

**SENATE . . . . . No. 1788**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Walter F. Timilty*

*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 adoption of the accompanying bill:

An Act relative to the retirement options of certain educational personnel.

PETITION OF:

NAME:

*Walter F. Timilty*

DISTRICT/ADDRESS:

*Norfolk, Bristol and Plymouth*

**SENATE . . . . . No. 1788**

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By Mr. Timilty, a petition (accompanied by bill, Senate, No. 1788) of Walter F. Timilty for legislation relative to the retirement options of certain educational personnel. Public Service.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1593 OF 2019-2020.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

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 subsection (4) of section 5 of chapter 32 of the General  
2 Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the sixth  
3 sentence and inserting in place thereof 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 subsection (4) of said section 5 of said chapter 32, as  
11 so appearing, is hereby further amended by striking out the second sentence and inserting in  
12 place 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, occupational  
20 or physical therapist, or school business administrator, who on or before July 1, 2005 was  
21 eligible to elect to participate in the alternative superannuation retirement benefit program or  
22 who transferred from a contributory retirement system to the teachers' retirement system or the  
23 State-Boston retirement system as a teacher under paragraph (i) of subdivision (4) of section 5 of  
24 chapter 32 of the General Laws, may elect to do so within 180 days of the effective date of this  
25 act on such form as the state teachers' retirement board or the State-Boston retirement board  
26 shall prescribe; provided that said member shall make retirement contributions to the system,  
27 prior to retirement, as if said member had elected into said program on or before July 1, 2005,  
28 plus interest. The interest shall be calculated by using one half of the actuarially assumed  
29 investment rate of return of the teachers' retirement system or the State-Boston retirement  
30 system. The election to participate in the alternative superannuation retirement benefit program  
31 shall be irrevocable and shall be subject to said subdivision (4) of section 5 of said chapter 32.

32           The election provided in this section shall also apply to any retired or other inactive  
33 member of the teachers' retirement system or of the State-Boston retirement system who (a) was  
34 a member in service on or before July 1, 2005 or transferred from a contributory retirement  
35 system to the teachers' retirement system or the State-Boston retirement system after that date,  
36 (b) was eligible to elect to participate in the alternative superannuation retirement benefit  
37 program, and (c) notified, in writing, the school district payroll, business, or other administrative  
38 officer of an intention to elect to participate in the alternative superannuation retirement benefit  
39 program established pursuant to paragraph (i) of subdivision (4) of section 5 of chapter 32. The  
40 new benefit provided through such election shall be actuarially reduced, if necessary, to meet the  
41 plan qualification requirements of the Internal Revenue Code (IRC), as provided in paragraph (i)  
42 of subdivision (4) of section 5 of Chapter 32.