

ACT No. 120

2017 Regular Session

HOUSE BILL NO. 31

BY REPRESENTATIVE HOFFMANN

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AN ACT

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

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

Be it enacted by the Legislature of Louisiana:

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

§710. Employment of retirees

A. Definitions.

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

* * *

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

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

* * *

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

* * *

7 B.(1)

* * *

9 (3) Except as provided in R.S. 11:710(A)(6), any person whose retirement
 10 benefit is calculated using an accrual rate less than two and one-half percent or
 11 whose benefit was actuarially reduced pursuant to R.S. 11:768(B)(2) or 761(A)(3)(b)
 12 or (4)(b) shall not be authorized to return to service pursuant to the provisions of this
 13 Section, unless the person has been retired for at least thirty-six months.

* * *

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

29 ~~(+)~~ (2) On an annual basis, the superintendent and personnel director of the
 30 school employing a retiree who returns to active service in a position defined in

1 Subparagraph (A)(4)(a) of this Section shall certify a critical shortage area to the
2 Board of Elementary and Secondary Education and the board of trustees of this
3 system.

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.