

# HOUSE BILL 251

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By: **Delegate M. Jackson (Chair, Joint Committee on Pensions)**

Introduced and read first time: January 17, 2020

Assigned to: Appropriations

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## 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:

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

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

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

23                   1.     a public school that:

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

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

29                   C.]   has more than 50% of the students attending that school  
30 who are eligible for free and reduced-price meals established by the United States  
31 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  
32 of Education for the previous school year:

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

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

5 2. whether the school:

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

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

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

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

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

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

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

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

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

25 23-407.

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

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

30 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  
33 suspension or expulsion from a public school; or

1                                   2.     the Maryland School for the Deaf.

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

4                                   1.     in an area of critical shortage;

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

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

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

10                                  (i)    a public school that:

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

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

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

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

22                                  (ii)   the Maryland School for the Deaf.

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

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

30                                  (i)    the number of individuals rehired under paragraph (4)(iv) or (v)  
31 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.