Baltimore County Public Schools

Date: December 16, 2003

To: Board of Education

From: Dr. Joe A. Hairston, Superintendent

Subject: Update on Rehired Retired Employees

Resource Persons: Margaret-Ann F. Howie, Esq., Legal Counsel to the Superintendent
Randall D. Grimsley, Executive Director, Human Resources
David R. Evans, Position Administrator, Human Resources
George P. Poff, Jr., Assistant to the Superintendent, Governmental Relations

Information

The Board will be provided with a Power Point presentation addressing the law that applies to rehired retired teachers and principals. The presentation will also include BCPS application of the laws in each of these categories.

Attachment I - Summary of the law, interpretation, and practice for rehired retired teachers and principals
Attachment II – Senate Bill 15, with Fiscal Note—Reemployment of Retired Teachers, 1999
Attachment III – Positions filled by retired employees, FY 2004
Attachment IV – Senate Bill 220, with Fiscal Note—Reemployment of Retired Personnel (Principals), 2000
REEMPLOYMENT OF RETIRED PROFESSIONAL STAFF
BY THE BALTIMORE COUNTY PUBLIC SCHOOLS

Staff hereby presents to the Board of Education concerning reemployment of professional employees:
1. An explanation of the law
2. An interpretation of the law
3. Baltimore County Public Schools' practices.

REHired RETIRED TEACHERS

The Law. (ATTACHMENT II)

During the 1999 Session of the Maryland General Assembly, Senator Leo Green of Prince George’s County introduced Senate Bill 15. The bill permitted classroom teachers or teacher mentors who have retired with a normal retirement allowance, and who have achieved satisfactory or better performance evaluations on their last assignment prior to retirement, to be eligible for reemployment without invoking the actuarial penalty in place for any employee who returns to work with their most recent employer of record.

The law, as amended by Conference Committee, states that these persons may be reemployed as follows: (1) as a classroom teacher, mentor, substitute classroom teacher or substitute mentor in a county or subject area on a statewide basis in which the State Board finds that there is a shortage of teachers; (2) as a teacher, mentor, substitute teacher or substitute teacher mentor in a public school recommended for reconstitution or one that has been reconstituted. Following the passage of Senate Bill 15, the State Board of Education declared all subject areas and all counties to be subjects and geographic areas of need. Therefore, every county was made eligible to employ retired rehired teachers.

Interpretation

Retired teachers and mentors with satisfactory or better performance evaluations in their last assignment prior to retirement are eligible to be reemployed in all counties and in all subject areas. Reemployment and assignment is at the discretion of the local superintendent.

Practice

Of the 1200 new teachers hired for the 2003-2004 school year, 165 or 14% are rehired retired persons. Baltimore County’s rehired retired teachers are 2.1% of the 7,800 member teacher workforce (ATTACHMENT III). All rehired retired teachers meet the “highly qualified teacher” standard required by the Federal No Child Left Behind Act. All of these teachers were placed to meet the specific educational needs of the system as defined by law and the State Board of Education’s designation of Baltimore County as a geographic area in which there is a shortage of teachers.
REHIRED RETIRED PRINCIPALS

The Law. (ATTACHMENT IV)

One year after the passage of legislation authorizing the rehiring of qualified retired teachers, the Legislature added principals to the list of personnel who, with an evaluation of "better than satisfactory performance in the last assignment as a principal," could be reemployed without loss of retirement credit. The bill was amended in Conference Committee and passed as Chapter 245 of the Acts of Maryland of 2000. It is now codified as Maryland State Personnel and Pensions Article §22-406(b)(vi) and §23-407(b)(4)(iii).

Interpretation

This amendment to the State Personnel and Pensions Article adds persons employed as principals, with "better than satisfactory evaluations," to those persons who may seek reemployment without an actuarial penalty to their retirement allowance.

Practice

The Baltimore County Public Schools reemployed retired principals beginning with 1 person in FY 2000, 4 in FY 2001, 16 in FY 2002, and presently employs 10 rehired retired principals. All rehired principals meet the statutory requirement of "better than satisfactory in their last assignment as principal."
SENATE BILL 15

Unofficial Copy
K4

1999 Regular Session
(9ri0363)

ENROLLED BILL
-- Budget and Taxation/Appropriations --

Introduced by Senators Green, Currie, DeGrange, Hoffman, Hogan, Kasemeyer, Lawlah, McFadden, Middleton, Munson, Ruben, and Van Hollen

Read and Examined by Proofreaders:

_________________________________________________________________
Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of ____________ at ________________ o'clock, _____M.

_________________________________________________________________
President.

CHAPTER_______

1 AN ACT concerning

2 Teachers' Retirement and Pension Systems - Reemployment of Retired Teachers

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; requiring the State Board of
7 Education county boards of education to provide certain information to the State
8 Retirement Agency; requiring the State Board of Education to adopt certain
9 regulations; requiring the State Board of Education to provide certain
10 information to the county boards of education; requiring the State Board of
11 Education to submit a certain report reports to the Governor and the General
12 Assembly in a certain manner on or before a certain date dates; providing for the
13 termination of this Act; and generally relating to the reemployment of retired
14 teachers.

15 BY repealing and reenacting, with amendments,
SENATE BILL 15

Article - State Personnel and Pensions

Section 22-406 and 23-407
Annotated Code of Maryland
(1997 Replacement Volume and 1998 Supplement)

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

Article - State Personnel and Pensions

22-406.

(a) Subject to subsection (b) of this section, an individual who is receiving a
service retirement allowance or vested allowance may accept employment with a
participating employer on a permanent, temporary, or contractual basis, without any
reduction in the allowance, if the individual immediately notifies the Board of
Trustees:

(1) of the individual’s intention to accept the employment; and

(2) of the compensation that the individual will receive.

