

## **KEY SCHOOL LEGISLATION FEBRUARY 26, 2003**

### **SB 5 (HB 11) SB 75 Public Charter School Act of 2003**

These Bills represent a re-introduction of legislation that has failed to pass during recent Sessions. These Bills would enable local boards of education to grant charters that establish public charter schools. Staff members of a public school, parents or guardians of public school students, and public institutions of higher education may submit an application to establish a public charter school. Private, parochial, and home schools are not eligible to become a public charter school. Public charter schools would receive funds from the local board in the amount of the per pupil basic current expense figure. In addition, the local board and the public charter school can negotiate for additional funding.

The State Board of Education is required to submit an evaluation report of the Public Charter School Program to the General Assembly. These Bills would take effect July 1, 2003.

The Board opposes these Bills.

### **SB 388 (HB 859) Education – Public School Charter School Act of 2003**

This Administration Bill, if passed, would authorize the State Board of Education, local boards of education, public institutions of higher education, or any other entity designated by the State Board of Education to Charter “public charter schools” within local jurisdictions. These schools would be independent legal entities, able to receive state, federal, and local per-pupil funds normally designated for regular public school. Chartered Schools may receive exemption from certain state education regulations and all local district laws or regulations. Also, any collective bargaining units in a charter school must be separate from other bargaining units and withdraw from any bargaining unit representing other teachers in the county.

This legislation would allow a chartering agent, other than a local board, to establish a school within the local board’s jurisdiction even if the local board, which must fund the school, deems it inappropriate.

Consistent with its position of opposition to similar legislation since its first filing in 1999, the Board continues to oppose proposals that would divert public funds from traditional public education programs.

The Senate Education, Health, and Environmental Affairs Committee is presently working with extensive amendments to SB 388.

**\*HB 22 Public Schools – Specialists – Stipends**

This Bill authorizes the State Board of Education (SBE) to expand eligibility for State stipends that are paid to employees of local school boards who hold certification from the National Board for Professional Teaching Standards. Subject to the availability of funds, eligibility may be expanded to library media specialists, speech-language pathologists, audiologists, and other professionally certified education specialists, in that order. The State stipend is equal to the county grant for national certification, up to a maximum of \$2,000 per qualifying individual.

The Teacher Quality Incentive Act of 1999 established the original State stipend for “classroom teachers.”

The Board of Education has consistently supported this proposal as an incentive for the demonstration of an exceptional level of professional standing reflected in national certification by the National Board for Professional Teaching Standards.

**SB 32 Education – Children in Out-of-County Living Arrangements – Informal Kinship Care**

This year’s legislation is the outcome of staff collaboration with Senator Delores Kelley to expedite the provision of educational services to children experiencing “hardships” and as a result of living in a “kinship care” arrangement.

This Bill requires a county school superintendent to allow a student whose parent or guardian resides in another school district to attend the local public school system if the student is living with a relative within the school district due to a serious family hardship. The student’s relative must be providing informal kinship care to the student. The student’s relative must sign a sworn affidavit that includes the student’s old and new addresses and defines the family hardship and provide supporting documentation verifying the serious family hardship. The affidavit must be filed annually, and if a change in the care of the student occurs, the relative must notify the local school system in writing within 30 days of the change. Unless a court appoints a different guardian for the student, the student’s relative providing informal kinship care shall make educational decisions for the student.

The Bill also allows the county receiving the student to collect payments from the county transferring the student.

Since the printing of the Bill, we have suggested a clarifying amendment to hardship #6 on pages 4 and 5 of the Bill.

The Board supports SB 32 with amendments. The amended Bill has been reported out of Committee with a favorable report.

\*Added since last Board meeting

### **SB 66 Sales and Use Tax – Annual Back-to-School Tax-Free Week**

This legislation, sponsored by Baltimore County Senators Brochin and Klausmeier, would add specified “school supplies” to the exemption from sales taxes during the “tax-free week for back-to-school shopping” in Maryland.

The Board supports SB 66 with an amendment that would include the purchase of electronic devices to be exempt from taxation as a “school supply.”

### **SB 81 Education – County School Board – Authority to Remove County Superintendents**

Following the action of the State Superintendent of Schools to block the dismissal of their Superintendent by the Prince George’s County Board of Education, several local boards have sought a change in State law to allow a local board authority to dismiss a Superintendent exclusive of any actions by the State Superintendent or Board.

This legislation would have made that statutory clarification and allowed removal subject to the terms of the contract between the Superintendent and the County Board or for cause.

The Board supported SB 81. SB 81 received an unfavorable report on February 21, 2003.

### **SB 395 Commercialism in Schools Act of 2003 – Policy**

This legislation, which has been unsuccessful in 2001 and 2002, would statutorily mandate local school board policies regarding the prohibition of certain advertising and/or contracts between Boards and vendors.

While the stated intention of the sponsors of this Bill has been the protection of students, this law would supersede the role and responsibilities of local boards of education to consider and implement school policy in this area.

The Board opposes SB 395.

