

SENATE BILL 639

K4

5lr2370

By: **Senator Serafini**

Introduced and read first time: February 6, 2015

Assigned to: Budget and Taxation

A BILL ENTITLED

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), (9), and (10), (m), and (n) and 23–407(c)(4), (9), and (10), (m),
18 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
23 Section 22–406(c)(5), (6), and (8) and 23–407(c)(5), (6), and (8)
24 Annotated Code of Maryland
25 (2009 Replacement Volume and 2014 Supplement)

26 BY adding to
27 Article – State Personnel and Pensions
28 Section 22–406(c)(9) and (12) and 23–407(c)(9) and (12)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2009 Replacement Volume and 2014 Supplement)

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

5 **Article – State Personnel and Pensions**

6 22–406.

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

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

12 (ii) an individual whose average final compensation was less than
13 \$25,000 and who is reemployed on a permanent, temporary, or contractual basis;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (vii) a former employee of the Domestic Relations Division of Anne
13 Arundel County Circuit Court who transfers into the State Employees' Personnel System
14 under § 2-510 of the Courts Article;

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

18 1. a State residential center as defined in § 7-101 of the
19 Health – General Article;

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

22 3. a State facility as defined in § 10-101 of the Health –
23 General Article; or

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

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

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

33 **(XI) A RETIREE OF THE TEACHERS' RETIREMENT SYSTEM WHO**
34 **IS REEMPLOYED BY A LOCAL SCHOOL SYSTEM OR THE MARYLAND SCHOOL FOR THE**

1 **DEAF IN A POSITION OTHER THAN A CLASSROOM TEACHER, SUBSTITUTE**
2 **CLASSROOM TEACHER, TEACHER MENTOR, OR PRINCIPAL.**

3 (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:

6 1. a public school that:

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

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

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

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

18 2. the Maryland School for the Deaf.

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

21 1. in an area of critical shortage;

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

23 or

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

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

27 (i) a public school that:

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

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

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

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

7 (ii) the Maryland School for the Deaf.

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

12 1. five; or

13 2. 0.2% of the total full-time equivalent instructional
14 teachers employed by that local school system or the Maryland School for the Deaf, rounded
15 up to the nearest whole number not to exceed 15, as reported annually by the State
16 Department of Education.

17 (ii) At any one time, the total number of individuals rehired by a
18 superintendent of a local school system or the superintendent of the Maryland School for
19 the Deaf under this paragraph may not exceed the number determined under
20 subparagraph (i) of this paragraph.

21 (iii) An individual rehired under this paragraph:

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

24 B. may teach any subject or class or provide educational
25 services assigned by the individual's superintendent; or

26 2. A. may be reemployed at any school assigned by the
27 individual's superintendent; and

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

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

1 **[(9)] (10) (i)** The superintendent of the local school system or the
 2 superintendent of the Maryland School for the Deaf rehiring an individual under paragraph
 3 **(4)(v) [or], (vi), OR (XI)** of this subsection shall:

4 1. approve the rehiring of that individual; and

5 2. determine the school where the individual is to be
 6 reemployed.

7 **(ii)** Within 30 days after rehiring an individual **UNDER**
 8 **PARAGRAPH (4)(V) OR (VI) OF THIS SUBSECTION**, the superintendent of a local school
 9 system or the superintendent of the Maryland School for the Deaf shall complete and file
 10 with the Board of Trustees and the State Department of Education a form provided by the
 11 Board of Trustees that certifies that the individual rehired by the local school system or the
 12 Maryland School for the Deaf under paragraph (4)(v) or (vi) of this subsection:

13 1. satisfied the criteria provided in paragraph (4)(v) or (vi) of
 14 this subsection;

15 2. was reemployed at a school described under paragraph
 16 **(5)(i) or (6)** of this subsection; and

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

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

20 B. teaching in any class or subject or providing educational
 21 services as provided under paragraph (8) of this subsection.