(b) (1) This subsection does not apply to:

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

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

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

(iv) a retiree of the Teachers’ Retirement System:

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

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

(V) a retiree of the Teachers’ Retirement System who:

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

2. has verification of satisfactory or better
performance in the last assignment prior to retirement;
SENATE BILL 15

1 BASED ON THE RETIRED TEACHER'S QUALIFICATIONS,
2 HAS BEEN APPOINTED IN ACCORDANCE WITH § 4-103 OF THE EDUCATION ARTICLE;
3
4 A. RETIRED WITH A NORMAL SERVICE RETIREMENT
5 ALLOWANCE UNDER § 22-401 OF THIS ARTICLE; OR
6
7 B. RETIRED WITH AN EARLY SERVICE RETIREMENT
8 ALLOWANCE UNDER § 22-402 OF THIS ARTICLE AND HAS BEEN RETIRED FOR AT
9 LEAST 12 MONTHS; AND
10
11 1. 5. SUBJECT TO ITEM 6 OF THIS ITEM IS EMPLOYED AS:
12
13 A. A SUBSTITUTE CLASSROOM TEACHER OR SUBSTITUTE
14 TEACHER MENTOR IN A PUBLIC SCHOOL THAT HAS BEEN RECOMMENDED FOR
15 RECONSTITUTION, OR HAS BEEN REconstituted, BY THE STATE BOARD OF
16 EDUCATION, UNTIL THE PUBLIC SCHOOL MEETS THE STANDARDS FOR SCHOOL
17 PERFORMANCE SET BY THE STATE BOARD OF EDUCATION;
18
19 2. HAS BEEN RETIRED FOR AT LEAST 12 MONTHS AND IS
20 EMPLOYED AS
21
22 B. A CLASSROOM TEACHER OR TEACHER MENTOR IN A
23 PUBLIC SCHOOL THAT HAS BEEN RECOMMENDED FOR RECONSTITUTION, OR HAS
24 BEEN REconstituted, BY THE STATE BOARD OF EDUCATION, UNTIL THE PUBLIC
25 SCHOOL MEETS THE STANDARDS FOR SCHOOL PERFORMANCE SET BY THE STATE
26 BOARD OF EDUCATION; OR
27
28 3. HAS BEEN RETIRED FOR AT LEAST 12 MONTHS AND IS
29 EMPLOYED AS
30
31 C. A CLASSROOM TEACHER OR TEACHER MENTOR IN A
32 COUNTY AND OR SUBJECT AREA ON A STATEWIDE BASIS IN WHICH THE STATE
33 BOARD OF EDUCATION FINDS THAT THERE IS A SHORTAGE OF TEACHERS, UNTIL
34 THE STATE BOARD OF EDUCATION FINDS THE SHORTAGE NO LONGER EXISTS IN
35 THAT COUNTY AND OR SUBJECT AREA ON A STATEWIDE BASIS; OR
36
37 D. A SUBSTITUTE CLASSROOM TEACHER OR SUBSTITUTE
38 TEACHER MENTOR IN A COUNTY OR SUBJECT AREA ON A STATEWIDE BASIS IN
39 WHICH THE STATE BOARD OF EDUCATION FINDS THAT THERE IS A SHORTAGE OF
40 TEACHERS, UNTIL THE STATE BOARD OF EDUCATION FINDS THE SHORTAGE NO
41 LONGER EXISTS IN THAT COUNTY OR SUBJECT AREA ON A STATEWIDE BASIS; AND
42
43 6. RECEIVES VERIFICATION OF SATISFACTORY OR BETTER
44 PERFORMANCE EACH YEAR THE TEACHER IS EMPLOYED UNDER ITEM 5 OF THIS
45 ITEM.
46
47 (2) The Board of Trustees shall reduce an individual's allowance:
SENATE BILL 15

(i) by the amount that the sum of the individual's initial annual
basic allowance and the individual's annual compensation exceeds the average final
compensation used to compute the basic allowance; or
(ii) for a retiree who retired under the Workforce Reduction Act
(Chapter 353 of the Acts of 1996), by the amount that the sum of the retiree's annual
compensation and the retiree's annual basic allowance at the time of retirement,
including the incentive provided by the Workforce Reduction Act, exceeds the average
final compensation used to compute the basic allowance.
(c) An individual who is receiving a service retirement allowance or a vested
allowance and who is reemployed by a participating employer may not receive
creditable service or eligibility service during the period of reemployment.

(d) The individual's compensation during the period of reemployment may not
be subject to the employer pickup provision of § 21-303 of this article or any
reduction or deduction as a member contribution for pension or retirement purposes.
(e) The State Retirement Agency shall institute appropriate reporting
procedures with the affected payroll systems to ensure compliance with this section.
(f) (1) Immediately on the employment of any individual receiving a service
retirement allowance or a vested allowance, a participating employer shall notify the
State Retirement Agency of the type of employment and the anticipated earnings of
the individual.
(2) At least once each year, in a format specified by the State Retirement
Agency, each participating employer shall provide the State Retirement Agency with
a list of all employees included on any payroll of the employer, the Social Security
numbers of the employees, and their earnings for that year.

(G) TO ASSIST THE STATE RETIREMENT AGENCY IN DETERMINING WHICH
RETIREES QUALIFY UNDER SUBSECTION (B)(1)(V) OF THIS SECTION, THE STATE
BOARD OF EDUCATION SHALL NOTIFY THE STATE RETIREMENT AGENCY OF THE
COUNTY BOARDS OF EDUCATION SHALL NOTIFY THE STATE RETIREMENT AGENCY
OF ANY RETIRED TEACHERS WHO QUALIFY UNDER SUBSECTION (B)(1)(V) OF THIS
SECTION.