### **HB 245 (SB 178) Residential Child Care Programs – State-Funded Operators – Licensing Provisions**

Speaker Pro Tem Jones and Senator Kelley have introduced this legislation to strengthen the standards for licensure of residential child care programs by the addition of a new subsection to the Education Article. The operator must expeditiously obtain the academic records of a child from the transferring school and send the records to the school that the child will be attending while living in the operator’s care. The licensed operator must also meet with the child’s teacher at the time of enrollment and at any other time the school or teacher requests, and sign and return the student’s report card to the school. The state agency that licenses the operator must notify the operator of these requirements. A residential child care program includes group homes, alternative living units, and emergency shelter care.

\*Added since last Board meeting

The Board supports this legislation with an amendment to achieve improved cooperation between the school and caregivers. This has been accepted by the Bill's sponsors.

**\*HB 611 (SB 27) Teachers' Retirement and Pension Systems – Reemployment of Retired Speech-Language Pathologists and Audiologists**

These pension Bills exempt from the reemployment earnings limitations retirees of the Teachers' Retirement System (TRS) or Teachers' Pension System (TPS), who are reemployed as speech-language pathologists or audiologists. This legislation would add these two categories of employees to the laws of 1999 and 2000 dealing with classroom teachers and principals.

The Board has consistently supported these efforts, which expand their hiring options in needed employment categories.

**\*SB 620 State Board of Education – Graduation Requirements – Student Service**

This legislation would statutorily amend the powers and duties of the State Board of Education, as specified in State Law, concerning "policy and guidelines for programs of instruction." Specifically, the State Board would be disallowed from requiring student service as a condition of graduation.

Local boards of education of Maryland historically have supported the role of the State Board of Education in the establishment of educational policy and standards for graduation.

It is recommended that the Board oppose SB 620.

**HB 778 Education – Baltimore County – Public School Employees**

This legislation would clarify unit membership eligibility for supervisory employees whose jobs do not require educational certification. Language also clarified that Baltimore County may have three non-supervisory units under the subtitle governing organizations of certificated employees.

The Board supports the new language proposed but suggests amendments to Section 2 on the last page of the Bill. This section, as written, can be construed to grant permanent representation rights to the current bargaining agent without the right to challenge said agent pursuant to methods of designating an agent by unit member election.

The Baltimore County House Delegation heard the Bill on February 21, 2003, and the amendment was well received by all parties. Full Committee action is expected to be positive.

\*Added since last Board meeting

**\*HB 1087 Teachers' Retirement and Pension Systems – Reemployment of Retired Teachers – Sunset Extension**

This legislation is designed to extend the sunset date of existing law, which is designed to allow teachers and principals, who meet certain conditions, to retire and be rehired without an actuarial penalty to their retirement benefit.

As this proposal extends the option to local superintendents and boards in meeting staffing needs, Board support is recommended.

Attachment I – House Bill 22 Specialists – Stipends

Attachment II – House Bill 611 (Senate Bill 27) Reemployment of Retired Speech-Language Pathologists and Audiologists

Attachment III – Senate Bill 620 State Board Graduation Requirement - Student Service

Attachment IV – House Bill 1087 Teachers' Retirement and Pension Systems – Reemployment of Retired Teachers – Sunset Extension

\*Added since last Board meeting

\*Added since last Board meeting

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By: **Delegates Leopold, McKee, and Sophocleus**  
Introduced and read first time: January 10, 2003  
Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools - Specialists - Stipends**

3 FOR the purpose of authorizing the State Board of Education, beginning with a  
4 certain fiscal year and subject to the availability of funds, to qualify certain  
5 specialists in the public schools to receive a certain stipend, up to a certain  
6 maximum amount; requiring the State Board to give a certain priority to the  
7 categories of the specialists who are the subject of this Act; and generally  
8 relating to stipends for certain specialists in the public schools of the State.

9 BY repealing and reenacting, with amendments,  
10 Article - Education  
11 Section 6-306  
12 Annotated Code of Maryland  
13 (2001 Replacement Volume and 2002 Supplement)

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

16 **Article - Education**

17 6-306.

18 (a) In this section, "county grant for national certification" means an annual  
19 grant distributed to a teacher certified by the National Board for Professional  
20 Teaching Standards established:

21 (1) Outside of the collective bargaining process; or

22 (2) As part of a collective bargaining agreement with the local employee  
23 organization.

24 (b) (1) For fiscal year 2000 and each subsequent fiscal year, the Governor  
25 shall include in each year's operating budget funding for the stipends and bonuses  
26 provided in this subsection.

1                   (2)       A classroom teacher who holds a standard professional certificate or  
2 an advanced professional certificate who is employed by a county board and who  
3 holds a certificate issued by the National Board for Professional Teaching Standards  
4 shall receive a stipend from the State in an amount equal to the county grant for  
5 national certification, up to a maximum of \$2,000 per qualified teacher.

