

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: February 10, 2004
TO: **Board of Education**
FROM: Dr. Joe A. Hairston, Superintendent
SUBJECT: **Key School Legislation**

ORIGINATOR: Dr. George P. Poff, Jr., Assistant to the Superintendent
Governmental Relations

INFORMATION

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That the Board be informed of Key School Legislation
and accompanying Senate and House Bills.

Attachment I – Key School Legislation
Attachment II – SB 1
Attachment III – SB 8
Attachment IV – SB 115
Attachment V – HB 162
Attachment VI – HB 199

**BALTIMORE COUNTY PUBLIC SCHOOLS
KEY SCHOOL LEGISLATION
FEBRUARY 10, 2004**

SB 1 Education – Teachers – State and Local Aid Program for Certification

Under current law, there is a program of State and local aid to teachers who pursue certification by the National Board for Professional Teaching Standards known as the State and Local Aid Program for Certification by the National Board for Professional Teaching Standards. Each school year, the State Board is required to select, consistent with the amount provided in the State budget, a maximum of 500 teachers to participate in the Program. The law provided for the act to remain effective for a period of 7 years, and to sunset May 31, 2004. As proposed, this bill would strike the sunset provision.

Support is recommended for SB 1.

SB 8 Teachers' Retirement and Pension Systems – Reemployment of Retired Teachers – Sunset

Current law is scheduled to sunset June 30, 2004. This measure would extend the termination date until June 30, 2008, for provisions of law that allow retirees of the Teachers' Retirement and Pension Systems to be reemployed without an earnings limitation imposed on their retirement benefit.

Support is recommended for SB 8.

SB 115 Task Force to Study the Maryland Teachers' Pension System and the Teachers' Retirement System

This legislation would establish a 27-member task force to review and evaluate the adequacy of the two systems and, if deemed necessary, make recommendations for changes.

Changes to the benefits structure of the Maryland Teachers' Pension and Retirement Systems have left our State with one of the least attractive systems in our nation.

Support for SB 115 is recommended.

HB 162 Teacher Incentives

This legislation, requested by the State Department of Education, specifies that a classroom teacher who holds a professional certificate or a resident teacher's certificate and teaches in a public school identified in accordance with State Board regulations as a school in need of improvement, a school under corrective action, or a restructured school that achieves adequate, yearly progress for two consecutive years shall receive a one-time stipend from the State in the amount of \$4,000, provided that the teacher taught in the school for the two years in which the school achieved adequate, yearly progress.

Support is recommended for HB 162.

HB 199 Public School Construction – Modular Construction

This legislation would require that the Board of Public Works shall include modular construction as an approved public school construction or capital costs. It would also require that the Board of Public Works adopt regulations defining modular construction and minimum specifications for their approval as a public school construction cost.

Support is recommended for HB 199.

**SENATE BILL 1
EMERGENCY BILL**

Unofficial Copy
Session
F1

2004 Regular
4r0713

(PRE-FILED)

By: **Senator Pinsky**
Requested: October 9, 2003
Introduced and read first time: January 14, 2004
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Teachers - State and Local Aid Program for Certification**

3 FOR the purpose of repealing the termination provision relating to a certain State
4 and local aid program for the certification of teachers; and making this Act an
5 emergency measure.

6 BY repealing and reenacting, without amendments,
7 Article - Education
8 Section 6-112
9 Annotated Code of Maryland
10 (2001 Replacement Volume and 2003 Supplement)

11 BY repealing and reenacting, with amendments,
12 Chapter 179 of the Acts of the General Assembly of 1997, as amended by
13 Chapter 536 of the Acts of the General Assembly of 1999, as amended by
14 Chapter 61 of the Acts of the General Assembly of 2000
15 Section 3

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

18 **Article - Education**
19 6-112.

20 (a) There is a program of State and local aid to teachers who pursue
21 certification by the National Board for Professional Teaching Standards known as the
22 State and Local Aid Program for Certification by the National Board for Professional
23 Teaching Standards.

24 (b) Each school year, the State Board shall select, consistent with the amount
25 provided in the State budget for the Program, a maximum of 500 teachers to
26 participate in the Program

1 (c) The State Board shall adopt regulations to implement and administer the
2 Program established under this section, including:

3 (1) Procedures for submitting applications for aid; and

4 (2) Criteria for the selection of recipients of aid.