(H) THE STATE BOARD OF EDUCATION SHALL NOTIFY THE COUNTY BOARDS
OF EDUCATION OF:

(1) ANY PUBLIC SCHOOL THAT IS RECOMMENDED FOR
RECONSTITUTION OR HAS BEEN RECONSTITUTED;

(2) ANY PUBLIC SCHOOL THAT IS NO LONGER RECOMMENDED FOR
RECONSTITUTION OR IS OTHERWISE FOUND TO MEET THE STANDARDS FOR SCHOOL
PERFORMANCE SET BY THE STATE BOARD OF EDUCATION AFTER RECONSTITUTION
OR A RECOMMENDATION FOR RECONSTITUTION;
SENATE BILL 15

3 (3) ANY COUNTY AND OR SUBJECT AREA ON A STATEWIDE BASIS IN
2 WHICH THE STATE BOARD OF EDUCATION FINDS THERE IS A SHORTAGE OF
3 TEACHERS; AND
4 (4) A FINDING THAT THERE IS NO LONGER A SHORTAGE OF TEACHERS
5 IN A COUNTY AND OR SUBJECT AREA ON A STATEWIDE BASIS.
6 (I) IN ADDITION TO ANY REGULATIONS ADOPTED IN ACCORDANCE
7 WITH § 6-202 OF THE EDUCATION ARTICLE, THE STATE BOARD OF EDUCATION SHALL
8 ADOPT REGULATIONS CONCERNING THE EMPLOYMENT TERMS OF RETIRED
9 TEACHERS.

23-407.

(a) Subject to subsection (b) of this section, an individual who is receiving a
12 service retirement allowance or a vested allowance may accept employment with a
13 participating employer on a permanent, temporary, or contractual basis, without any
14 reduction in the allowance, if:
15 (1) the individual immediately notifies the Board of Trustees of the
16 individual's intention to accept this employment; and
17 (2) the individual specifies the compensation to be received.

(b) (1) This subsection does not apply to:

(i) an individual whose average final compensation was less than
20 $10,000 and who is reemployed on a temporary or contractual basis; [or]

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

(III) A RETIREE OF THE TEACHERS' PENSION SYSTEM WHO

1. IS OR HAS BEEN CERTIFIED TO TEACH IN THE STATE AND
27 WHO:

2. HAS VERIFICATION OF SATISFACTORY OR BETTER
28 PERFORMANCE IN THE LAST ASSIGNMENT PRIOR TO RETIREMENT;
3. HAS BEEN APPOINTED IN ACCORDANCE WITH § 4-103 OF THE EDUCATION ARTICLE;
31 4. A RETIRED WITH A NORMAL SERVICE RETIREMENT
32 ALLOWANCE UNDER § 23-401 OF THIS ARTICLE; OR
33 B. RETIRED WITH AN EARLY SERVICE RETIREMENT
34 ALLOWANCE UNDER § 23-402 OF THIS ARTICLE AND HAS BEEN RETIRED FOR AT
35 LEAST 12 MONTHS; AND
SENATE BILL 15

1  5. SUBJECT TO ITEM 6 OF THIS ITEM IS EMPLOYED AS:

2 A. A SUBSTITUTE CLASSROOM TEACHER OR SUBSTITUTE TEACHER MENTOR IN A PUBLIC SCHOOL THAT HAS BEEN RECOMMENDED FOR RECONSTITUTION, OR HAS BEEN RECONSTITUTED, BY THE STATE BOARD OF EDUCATION, UNTIL THE PUBLIC SCHOOL MEETS THE STANDARDS FOR SCHOOL PERFORMANCE SET BY THE STATE BOARD OF EDUCATION;

3 2. HAS BEEN RETIRED FOR AT LEAST 12 MONTHS AND IS EMPLOYED AS

4 B. A CLASSROOM TEACHER OR TEACHER MENTOR IN A PUBLIC SCHOOL THAT HAS BEEN RECOMMENDED FOR RECONSTITUTION, OR HAS BEEN RECONSTITUTED, BY THE STATE BOARD OF EDUCATION, UNTIL THE PUBLIC SCHOOL MEETS THE STANDARDS FOR SCHOOL PERFORMANCE SET BY THE STATE BOARD OF EDUCATION; OR

5 3. HAS BEEN RETIRED FOR AT LEAST 12 MONTHS AND IS EMPLOYED AS

6 C. A CLASSROOM TEACHER OR TEACHER MENTOR IN A COUNTY AND OR SUBJECT AREA ON A STATEWIDE BASIS IN WHICH THE STATE BOARD OF EDUCATION FINDS THAT THERE IS A SHORTAGE OF TEACHERS, UNTIL THE STATE BOARD OF EDUCATION FINDS THE SHORTAGE NO LONGER EXISTS IN THAT COUNTY AND OR SUBJECT AREA ON A STATEWIDE BASIS; OR

7 D. A SUBSTITUTE CLASSROOM TEACHER OR SUBSTITUTE TEACHER MENTOR IN A COUNTY OR SUBJECT AREA ON A STATEWIDE BASIS IN WHICH THE STATE BOARD OF EDUCATION FINDS THAT THERE IS A SHORTAGE OF TEACHERS, UNTIL THE STATE BOARD OF EDUCATION FINDS THE SHORTAGE NO LONGER EXISTS IN THAT COUNTY OR SUBJECT AREA ON A STATEWIDE BASIS; AND

8

6. RECEIVES VERIFICATION OF SATISFACTORY OR BETTER PERFORMANCE EACH YEAR THE TEACHER IS EMPLOYED UNDER ITEM 5 OF THIS ITEM.

9 29 (2) The Board of Trustees shall reduce an individual's allowance:

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

31 (ii) for a retiree who retired under the Workforce Reduction Act (Chapter 353 of the Acts of 1996), by the amount that the sum of the retiree's annual compensation and the retiree's annual basic allowance at the time of retirement, including the incentive provided by the Workforce Reduction Act, exceeds the average final compensation used to compute the basic allowance.
SENATE BILL 15

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

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

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

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

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

(g) TO ASSIST THE STATE RETIREMENT AGENCY IN DETERMINING WHICH RETIREE QUALIFY UNDER SUBSECTION (B)(1)(III) OF THIS SECTION, THE STATE BOARD OF EDUCATION SHALL NOTIFY THE STATE RETIREMENT AGENCY OF THE COUNTY BOARDS OF EDUCATION SHALL NOTIFY THE STATE RETIREMENT AGENCY OF ANY RETIRED TEACHERS WHO QUALIFY UNDER SUBSECTION (B)(1)(V) OF THIS SECTION.

