

HOUSE No. 2342

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to nonpublic 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:

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

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

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

10 (4B) Credit for Teachers for Nonpublic School Service after January 1, 1973. Any
11 member in service, or any member inactive on authorized leave of absence of the teachers’
12 retirement system, the state retirement system or as a teacher in the State–Boston retirement
13 system, who holds a certificate issued by the department of education or is exempted from the

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

37 service, and, if they are eligible, shall also be notified by the retirement board that they have the
38 following options: (1) to purchase the service in a lump sum within 180 days after the notice, or
39 (2) to enter into an installment agreement within 180 days after the notice to pay for the
40 creditable service.