22 **(iii) WITHIN 30 DAYS AFTER REHIRING AN INDIVIDUAL UNDER**
 23 **PARAGRAPH (4)(XI) OF THIS SUBSECTION, THE SUPERINTENDENT OF A LOCAL**
 24 **SCHOOL SYSTEM OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE**
 25 **DEAF SHALL COMPLETE AND FILE WITH THE BOARD OF TRUSTEES AND THE STATE**
 26 **DEPARTMENT OF EDUCATION A FORM PROVIDED BY THE BOARD OF TRUSTEES**
 27 **THAT CERTIFIES THAT THE INDIVIDUAL REHIRED BY THE LOCAL SCHOOL SYSTEM**
 28 **OR THE MARYLAND SCHOOL FOR THE DEAF UNDER PARAGRAPH (4)(XI) OF THIS**
 29 **SUBSECTION SATISFIED THE CRITERIA PROVIDED IN PARAGRAPH (4)(XI) OF THIS**
 30 **SUBSECTION.**

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

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

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

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

13 [(iv)] **(v)** If a superintendent of a local school system or the
14 superintendent of the Maryland School for the Deaf rehires an individual that satisfies the
15 criteria provided in paragraphs (4)(v) [or], (vi), **OR (XI)**, and (5), (6), [or] (8), **OR (9)** of this
16 subsection and the Board of Trustees and the State Department of Education do not receive
17 certification from the superintendent in the time required under subparagraph (ii) of this
18 paragraph:

19 1. 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 superintendent of
21 the Maryland School for the Deaf of this individual; and

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

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

31 [(10)] **(11)** On or before August 1 of each year, the local superintendent and
32 the superintendent of the Maryland School for the Deaf shall report to the State
33 Department of Education for the previous school year:

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

36 (ii) 1. the school and school system where each individual was
37 rehired; and

1 2. whether the school:

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

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

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

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

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

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

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

16 (vi) the percentage of student population composed of children in
17 poverty that is required to be present in a school in that school system in order for that
18 school to qualify as a Title 1 school.

19 **(12) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE LOCAL**
20 **SUPERINTENDENT AND THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR**
21 **THE DEAF SHALL REPORT TO THE STATE DEPARTMENT OF EDUCATION FOR THE**
22 **PREVIOUS SCHOOL YEAR:**

23 **(I) THE NUMBER OF INDIVIDUALS REHIRED UNDER**
24 **PARAGRAPH (9) OF THIS SUBSECTION;**

25 **(II) THE SCHOOL AND SCHOOL SYSTEM WHERE EACH**
26 **INDIVIDUAL WAS REHIRED;**

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

28 **(IV) THE POSITION TITLE OF EACH INDIVIDUAL; AND**

29 **(V) THE ANNUAL SALARY OF EACH INDIVIDUAL.**

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

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

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

8 [(ii)] 2. whether the school:

9 [1.] A. was not making adequate yearly progress or was a
10 school in need of improvement as defined under the federal No Child Left Behind Act of
11 2001 and as implemented by the State Department of Education;

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

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

17 [4.] D. provided an alternative education program for
18 adjudicated youths or students who have been expelled, suspended, or identified for
19 suspension or expulsion from a public school;

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

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

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

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

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

31 (2) THE NUMBER OF RETIREES REHIRED UNDER SUBSECTION (C)(9)
32 OF THIS SECTION.

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

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

8 (2) any reimbursements a local school system made under subsection
9 [(c)(9)(iii)] **(C)(10)(VI)** of this section.

10 23–407.

