

HOUSE No. 2512

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act improving recruitment and retention of educators and superintendents in underperforming school districts..

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. Subdivision (4) of section 3 of Chapter 32 of the Massachusetts General
2 Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out in line 400
3 the word “ten” and inserting in place thereof the word “fifteen”.

4 SECTION 2. Section 3 of Chapter 32 of the Massachusetts General Laws is hereby
5 amended by adding after subdivision (4A) the following:–

6 (4B) Notwithstanding the provisions of section 4A of Chapter 32, any superintendent in
7 service who is employed as the superintendent by a school district, which has been identified as
8 an under-performing school district and/or a district in which there is a memorandum of
9 understanding (agreement) with the Commonwealth of Massachusetts Department of Education,
10 who holds a certificate issued by the department of education or is exempted from the
11 requirement of certification and who was previously engaged in teaching pupils or as an
12 administrator in a nonpublic school may, before the date any retirement allowance becomes
13 effective for him, pay into the annuity savings fund of the teachers' retirement system in one

14 sum, or in installments, upon such terms and conditions as the board may prescribe, an amount
15 equal to that which would have been withheld as regular deductions from his regular
16 compensation for such previous period, or most recent portion thereof, as he may elect, had such
17 service been rendered in a public school of the commonwealth and had he been a member of the
18 teachers' retirement system during the period such service was rendered with a maximum credit
19 for service in nonpublic schools not to exceed ten years; provided that no credit shall be allowed
20 and no payment shall be accepted for any service on account of which the member shall be
21 entitled to receive a retirement allowance from any other non public school system. If it is found
22 that payment has been accepted for any service for which the member is entitled to a retirement
23 allowance from any other non public school system, the amount paid for such service with
24 accumulated interest shall also be refunded with no retirement credit allowed. In addition to the
25 payment of such sum, or installments thereof, such member shall also pay into the appropriate
26 annuity savings fund an amount of interest such that at the completion of such payments the
27 value of his accumulated payments, together with regular interest thereon, actually made on
28 account of such previous nonpublic school service, shall equal the value of his accumulated
29 regular deductions which would have resulted if regular deductions had been made when regular
30 compensation for such service was actually received. Upon the completion of such payments,
31 such member shall receive the same credit for such period of his previous nonpublic school
32 service, or portion thereof elected, as would have been allowed if such service had been rendered
33 by him in a public school of the commonwealth. Such member shall furnish the teachers'
34 retirement board with such information as it shall require to determine the amount, to be paid and
35 the credit to be allowed under this subdivision.

36 SECTION 3. Subdivision (4) of section 5 of said Chapter 32 is hereby amended by
37 striking out clause (ii) and inserting in place thereof the following:—

38 (ii) The normal yearly amount of the retirement allowance for an eligible employee who
39 has completed at least 30 years of creditable service and has paid the full amount of regular
40 deductions on the total amount of regular compensation as determined under paragraph (a) of
41 subdivision (2), shall be based on the average annual rate of regular compensation as determined
42 under said paragraph (a) and shall be computed according to the table contained in said
43 paragraph (a) based on the age of such member and his number of years and full months of
44 creditable service at the time of his retirement with the percentage of salary average in such
45 computation to be increased by 2 per cent per year for each full year of service in excess of 24
46 years of creditable service. Such member shall have served for not less than 20 years as a
47 teacher; provided that service credited under subdivision (4) of section 3 of this chapter shall be
48 included as part of the 20-year teacher requirement, in order to be eligible to receive the benefit
49 provided under this subdivision. For any member who retires before age 55, his age factor shall
50 be determined in accordance with subdivision (1) of section 10. Any member who retires before
51 completing 30 years of service shall receive a retirement allowance equal to the retirement
52 allowance that the member would have been eligible for had he not participated in the alternative
53 superannuation retirement benefit program.

54 SECTION 4: Subdivision (4) of section 5 of said chapter 32, is hereby amended by
55 adding at the end thereof the following clause:—

56 (iii) Notwithstanding the seventh sentence of clause (i) of subdivision (4) of this section
57 the teachers' retirement board and the State-Boston retirement board, at the request of an active

58 member, may allow said member to elect into the alternative superannuation retirement benefit
59 program; provided that said member should make retirement contributions to the system as if
60 said member had elected into said program on or before July 1, 2001, plus interest; provided that
61 the interest shall be calculated by using the actuarially assumed investment rate of return of the
62 teachers' retirement system or the State-Boston retirement.