6                   (3)       (i)       An individual who graduates from an accredited institution of  
7 higher education with a grade point average of at least 3.5 on a 4.0 scale or its  
8 equivalent, becomes employed by a county board, and remains employed as a  
9 classroom teacher in the public school system for a minimum of 3 consecutive years  
10 shall receive a salary signing bonus of \$1,000.

11                   (ii)       If the individual leaves employment with the public school  
12 system before the end of the 3-year commitment, the individual shall reimburse the  
13 State in the amount of \$1,000.

14                   (4)       A classroom teacher who holds an advanced professional certificate  
15 and teaches in a public school identified by the State Board as a reconstitution school,  
16 a reconstitution-eligible school, or a challenge school shall receive a stipend from the  
17 State in the amount of \$2,000 for each year that the teacher performs satisfactorily in  
18 the classroom.

19       (C)       (1)       FOR FISCAL YEAR 2004 AND EACH FISCAL YEAR THEREAFTER AND  
20 SUBJECT TO THE AVAILABILITY OF FUNDS, THE STATE BOARD MAY QUALIFY THE  
21 FOLLOWING SPECIALISTS TO RECEIVE THE STIPEND PROVIDED BY SUBSECTION (B)  
22 (2) OF THIS SECTION, UP TO A MAXIMUM OF \$2,000 FOR EACH QUALIFIED SPECIALIST:

23                   (I)       LIBRARY MEDIA SPECIALISTS;

24                   (II)       SPEECH-LANGUAGE PATHOLOGISTS;

25                   (III)       AUDIOLOGISTS; AND

26                   (IV)       ANY OTHER SPECIALIST COVERED UNDER COMAR 13A.12.03.

27                   (2)       IN MAKING ITS DECISIONS ON THE AWARD OF STIPENDS UNDER  
28 THIS SUBSECTION, THE STATE BOARD SHALL GIVE PRIORITY TO THE CATEGORIES OF  
29 SPECIALISTS IN THE ORDER LISTED IN PARAGRAPH (1) OF THIS SUBSECTION.

30       [(c)]       (D)       An individual who receives a stipend or bonus under subsection (b)  
31 OR (C) of this section may not be deemed an employee of the State.

32       [(d)]       (E)       The employer of an individual who receives a stipend or bonus under  
33 subsection (b) OR (C) of this section shall pay the increase in fringe benefit costs  
34 associated with the stipend or bonus.

35       [(e)]       (F)       The Department shall act as fiscal agent for funds disbursed under  
36 this section.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 July 1, 2003.

HOUSE BILL 611

Unofficial Copy  
K4  
SB 803/02 - B&T

2003 Regular Session  
3r1594  
CF SB 27

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By: **Delegates Heller, Conway, and King**  
Introduced and read first time: February 6, 2003  
Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Teachers' Retirement and Pension Systems - Reemployment of Retired**  
3 **Speech-Language Pathologists and Audiologists**

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  
6 who are employed by certain public schools as speech-language pathologists or  
7 audiologists; requiring the county boards of education to provide certain  
8 information to the State Retirement Agency; requiring the State Board of  
9 Education to adopt certain regulations; providing for the termination of this Act;  
10 and generally relating to the reemployment of retirees of the Teachers'  
11 Retirement System or the Teachers' Pension System who serve as  
12 speech-language pathologists or audiologists.

13 BY repealing and reenacting, with amendments,  
14 Article - State Personnel and Pensions  
15 Section 22-406 and 23-407  
16 Annotated Code of Maryland  
17 (1997 Replacement Volume and 2002 Supplement)

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

20 **Article - State Personnel and Pensions**

21 22-406.

22 (a) An individual who is receiving a service retirement allowance or vested  
23 allowance may accept employment with a participating employer on a permanent,  
24 temporary, or contractual basis, if:

25 (1) the individual immediately notifies the Board of Trustees of the  
26 individual's intention to accept this employment; and

27 (2) the individual specifies the compensation to be received.

1 (b) (1) The Board of Trustees shall reduce the allowance of an individual  
2 who accepts employment as provided under subsection (a) of this section if:

3 (i) the individual's current employer is a participating employer  
4 other than the State and is the same participating employer that employed the  
5 individual at the time of the individual's last separation from employment with a  
6 participating employer before the individual commenced receiving a service  
7 retirement allowance or vested allowance;

8 (ii) the individual's current employer is any unit of State  
9 government and the individual's employer at the time of the individual's last  
10 separation from employment with the State before the individual commenced  
11 receiving a service retirement allowance or vested allowance was also a unit of State  
12 government; or

13 (iii) the individual becomes reemployed within 12 months of  
14 receiving an early service retirement allowance under § 22-402 of this subtitle.

15 (2) The reduction required under paragraph (1) of this subsection shall  
16 equal:

17 (i) the amount by which the sum of the individual's initial annual  
18 basic allowance and the individual's annual compensation exceeds the average final  
19 compensation used to compute the basic allowance; or

20 (ii) for a retiree who retired under the Workforce Reduction Act  
21 (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree's annual  
22 compensation and the retiree's annual basic allowance at the time of retirement,  
23 including the incentive provided by the Workforce Reduction Act, exceeds the average  
24 final compensation used to compute the basic allowance.