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

14 (i) an individual whose average final compensation was less than
15 \$25,000 and who is reemployed on a permanent, temporary, or contractual basis;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 1. a State residential center as defined in § 7-101 of the
14 Health – General Article;

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

17 3. a State facility as defined in § 10-101 of the
18 Health – General Article; or

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

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

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

27 **(IX) A RETIREE OF THE TEACHERS' PENSION SYSTEM WHO IS**
28 **REEMPLOYED BY A LOCAL SCHOOL SYSTEM OR THE MARYLAND SCHOOL FOR THE**
29 **DEAF IN A POSITION OTHER THAN A CLASSROOM TEACHER, SUBSTITUTE**
30 **CLASSROOM TEACHER, TEACHER MENTOR, OR PRINCIPAL.**

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

- 1 1. a public school that:
- 2 A. is not making adequate yearly progress or is a school in
3 need of improvement as defined under the federal No Child Left Behind Act of 2001 and as
4 implemented by the State Department of Education;
- 5 B. is receiving funds under Title 1 of the federal No Child Left
6 Behind Act of 2001;
- 7 C. has more than 50% of the students attending that school
8 who are eligible for free and reduced-price meals established by the United States
9 Department of Agriculture; or
- 10 D. provides an alternative education program for adjudicated
11 youths or students who have been expelled, suspended, or identified for suspension or
12 expulsion from a public school; or
- 13 2. the Maryland School for the Deaf.
- 14 (ii) An individual rehired at a school described under subparagraph
15 (i) of this paragraph shall teach:
- 16 1. in an area of critical shortage;
- 17 2. a special education class for students with special needs;
18 or
- 19 3. a class for students with limited English proficiency.
- 20 (6) An individual who is rehired under paragraph (4)(v) of this subsection
21 shall be employed as a principal at:
- 22 (i) a public school that:
- 23 1. is not making adequate yearly progress or is a school in
24 need of improvement as defined under the federal No Child Left Behind Act of 2001 and as
25 implemented by the State Department of Education;
- 26 2. is receiving funds under Title 1 of the federal No Child Left
27 Behind Act of 2001;
- 28 3. has more than 50% of the students attending that school
29 who are eligible for free and reduced-price meals established by the United States
30 Department of Agriculture; or

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

4 (ii) the Maryland School for the Deaf.

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

9 1. five; or

10 2. 0.2% of the total full-time equivalent instructional
11 teachers employed by that local school system or the Maryland School for the Deaf, rounded
12 up to the nearest whole number not to exceed 15, as reported annually by the State
13 Department of Education.

14 (ii) At any one time, the total number of individuals rehired by a
15 superintendent of a local school system or the superintendent of the Maryland School for
16 the Deaf under this paragraph may not exceed the number determined under
17 subparagraph (i) of this paragraph.

18 (iii) An individual rehired under this paragraph:

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

21 B. may teach any subject or class or provide educational
22 services assigned by the individual's superintendent; or

23 2. A. may be reemployed at any school assigned by the
24 individual's superintendent; and

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

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

31 **[(9)] (10)** (i) The superintendent of the local school system or the
32 superintendent of the Maryland School for the Deaf rehiring an individual under paragraph
33 (4)(iv) **[or], (v), OR (IX)** of this subsection shall:

- 1 1. approve the rehiring of that individual; and
- 2 2. determine the school where the individual is to be
- 3 reemployed.

4 (ii) Within 30 days after rehiring an individual **UNDER**

5 **PARAGRAPH (4)(IV) OR (V) OF THIS SUBSECTION**, the superintendent of a local school

6 system or the superintendent of the Maryland School for the Deaf shall complete and file

7 with the Board of Trustees and the State Department of Education a form provided by the

8 Board of Trustees that certifies that the individual rehired by the local school system or the

9 Maryland School for the Deaf under paragraph (4)(iv) or (v) of this subsection:

- 10 1. satisfied the criteria provided in paragraph (4)(iv) or (v) of
- 11 this subsection;
- 12 2. was reemployed at a school described under paragraph
- 13 (5)(i) or (6) of this subsection; and
- 14 3. if rehired under paragraph (4)(iv) of this subsection, was:
- 15 A. teaching in an area specified in paragraph (5)(ii) of this
- 16 subsection; or
- 17 B. teaching in any class or subject or providing educational
- 18 services as provided under paragraph (8) of this subsection.

