

SENATE BILL 236

K4

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CF HB 251

By: **Senator Elfreth (Chair, Joint Committee on Pensions)**

Introduced and read first time: January 20, 2020

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Teachers' Retirement and Pension Systems – Obsolete Reemployment**
3 **Provisions**

4 FOR the purpose of repealing certain obsolete provisions relating to the reemployment of
5 certain teachers and principals who are retirees of the Teachers' Retirement and
6 Pension Systems; and generally relating to the reemployment of retirees of the
7 Teachers' Retirement and Pension Systems.

8 BY repealing and reenacting, without amendments,

9 Article – State Personnel and Pensions

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

11 Annotated Code of Maryland

12 (2015 Replacement Volume and 2019 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – State Personnel and Pensions

15 Section 22–406(c)(5), (6), (7), and (10) and 23–407(c)(5), (6), (7), and (10)

16 Annotated Code of Maryland

17 (2015 Replacement Volume and 2019 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – State Personnel and Pensions**

21 22–406.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (v) a retiree of the Teachers' Retirement 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 (vi) a retiree of the Teachers' Retirement 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 (5) (i) An individual who is rehired under paragraph (4)(v) of this
22 subsection shall be employed as a classroom teacher, substitute classroom teacher, or
23 teacher mentor in:

24 1. a public school that:

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

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

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

1 [D.] B. provides 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; or

4 2. the Maryland School for the Deaf.

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

7 1. in an area of critical shortage;

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

9 or

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

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

13 (i) a public school that:

14 1. [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 2. is receiving funds under Title 1 of the federal No Child Left
18 Behind Act of 2001;

19 3.] 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 [4.] 2. provides an alternative education program for
23 adjudicated youths or students who have been expelled, suspended, or identified for
24 suspension or expulsion from a public school; or

25 (ii) the Maryland School for the Deaf.

26 (7) An individual who is reemployed under paragraph (4)(v) or (vi) of this
27 subsection at a school described under paragraph (5) or (6) of this subsection may not
28 continue that reemployment [after the school makes adequate yearly progress] for **MORE**
29 **THAN** 4 consecutive years.

30 (10) On or before August 1 of each year, the local superintendent and the
31 superintendent of the Maryland School for the Deaf shall report to the State Department

1 of Education for the previous school year:

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

4 (ii) 1. the school and school system where each individual was
5 rehired; and

6 2. whether the school:

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

10 B. was receiving funds under Title 1 of the federal No Child
11 Left 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.] B. provided an alternative education program for
16 adjudicated youths or students who have been expelled, suspended, or identified for
17 suspension or expulsion from a public school;

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

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

20 (v) if hired under paragraph (8) of this subsection, the position title
21 of each individual;

22 (vi) the annual salary of each individual; and

23 (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.

26 23-407.

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

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

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

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

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

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

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

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

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

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

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

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

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

22 1. a public school that:

23 A. [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 B. is receiving funds under Title 1 of the federal No Child Left
27 Behind Act of 2001;

28 C.] 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

31 [D.] B. provides an alternative education program for
32 adjudicated youths or students who have been expelled, suspended, or identified for

1 suspension or expulsion from a public school; or

2 2. the Maryland School for the Deaf.

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

5 1. in an area of critical shortage;

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

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

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

11 (i) a public school that:

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

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

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

20 [4.] 2. provides an alternative education program for
21 adjudicated youths or students who have been expelled, suspended, or identified for
22 suspension or expulsion from a public school; or

23 (ii) the Maryland School for the Deaf.

24 (7) An individual who is reemployed under paragraph (4)(iv) or (v) of this
25 subsection at a school described under paragraph (5) or (6) of this subsection may not
26 continue that reemployment [after the school makes adequate yearly progress] for **MORE**
27 **THAN** 4 consecutive years.

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

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

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

3 2. whether the school:

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

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

9 C.] 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 [D.] B. 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 (iii) the original date of rehire for each individual;

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

17 (v) if hired under paragraph (8) of this subsection, the position title
18 of each individual;

19 (vi) the annual salary of each individual; and

20 (vii) the percentage of student population composed of children in
21 poverty that is required to be present in a school in that school system in order for that
22 school to qualify as a Title 1 school.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
24 1, 2020.