

# **HOUSE . . . . . No. 5136**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, December 12, 2024.

The committee on Ways and Means, to whom was referred the Bill relative to benefits for teachers (House, No. 2630), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 5136).

For the committee,

AARON MICHLEWITZ.

**HOUSE . . . . . No. 5136**

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**The Commonwealth of Massachusetts**

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

An Act relative to benefits for teachers.

*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. The definition of “teacher” in section 1 of chapter 32 of the General Laws,  
2 as appearing in the 2022 Official Edition, is hereby amended by adding the following sentence:-  
3 Any person who served in a position described above who is vested in the teacher’s retirement  
4 system or the Boston retirement system and is subsequently employed by the executive office of  
5 education or the department of elementary and secondary education shall retain the status of  
6 teacher and be considered as remaining in service in that capacity.

7           SECTION 2. Paragraph (a) of subdivision (8) of section 3 of said chapter 32, as so  
8 appearing, is hereby amended by adding the following sentence:- A teacher who becomes  
9 employed at the executive office of education or the department of elementary and secondary  
10 education shall remain in the teacher’s retirement system or the Boston retirement system.

11           SECTION 3. Said subdivision (8) of said section 3 of said chapter 32, as so appearing, is  
12 hereby further amended by adding the following 2 paragraphs:-

13 (e) An employee of the executive office of education or the department of elementary and  
14 secondary education who is a member of the state employees' retirement system and who is  
15 reinstated in the teachers' retirement system or the Boston retirement system pursuant to  
16 paragraph (a) shall not be deemed to have had an interruption of membership or service. Upon  
17 reinstatement, the member shall pay into the annuity savings fund of the teachers' retirement  
18 system or the Boston retirement system in 1 sum, or in installments as the board may prescribe,  
19 makeup payments equal to the difference between the contributions paid to the state employees  
20 retirement system and the required contributions of the teachers' retirement system or the Boston  
21 retirement system on all regular compensation received during the period of membership in the  
22 state employees' retirement system.

23 (f) Notwithstanding the provisions of this chapter or any other general or special law to  
24 the contrary, a member who is reinstated in the teachers' retirement system or the Boston  
25 retirement system pursuant to paragraph (a) shall be entered into the state employees' retirement  
26 system as a group 1 state employee upon retirement.

27 SECTION 4. (a) Notwithstanding paragraph (i) of subdivision (4) of section 5 of chapter  
28 32 of the General Laws, an active or inactive member of the teachers' retirement system or the  
29 Boston retirement system who: (i) is a teacher or school nurse; (ii) became eligible for  
30 membership in the teachers' retirement system before July 1, 2001; (iii) began contributing to the  
31 teachers' retirement system before July 1, 2001; and (iv) did not provide a written election to  
32 participate in the alternative superannuation retirement benefit program provided under said  
33 subdivision (4) to the teachers' retirement system or the Boston retirement system before July 1,  
34 2001 or at any other time prior to December 31, 2024 or declined to participate in the alternative  
35 superannuation retirement benefit program before July 1, 2001 or at any other time prior to

36 December 31, 2024, shall have a new 1-time opportunity to elect to participate in the alternative  
37 superannuation retirement benefit program. A member entitled to make an election under this  
38 section shall have 180 days from the effective date of this act to make such election.

39 (b) A member who participates in the alternative superannuation retirement benefit  
40 program under this section shall make contributions at the rate of 11 per cent pursuant to section  
41 22 of chapter 32 of the General Laws and may be required to provide make-up contributions at  
42 the rate of 11 per cent, upon such terms and conditions as the relevant retirement system may  
43 require, from the date that such member established membership in the teachers' retirement  
44 system or the Boston retirement system.

45 (c) The teachers' retirement system and the Boston retirement system shall notify eligible  
46 active or inactive members of the teachers' retirement system and the Boston retirement system  
47 and shall provide information to school districts concerning the 1-time opportunity pursuant to  
48 subsection (a); provided, that the teachers' retirement system and the Boston retirement system  
49 shall provide sufficient information pursuant to subsection (a) and (b) not later than 90 days after  
50 the effective date of this act.