(h) THE STATE BOARD OF EDUCATION SHALL NOTIFY THE COUNTY BOARDS OF EDUCATION OF:

(1) ANY PUBLIC SCHOOL THAT IS RECOMMENDED FOR RECONSTITUTION OR HAS BEEN RECONSTITUTED;

(2) ANY PUBLIC SCHOOL THAT IS NO LONGER RECOMMENDED FOR RECONSTITUTION OR IS OTHERWISE FOUND TO MEET THE STANDARDS FOR SCHOOL PERFORMANCE SET BY THE STATE BOARD OF EDUCATION AFTER RECONSTITUTION OR A RECOMMENDATION FOR RECONSTITUTION;

(3) ANY COUNTY AND OR SUBJECT AREA ON A STATEWIDE BASIS IN WHICH THE STATE BOARD OF EDUCATION FINDS THERE IS A SHORTAGE OF TEACHERS; AND

(4) A FINDING THAT THERE IS NO LONGER A SHORTAGE OF TEACHERS IN A COUNTY AND OR SUBJECT AREA ON A STATEWIDE BASIS.

I) IN ADDITION TO ANY REGULATIONS ADOPTED IN ACCORDANCE WITH § 6-202 OF THE EDUCATION ARTICLE, THE STATE BOARD OF EDUCATION SHALL ADOPT REGULATIONS CONCERNING THE EMPLOYMENT TERMS OF RETIRED TEACHERS.
SENATE BILL 15

1 SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 31, 2001, and on or before December 31, 2003, the State Board of Education shall submit a report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly, on the impact of this Act on teacher recruitment and teacher shortages at Maryland's public schools.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1999 July 1, 1999. It shall remain in effect for a period of 3 5 years and, at the end of June 30, 2002 2004, with no further action required by the General Assembly, this Act shall be terminated and of no further force and effect.
Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE
Revised

Senate Bill 15 (Senator Green, et al.)
Budget and Taxation

Teachers = Retirement and Pension Systems - Reemployment of Retired Teachers

This pension bill exempts retirees of the Teachers = Retirement System (TRS) and Teachers = Pension System (TPS) who meet certain criteria from the reemployment earnings limitation. The bill takes effect July 1, 1999 and sunsets on June 30, 2004.

Fiscal Summary

State Effect: Indeterminate but assumed minimal increase in State employer pension contributions if TRS and TPS members retire earlier than anticipated because of the absence of reemployment earnings limitations. (For illustrative purposes, annual retirement expenditures could increase by $1.3 million for each month that the average age of retirement decreases.)

Local Effect: Local school board expenditures could decrease if the reemployment limit exceptions expand the pool of available teachers for reconstituted schools and for counties and subject areas with teacher shortages.

Small Business Effect: None.

Fiscal Analysis

Background: Currently, retirees of the TRS and TPS (as well as the Employees = Retirement System and Employees = Pension System) who receive a service retirement allowance or vested allowance may return to temporary, contractual, or permanent employment with a participating employer of the State Retirement and Pension System
ATTACHMENT II

(SRPS). With certain exceptions, however, current law requires a reduction in the retirees' allowance dollar for dollar by the amount any earnings from such a participating employer exceed the difference between the retirees' basic allowance at time of retirement and the retirees' average final salary. The retiree must advise the board of trustees of the SRPS in writing of any employment with a participating employer and the amount of annual compensation earned with the participating employer.

As an example, a member of the TRS retires with 30 years of service effective July 1, 1998 and returns to employment as a substitute teacher in the Baltimore County Public Schools. The teacher's annual compensation for calendar 1999 is $25,000. The member's average final salary at time of retirement was $50,000 and the basic annual allowance $27,272. The earnings limitation, the difference between the average final salary and the annual basic allowance, is $22,728. The retiree has exceeded the earnings limitation by $2,272. The retirement agency must reduce future payments to this retiree by $2,272.

Under current law as well as under the bill, retired members do not accrue additional pension service credit if they are reemployed with a participating employer. They do, however, receive their retirement benefit simultaneously with their reemployment salary.

Bill Summary: Under the bill, a TRS or TPS retiree is not subject to the earnings limitation if the retiree meets the following criteria:

- is certified to teach in the State;
- has verification of satisfactory or better performance in the last assignment prior to retirement;
- has received an appointment from the hiring board of education;
- retired with a normal service retirement or retired with an early service retirement and has been retired for at least 12 months; and
- is reemployed as:

  $ a substitute or permanent classroom teacher or teacher mentor in a public school that has been recommended for reconstitution or has been reconstituted; or

  $ a substitute or permanent classroom teacher or teacher mentor in a county or subject area (statewide) in which there is a shortage of teachers, until the board finds that the shortage no longer exists.
ATTACHMENT II

The teacher must continue to receive satisfactory or better evaluations to receive the exemption. The exception for a reconstituted school ends when the school meets the standards for school performance set by the State Board of Education. The local boards of education must notify the State Retirement Agency of any retired teachers who qualify for the exemption from the reemployment offset. The State Board of Education must notify the local boards of education as to which schools, counties, or subject areas met the above criteria.

The bill takes effect July 1, 1999 and sunsets on June 30, 2004. The State Board of Education is required to submit a report to the Governor and the General Assembly on or before December 31, 2001 and again on or before December 31, 2003 on the impact of the bill on teacher recruitment and teacher shortages at Maryland=s public schools.

**State Expenditures:** Currently, the reemployment earnings limitation serves to discourage retired members from returning to employment with a participating employer. The limitation also serves, however, to discourage active members from retiring and shortly thereafter returning to work with any participating employer.

