

House Bill 376

By: Representatives Coleman of the 65<sup>th</sup>, McBee of the 74<sup>th</sup>, Cummings of the 19<sup>th</sup>, Mills of the 67<sup>th</sup>, Post 2, Smith of the 110<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 7 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated,  
2 relating to retirement allowances, disability benefits, and spouses' benefits under the  
3 Teachers Retirement System of Georgia, so as to provide that retired principals and school  
4 superintendents may return to employment after retirement under certain conditions and the  
5 retirement benefits of such persons shall not be affected; to remove a requirement that retired  
6 teachers may only be employed to teach in certain low-performing schools; to change the  
7 dates during which retired teachers may return to service; to provide conditions for an  
8 effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 7 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to  
12 retirement allowances, disability benefits, and spouses' benefits under the Teachers  
13 Retirement System of Georgia, is amended by striking in its entirety Code Section  
14 47-3-127.1, relating to the employment of retired teachers as full-time teachers, a period of  
15 employment, and automatic termination, and inserting in lieu thereof the following:

16 "47-3-127.1.

17 (a) As used in this Code section, the term:

18 (1) 'Classroom teacher' means a certified teacher of grades ~~prekindergarten~~  
19 pre-kindergarten through 12 employed by the public schools who has as his or her  
20 primary responsibility the academic instruction of students in a classroom.

21 (2) 'Improvement specialist' means a certified teacher employed by a regional  
22 educational service agency as defined in Code Section 20-2-270 for the purpose of  
23 implementing an improvement plan or strategy at a qualified school.

24 (3) ~~'Qualified school' means a school identified by the State Board of Education prior to~~  
25 ~~the beginning of each school year.~~

1 ~~(A) For the school years beginning in the years 2002 and 2003, as a school needing~~  
 2 ~~improvement that fails for two or more consecutive years to make adequate yearly~~  
 3 ~~progress pursuant to Title 1, Part A of the No Child Left Behind Act of 2001, Public~~  
 4 ~~Law 107-110;~~

5 ~~(B) For the school years beginning in 2002 and 2003, as having 50 percent or more of~~  
 6 ~~its students failing to meet the standard that should be achieved by students in any~~  
 7 ~~subject area at any grade level as designated by the Office of Education Accountability~~  
 8 ~~in Code Section 20-14-31; or~~

9 ~~(C) For school years beginning after 2003, as having received a grade of D or F on~~  
 10 ~~student performance for the absolute student achievement standard or on progress on~~  
 11 ~~improved student achievement as determined by the Office of Education Accountability~~  
 12 ~~based on the indicators adopted under Code Section 20-14-33 or as otherwise~~  
 13 ~~recommended by the office as part of an improvement strategy for the school in whole~~  
 14 ~~or in part under Code Section 20-14-41.~~

15 ~~(4)~~(3) 'Retired teacher' means a member of this retirement system who was retired on  
 16 ~~December 31, 2001~~ June 30, 2004, on a service retirement with at least 30 years of  
 17 creditable service or after attaining the age of 60 years.

18 (b)(1) A local school system may employ a retired teacher as a full-time classroom  
 19 teacher ~~in a qualified school and such person shall be subject to the provisions of~~  
 20 ~~subsection (c) of this Code section if the State Board of Education certifies to the board~~  
 21 ~~of trustees that the local school system is employing the retired teacher in a qualified~~  
 22 ~~school~~ or as a school principal or a school superintendent; provided, however, that a  
 23 member who retired as a principal may not be employed as a principal in the same school  
 24 in which he or she was so employed prior to his or her retirement, and a member who  
 25 retired as a school superintendent may not be employed as a school superintendent by the  
 26 same school system in which such person was so employed prior to his or her retirement.

27 (2) A regional educational service agency established pursuant to Code Section 20-2-270  
 28 may employ a retired teacher as an improvement specialist ~~in a qualified school~~ and such  
 29 person shall be subject to the provisions of subsection (c) of this Code section ~~if the State~~  
 30 ~~Board of Education certifies to the board of trustees that the local school system is~~  
 31 ~~employing the retired teacher in a qualified school.~~

32 (3) The number of retired teachers any local school system may employ under this  
 33 subsection shall not exceed 1 percent of the total number of full-time classroom teachers  
 34 employed by the school system at the end of the preceding contract year; provided,  
 35 however, that any local school system may employ at least ten retired teachers.

36 (4) No retired teacher may be employed under the provisions of this subsection until he  
 37 or she has been retired under this retirement system for at least one month.

1 (5) No retired teacher shall be employed under the provisions of this subsection for more  
2 than a total of five years. Each such retired teacher shall be employed under a contract  
3 not exceeding 12 months in duration. ~~The certification of the State Board of Education~~  
4 ~~provided for in paragraph (1) of this subsection shall be required prior to each subsequent~~  
5 ~~contract.~~ No local school system shall enter into a contract for services to be performed  
6 on or after July 1, ~~2008~~ 2010.

7 (6) The salary paid to any retired teacher employed as a classroom teacher under this  
8 Code section shall be commensurate with the position and the individual's qualifications  
9 and experience. Teachers paid under this Code section shall be reported to the state at  
10 the certificate and experience level at which the teacher is assigned. No state funds for  
11 health insurance shall be earned for the requested state salary amount.

12 (7) A public school system employing a retired subject to this subsection shall pay all  
13 employer contributions to this retirement system as otherwise provided in this chapter;  
14 provided, however, that no such retired teacher shall receive any further creditable service  
15 as a result of such employment and shall in all ways be considered by this retirement  
16 system solely as a retired teacher.

17 (8) A public school system employing a retired pursuant to this subsection shall notify  
18 the board of trustees of this retirement system in writing as soon as practicable, but not  
19 later than the commencement of employment, providing such information as the board  
20 deems proper.

21 (c) Any other provision of this article to the contrary notwithstanding, a retired teacher  
22 may return to service ~~as a classroom teacher~~ for a total of not more than five years if he or  
23 she is employed solely under the conditions contained in this Code section, and such  
24 member's benefits under this article shall not be affected; provided, however, that the  
25 provisions of this subsection shall not apply to service performed on or after July 1, ~~2008~~  
26 2010. Any such retired teacher so employed shall not retain any tenure as he or she had  
27 prior to his or her retirement, shall not be considered an active member of this retirement  
28 system, shall not accrue any additional benefits, shall not pay employee contributions to  
29 this retirement system, and shall not be eligible for employment benefits, including,  
30 without limitation, life and health insurance, by virtue of such employment. The provisions  
31 of this subsection shall not become a part of the employment contract and shall be subject  
32 to future legislation. Any teacher subject to this subsection may elect at any time to  
33 suspend his or her retirement benefits and become a regular full-time teacher as otherwise  
34 provided in this chapter, but no service accrued under this subsection shall under any  
35 circumstances be used to calculate a benefit under this chapter.

36 (d) Any public school system which employs a retired teacher of this retirement system  
37 and which fails to comply with the provisions of this subsection, and the retired teacher so

1 employed, shall be subject to all other provisions of this chapter, including, without  
2 limitation, Code Section 47-3-127.

3 (e) This Code section shall be automatically repealed on July 1, ~~2008~~ 2010, and no person  
4 shall have any rights pursuant to the provisions of this Code section on and after that date."

5 **SECTION 2.**

6 This Act shall become effective on July 1, 2004, only if it is determined to have been  
7 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
8 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
9 become effective and shall be automatically repealed in its entirety on July 1, 2004, as  
10 required by subsection (a) of Code Section 47-20-50.

11 **SECTION 3.**

12 All laws and parts of laws in conflict with this Act are repealed.