HOUSE DOCKET, NO. 950 FILED ON: 1/19/2011

HOUSE . . . . . No. 739

The Commonwealth of Massachusetts

PRESENTED BY:

Timothy J. Toomey, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to non-public school service.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Timothy J. Toomey, Jr.	*26th Middlesex*
Colleen M. Garry	*36th Middlesex*
Elizabeth A. Malia	*11th Suffolk*

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HOUSE . . . . . No. 739

By Mr. Toomey of Cambridge, a petition (accompanied by bill, House, No. 739) of Timothy J. Toomey, Jr., Colleen M. Garry and Elizabeth A. Malia relative to creditable service for non-public school service. Public Service.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *2624* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to non-public school service.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of chapter 32 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting, after the definition of "Membership service," the following definition:-

"Nonpublic school," an institution, not operated by the federal, state or local governments or agencies thereof, the primary function of which is (a) to educate students in a course of study designed to lead to the award of a diploma or its equivalent; or (b) to provide a college-level course of study designed to lead to the award of a college or university degree.

SECTION 2. Section 3 of said chapter 32, as so appearing, is hereby amended by inserting after subdivision (4A) the following subdivision:-

(4B) Credit for Teachers for Nonpublic School Service after January 1, 1973. Any member in service, or any member inactive on authorized leave of absence of the teachers' retirement system, the state retirement system or as a teacher in the State–Boston retirement system, who holds a certificate issued by the department of education or is exempted from the requirement of certification, or any member who is employed in a public institution of higher education as a faculty member or professional employee not under the jurisdiction of the human

17 resources division within the executive office for administration and finance classification
18 system, and who was previously employed as a teacher in a nonpublic school may receive
19 creditable service as if that service had been rendered in a public school of the commonwealth or
20 public institution of higher education and the member had been a member of the teachers'
21 retirement system, the state retirement system, or the State-Boston retirement system during the
22 period in which the service was rendered. No credit shall be allowed until the member has paid
23 into the annuity savings fund of the system before any retirement allowance becomes effective
24 for the member, in 1 sum, or in installments, upon the terms and conditions that the board
25 prescribes, makeup payments of an amount equal to 10 per cent of the regular annual
26 compensation of the member as of the member's most recent date of entry into membership in
27 the teachers' retirement system, the state retirement system, or as a teacher in the State-Boston
28 retirement system, for each year of service purchased plus buyback interest on that amount. No
29 credit shall be allowed and no payment shall be accepted under this paragraph until the member
30 has completed 10 or more years of membership service, and no credit shall be allowed and no
31 payment shall be accepted for any service on account of which the member shall be entitled to
32 receive a retirement allowance or other similar payment from any other nonpublic school system.
33 No credit shall be allowed if the member has received credit for 3 or more years of nonpublic
34 school service under subdivision (4A) of this section or paragraph (p) of subdivision (1) of
35 section 4. The creditable service allowable under this subdivision for any member shall not
36 exceed 4 years. Members in service of a retirement system who make application for this
37 creditable service shall be notified by the retirement board of their eligibility for this creditable
38 service, and, if they are eligible, shall also be notified by the retirement board that they have the
39 following options: (1) to purchase the service in a lump sum within 180 days after the notice, or
40 (2) to enter into an installment agreement within 180 days after the notice to pay for the
41 creditable service.