There are 34,340 retired members of the teachers= systems. In addition, there are approximately 7,600 active teachers who -- based either on age or years of service -- are eligible for immediate retirement. Under the bill, these teachers could retire and go back to work immediately as substitute teachers in the eligible schools and areas, if they meet the bill=s criteria.

In calendar 1997 (the last period in which data is available), the SRPS offset the retirement benefits of 25 TPS and TRS members with a total offset amount of $83,309. Even if all the 25 members were no longer subject to the offset, the increase in pension benefit payments (because fewer earnings offsets would be enforced) and resulting increase in employer pension contributions would be minimal.

More significantly, however, the State=s actuary advises that if the absence of a reemployment earnings limitation encourages TRS and TPS members to retire earlier than they otherwise would, State retirement liabilities will increase. It cannot be reliably estimated how many of these retired or soon-to-retire TRS and TPS members would seek employment if the current limitations were removed under the above circumstances.

For illustrative purposes, the State=s actuary informally estimates that if earlier retirement patterns by teachers causes the average age of retirement of teachers to decrease by one year, the additional normal cost and unfunded liabilities to the system
would increase employer contributions by approximately $16 million per year. This is an outside cost estimate; it is highly unlikely that the reemployment earnings exemption would drive the average retirement age down that far because of the limitations on eligibility. Any smaller reduction in the retirement age, however, would result in a proportionate increase in State costs.

**Local Expenditures:** The Maryland State Department of Education (MSDE) reports that there were 88 schools eligible for reconstitution in 1998: 77 schools in Baltimore City; 9 schools in Prince George's County; 1 in Anne Arundel County; and 1 in Somerset County.

MSDE reports that Baltimore City and Prince George's County qualify as local school systems with geographic shortages of teachers. MSDE also reports subject area shortages this year in the areas of computer science, English as a second language, science, and special education. These areas of shortage may change and expand in the next few years.

Relaxation of the reemployment earnings limitation may encourage retired teachers to return to work as substitute teachers or permanent teachers (after the appropriate retirement period). To the extent that such retired teachers return, and hence expand the supply of available teachers, local school board expenditures associated with these shortages may be reduced.

For those jurisdictions in which teachers retire earlier than they otherwise would (in order to seek reemployment in an eligible jurisdiction), the jurisdiction from which the member retired would experience a short-term cost savings if the retiree was replaced by a new teacher at the starting salary. Such effect is likely to be minimal.

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**Information Source(s):** Maryland State Department of Education; State Retirement Agency; Milliman & Robertson, Inc.; Department of Legislative Services

**Fiscal Note History:**

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<td>First Reader</td>
<td>January 25, 1999</td>
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<tr>
<td>Revised</td>
<td>Senate Third Reader - March 23, 1999</td>
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<tr>
<td>Revised</td>
<td>Enrolled Bill - April 29, 1999</td>
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**Analysis by:** Matthew D. Riven

**Direct Inquiries to:**

John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510
# BALTIMORE COUNTY PUBLIC SCHOOLS

## Rehired Retirees FY04 - By Assignment

<table>
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|                             |     | 11.5%  | 36.4% | 40.6% | 67.9% | 40.0% |

**Title I** - Economic need based on % Free and Reduced Meals (FARMS)
**Priority 1 or 2** - Schools not performing to standards as defined by BCPS
**AYP** - Schools not meeting Adequate Yearly Progress as defined by MSDE
## Baltimore County Public Schools
### ATTACHMENT III

**Positions Filled by Rehired Retirees FY04**

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<th>Assignment</th>
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### Notes

- **Title I** - Economic need based on % Free and Reduced Meals (FARMS)
- **Priority 1 or 2** - Schools not performing to standards as defined by BCPS
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ESS TOTALS (7) 2.9

Title I - Economic need based on % Free and Reduced Meals (FARMS)
Priority 1 or 2 - Schools not performing to standards as defined by BCPS
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| SOUTHEAST AREA TOTALS (27)       | 21.4|      |                  |         | 4.0             | 16.0| 17.0              | 21.0                                 | 10.0}

Title I - Economic need based on % Free and Reduced Meals (FARMS)
Priority 1 or 2 - Schools not performing to standards as defined by BCPSS
AYP - Schools not meeting Adequate Yearly Progress as defined by MSDE
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Title 1 - Economic need based on % Free and Reduced Meals (FARMS)
Priority 1 or 2 - Schools not performing to standards as defined by BCPS
AYP - Schools not meeting Adequate Yearly Progress as defined by MSDE
SENATE BILL 220

Unofficial Copy

K4

2000 Regular Session

(01r0609)

ENROLLED BILL

-- Budget and Taxation/Appropriations --

Introduced by Senators Green, Currie, Hollinger, Jimeno, Mitchell, Lawlah, Middleton, Munson, McFadden, Van Hollen, Collins, and DeGrange

Read and Examined by Proofreaders:

________________________________________
Proofreader.

________________________________________
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of __________ at __________________ o'clock, _____M.

________________________________________
President.

CHAPTER______

1 AN ACT concerning

2 Teachers' Retirement and Pension Systems - Reemployment of Retired Personnel

3

4 FOR the purpose of exempting from a certain offset of a retirement allowance certain retirees of the Teachers' Retirement System or the Teachers' Pension System who are employed by certain public schools in certain personnel positions under certain circumstances; requiring the county boards of education to provide certain information to the State Retirement Agency; requiring the State Board of Education to adopt certain regulations; making a technical correction; requiring the State Board of Education to submit certain reports to the Governor and the General Assembly in a certain manner on or before certain dates; providing for the termination of this Act; and generally relating to the reemployment of retirees of the Teachers' Retirement System or the Teachers' Pension System who serve in certain personnel positions.

