

2017 Regular Session

HOUSE BILL NO. 31

BY REPRESENTATIVE HOFFMANN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

RETIREMENT/TEACHERS: Provides relative to the reemployment of retired school psychologists in positions covered by the Teachers' Retirement System of Louisiana

1 AN ACT

2 To amend and reenact R.S. 11:710(A)(3) and (4)(b) and (F), relative to the reemployment  
3 of retirees of the Teachers' Retirement System of Louisiana in positions covered by  
4 the system; to authorize the reemployment of school psychologists in critical  
5 shortage areas; and to provide for related matters.

6 Notice of intention to introduce this Act has been published  
7 as provided by Article X, Section 29(C) of the Constitution  
8 of Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 11:710(A)(3) and (4)(b) and (F) are hereby amended and reenacted  
11 to read as follows:

12 §710. Employment of retirees

13 A. Definitions.

14 As used in this Section, the following words and phrases shall have the  
15 following meanings, unless a different meaning is clearly required by the context:

16 \* \* \*

17 (3) "Critical shortage" means any situation where there exists a shortage of  
18 certified teachers in a certain subject area or a shortage of certified speech therapists,  
19 speech pathologists, audiologists, educational diagnosticians, school social workers,  
20 ~~or school counselors, or school psychologists,~~ as further provided in this Section.

1 (4) "Reemployment-eligible critical shortage position" or "critical shortage  
2 position" means any of the following:

3 \* \* \*

4 (b) A position for a full-time certified speech therapist, speech pathologist,  
5 audiologist, educational diagnostician, school social worker, ~~or~~ school counselor, or  
6 school psychologist whose position of employment requires a valid Louisiana  
7 ancillary certificate approved and issued by the state Department of Education in a  
8 school district where a critical shortage exists.

9 \* \* \*

10 F.(1) A retiree who is employed in a critical shortage position shall not  
11 receive a benefit during the period of his reemployment as provided in this Section  
12 unless and until the Board of Elementary and Secondary Education and the board of  
13 trustees of this system have received certification that a critical shortage exists. Prior  
14 to making such certification for any full-time critical shortage position, the employer  
15 shall cause to be advertised in the official journal of the employer's governing  
16 authority, on two separate occasions, notice that a shortage of certified teachers  
17 exists and the positions sought to be filled. Additionally, the employer shall cause  
18 notice to be posted at the career development office, or similar such entity, of every  
19 post-secondary institution within a one hundred twenty-mile radius of the employer's  
20 governing authority. If a certified applicant who is not a retiree applies for an  
21 advertised position, such person shall be hired before any certified retiree is  
22 employed, unless fewer than three applicants have applied for the position each of  
23 whom is certified in the critical shortage area being filled.

24 ~~(1)~~ (2) On an annual basis, the superintendent and personnel director of the  
25 school employing a retiree who returns to active service in a position defined in  
26 Subparagraph (A)(4)(a) of this Section shall certify a critical shortage area to the  
27 Board of Elementary and Secondary Education and the board of trustees of this  
28 system.

1           ~~(2)~~ (3) On an annual basis, the employing school board for a retiree who  
 2           returns to active service in a position defined in Subparagraph (A)(4)(b) of this  
 3           Section shall certify to the Board of Elementary and Secondary Education and the  
 4           board of trustees of this system that a critical shortage of speech therapists, speech  
 5           pathologists, audiologists, educational diagnosticians, school social workers, ~~or~~  
 6           school counselors, or school psychologists exists in the school district.

7           Section 2. The cost of this Act, if any, shall be funded with additional employer  
 8           contributions in compliance with Article X, Section 29(F) of the Constitution of Louisiana.

9           Section 3. This Act shall be effective on July 1, 2017; if vetoed by the governor and  
 10          subsequently approved by the legislature, this Act shall become effective on July 1, 2017,  
 11          or on the day following such approval by the legislature, whichever is later.

#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 31 Original

2017 Regular Session

Hoffmann

**Abstract:** Authorizes retirees of the Teachers' Retirement System of La. (TRSL) to return to work as a school psychologist in a critical shortage area without reduction of retirement benefits.

Present law generally provides that a retiree of TRSL may not return to work in a position covered by the system and continue to receive his benefit check while reemployed. Further provides exceptions to present law.

Present law provides that in certain circumstances a retiree may return to work in a "critical shortage area" (defined in present law) without reduction of benefits. Such circumstances include returning as a certified classroom teacher, as a certified speech therapist, speech pathologist, audiologist, educational diagnostician, school social worker, or school counselor. Proposed law adds school psychologist to the list of certified professionals who may return to work in a critical shortage area without reduction of benefits.

Present law provides procedures for establishing that a "critical shortage area" exists for purposes of present law. Requires advertisement in the official journal of the employer's governing authority and posting of job vacancies at certain post-secondary institutions. Further limits authority to rehire a retiree for the critical shortage position if more than three non-retirees apply for the position. Proposed law retains present law and requires such certification procedures before a retiree may be reemployed as a school psychologist pursuant to proposed law.

Effective July 1, 2017.

(Amends R.S. 11:710(A)(3) and (4)(b) and (F))