

**SENATE . . . . . No. 1037**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act allowing employment as public school teachers after retirement..

*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 91 of chapter 32 is hereby amended by striking subsection (e) and  
2 inserting in place thereof the following subsection:-

3 “(e) Notwithstanding the provisions of paragraphs (a) to (d), inclusive, in any period  
4 during which there is a critical shortage of certified teachers available for employment in a  
5 school district, said school district may employ as a teacher or as a mentor to other teachers any  
6 person who has retired from the state employees’ retirement system, the teachers’ retirement  
7 system and all county, city and town contributory retirement systems, established under the  
8 provisions of this chapter. Any such retired person who renders service in a public school  
9 district as a teacher or mentor to other teachers shall be subject to all laws, rules and regulations  
10 governing the employment of teachers in the school district. Such persons shall not be deemed  
11 to have resumed active membership in their respective retirement system and said service shall  
12 not be counted as creditable service toward retirement; but in the first two years immediately  
13 following the effective date of retirement, the earnings received by a teacher who retired  
14 pursuant to subdivision (4) of section 5 when added to any pension or retirement allowance he is

15 receiving shall not exceed the salary that is being paid for the position from which he was retired  
16 or in which his employment was terminated. “