5 (d) (1) Each teacher selected by the State Board to receive aid shall receive
6 from the State an amount equal to the certification fee charged by the National Board
7 for Professional Teaching Standards.

8 (2) Each county shall pay to the State one-third of the cost of
9 certification for each teacher who participates in the Program who teaches in the
10 county.

11 (3) (i) A teacher who does not complete all the requirements for
12 assessment by the National Board for Professional Teaching Standards shall
13 reimburse the State the full amount of the aid received to participate in the Program.

14 (ii) The State shall reimburse the county the amount received
15 under paragraph (2) of this subsection on receipt of the reimbursement of aid from a
16 teacher under this paragraph.

17 (iii) The provisions of subparagraph (i) of this paragraph do not
18 apply to a teacher who completes all the requirements for assessment by the National
19 Board for Professional Teaching Standards but who does not receive certification.

20 (e) The State Board shall establish a statewide staff development plan that
21 utilizes the skills and knowledge of teachers who have obtained National Board
22 certification.

23 **Chapter 179 of the Acts of 1997, as amended by Chapter 536 of the Acts of**
24 **1999, as amended by Chapter 61 of the Acts of 2000**

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 on June 1, 1997. [It shall remain effective for a period of 7 years, and, at the end of
27 May 31, 2004, and with no further action required by the General Assembly, this Act
28 shall be abrogated and of no further force and effect.]

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
30 measure, is necessary for the immediate preservation of the public health or safety,
31 has been passed by a yea and nay vote supported by three-fifths of all the members
32 elected to each of the two Houses of the General Assembly, and shall take effect from
33 the date it is enacted.

SENATE BILL 8

Unofficial Copy
Session
K4
HB 1087/03 - APP

2004 Regular
4lr0640

(PRE-FILED)

By: **Senator Green**
Requested: September 25, 2003
Introduced and read first time: January 14, 2004
Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Teachers' Retirement and Pension Systems - Reemployment of Retired**
3 **Teachers - Sunset Extension**

4 FOR the purpose of altering the termination dates for certain provisions of law that
5 allow certain retirees of the Teachers' Retirement and Pension Systems to be
6 reemployed by certain employers without having an earnings limitation
7 imposed on their retirement benefit; and generally relating to an extension of
8 the termination dates for provisions of law that allow retirees of the Teachers'
9 Retirement and Pension Systems to be reemployed without an earnings
10 limitation imposed on their retirement benefit.

11 BY repealing and reenacting, without amendments,
12 Article - State Personnel and Pensions
13 Section 22-406 and 23-407
14 Annotated Code of Maryland
15 (1997 Replacement Volume and 2003 Supplement)

16 BY repealing and reenacting, with amendments,
17 Chapter 518 of the Acts of the General Assembly of 1999
18 Section 3

19 BY repealing and reenacting, with amendments,
20 Chapter 245 of the Acts of the General Assembly of 2000
21 Section 3

22 BY repealing and reenacting, with amendments,
23 Chapter 732 of the Acts of the General Assembly of 2001
24 Section 2

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

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:

SENATE BILL 8

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

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

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

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

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

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

19 (g) The county boards of education shall notify the State Retirement Agency of
20 any retired teachers who qualify under subsection (b)(4)(iii) of this section or any
21 personnel who qualify under subsection (b)(4)(iv) of this section.

22 (h) The State Board of Education shall notify the county boards of education
23 of:

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

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

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

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

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

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
19 effect July 1, 1999. It shall remain in effect for a period of [5] 9 years and, at the end
20 of June 30, [2004] 2008, 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
24 effect July 1, 2000. It shall remain effective for a period of [4] 8 years and, at the end
25 of June 30, [2004] 2008, 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
29 effect July 1, 2001. It shall remain effective for a period of [3] 7 years and at the end
30 of June 30, [2004] 2008, with no further action required by the General Assembly, this
31 Act shall be abrogated and of no further force and effect.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
33 effect July 1, 2004.

