

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Edward J. Kennedy

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 education and critically low staffing levels in schools.

PETITION OF:

NAME:

Edward J. Kennedy

DISTRICT/ADDRESS:

First Middlesex

SENATE No.

By Mr. Kennedy, a petition (accompanied by bill) (subject to Joint Rule 12) of Edward J. Kennedy for legislation relative to education and critically low staffing levels in schools. Public Service.

The Commonwealth of Massachusetts

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

An Act relative to education and critically low staffing levels in schools.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 PREAMBLE: School districts across our state are feeling the impact of widespread
2 staffing shortages that negatively affect the day-to-day instruction of our Commonwealth’s
3 students. Legislative action is necessary to maintain proper staffing levels to ensure the
4 continued education of Massachusetts students.

5 SECTION 1. Notwithstanding any general or special law to the contrary, subsections (b)
6 and (c) of section 91 of chapter 32 of the General Laws shall not apply to the following 2
7 categories of persons for hours worked and earnings received during calendar years 2022, 2023
8 and 2024:

9 (i) any teacher or support staff employee who has been retired and who is receiving a
10 pension or retirement allowance, pursuant to said chapter 32 or any other general or special law,
11 from the commonwealth or a county, city, town, district or authority; or

12 (ii) any teaching or support staff personnel whose employment in the service of the
13 commonwealth or a county, city, town, district or authority has been terminated, pursuant to said
14 chapter 32 or any other general or special law, by reason of having attained an age specified in
15 said general or special law or by the rules and regulations of any department or agency of the
16 commonwealth or a county, city, town, district or authority without being entitled to any pension
17 or retirement allowance.

18 These 2 categories of persons may, during the calendar years 2022, 2023 and 2024 and
19 subject to all other laws, rules and regulations governing the employment of persons in the
20 commonwealth or a county, city, town, district or authority, be employed in the service of the
21 commonwealth or a county, city, town, district or authority, including as a consultant or
22 independent contractor or as a person whose regular duties require that such person's time be
23 devoted to the service of the commonwealth, county, city, town, district or authority during
24 regular business hours.

25 SECTION 2. Definitions

26 "Teacher", any person who was employed by an individual school or local education
27 agency and has met the Massachusetts Teachers Retirement System eligibility criteria and
28 qualified for a pension under IRC section 401(a) and established in Massachusetts by M.G.L. c.
29 32, §2.

30 "Support staff", any person was employed by an individual school or local education
31 agency in a role that primarily provides support services to students, including but not limited to
32 school adjustment counselors and social workers, psychologists, and psychiatrists, and who

33 qualified for a pension under IRC section 401(a) and established in Massachusetts by M.G.L. c.
34 32, §2.

35 SECTION 3. This section shall not apply to individuals retired under a general or special
36 law on disability.