

HOUSE No. 4699

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 30, 2024.

The committee on Ways and Means, to whom was referred the Bill clarifying and normalizing non-public school service purchases (House, No. 3977), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4699).

For the committee,

AARON MICHLEWITZ.

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act clarifying creditable service buyback for publicly funded non-public 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 SECTION 1. Subdivision (1) of section 4 of chapter 32 of the General Laws, as
2 appearing in the 2022 Official Edition, is hereby amended by striking out paragraph (p) and
3 inserting in place thereof the following paragraph:-

4 (p) For the purposes of this paragraph, the following words shall, unless the context
5 clearly requires otherwise, have the following meanings:-

6 “Non-public school”, an institution operated by a private entity in the commonwealth that
7 awards school-aged children a high school diploma or its equivalent; provided, that service in a
8 non-public school shall not include activities in a residence or afterschool program.

9 “School age child”, as defined in section 1 of chapter 71B.

10 “Special education”, as defined in section 1 of chapter 71B.

11 Any member of a contributory retirement system who is engaged in a teacher position
12 and holds a license issued by the department of elementary and secondary education or is

13 exempted from the requirement of licensure and who was previously employed as a teacher as
14 defined in section 1 in a special education program for school-aged children in a non-public
15 school, if the tuition of all pupils in said non-public school was financed in part or in full by the
16 commonwealth, may, before the date any retirement allowance becomes effective for the
17 member, establish such service as creditable service by depositing into the annuity savings fund
18 of the relevant system in 1 sum, or in installments, upon such terms and conditions as the board
19 may prescribe, an amount equal to that which would have been withheld as regular deductions
20 from regular compensation for such previous period, or most recent portion thereof, as the
21 member may elect, had such service been rendered in a public school of the commonwealth, plus
22 buyback interest to the date of such deposit for such previous period, or most recent portion
23 thereof, as the member may elect. Payment shall not be made and no credit shall be allowed for
24 such non-public school service in excess of the total service rendered in a public school of the
25 commonwealth to which the member would be entitled to receive credit if the member remained
26 in service to age 65, with the maximum credit for service in non-public schools not to exceed 10
27 years; provided, that no credit shall be allowed and no payment shall be accepted for any service
28 for which the member shall be entitled to receive a retirement allowance, annuity or pension
29 from any other source. Upon completion of such payments, the member shall receive the same
30 credit for such period of the member's previous non-public school service or portion thereof
31 elected, as would have been allowed had such service been rendered by the member in a public
32 school of the commonwealth. The member shall furnish the board with such information as it
33 shall require to determine the amount to be paid and the credit to be allowed under this
34 paragraph. At the time a retirement allowance becomes due to a member or to a beneficiary
35 under option (d) of subdivision (2) of section 12, if the service rendered in public schools of the

36 commonwealth on the date either the retirement allowance becomes effective, or on the date the
37 member attained age 65, whichever occurs first, is less than the service in said non-public
38 schools for which the member has paid, credit shall be allowed only for the most recent service
39 rendered in said non-public schools equal to such service rendered in the public schools of the
40 commonwealth and the amount paid for such additional service shall be refunded with
41 accumulated interest, refund to be made only when the retirement allowance becomes due to the
42 member or to the beneficiary under option (d) of subdivision (2) of section 12, and if it is found
43 that payment has been accepted for any service for which the member is entitled to a retirement
44 allowance, annuity or pension from any other source, the amount paid for such service with
45 accumulated interest shall also be refunded with no retirement credit allowed.