25 (3) A reduction of an early service retirement allowance under paragraph  
26 (1)(iii) of this subsection shall be applied only until the individual has received an  
27 allowance for 12 months.

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

31 (i) an individual who has been retired for more than 10 years;

32 (ii) an individual whose average final compensation was less than  
33 \$10,000 and who is reemployed on a temporary or contractual basis;

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

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







1 (j) If the retiree's last assignment prior to retirement was in a position  
2 directly supervising principals as provided under subsection (b)(4)(vi) of this section,  
3 the county boards of education shall verify for the State Retirement Agency the  
4 retiree's employment as a supervisor and a principal.

5 (k) At the request of the State Retirement Agency:

6 (1) a participating employer shall certify to the State Retirement Agency  
7 that it is not the same participating employer that employed an individual at the time  
8 of the individual's last separation from employment before the individual commenced  
9 receiving a service retirement allowance or a vested allowance; or

10 (2) a unit of State government shall certify to the State Retirement  
11 Agency that the individual was not employed by any unit of State government at the  
12 time of the individual's last separation from employment before the individual  
13 commenced receiving a service retirement allowance or a vested allowance.

14 (l) The Department of Health and Mental Hygiene shall notify the State  
15 Retirement Agency of any retirees who qualify under subsection (b)(4)(viii) of this  
16 section.

17 23-407.

18 (a) An individual who is receiving a service retirement allowance or a vested  
19 allowance may accept employment with a participating employer on a permanent,  
20 temporary, or contractual basis, if:

21 (1) the individual immediately notifies the Board of Trustees of the  
22 individual's intention to accept this employment; and

23 (2) the individual specifies the compensation to be received.

24 (b) (1) The Board of Trustees shall reduce the allowance of an individual  
25 who accepts employment as provided under subsection (a) of this section if:

26 (i) the individual's current employer is a participating employer  
27 other than the State and is the same participating employer that employed the  
28 individual at the time of the individual's last separation from employment with a  
29 participating employer before the individual commenced receiving a service  
30 retirement allowance or vested allowance;

31 (ii) the individual's current employer is any unit of State  
32 government and the individual's employer at the time of the individual's last  
33 separation from employment with the State before the individual commenced  
34 receiving a service retirement allowance or vested allowance was also a unit of State  
35 government; or

36 (iii) the individual becomes reemployed within 12 months of  
37 receiving an early service retirement allowance or an early vested allowance  
38 computed under § 23-402 of this subtitle.

1                   (2)     The reduction required under paragraph (1) of this subsection shall  
2 equal:

3                   (i)     the amount by which the sum of the individual's initial annual  
4 basic allowance and the individual's annual compensation exceeds the average final  
5 compensation used to compute the basic allowance; or

6                   (ii)    for a retiree who retired under the Workforce Reduction Act  
7 (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree's annual  
8 compensation and the retiree's annual basic allowance at the time of retirement,  
9 including the incentive provided by the Workforce Reduction Act, exceeds the average  
10 final compensation used to compute the basic allowance.

11                  (3)     A reduction of an early service retirement allowance or an early  
12 vested allowance under paragraph (1)(iii) of this subsection shall be applied only until  
13 the individual has received an allowance for 12 months.

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

17                   (i)     an individual whose average final compensation was less than  
18 \$10,000 and who is reemployed on a temporary or contractual basis;

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

22                   (iii)   a retiree of the Teachers' Pension 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;

28                           4.     subject to item 5 of this item is employed as:

29                                   A.     a substitute classroom teacher or substitute teacher  
30 mentor in a public school that has been recommended for reconstitution, or has been  
31 reconstituted, by the State Board of Education, until the public school meets the  
32 standards for school performance set by the State Board of Education;

33                                   B.     a classroom teacher or teacher mentor in a public school  
34 that has been recommended for reconstitution, or has been reconstituted, by the State  
35 Board of Education, until the public school meets the standards for school  
36 performance set by the State Board of Education;

1 C. a classroom teacher or teacher mentor in a county or  
 2 subject area on a statewide basis in which the State Board of Education finds that  
 3 there is a shortage of teachers, until the State Board of Education finds the shortage  
 4 no longer exists in that county or subject area on a statewide basis; or

5 D. a substitute classroom teacher or substitute teacher  
 6 mentor in a county or subject area on a statewide basis in which the State Board of  
 7 Education finds that there is a shortage of teachers, until the State Board of  
 8 Education finds the shortage no longer exists in that county or subject area on a  
 9 statewide basis; and

10 5. receives verification of satisfactory or better performance  
 11 each year the teacher is employed under item 4 of this item;

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

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

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

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

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

23 4. receives verification of better than satisfactory  
 24 performance each year the retiree is employed as a principal under item 3 of this  
 25 item; and

26 5. is not employed as a principal under item 3 of this item for  
 27 more than 4 years;

28 (v) an individual who has been retired for more than 10 years; [or]