15 BY repealing and reenacting, with amendments,
SENATE BILL 220

Article - State Personnel and Pensions
Section 22-406 and 23-407
Annotated Code of Maryland
(1997 Replacement Volume and 1999 Supplement)

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

Article - State Personnel and Pensions
22-406.
(a) Subject to subsection (b) of this section, an individual who is receiving a
service retirement allowance or vested allowance may accept employment with a
participating employer on a permanent, temporary, or contractual basis, without any
reduction in the allowance, if the individual immediately notifies the Board of
Trustees:
(1) of the individual's intention to accept the employment; and
(2) of the compensation that the individual will receive.
(b) (1) This subsection does not apply to:
(i) an individual who has been retired for more than 10 years;
(ii) an individual whose average final compensation was less than
$10,000 and who is reemployed on a temporary or contractual basis;
(iii) an individual who is serving in an elected position as an official
of a participating governmental unit or as a constitutional officer for a county that is
a participating governmental unit;
(iv) a retiree of the Teachers' Retirement System:
1. who retired and was reemployed by a participating
employer other than the State on or before September 30, 1994; and
2. whose employment compensation does not derive, in whole
or in part, from State funds; [or]
(v) a retiree of the Teachers' Retirement System who:
1. is or has been certified to teach in the State;
2. has verification of satisfactory or better performance in
the last assignment prior to retirement;
3. based on the retired teacher's qualifications, has been
appointed in accordance with § 4-103 of the Education Article;
SENATE BILL 220

1 under § 22-401 of this article; or

3 retired with an early service retirement allowance under §
4 22-402 of this article and has been retired for at least 12 months;

5 subject to item 6 of this item is employed as:

6 A. a substitute classroom teacher or substitute teacher
7 mentor in a public school that has been recommended for reconstitution, or has been
8 reconstituted, by the State Board of Education, until the public school meets the
9 standards for school performance set by the State Board of Education;

10 B. a classroom teacher or teacher mentor in a public school
11 that has been recommended for reconstitution, or has been reconstituted, by the State
12 Board of Education, until the public school meets the standards for school
13 performance set by the State Board of Education;

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

18 D. a substitute classroom teacher or substitute teacher
19 mentor in a county or subject area on a statewide basis in which the State Board of
20 Education finds that there is a shortage of teachers, until the State Board of
21 Education finds the shortage no longer exists in that county or subject area on a
22 statewide basis; and

23 6. receives verification of satisfactory or better performance
24 each year the teacher is employed under item 5 of this item; OR

25 (VI) A RETIREE OF THE TEACHERS' RETIREMENT SYSTEM WHO:

26 1. WAS EMPLOYED AS A PRINCIPAL AT THE TIME WITHIN 5
27 YEARS OF RETIREMENT;

28 1, 2. HAS VERIFICATION OF BETTER THAN SATISFACTORY OR
29 BETTER PERFORMANCE IN THE LAST ASSIGNMENT AS A PRINCIPAL PRIOR TO
30 RETIREMENT;

31 2. 3. BASED ON THE RETIREE'S QUALIFICATIONS, HAS BEEN
32 HIRED;
33 A. IN A SPECIALIZED PERSONNEL POSITION FOR WHICH THE
34 COUNTY BOARD CONSIDERS THERE IS A SHORTAGE;

35 B. AS A PRINCIPAL;
36 C. AS STAFF WHO WORK DIRECTLY WITH STUDENTS; OR
SENATE BILL 220

D. AS A STATE MONITOR;

A. RETIRED WITH A NORMAL SERVICE RETIREMENT ALLOWANCE UNDER § 22-401 OF THIS SUBTITLE; OR

B. RETIRED WITH AN EARLY SERVICE RETIREMENT ALLOWANCE UNDER § 22-402 OF THIS SUBTITLE AND HAS BEEN RETIRED FOR AT LEAST 12 MONTHS; AND

C. RECEIVES VERIFICATION OF BETTER THAN SATISFACTORY OR BETTER PERFORMANCE EACH YEAR THE RETIREE IS EMPLOYED IN A POSITION DESCRIBED IN ITEM 2 OF UNDER THIS ITEM AS A PRINCIPAL UNDER ITEM 3 OF THIS ITEM; AND

D. IS NOT EMPLOYED AS A PRINCIPAL UNDER ITEM 3 OF THIS ITEM FOR MORE THAN 4 YEARS.

(2) The Board of Trustees shall reduce an individual's allowance:

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

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

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

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

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

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

(2) At least once each year, in a format specified by the State Retirement Agency, each participating employer shall provide the State Retirement Agency with a list of all employees included on any payroll of the employer, the Social Security numbers of the employees, and their earnings for that year.
SENATE BILL 220

1 (g) The county boards of education shall notify the State Retirement Agency of
2 any retired teachers who qualify under subsection (b)(1)(v) of this section OR ANY
3 PERSONNEL WHO QUALIFY UNDER SUBSECTION (B)(1)(VI) OF THIS SECTION.

4 (h) The State Board of Education shall notify the county boards of education
5 of:

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

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

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

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

15 (i) In addition to any regulations adopted in accordance with § 6-202 of the
16 Education Article, the State Board of Education shall adopt regulations concerning
17 the employment terms of retired teachers AND PERSONNEL DESCRIBED IN
18 SUBSECTION (B)(1)(VI) OF THIS SECTION.

19 23-407.

