

**SENATE . . . . . No. 1090**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relative to the retirement options of certain educational personnel..

*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. Paragraph (i) of subdivision (4) of section 5 of chapter 32 of the General  
2 Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the sixth  
3 sentence and inserting the following sentence:

4           A member of a contributory retirement system other than the teachers' retirement system  
5 or a teacher in the State-Boston retirement system, who transfers into the teachers' retirement  
6 system or transfers into the State-Boston retirement system as a teacher may elect to participate  
7 in the alternative superannuation retirement benefit program but that election shall occur within  
8 180 days after establishing membership in the teachers' retirement system or the State-Boston  
9 retirement system.

10           SECTION 2. Paragraph (ii) of said subdivision (4) of said section 5 of said chapter 32, as  
11 so appearing, is hereby amended by striking out the second sentence and inserting in place  
12 thereof the following sentence:-

13           Such member shall have served for not less than 20 years as a teacher in order to be  
14 eligible to receive the benefit provided under this subdivision but years of membership service in  
15 a contributory retirement system while employed in a public day school in the commonwealth or  
16 an education collaborative under section 4E of chapter 40, as a school nurse, school social  
17 worker, early childhood teacher, speech, occupational or physical therapist or school business  
18 administrator shall be considered years as a teacher for the purposes of this section.

19           SECTION 3. A school nurse, school social worker, early childhood, speech,  
20 occupational or physical therapist, or school business administrator, who on or before July 1,  
21 2001 was eligible to elect to participate in the alternative superannuation retirement benefit  
22 program or who transferred from a contributory retirement system to the teachers' retirement  
23 system or the State-Boston retirement system as a teacher under paragraph (i) of subdivision (4)  
24 of section 5 of chapter 32 of the General Laws, may elect to do so within 180 days of the  
25 effective date of this act on such form as the state teachers' retirement board or the State-Boston  
26 retirement board shall prescribe; provided that said member shall make retirement contributions  
27 to the system, prior to retirement, as if said member had elected into said program on or before  
28 July 1, 2001, plus interest. The interest shall be calculated by using one half of the actuarially  
29 assumed investment rate of return of the teachers' retirement system or the State-Boston  
30 retirement system. The election to participate in the alternative superannuation retirement benefit  
31 program shall be irrevocable and shall be subject to said subdivision (4) of section 5 of said  
32 chapter 32.

33           The election provided in this section shall also apply to any retired or other inactive  
34 member of the teachers' retirement system or of the State-Boston retirement system who (a) was  
35 a member in service on or before July 1, 2001 or transferred from a contributory retirement

36 system to the teachers' retirement system or the State-Boston retirement system after that date,  
37 (b) was eligible to elect to participate in the alternative superannuation retirement benefit  
38 program, and (c) notified, in writing, the school district payroll, business, or other administrative  
39 officer of an intention to elect to participate in the alternative superannuation retirement benefit  
40 program established pursuant to paragraph (i) of subdivision (4) of section 5 of chapter 32. The  
41 new benefit provided through such election shall be actuarially reduced, if necessary, to meet the  
42 plan qualification requirements of the Internal Revenue Code (IRC), as provided in paragraph (i)  
43 of subdivision (4) of section 5 of Chapter 32.