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

32 1. a State residential center as defined in § 7-101 of the  
 33 Health - General Article;

34 2. a chronic disease center subject to Title 19, Subtitle 5 of  
 35 the Health - General Article;

1 3. a State facility as defined in § 10-101 of the Health -  
2 General Article; or

3 4. a county board of health subject to Title 3, Subtitle 2 of the  
4 Health - General Article; OR

5 (VII) A RETIREE OF THE TEACHERS' PENSION SYSTEM WHO:

6 1. HAS VERIFICATION OF SATISFACTORY OR BETTER  
7 PERFORMANCE IN THE LAST ASSIGNMENT PRIOR TO RETIREMENT;

8 2. BASED ON THE RETIREE'S QUALIFICATIONS, HAS BEEN  
9 HIRED AS A SPEECH-LANGUAGE PATHOLOGIST OR AUDIOLOGIST;

10 3. A. RETIRED WITH A NORMAL SERVICE RETIREMENT  
11 ALLOWANCE UNDER § 23-401 OF THIS SUBTITLE; OR

12 B. RETIRED WITH AN EARLY SERVICE RETIREMENT  
13 ALLOWANCE UNDER § 23-402 OF THIS SUBTITLE AND HAS BEEN RETIRED FOR AT  
14 LEAST 12 MONTHS; AND

15 4. RECEIVES VERIFICATION OF SATISFACTORY OR BETTER  
16 PERFORMANCE EACH YEAR THE RETIREE IS EMPLOYED IN A POSITION DESCRIBED  
17 IN ITEM 2 OF THIS ITEM.

18 (c) An individual who is receiving a service retirement allowance or a vested  
19 allowance and who is reemployed by a participating employer may not receive  
20 creditable service or eligibility service during the period of reemployment.

21 (d) The individual's compensation during the period of reemployment may not  
22 be subject to the employer pickup provisions of § 21-303 of this article or any  
23 reduction or deduction as a member contribution for pension or retirement purposes.

24 (e) The State Retirement Agency shall institute appropriate reporting  
25 procedures with the affected payroll systems to ensure compliance with this section.

26 (f) (1) Immediately on the employment of any individual receiving a service  
27 retirement allowance or a vested allowance, a participating employer shall notify the  
28 State Retirement Agency of the type of employment and the anticipated earnings of  
29 the individual.

30 (2) At least once each year, in a format specified by the State Retirement  
31 Agency, each participating employer shall provide the State Retirement Agency with  
32 a list of all employees included on any payroll of the employer, the Social Security  
33 numbers of the employees, and their earnings for that year.

34 (g) The county boards of education shall notify the State Retirement Agency of  
35 any retired teachers who qualify under subsection (b)(4)(iii) of this section or any  
36 personnel who qualify under subsection (b)(4)(iv) OR (VII) of this section.

1 (h) The State Board of Education shall notify the county boards of education  
2 of:

3 (1) any public school that is recommended for reconstitution or has been  
4 reconstituted;

5 (2) any public school that is no longer recommended for reconstitution or  
6 is otherwise found to meet the standards for school performance set by the State  
7 Board of Education after reconstitution or a recommendation for reconstitution;

8 (3) any county or subject area on a statewide basis in which the State  
9 Board of Education finds there is a shortage of teachers; and

10 (4) a finding that there is no longer a shortage of teachers in a county or  
11 subject area on a statewide basis.

12 (i) In addition to any regulations adopted in accordance with § 6-202 of the  
13 Education Article, the State Board of Education shall adopt regulations concerning  
14 the employment terms of retired teachers and personnel described in subsection  
15 (b)(4)(iv) OR (VII) of this section.

16 (j) If the retiree's last assignment prior to retirement was in a position  
17 directly supervising principals as provided under subsection (b)(4)(iv) of this section,  
18 the county boards of education shall verify for the State Retirement Agency the  
19 retiree's employment as a supervisor and a principal.

20 (k) At the request of the State Retirement Agency:

21 (1) a participating employer shall certify to the State Retirement Agency  
22 that it is not the same participating employer that employed an individual at the time  
23 of the individual's last separation from employment before the individual commenced  
24 receiving a service retirement allowance or a vested allowance; or

25 (2) a unit of State government shall certify to the State Retirement  
26 Agency that the individual was not employed by any unit of State government at the  
27 time of the individual's last separation from employment before the individual  
28 commenced receiving a service retirement allowance or a vested allowance.

29 (l) The Department of Health and Mental Hygiene shall notify the State  
30 Retirement Agency of any retirees who qualify under subsection (b)(4)(vi) of this  
31 section.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 July 1, 2003. It shall remain effective for a period of 1 year and, at the end of June 30,  
34 2004, with no further action required by the General Assembly, this Act shall be  
35 abrogated and of no further force and effect.

