

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 19, 2020

CHAPTER _____

1 AN ACT concerning

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

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

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.



1 22–406.

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

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

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

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

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

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

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

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

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

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

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

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

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

28 1. a public school that:

29 A. ~~is not making adequate yearly progress or~~ is a school in
30 need of improvement as defined under the federal ~~No Child Left Behind Act of 2001~~
31 **ELEMENTARY AND SECONDARY EDUCATION ACT** and as implemented by the State
32 Department of Education;

1 B. is receiving funds under Title 1 of the federal ~~No Child Left~~
 2 ~~Behind Act of 2001~~ **ELEMENTARY AND SECONDARY EDUCATION ACT**;

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.† B.~~ provides an alternative education program for
 7 adjudicated youths or students who have been expelled, suspended, or identified for
 8 suspension or expulsion from a public school; or

9 2. the Maryland School for the Deaf.

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

12 1. in an area of critical shortage;

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

14 or

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

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

18 (i) a public school that:

19 1. ~~is not making adequate yearly progress or~~ is a school in
 20 need of improvement as defined under the federal ~~No Child Left Behind Act of 2001~~
 21 **ELEMENTARY AND SECONDARY EDUCATION ACT** and as implemented by the State
 22 Department of Education;

23 2. is receiving funds under Title 1 of the federal ~~No Child Left~~
 24 ~~Behind Act of 2001~~ **ELEMENTARY AND SECONDARY EDUCATION ACT**;

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

28 ~~†4.† 2.~~ provides an alternative education program for
 29 adjudicated youths or students who have been expelled, suspended, or identified for
 30 suspension or expulsion from a public school; or

31 (ii) the Maryland School for the Deaf.

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

5 (10) On or before August 1 of each year, the local superintendent and the
 6 superintendent of the Maryland School for the Deaf shall report to the State Department
 7 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~~
 15 **ELEMENTARY AND SECONDARY EDUCATION ACT** and as implemented by the State
 16 Department of Education;

17 B. was receiving funds under Title 1 of the federal ~~No Child~~
 18 ~~Left Behind Act of 2001~~ **ELEMENTARY AND SECONDARY EDUCATION ACT**;

19 C. ~~has~~ 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. has~~ provided 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;

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

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

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

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

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

1 23-407.

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

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

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

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

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

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

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

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

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

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

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

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

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

28 1. a public school that:

29 A. ~~is not making adequate yearly progress or~~ is a school in
30 need of improvement as defined under the federal ~~No Child Left Behind Act of 2001~~

1 ELEMENTARY AND SECONDARY EDUCATION ACT and as implemented by the State
2 Department of Education;

3 B. is receiving funds under Title 1 of the federal ~~No Child Left~~
4 ~~Behind Act of 2001~~ ELEMENTARY AND SECONDARY EDUCATION ACT;

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

8 ~~†D.† B.~~ provides an alternative education program for
9 adjudicated youths or students who have been expelled, suspended, or identified for
10 suspension or expulsion from a public school; or

11 2. the Maryland School for the Deaf.

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

14 1. in an area of critical shortage;

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

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

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

20 (i) a public school that:

21 1. ~~is not making adequate yearly progress or~~ is a school in
22 need of improvement as defined under the federal ~~No Child Left Behind Act of 2001~~
23 ELEMENTARY AND SECONDARY EDUCATION ACT and as implemented by the State
24 Department of Education;

25 2. is receiving funds under Title 1 of the federal ~~No Child Left~~
26 ~~Behind Act of 2001~~ ELEMENTARY AND SECONDARY EDUCATION ACT;

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

30 ~~†4.† 2.~~ provides an alternative education program for adjudicated
31 youths or students who have been expelled, suspended, or identified for suspension or
32 expulsion from a public school; or

1 (ii) the Maryland School for the Deaf.

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

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

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

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

13 2. whether the school:

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

18 B. was receiving funds under Title 1 of the federal ~~No Child~~
19 ~~Left Behind Act of 2001~~ **ELEMENTARY AND SECONDARY EDUCATION ACT**;

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.† B.~~ provided an alternative education program for
24 adjudicated youths or students who have been expelled, suspended, or identified for
25 suspension or 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 position title
29 of each individual;

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

1 (vii) the percentage of student population composed of children in
2 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 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2020.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.