19 **(iii) WITHIN 30 DAYS AFTER REHIRING AN INDIVIDUAL UNDER**

20 **PARAGRAPH (4)(IX) OF THIS SUBSECTION, THE SUPERINTENDENT OF A LOCAL**

21 **SCHOOL SYSTEM OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE**

22 **DEAF SHALL COMPLETE AND FILE WITH THE BOARD OF TRUSTEES AND THE STATE**

23 **DEPARTMENT OF EDUCATION A FORM PROVIDED BY THE BOARD OF TRUSTEES**

24 **THAT CERTIFIES THAT THE INDIVIDUAL REHIRED BY THE LOCAL SCHOOL SYSTEM**

25 **OR THE MARYLAND SCHOOL FOR THE DEAF UNDER PARAGRAPH (4)(IX) OF THIS**

26 **SUBSECTION SATISFIED THE CRITERIA PROVIDED IN PARAGRAPH (4)(IX) OF THIS**

27 **SUBSECTION.**

28 **[(iii)] (IV)** 1. On or before April 1 of each year, the Board of

29 Trustees and the State Department of Education shall jointly review any forms filed by a

30 superintendent of a local school system or the superintendent of the Maryland School for

31 the Deaf under subparagraph (ii) of this paragraph.

32 2. If the Board of Trustees and the State Department of

33 Education agree that a superintendent of a local school system or the Maryland School for

34 the Deaf has rehired an individual that does not satisfy the criteria provided in paragraphs

35 (4)(iv) and (5), paragraphs (4)(v) and (6), [or] paragraph (8), **OR PARAGRAPHS (4)(IX) AND**

36 **(9)** of this subsection:

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

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

8 [(iv)] (v) If a superintendent of a local school system or the
9 superintendent of the Maryland School for the Deaf rehires an individual that satisfies the
10 criteria provided in paragraphs (4)(iv) [or], (v), **OR (IX)**, and (5), (6), [or] (8), **OR (9)** of this
11 subsection and the Board of Trustees and the State Department of Education do not receive
12 certification from the superintendent in the time required under subparagraph (ii) of this
13 paragraph:

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

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

22 [(v)] (vi) The local school system or the Maryland School for the
23 Deaf shall make the reimbursement on or before December 31 of the year the local school
24 system or the Maryland School for the Deaf receives notice from the Board of Trustees
25 under subparagraph [(iii)2A] **(IV)2A** of this paragraph.

26 [(10)] (11) On or before August 1 of each year, the local superintendent and
27 the superintendent of the Maryland School for the Deaf shall report to the State
28 Department of Education for the previous school year:

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

31 (ii) 1. the school and school system where each individual was
32 rehired; and

33 2. whether the school:

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

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

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

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

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 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.

15 **(12) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE LOCAL**
16 **SUPERINTENDENT AND THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR**
17 **THE DEAF SHALL REPORT TO THE STATE DEPARTMENT OF EDUCATION FOR THE**
18 **PREVIOUS SCHOOL YEAR:**

19 **(I) THE NUMBER OF INDIVIDUALS REHIRED UNDER**
20 **PARAGRAPH (9) OF THIS SUBSECTION;**

21 **(II) THE SCHOOL AND SCHOOL SYSTEM WHERE EACH**
22 **INDIVIDUAL WAS REHIRED;**

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

24 **(IV) THE POSITION TITLE OF EACH INDIVIDUAL; AND**

25 **(V) THE ANNUAL SALARY OF EACH INDIVIDUAL.**

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

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

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

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

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

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

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

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

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

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

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

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

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

26 **(2) THE NUMBER OF RETIREES REHIRED UNDER SUBSECTION (C)(9)**
27 **OF THIS SECTION.**

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

31 (1) the number of individuals in each local school system that the Board of
32 Trustees and the State Department of Education agree were rehired and did not satisfy the

1 criteria provided in subsection (c)(4)(iv), [or], (v), **OR (IX)**, and (5), (6), [or] (8), **OR (9)** of
2 this section; and

3 (2) any reimbursements a local school system made under subsection
4 **[(c)(9)(ii)] (C)(10)(VI)** of this section.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
6 1, 2015.