20 (a) Subject to subsection (b) of this section, an individual who is receiving a
21 service retirement allowance or a vested allowance may accept employment with a
22 participating employer on a permanent, temporary, or contractual basis, without any
23 reduction in the allowance, if:

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

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

27 (b) (1) This subsection does not apply to:

28 (i) an individual whose average final compensation was less than
29 $10,000 and who is reemployed on a temporary or contractual basis;
30 (ii) an individual who is serving in an elected position as an official
31 of a participating governmental unit or as a constitutional officer for a county that is
32 a participating governmental unit; [or]
33 (iii) a retiree of the Teachers' Pension System who:

34 1. is or has been certified to teach in the State;
SENATE BILL 220

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

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

5. A. retired with a normal service retirement allowance
6. under § 23-401 of this article; or

7. B. retired with an early service retirement allowance under §
8. 23-402 of this article and has been retired for at least 12 months;

9. 5. subject to item 6 of this item is employed as:

10. A. a substitute classroom teacher or substitute teacher
11. mentor in a public school that has been recommended for reconstitution, or has been
12. reconstituted, by the State Board of Education, until the public school meets the
13. standards for school performance set by the State Board of Education;

14. B. a classroom teacher or teacher mentor in a public school
15. that has been recommended for reconstitution, or has been reconstituted, by the State
16. Board of Education, until the public school meets the standards for school
17. performance set by the State Board of Education;

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

22. D. a substitute classroom teacher or substitute teacher
23. mentor in a county or subject area on a statewide basis in which the State Board of
24. Education finds that there is a shortage of teachers, until the State Board of
25. Education finds the shortage no longer exists in that county or subject area on a
26. statewide basis; and

27. 6. receives verification of satisfactory or better performance
28. each year the teacher is employed under item 5 of this item; OR

29. (IV) A RETIREEE OF THE TEACHERS' PENSION SYSTEM WHO:
30. 1. WAS EMPLOYED AS A PRINCIPAL AT THE TIME WITHIN 5
31. YEARS OF RETIREMENT;
32. 2. HAS VERIFICATION OF BETTER THAN SATISFACTORY OR
33. BETTER PERFORMANCE IN THE LAST ASSIGNMENT AS A PRINCIPAL PRIOR TO
34. RETIREMENT;

35. 2. 3. BASED ON THE SPECIALIZED PERSONNEL'S RETIREE'S
36. QUALIFICATIONS, HAS BEEN HIRED;
SENATE BILL 220

A. IN A SPECIALIZED PERSONNEL POSITION FOR WHICH THE COUNTY BOARD CONSIDERS THERE IS A SHORTAGE;  

B. AS A PRINCIPAL;  

C. AS STAFF WHO WORKS DIRECTLY WITH STUDENTS; OR  

D. AS A STATE MONITOR;  

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

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

4, 5. RECEIVES VERIFICATION OF BETTER THAN SATISFACTORY OR BETTER PERFORMANCE EACH YEAR THE RETIREE IS EMPLOYED IN A POSITION DESCRIBED IN ITEM 2 OF THIS SUBPARAGRAPH AS A PRINCIPAL UNDER ITEM 3 OF THIS ITEM; AND  

6. IS NOT EMPLOYED AS A PRINCIPAL UNDER ITEM 3 OF THIS ITEM FOR MORE THAN 4 YEARS.

(2) The Board of Trustees shall reduce an individual's allowance:

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

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

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

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

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

(f) (1) Immediately on the employment of any individual receiving a service retirement allowance or a vested allowance, a participating employer shall notify the
SENATE BILL 220

1 State Retirement Agency of the type of employment and the anticipated earnings of
2 the individual.

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

7 (g) The county boards of education shall notify the State Retirement Agency of
8 any retired teachers who qualify under subsection [(b)(1)(v)] (B)(1)(III) of this section
9 OR ANY PERSONNEL WHO QUALIFY UNDER SUBSECTION (B)(1)(IV) OF THIS SECTION.

10 (h) The State Board of Education shall notify the county boards of education
11 of:

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

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

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

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

21 (i) In addition to any regulations adopted in accordance with § 6-202 of the
22 Education Article, the State Board of Education shall adopt regulations concerning
23 the employment terms of retired teachers AND PERSONNEL DESCRIBED IN
24 SUBSECTION (B)(1)(IV) OF THIS SECTION.

25 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December
26 31, 2001, and on or before December 31, 2003, the State Board of Education shall
27 submit a report to the Governor and, in accordance with § 2-1246 of the State
28 Government Article, to the General Assembly, on the impact of this Act on principal
29 recruitment and principal shortages at Maryland's public schools. The reports shall
30 also include information on efforts underway by the Board and local public school
31 systems to train and recruit principals.

32 SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take
33 effect July 1, 2000. It shall remain effective for a period of 4 years and, at the end of
34 June 30, 2004, with no further action required by the General Assembly, this Act shall
35 be abrogated and of no further force and effect.
Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE
Revised

Senate Bill 220 (Senator Green. et al.)
Budget and Taxation

Teachers= Retirement and Pension Systems - Reemployment of Retired Personnel

This pension bill exempts retirees of the Teachers= Retirement System (TRS) and Teachers= Pension System (TPS) from the reemployment earnings limitation if they were school principals within five years of retirement and are reemployed as principals, under certain conditions.

The bill takes effect July 1, 2000 and sunsets on June 30, 2004.

Fiscal Summary

State Effect: Potential minimal increase in State employer pension contributions if certain TRS and TPS members retire earlier than anticipated because of the absence of reemployment earnings limitations. (For illustrative purposes, annual retirement expenditures could increase by $1.7 million for each month that the average age of retirement decreases.)

Local Effect: Local school board expenditures could decrease if the reemployment limit exceptions expand the pool of available principals.

Small Business Effect: None.
Analysis

Bill Summary: The bill exempts from the reemployment earnings limitation a retiree of the Teachers' Retirement or Pension Systems who:

- was employed as a principal within five years of retirement;
- has verification of better than satisfactory performance in the last assignment prior to retirement;
- based on the retiree's qualifications, has been hired as a principal;
- retired with a normal service retirement allowance, or retired with an early service retirement allowance and has been retired for at least 12 months;
- receives verification of better than satisfactory performance each year the retiree is employed as a principal under this exemption; and
- is not reemployed as a principal under the bill for more than four years.

The county boards of education must notify the State Retirement Agency of any personnel who qualify under this exemption. The State Board of Education must report to the General Assembly on the impact of the bill on principal shortages.

