**A** **BILL**

TO AMEND SECTION 9‑1‑1795, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EMPLOYMENT OF CERTAIN RETIRED TEACHERS WITHOUT THE LOSS OF RETIREMENT BENEFITS, SO AS TO ALLOW CERTAIN CERTIFIED EMPLOYEES TO BE HIRED WITHOUT A LOSS OF RETIREMENT BENEFITS AND TO PROVIDE THAT THE MEMBER SELECTED FOR EMPLOYMENT MEETS THE UNIQUE QUALIFICATIONS REQUIRED BY THE HIRING SCHOOL DISTRICT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 9‑1‑1795(A) and (B) of the 1976 Code, as amended by Act 387 of 2000, is further amended to read:

“Section 9‑1‑1795. (A) A retired member of the system may return to employment covered by the system without affecting the monthly retirement allowance he is receiving from the system if the retired member is a certified teacher and is employed by a school district to teach in the classroom in his area of certification in a critical academic need area or geographic need area as defined by the State Board of Education. Also a retired member of the system may return to employment covered by the system without affecting the monthly retirement allowance he is receiving if the retired member is a certified employee in a critical need area or geographic need area as defined by the State Board of Education.

(B) For the provisions of this section to apply, the Department of Education ~~must~~ shall review and approve, from the documentation provided by the school district, that no qualified, nonretired member is available for employment in the position, and that the member selected for employment meets the ~~requirements of this section~~ unique qualifications required by the hiring school district. ~~However, a school district may not consider a member of the system for employment before May thirty‑first of each year.~~ After approval is received from the Department of Education, school districts ~~must~~ shall notify the State Board of Education of the engagement of a retired member as a teacher and the department ~~must~~ shall notify the State Retirement System of their exemption from the earnings limitation. If the employing district fails to notify the department of the engagement of a retired member as a teacher, the district shall reimburse the system for all benefits wrongly paid to the retired member.”

SECTION 2. This act takes effect upon approval by the Governor.

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