SENATE BILL 620

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2003 Regular Session  
3r1974

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By: **Senators Kittleman, Brinkley, Greenip, Haines, Harris, Jacobs, and**

**Mooney**

Introduced and read first time: February 7, 2003

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Education - Graduation Requirements - Student Service**

3 FOR the purpose of prohibiting the State Board of Education from requiring student  
4 service as a condition of graduation; authorizing a local school system to  
5 implement a student service program for certain students; and generally  
6 relating to the prohibition of student service as a graduation requirement.

7 BY repealing and reenacting, with amendments,  
8 Article - Education  
9 Section 2-205(h)  
10 Annotated Code of Maryland  
11 (2001 Replacement Volume and 2002 Supplement)

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

14 **Article - Education**

15 2-205.

16 (h) (1) [With] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, WITH the  
17 advice of the State Superintendent, the State Board shall establish basic policy and  
18 guidelines for the program of instruction for the public schools.

19 (2) (I) THE STATE BOARD MAY NOT REQUIRE STUDENT SERVICE AS A  
20 CONDITION OF GRADUATION.

21 (II) A LOCAL SCHOOL SYSTEM MAY IMPLEMENT A STUDENT  
22 SERVICE PROGRAM IN WHICH STUDENTS MAY CHOOSE TO PARTICIPATE AS AN  
23 ELECTIVE.

24 (3) The policy and guidelines shall be printed in sufficient quantities to  
25 provide copies to:

26 (i) Public school officials and teachers;

1 (ii) Private schools; and

2 (iii) Interested citizens of this State.

3 [(3)] (4) The State Board of Education shall require the establishment of  
4 criteria in each county for the selection of applicants for enrollment in public  
5 secondary school career and technology education programs. Enrollment criteria  
6 developed for this purpose shall ensure equal access to programs.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2003.

**BALTIMORE COUNTY PUBLIC SCHOOLS**

**DATE:** February 26, 2003  
**TO:** BOARD OF EDUCATION  
**FROM:** Dr. Joe A. Hairston, Superintendent  
**SUBJECT:** HB 1087 Teachers' Retirement and Pension Systems – Reemployment of Retired Teachers – Sunset Extension  
**ORIGINATOR:** Dr. George P. Poff, Jr., Assistant to the Superintendent  
Governmental Relations

**RECOMMENDATION**

That the Board support House Bill 1087

\* \* \* \* \*

This legislation is designed to extend the sunset date of existing law, which is designed to allow teachers and principals, who meet certain conditions, to retire and be rehired without an actuarial penalty to their retirement benefit.

As this proposal extends the option to local superintendents and boards in meeting staffing needs, Board support is recommended.



1 **Article - State Personnel and Pensions**

2 22-406.

3 (a) An individual who is receiving a service retirement allowance or vested  
4 allowance may accept employment with a participating employer on a permanent,  
5 temporary, or contractual basis, if:

6 (1) the individual immediately notifies the Board of Trustees of the  
7 individual's intention to accept this employment; and

8 (2) the individual specifies the compensation to be received.

9 (b) (1) The Board of Trustees shall reduce the allowance of an individual  
10 who accepts employment as provided under subsection (a) of this section if:

11 (i) the individual's current employer is a participating employer  
12 other than the State and is the same participating employer that employed the  
13 individual at the time of the individual's last separation from employment with a  
14 participating employer before the individual commenced receiving a service  
15 retirement allowance or vested allowance;

16 (ii) the individual's current employer is any unit of State  
17 government and the individual's employer at the time of the individual's last  
18 separation from employment with the State before the individual commenced  
19 receiving a service retirement allowance or vested allowance was also a unit of State  
20 government; or

21 (iii) the individual becomes reemployed within 12 months of  
22 receiving an early service retirement allowance under § 22-402 of this subtitle.

23 (2) The reduction required under paragraph (1) of this subsection shall  
24 equal:

25 (i) the amount by which the sum of the individual's initial annual  
26 basic allowance and the individual's annual compensation exceeds the average final  
27 compensation used to compute the basic allowance; or

28 (ii) for a retiree who retired under the Workforce Reduction Act  
29 (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree's annual  
30 compensation and the retiree's annual basic allowance at the time of retirement,  
31 including the incentive provided by the Workforce Reduction Act, exceeds the average  
32 final compensation used to compute the basic allowance.

33 (3) A reduction of an early service retirement allowance under paragraph  
34 (1)(iii) of this subsection shall be applied only until the individual has received an  
35 allowance for 12 months.