Current Law: Retirees of the TRS and TPS (as well as the Employees= Retirement System and Employees= Pension System) who receive a service retirement allowance or vested allowance may return to temporary, contractual, or permanent employment with a participating employer of the State Retirement and Pension System (SRPS). Current law, however, requires a reduction in the retirees= allowance dollar for dollar by the amount any earnings from such a participating employer exceed the difference between the retirees= basic allowance at time of retirement and the retirees= average final salary, with certain exceptions. The retiree must advise the board of trustees of the SRPS in writing of any employment with a participating employer and the amount of annual compensation earned with the participating employer.

As an example, assume that a member of the TPS retires with 30 years of service effective July 1, 1998. The member=s average final salary at time of retirement was
$40,000 and the basic annual allowance is $15,000. The member then returns to employment. The reemployed member's annual compensation for calendar 2000 is $30,000. The earnings limitation, the difference between the average final salary and the annual basic allowance, is $25,000. The retiree has exceeded the earnings limitation by $5,000. The retirement agency must reduce future payments to this retiree by $5,000.

Under current law as well as under the bill, retired members do not accrue additional pension service credit if they are reemployed with a participating employer. They do, however, receive their retirement benefit simultaneously with their reemployment salary.

**Background:** Chapter 518 of 1999 (SB 15) exempts certain retirees of the Teachers' Retirement System (TRS) and Teachers' Pension System (TPS) who meet certain criteria from the reemployment earnings limitation.

Under that law, a TRS or TPS retiree is not subject to the earnings limitation if the retiree meets the following criteria:

1. is certified to teach in the State;
2. has verification of satisfactory or better performance in the last assignment prior to retirement;
3. has received an appointment from the hiring board of education;
4. retired with a normal service retirement or retired with an early service retirement and has been retired for at least 12 months; and
5. is reemployed as:
   - a substitute or permanent classroom teacher or teacher mentor in a public school that has been recommended for reconstitution or has been reconstituted; or
   - a substitute or permanent classroom teacher or teacher mentor in a county or subject area (statewide) in which there is a shortage of teachers, until the board finds that the shortage no longer exists.
ATTACHMENT IV

The teacher must continue to receive satisfactory or better evaluations to receive the exemption.

That law took effect July 1, 1999 and sunsets on June 30, 2004. The State Board of Education is required to submit a report to the Governor and the General Assembly on or before December 31, 2001 and again on or before December 31, 2003 on the impact of the bill on teacher recruitment and teacher shortages at Maryland’s public schools.

The State Board of Education recently certified that all 24 jurisdictions are experiencing teacher shortages. Thus, a retired teacher may currently return to employment in any jurisdiction and be exempt from the reemployment penalty if the teacher meets the other criteria described above (certification, adequacy of performance, appointment, and retirement status).

As of January 28, 2000, the local boards had reported 246 retired teachers to the State Retirement Agency for exemption from the reemployment earnings limitation, from the following jurisdictions:

<table>
<thead>
<tr>
<th>Board of Education</th>
<th># Reemployed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prince George=s</td>
<td>242</td>
</tr>
<tr>
<td>Washington</td>
<td>2</td>
</tr>
<tr>
<td>Carroll</td>
<td>1</td>
</tr>
<tr>
<td>Howard</td>
<td>1</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>246</strong></td>
</tr>
</tbody>
</table>

The final number of reemployed teachers is likely to be considerably higher because only a small number of school boards have reported their rehires so far. A final count of reemployed teachers will not be available until April 2000.

**State Expenditures:** Currently, the reemployment earnings limitation serves to discourage retired members from returning to employment with a participating employer. The limitation also serves, however, to discourage active members from retiring and shortly thereafter returning to work with any participating employer.
There are 36,057 retired members of the teachers' systems. It cannot be reliably determined at this time how many of these retirees were principals at the time of retirement. It is assumed, however, that the majority of retirees were classroom teachers at retirement.

MSDE advises that there are currently about 3,400 principals, vice-principals, and supervisors among the boards of education. It is not known what portion of these are principals, nor is it known what portion of principals are currently eligible for retirement.

In calendar 1998 (the last period in which data is available), the SRPS offset the retirement benefits of 22 TPS and TRS members with a total offset amount of $49,879. It is not known whether any of the retirees were principals; in any case, eliminating the offset would only minimally reduce revenues.

More significantly, however, the State's actuary advises that if the absence of a reemployment earnings limitation encourages TRS and TPS members to retire earlier than they otherwise would, State retirement liabilities will increase. It cannot be reliably estimated how many of these retired or soon-to-retire TRS and TPS members would seek employment if the current limitations were removed under the above circumstances.

For illustrative purposes, the State's actuary informally estimates that if earlier retirement patterns by teachers' systems members causes the average age of retirement of a member to decrease by one year, the additional normal cost and unfunded liabilities to the system would increase employer contributions by approximately $20 million per year. This is an outside cost estimate; it is highly unlikely that the reemployment earnings exemption under this bill would drive the average retirement age down that far because of the small numbers of personnel covered by the bill. Any smaller reduction in the retirement age, however, would result in a proportionate increase in State costs.

The Retirement Agency may experience a minor increase in administrative costs in tracking the additional retirees reemployed under this proposal, and in verifying that these retirees are not subject to the earnings limitation for the academic year certified by the local board of education.

**Local Expenditures:** Relaxation of the reemployment earnings limitation may encourage former principals to return to work (after the appropriate retirement period). To the extent that such retired principals return, and hence expand the available supply, local school board expenditures associated with these shortages may be reduced.
For those jurisdictions in which members retire earlier than they otherwise would (in order to seek reemployment in another jurisdiction), the jurisdiction from which the member retired would experience a short-term cost savings if the retiree was replaced by a new employee at the starting salary. Such effect is likely to be minimal.

Additional Information

Prior Introductions: See discussion above.

Cross File: None.

Information Source(s): Maryland State Department of Education; State Retirement Agency; Milliman & Robertson, Inc.; Department of Legislative Services

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Analysis by: Matthew D. Riven

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510