SENATE BILL 115

Unofficial Copy
Session
K4

2004 Regular
4lr1246

By: **Senators Kelley, Britt, Brochin, Colburn, Conway, Hollinger, Jimeno,
Jones, Klausmeier, Lawlah, Middleton, Stone, and Teitelbaum**

Introduced and read first time: January 21, 2004

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Task Force to Study the Maryland Teachers' Pension System and the**
3 **Teachers' Retirement System**

4 FOR the purpose of establishing a Task Force to Study the Maryland Teachers'
5 Pension System and the Teachers' Retirement System; requiring the Task Force
6 to review and evaluate the adequacy of the two systems; requiring the Task
7 Force to make recommendations on any changes that are deemed to be
8 necessary or desirable to the systems; providing for the membership of the Task
9 Force; prohibiting a member from receiving certain compensation; authorizing a
10 member to receive certain reimbursement; requiring the Task Force to issue a
11 report by a certain date; providing for the staffing of the Task Force; and
12 generally relating to the Task Force to Study the Maryland Teachers' Pension
13 System and the Teachers' Retirement System.

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That:

16 (a) There is a Task Force to Study the Maryland Teachers' Pension System
17 and the Teachers' Retirement System.

18 (b) The Task Force shall review and evaluate the viability of the Teachers'
19 Pension System and the Teachers' Retirement System to assess the financial and
20 actuarial condition of the systems in order to determine whether the systems are
21 adequately positioned to provide benefits for State and local teachers and other
22 employees of boards of education, public libraries, and community colleges in the
23 State.

24 (c) The Task Force shall be composed of 27 members as follows:

25 (1) four members of the Senate of Maryland appointed by the President
26 of the Senate;

27 (2) four members of the House of Delegates of Maryland appointed by
28 the Speaker of the House;

- 1 (3) eight members appointed by the Governor, including:
- 2 (i) a chairman;
- 3 (ii) two representatives of local boards of education;
- 4 (iii) two superintendents or chief administrative officers of local
5 school systems;
- 6 (iv) an actively employed principal of a public school nominated by
7 the State Superintendent of Schools; and
- 8 (v) two actively employed public school teachers nominated by the
9 State Superintendent of Schools;
- 10 (4) two members of the Board of Trustees for the Maryland State
11 Retirement and Pension System, designated by the chairman of the Board;
- 12 (5) the State Superintendent of Schools;
- 13 (6) the Secretary of Budget and Management;
- 14 (7) two representatives of the Maryland Association of Counties
15 appointed by the President of the Association;
- 16 (8) two members of the Maryland State Teachers' Association designated
17 by the Association;
- 18 (9) a member of the Baltimore Teachers' Union designated by the Union;
- 19 (10) a member of the Maryland State Board of Education designated by
20 the President of the Board; and
- 21 (11) a member of the Achievement Initiative for Maryland Minority
22 Students (AIMMS) Council of the Maryland State Department of Education.
- 23 (d) A member of the Task Force:
- 24 (1) may not receive compensation; but
- 25 (2) is entitled to reimbursement for expenses under the Standard State
26 Travel Regulations, as provided in the State budget.
- 27 (e) The Department of Budget and Management and the State Retirement
28 Agency shall provide staff for the Task Force.
- 29 (f) The Task Force shall submit a report of its findings and recommendations
30 to the Governor, and in accordance with § 2-1246 of the State Government Article, to
31 the General Assembly by January 10, 2005.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2004.

HOUSE BILL 162

Unofficial Copy
Session
F5

2004 Regular

4lr0165

By: **Chairman, Ways and Means Committee (By Request - Departmental - Education)**

Introduced and read first time: January 21, 2004

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Teacher Incentives**

3 FOR the purpose of authorizing certain college graduates to be eligible, under certain
4 circumstances, for certain stipends; authorizing certain teachers to receive,
5 under certain circumstances, certain stipends; and generally relating to public
6 education and incentives for teachers.

7 BY repealing and reenacting, with amendments,
8 Article - Education
9 Section 6-306
10 Annotated Code of Maryland
11 (2001 Replacement Volume and 2003 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 6-306.

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

19 (1) Outside of the collective bargaining process; or
20 (2) As part of a collective bargaining agreement with the local employee
21 organization.

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

25 (2) A classroom teacher who holds a standard professional certificate or
26 an advanced professional certificate who is employed by a county board and who

1 holds a certificate issued by the National Board for Professional Teaching Standards
2 shall receive a stipend from the State in an amount equal to the county grant for
3 national certification, up to a maximum of \$2,000 per qualified teacher.

