ~~(9)~~ of this subsection:

19 A. on or before July 1 of the year of the finding, the Board of  
 20 Trustees shall notify the superintendent of the local school system or the Maryland School  
 21 for the Deaf of this individual; and

22 B. the local school system or the Maryland School for the  
 23 Deaf shall reimburse the Board of Trustees the amount equal to the reduction to the  
 24 individual's retirement allowance that would have been made in paragraph (2) of this  
 25 subsection.

26 [(iv)] (v) If a superintendent of a local school system or the  
 27 superintendent of the Maryland School for the Deaf rehires an individual that satisfies the  
 28 criteria provided in paragraphs (4)(iv) ~~for~~, ~~(v), OR (ix), and (5), (6), for~~ (8), ~~OR (9)~~ or (v)  
 29 and (5), (6), or (8) of this subsection and the Board of Trustees and the State Department  
 30 of Education do not receive certification from the superintendent in the time required under  
 31 subparagraph (ii) of this paragraph:

32 1. on or before July 1 of the year of the finding, the Board of  
 33 Trustees shall notify the superintendent of the local school system or the superintendent of  
 34 the Maryland School for the Deaf of this individual; and

35 2. the local school system or the Maryland School for the  
 36 Deaf shall pay the Board of Trustees \$50 for each month the superintendent fails to submit  
 37 the certification under subparagraph (ii) of this paragraph in the time required, not to

1 exceed a total of \$1,000 for each individual whose certification is not submitted in the time  
2 required.

3 ~~[(v)]~~ **(VI)** The local school system or the Maryland School for the  
4 Deaf shall make the reimbursement on or before December 31 of the year the local school  
5 system or the Maryland School for the Deaf receives notice from the Board of Trustees  
6 under subparagraph ~~[(iii)2A]~~ **(IV)2A** of this paragraph.

7 ~~[(10)]~~ ~~(11)~~ On or before August 1 of each year, the local superintendent and  
8 the superintendent of the Maryland School for the Deaf shall report to the State  
9 Department of Education for the previous school year:

10 (i) the number of individuals rehired under paragraph (4)(iv) or (v)  
11 or (8) of this subsection;

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

14 2. whether the school:

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

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

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

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

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

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

28 **(V) IF HIRED UNDER PARAGRAPH (8) OF THIS SUBSECTION, THE**  
29 **POSITION TITLE OF EACH INDIVIDUAL;**

30 ~~(v)~~ **(VI)** the annual salary of each individual; and



1                   ~~(vi)~~ **(VII)**     the percentage of student population composed of children  
2 in poverty that is required to be present in a school in that school system in order for that  
3 school to qualify as a Title 1 school.

4                   ~~(12) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE LOCAL~~  
5 ~~SUPERINTENDENT AND THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR~~  
6 ~~THE DEAF SHALL REPORT TO THE STATE DEPARTMENT OF EDUCATION FOR THE~~  
7 ~~PREVIOUS SCHOOL YEAR;~~

8                   ~~(I) THE NUMBER OF INDIVIDUALS REHIRED UNDER~~  
9 ~~PARAGRAPH (9) OF THIS SUBSECTION;~~

10                   ~~(II) THE SCHOOL AND SCHOOL SYSTEM WHERE EACH~~  
11 ~~INDIVIDUAL WAS REHIRED;~~

12                   ~~(III) THE ORIGINAL DATE OF REHIRE FOR EACH INDIVIDUAL;~~

13                   ~~(IV) THE POSITION TITLE OF EACH INDIVIDUAL; AND~~

14                   ~~(V) THE ANNUAL SALARY OF EACH INDIVIDUAL.~~

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

18                   (1)     **(I)**     the number of rehired retirees under subsection (c)(4)(iv) and (v)  
19 and (8) of this section;

20                   **[(2)] (II)**    **[(i)] 1.**     the school and school system where each retiree was  
21 rehired; and

22                               **[(ii)] 2.**     whether the school:

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

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

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

1 [4.] **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;

4 [(3)] **(III)** a copy of the annual staffing report generated by the State  
5 Superintendent of Schools in accordance with § 18-703(g)(1) of the Education Article  
6 certifying areas of critical shortage for the previous school year as evidenced by projected  
7 employment vacancies substantially exceeding projected qualified graduates;

8 [(4)] **(IV)** the subject matter that each rehired retiree was teaching;

9 [(5)] **(V)** the salary of each rehired retiree;

10 [(6)] **(VI)** the total number of years each retiree has been reemployed at  
11 the school where the retiree was rehired for the previous school year; and

12 [(7)] **(VII)** the percentage of student population composed of children in  
13 poverty that is required to be present in a school in that school system in order for that  
14 school to qualify as a Title 1 school; **AND**

15 **(2) THE NUMBER OF RETIREES REHIRED UNDER SUBSECTION ~~(C)(9)~~**  
16 **(C)(8) OF THIS SECTION.**

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

20 (1) the number of individuals in each local school system that the Board of  
21 Trustees and the State Department of Education agree were rehired and did not satisfy the  
22 criteria provided in subsection (c)(4)(iv), ~~for, (v), OR (IX), and (5), (6), for (8), OR (9) or~~  
23 ~~(v) and (5), (6), or (8)~~ of this section; and

24 (2) any reimbursements a local school system made under subsection  
25 [(c)(9)(ii)] ~~(C)(10)(vi)~~ **(C)(9)(IV)** of this section.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
27 1, 2015.