

- (III) A PRINCIPAL;
- (IV) A SUPERINTENDENT;
- (V) A SUPERVISOR; OR
- (VI) A TEACHER;

(2) A FACULTY EMPLOYEE OF AN EDUCATIONAL INSTITUTION SUPPORTED BY AND UNDER THE CONTROL OF THE STATE;

(3) A PROFESSIONAL OR CLERICAL EMPLOYEE OF A LIBRARY THAT IS ESTABLISHED OR OPERATES UNDER THE EDUCATION ARTICLE; OR

(4) A PROFESSIONAL OR CLERICAL EMPLOYEE OF A COMMUNITY COLLEGE THAT IS ESTABLISHED OR OPERATES UNDER THE EDUCATION ARTICLE.

(B) EXCEPTIONS.

SECTIONS 23-207 THROUGH 23-209 OF THIS SUBTITLE DO NOT APPLY TO:

(1) AN INDIVIDUAL WHO HAS ELECTED TO PARTICIPATE IN AN OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE;

(2) AN INDIVIDUAL WHO IS EMPLOYED UNDER A FEDERAL PUBLIC SERVICE EMPLOYMENT PROGRAM; OR

(3) A PROFESSIONAL OR CLERICAL EMPLOYEE OF THE DEPARTMENT OF PUBLIC LIBRARIES OF MONTGOMERY COUNTY WHO IS PARTICIPATING IN THE EMPLOYEES' RETIREMENT SYSTEM OF MONTGOMERY COUNTY.

REVISOR'S NOTE: Subsections (a) and (b)(1) and (2) of this section are new language derived without substantive change from former Art. 73B, §§ 5-101(j)(1) and (2), 3-506(b)(1), and, as it related to exclusion from membership of those individuals who elect to participate in an optional retirement program, § 5-201(a).

Subsection (b)(3) of this section is new language added to clarify that a Montgomery County library employee who elected to participate in the local retirement system is excluded from the Teachers' Pension System since those library employees were excluded from membership in the Teachers' Retirement System under former Art. 73B, § 3-504(c).

This section is set forth as a scope provision instead of a definition since the definition of "teacher" in former Art. 73B, § 5-101(j) served as a scope provision. Also, the former definition included individuals who would not always be considered "teachers".

In subsection (a)(1) of this section, the former reference to "the School for the Deaf" is deleted as included in the reference in subsection (a)(2) of this section to "an educational institution supported by and under the control of the State".