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

4                   (i)       an individual who has been retired for more than 10 years;

5                   (ii)       an individual whose average final compensation was less than  
6 \$10,000 and who is reemployed on a temporary or contractual basis;

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

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

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

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

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

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

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

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

21                               4.       subject to item 5 of this item is employed as:

22                                       A.       a substitute classroom teacher or substitute teacher  
23 mentor in a public school that has been recommended for reconstitution, or has been  
24 reconstituted, by the State Board of Education, until the public school meets the  
25 standards for school performance set by the State Board of Education;

26                                       B.       a classroom teacher or teacher mentor in a public school  
27 that has been recommended for reconstitution, or has been reconstituted, by the State  
28 Board of Education, until the public school meets the standards for school  
29 performance set by the State Board of Education;

30                                       C.       a classroom teacher or teacher mentor in a county or  
31 subject area on a statewide basis in which the State Board of Education finds that  
32 there is a shortage of teachers, until the State Board of Education finds the shortage  
33 no longer exists in that county or subject area on a statewide basis; or

34                                       D.       a substitute classroom teacher or substitute teacher  
35 mentor in a county or subject area on a statewide basis in which the State Board of  
36 Education finds that there is a shortage of teachers, until the State Board of

1 Education finds the shortage no longer exists in that county or subject area on a  
2 statewide basis; and

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

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 better than satisfactory performance for  
12 each year as a principal and, if applicable, in a position supervising principals prior to  
13 retirement;

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

16 4. receives verification of better than satisfactory  
17 performance each year the retiree is employed as a principal under item 3 of this  
18 item; and

19 5. is not employed as a principal under item 3 of this item for  
20 more than 4 years;

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

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

28 1. a State residential center as defined in § 7-101 of the  
29 Health - General Article;

30 2. a chronic disease center subject to Title 19, Subtitle 5 of  
31 the Health - General Article;

32 3. a State facility as defined in § 10-101 of the Health -  
33 General Article; or

34 4. a county board of health subject to Title 3, Subtitle 2 of the  
35 Health - General Article.

1 (c) An individual who is receiving a service retirement allowance or a vested  
2 allowance and who is reemployed by a participating employer may not receive  
3 creditable service or eligibility service during the period of reemployment.

4 (d) The individual's compensation during the period of reemployment may not  
5 be subject to the employer pickup provisions of § 21-303 of this article or any  
6 reduction or deduction as a member contribution for pension or retirement purposes.

7 (e) The State Retirement Agency shall institute appropriate reporting  
8 procedures with the affected payroll systems to ensure compliance with this section.

9 (f) (1) Immediately on the employment of any individual receiving a service  
10 retirement allowance or a vested allowance, a participating employer shall notify the  
11 State Retirement Agency of the type of employment and the anticipated earnings of  
12 the individual.

13 (2) At least once each year, in a format specified by the State Retirement  
14 Agency, each participating employer shall provide the State Retirement Agency with  
15 a list of all employees included on any payroll of the employer, the Social Security  
16 numbers of the employees, and their earnings for that year.

17 (g) The county boards of education shall notify the State Retirement Agency of  
18 any retired teachers who qualify under subsection (b)(4)(v) of this section or any  
19 personnel who qualify under subsection (b)(4)(vi) of this section.

20 (h) The State Board of Education shall notify the county boards of education  
21 of:

22 (1) any public school that is recommended for reconstitution or has been  
23 reconstituted;

24 (2) any public school that is no longer recommended for reconstitution or  
25 is otherwise found to meet the standards for school performance set by the State  
26 Board of Education after reconstitution or a recommendation for reconstitution;

27 (3) any county or subject area on a statewide basis in which the State  
28 Board of Education finds there is a shortage of teachers; and

29 (4) a finding that there is no longer a shortage of teachers in a county or  
30 subject area on a statewide basis.

31 (i) In addition to any regulations adopted in accordance with § 6-202 of the  
32 Education Article, the State Board of Education shall adopt regulations concerning  
33 the employment terms of retired teachers and personnel described in subsection  
34 (b)(4)(vi) of this section.

35 (j) If the retiree's last assignment prior to retirement was in a position  
36 directly supervising principals as provided under subsection (b)(4)(vi) of this section,  
37 the county boards of education shall verify for the State Retirement Agency the  
38 retiree's employment as a supervisor and a principal.

1 (k) At the request of the State Retirement Agency:

2 (1) a participating employer shall certify to the State Retirement Agency  
3 that it is not the same participating employer that employed an individual at the time  
4 of the individual's last separation from employment before the individual commenced  
5 receiving a service retirement allowance or a vested allowance; or

6 (2) a unit of State government shall certify to the State Retirement  
7 Agency that the individual was not employed by any unit of State government at the  
8 time of the individual's last separation from employment before the individual  
9 commenced receiving a service retirement allowance or a vested allowance.

10 (l) The Department of Health and Mental Hygiene shall notify the State  
11 Retirement Agency of any retirees who qualify under subsection (b)(4)(viii) of this  
12 section.

13 23-407.

14 (a) An individual who is receiving a service retirement allowance or a vested  
15 allowance may accept employment with a participating employer on a permanent,  
16 temporary, or contractual basis, if:

17 (1) the individual immediately notifies the Board of Trustees of the  
18 individual's intention to accept this employment; and

19 (2) the individual specifies the compensation to be received.

