

House Bill 372

By: Representatives Ballard of the 147th, Erwin of the 32nd, Blackmon of the 146th, Persinger of the 119th, and Townsend of the 179th

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, so as to remove
3 the requirement that certain subject areas be designated as an area of highest need for certain
4 beneficiaries of the Teachers Retirement System of Georgia to be hired to work in such
5 areas; to provide for the extension of provisions to 2030; to provide for areas of highest need
6 to be determined for a public school system rather than a RESA; to provide for related
7 matters; to provide conditions for an effective date and automatic repeal; to repeal conflicting
8 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, is amended by revising Code
13 Section 47-3-127.1, relating to full-time employment of beneficiaries permitted under limited
14 conditions, required employer contributions, and areas of highest need, as follows:

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15 "47-3-127.1.

16 (a) From July 1, 2022, until June 30, ~~2026~~ 2030, notwithstanding the provisions of Code
17 Section 47-3-127, to the extent and under the conditions provided for in this Code section,
18 a public school system may employ:

19 (1) A a beneficiary who has obtained 30 years of creditable service in this retirement
20 system in a full-time capacity as a certified teacher of pre-kindergarten through grade 12
21 who has as his or her primary responsibility the academic instruction of students in a
22 classroom in an area of highest need determined for the RESA to which such public
23 school system is assigned, provided that at least one year has expired from the effective
24 date of such beneficiary's retirement and he or she was not restored to service as a teacher
25 pursuant to Code Section 47-3-127 during such period of time; or

26 (2) A beneficiary who has obtained 30 years of creditable service in this retirement
27 system in a full-time capacity as a certified teacher of pre-kindergarten through grade 12
28 who has as his or her primary responsibility the academic instruction and support of
29 students in the area of mathematics, special education, reading, writing, or English
30 language arts, provided that such beneficiary in the area of reading, writing, or English
31 language arts holds a current dyslexia or reading endorsement approved by the
32 Professional Standards Commission, provided that at least one year has expired from the
33 effective date of such beneficiary's retirement and he or she was not restored to service
34 as a teacher pursuant to Code Section 47-3-127 during such period of time.

35 (b)(1) An individual employed as described in subsection (a) of this Code section shall
36 remain a beneficiary and shall continue to receive his or her retirement allowance and any
37 postretirement benefit adjustments for which he or she is eligible; provided, however, that
38 such service shall not constitute creditable service and shall not entitle such beneficiary
39 to a recomputation of retirement benefits upon cessation of such service.

40 (2) It shall be the duty of each beneficiary to notify an employer of his or her status as
41 a beneficiary prior to accepting employment with such employer.

42 (c)(1) Within 30 days of employing a beneficiary pursuant to this Code section, such
43 employer shall notify the board of trustees of such beneficiary's name, the amount of his
44 or her earnable compensation, a description of any other forms of remuneration to be
45 made, the number of hours to be worked, job responsibilities, and other such information
46 as the board of trustees may prescribe.

47 (2) An employer that employs a beneficiary pursuant to subsection (a) of this Code
48 section shall pay to the retirement system an amount equal to the product of:

49 (A) The combination of the rate required by this chapter for employer contributions
50 and employee contributions; and

51 (B) The earnable compensation of such beneficiary.

52 (3) A beneficiary shall not receive creditable service from or access to contributions
53 made as a result of payments required by paragraph (2) of this subsection, and he or she
54 shall be considered by the retirement system solely as a beneficiary.

55 (4) If an employer that is obligated to make contributions or reimbursements to the
56 retirement system pursuant to this Code section fails to make such contributions, any
57 unpaid amounts shall be deducted from any funds payable to such employer by the state,
58 including without limitation the Department of Education and the Board of Regents of
59 the University System of Georgia, and shall be paid to the retirement system.

60 (d)(1) As used in this Code section, 'area of highest need' means one of the three content
61 areas for which there are the greatest percentages of unfilled positions for classroom
62 teachers in a ~~RESA~~ public school system.

63 (2) The areas of highest need shall be determined for each ~~RESA~~ public school system
64 annually by the Department of Education after consultation with the Professional
65 Standards Commission. Such determinations shall be based upon a five-year average
66 review of a survey reported by local school systems to the Department of Education. The
67 areas of highest need for each ~~RESA~~ public school system shall be reported to the

68 retirement system on an annual basis beginning July 1, 2022, and ending
69 July 1, ~~2025~~ 2029.

70 (e) Prior to July 1, 2025, the state auditor shall conduct and publish a performance audit
71 concerning the provisions of this Code section to include a determination of the value and
72 necessity of the full-time employment of beneficiaries as permitted by this Code section,
73 as well as the effects of such employment on the local school systems, the Teachers
74 Retirement System of Georgia, and the teacher workforce as a whole for this state.

75 (f) The provisions of this Code section shall not become part of the employment contract
76 and shall be subject to future legislation."

77 **SECTION 2.**

78 This Act shall become effective on July 1, 2026, only if it is determined to have been
79 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
80 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
81 become effective and shall be automatically repealed in its entirety on July 1, 2026, as
82 required by subsection (a) of Code Section 47-20-50.

83 **SECTION 3.**

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