SENATE DOCKET, NO. 890 FILED ON: 1/15/2025

# SENATE . . . . . No. 1874

## The Commonwealth of Massachusetts

PRESENTED BY:

***Jason M. Lewis***

*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 out of state service for education professionals.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|---|---|---|
| *Jason M. Lewis* | *Fifth Middlesex* | |
| *Dylan A. Fernandes* | *Plymouth and Barnstable* | *7/16/2025* |

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# SENATE . . . . . No. 1874

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 1874) of Jason M. Lewis for legislation to clarify out of state creditable service for education professionals. Public Service.

## The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court**
**(2025-2026)**

An Act relative to out of state service for education professionals.

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

Section 3 of chapter 32 of the General Laws is hereby amended by striking subsection 4 and inserting the following:-

(4)(a) Credit for Teachers for Out-of-State Service. — Any member in service, or any member inactive on authorized leave of absence of the teachers' retirement system, or any member in service, or any member inactive on authorized leave of absence of any other contributory retirement system who is employed in a teaching position or as a principal, supervisor or president in a school or college, or employed in the department of education as supervisor of teachers or of educational methods, who had rendered service in any other state for any previous period as a teacher, principal, supervisor or superintendent in the public day schools or other day school under exclusive public control and supervision, or in a public academy, or as a teacher, principal, supervisor or president in a state normal school, state teachers college or like institution, or other college under exclusive public control and supervision, or in a public academy, or who was employed in a state department of education as supervisor of teachers or of

educational methods, may, before the date any retirement allowance becomes effective for him, pay into the annuity savings fund of the system in one sum, or in instalments, upon such terms and conditions as the board may prescribe, an amount equal to that which would have been withheld as regular deductions from his regular compensation for such previous period, or most recent portion thereof, as he may elect, had such service been rendered in a public school of the commonwealth and had he been a member of the teachers' retirement system during the period the service was rendered; provided, that for such service which was rendered prior to July first, nineteen hundred and fourteen, payment shall be made equal to the regular deductions which would have been withheld from his regular compensation if the teachers' retirement system, as established by chapter eight hundred and thirty-two of the acts of nineteen hundred and thirteen, had been in effect during the period the service was rendered, and the interest to July first, nineteen hundred and fourteen, shall be computed at the rate of three per cent. Payment shall not be made and no credit shall be allowed for service in other states in excess of the total Massachusetts service to which the member would be entitled to receive credit if he remained in service to age sixty-five, with a maximum credit for service in other states not to exceed ten years; provided, that no credit shall be allowed and no payment shall be accepted for any service for which the member shall be entitled to receive a retirement allowance from any other state. In addition to the payment of such sum or instalments thereof, such member shall also pay into the annuity savings fund an amount of interest such that at the completion of such payments the value of his accumulated payments, together with buyback interest thereon, actually made on account of such previous out-of-state service, shall equal the value of his accumulated buyback deductions which would have resulted if regular deductions had been made when regular compensation for such service was actually received. Upon the completion of such payments,

such member shall receive the same credit for such period of his previous out-of-state service, or portion thereof elected, as would have been allowed if such service had been rendered by him in a public school of the commonwealth. Such member shall furnish the board with such information as it shall require to determine the amount to be paid and the credit to be allowed under this subdivision. At the time a retirement allowance becomes due to a member or to a beneficiary under option (d) of subdivision (2) of section twelve, if the Massachusetts service on the date either retirement allowance becomes effective, or on the date the member attained age sixty-five, whichever first occurs, is less than the service in other states for which the member has paid, credit shall be allowed only for the most recent service rendered in other states equal to such Massachusetts service, and the amount paid for additional service shall be refunded with accumulated interest, refund to be made only when the retirement allowance becomes due to the member or to the beneficiary under option (d) of subdivision (2) of section twelve, and if it is found that payment has been accepted for any service for which the member is entitled to a retirement allowance from any other state, the amount paid for such service with accumulated interest shall also be refunded with no retirement credit allowed.

For the purposes of this subdivision the words "service in any other state for any previous period as a teacher, principal, supervisor or superintendent in the public day schools or other day school under exclusive public control and supervision" shall be deemed to include service rendered in an overseas dependent school conducted under the supervision of the department of defense of the government of the United States, and service rendered in the public schools of the Commonwealth of Puerto Rico; provided, that any credit to be allowed shall not exceed five years of the maximum credit of ten years allowable for service in other states as provided in this section.

(b) In the case in which a member has vested in a pension plan in another state or states, the member may apply to opt into the teachers' retirement system so long as the applicant agrees to transfer the full present value of that pension to the teachers' retirement system for the years of service in the other state or states; provided, that the teachers' retirement system may assess a fee to the member for any difference in value between the present value of the pension plan in the other state or states and the value of joining the teachers' retirement system; provided further, that if the member applicant chooses to join teachers' retirement system pursuant to this subsection, the member shall not be eligible for teacher retirement system distributions if the member is found to be in receipt of a public pension from any other state.