20 (b) (1) The Board of Trustees shall reduce the allowance of an individual  
21 who accepts employment as provided under subsection (a) of this section if:

22 (i) the individual's current employer is a participating employer  
23 other than the State and is the same participating employer that employed the  
24 individual at the time of the individual's last separation from employment with a  
25 participating employer before the individual commenced receiving a service  
26 retirement allowance or vested allowance;

27 (ii) the individual's current employer is any unit of State  
28 government and the individual's employer at the time of the individual's last  
29 separation from employment with the State before the individual commenced  
30 receiving a service retirement allowance or vested allowance was also a unit of State  
31 government; or

32 (iii) the individual becomes reemployed within 12 months of  
33 receiving an early service retirement allowance or an early vested allowance  
34 computed under § 23-402 of this subtitle.

35 (2) The reduction required under paragraph (1) of this subsection shall  
36 equal:

1 (i) the amount by which the sum of the individual's initial annual  
2 basic allowance and the individual's annual compensation exceeds the average final  
3 compensation used to compute the basic allowance; or

4 (ii) for a retiree who retired under the Workforce Reduction Act  
5 (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree's annual  
6 compensation and the retiree's annual basic allowance at the time of retirement,  
7 including the incentive provided by the Workforce Reduction Act, exceeds the average  
8 final compensation used to compute the basic allowance.

9 (3) A reduction of an early service retirement allowance or an early  
10 vested allowance under paragraph (1)(iii) of this subsection shall be applied only until  
11 the individual has received an allowance for 12 months.

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

15 (i) an individual whose average final compensation was less than  
16 \$10,000 and who is reemployed on a temporary or contractual basis;

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

20 (iii) a retiree of the Teachers' Pension System who:

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

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

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

26 4. subject to item 5 of this item is employed as:

27 A. a substitute classroom teacher or substitute teacher  
28 mentor in a public school that has been recommended for reconstitution, or has been  
29 reconstituted, by the State Board of Education, until the public school meets the  
30 standards for school performance set by the State Board of Education;

31 B. a classroom teacher or teacher mentor in a public school  
32 that has been recommended for reconstitution, or has been reconstituted, by the State  
33 Board of Education, until the public school meets the standards for school  
34 performance set by the State Board of Education;

35 C. a classroom teacher or teacher mentor in a county or  
36 subject area on a statewide basis in which the State Board of Education finds that

1 there is a shortage of teachers, until the State Board of Education finds the shortage  
 2 no longer exists in that county or subject area on a statewide basis; or

3 D. a substitute classroom teacher or substitute teacher  
 4 mentor in a county or subject area on a statewide basis in which the State Board of  
 5 Education finds that there is a shortage of teachers, until the State Board of  
 6 Education finds the shortage no longer exists in that county or subject area on a  
 7 statewide basis; and

8 5. receives verification of satisfactory or better performance  
 9 each year the teacher is employed under item 4 of this item;

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

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

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

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

19 3. based on the retiree's qualifications, has been hired as a  
 20 principal;

21 4. receives verification of better than satisfactory  
 22 performance each year the retiree is employed as a principal under item 3 of this  
 23 item; and

24 5. is not employed as a principal under item 3 of this item for  
 25 more than 4 years;

26 (v) an individual who has been retired for more than 10 years; or

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

30 1. a State residential center as defined in § 7-101 of the  
 31 Health - General Article;

32 2. a chronic disease center subject to Title 19, Subtitle 5 of  
 33 the Health - General Article;

34 3. a State facility as defined in § 10-101 of the Health -  
 35 General Article; or



1 (j) If the retiree's last assignment prior to retirement was in a position  
2 directly supervising principals as provided under subsection (b)(4)(iv) of this section,  
3 the county boards of education shall verify for the State Retirement Agency the  
4 retiree's employment as a supervisor and a principal.

5 (k) At the request of the State Retirement Agency:

6 (1) a participating employer shall certify to the State Retirement Agency  
7 that it is not the same participating employer that employed an individual at the time  
8 of the individual's last separation from employment before the individual commenced  
9 receiving a service retirement allowance or a vested allowance; or

10 (2) a unit of State government shall certify to the State Retirement  
11 Agency that the individual was not employed by any unit of State government at the  
12 time of the individual's last separation from employment before the individual  
13 commenced receiving a service retirement allowance or a vested allowance.

14 (l) The Department of Health and Mental Hygiene shall notify the State  
15 Retirement Agency of any retirees who qualify under subsection (b)(4)(vi) of this  
16 section.

17 **Chapter 518 of the Acts of 1999**

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 July 1, 1999. It shall remain in effect for a period of [5] 7 years and, at the end of  
20 June 30, [2004] 2006, with no further action required by the General Assembly, this  
21 Act shall be terminated and of no further force and effect.

22 **Chapter 245 of the Acts of 2000**

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 July 1, 2000. It shall remain effective for a period of [4] 6 years and, at the end of  
25 June 30, [2004] 2006, with no further action required by the General Assembly, this  
26 Act shall be abrogated and of no further force and effect.

27 **Chapter 732 of the Acts of 2001**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 July 1, 2001. It shall remain effective for a period of [3] 5 years and at the end of June  
30 30, [2004] 2006, with no further action required by the General Assembly, this Act  
31 shall be abrogated and of no further force and effect.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 July 1, 2003.