4 (3) (i) An individual who graduates from an accredited institution of
5 higher education with a grade point average of at least 3.5 on a 4.0 scale or its
6 equivalent, IS ELIGIBLE FOR A PROFESSIONAL CERTIFICATE OR FOR A
RESIDENT

7 TEACHER'S CERTIFICATE, becomes employed by a county board, and remains
8 employed as a classroom teacher in the public school system for a minimum of 3
9 consecutive years shall receive a salary signing bonus of \$1,000.

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

13 (4) A classroom teacher who holds [an advanced professional certificate
14 and teaches in a public school identified by the State Board as a reconstitution school,
15 a reconstitution-eligible school, or a challenge school shall receive a stipend from the
16 State in the amount of \$2,000 for each year that the teacher performs satisfactorily in
17 the classroom] A PROFESSIONAL CERTIFICATE OR A RESIDENT TEACHER'S
18 CERTIFICATE AND TEACHES IN A PUBLIC SCHOOL IDENTIFIED IN
ACCORDANCE

19 WITH STATE BOARD REGULATIONS AS A SCHOOL IN NEED OF
IMPROVEMENT, A

20 SCHOOL UNDER CORRECTIVE ACTION, OR A RESTRUCTURED SCHOOL
THAT

21 ACHIEVES ADEQUATE YEARLY PROGRESS FOR 2 CONSECUTIVE YEARS,
SHALL

22 RECEIVE A ONE-TIME STIPEND FROM THE STATE IN THE AMOUNT OF
\$4,000,

23 PROVIDED THAT THE TEACHER TAUGHT IN THE SCHOOL FOR THE 2
YEARS IN WHICH

24 THE SCHOOL ACHIEVED ADEQUATE YEARLY PROGRESS.

25 (c) An individual who receives a stipend or bonus under subsection (b) of this
26 section may not be deemed an employee of the State.

27 (d) The employer of an individual who receives a stipend or bonus under
28 subsection (b) of this section shall pay the increase in fringe benefit costs associated
29 with the stipend or bonus.

30 (e) The Department shall act as fiscal agent for funds disbursed under this
31 section.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
33 effect July 1, 2004.

HOUSE BILL 199

Unofficial Copy
F1

2004 Regular Session
4lr0512

By: **Delegates F. Turner, Aumann, Barkley, Bates, Bohanan, Cadden, Cane, Carter, G. Clagett, DeBoy, Dumais, Franchot, Gaines, Glassman, Griffith, Heller, Howard, Hubbard, Impallaria, James, Jones, Madaleno, Mandel, Marriott, McDonough, Montgomery, Murray, Niemann, Parker, Pendergrass, Proctor, Ramirez, Sophocleus, Sossi, Stocksdales, and Walkup**

Introduced and read first time: January 21, 2004
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Public School Construction - Modular Construction**

3 FOR the purpose of requiring the Board of Public Works to include modular
4 construction as an approved public school construction or capital cost; requiring
5 the Board of Public Works to adopt certain regulations; and generally relating to
6 public school construction and modular construction.

7 BY repealing and reenacting, with amendments,
8 Article - Education
9 Section 5-301(a)
10 Annotated Code of Maryland
11 (2001 Replacement Volume and 2003 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 5-301.

16 (a) (1) For the purposes of this section other than subsection (c), the Board
17 of Public Works shall define by regulation what constitutes an approved public school
18 construction or capital improvement cost.

19 (2) (I) THE BOARD OF PUBLIC WORKS SHALL INCLUDE
MODULAR
20 CONSTRUCTION AS AN APPROVED PUBLIC SCHOOL CONSTRUCTION OR
CAPITAL
21 COST.

22 (II) THE BOARD OF PUBLIC WORKS SHALL ADOPT
REGULATIONS
23 THAT:

2

HOUSE BILL 199

1

1. DEFINE MODULAR CONSTRUCTION; AND

2

2. ESTABLISH THE MINIMUM SPECIFICATIONS
REQUIRED

3 FOR APPROVAL OF MODULAR CONSTRUCTION AS A PUBLIC SCHOOL
CONSTRUCTION

4 OR CAPITAL IMPROVEMENT COST.

5

(3) The cost of acquiring land may not be considered a construction or
6 capital improvement cost and may not be paid by the State.

7

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2004.