SENATE DOCKET, NO. 2208 FILED ON: 1/17/2025

SENATE . . . . . No. 1884

The Commonwealth of Massachusetts

PRESENTED BY:

Liz Miranda

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 teacher retirement election.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Liz Miranda	*Second Suffolk*	
Sal N. DiDomenico	*Middlesex and Suffolk*	
Michael F. Rush	*Norfolk and Suffolk*	*1/21/2025*
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	*1/27/2025*
Ryan C. Fattman	*Worcester and Hampden*	*1/27/2025*
Susannah M. Whipps	*2nd Franklin*	*1/27/2025*
Bradley H. Jones, Jr.	*20th Middlesex*	*1/27/2025*
Peter J. Durant	*Worcester and Hampshire*	*1/27/2025*
John F. Keenan	*Norfolk and Plymouth*	*2/10/2025*
Vanna Howard	*17th Middlesex*	*2/10/2025*
Michael D. Brady	*Second Plymouth and Norfolk*	*2/10/2025*
Dylan A. Fernandes	*Plymouth and Barnstable*	*2/10/2025*
Jacob R. Oliveira	*Hampden, Hampshire and Worcester*	*2/10/2025*
James K. Hawkins	*2nd Bristol*	*2/12/2025*
Mike Connolly	*26th Middlesex*	*3/13/2025*
John J. Marsi	*6th Worcester*	*3/13/2025*
Colleen M. Garry	*36th Middlesex*	*3/13/2025*
Russell E. Holmes	*6th Suffolk*	*3/13/2025*

Brendan P. Crighton	*Third Essex*	*2/26/2025*
Steven George Xiarhos	*5th Barnstable*	*3/13/2025*
Paul W. Mark	*Berkshire, Hampden, Franklin and Hampshire*	*2/26/2025*
Patrick M. O'Connor	*First Plymouth and Norfolk*	*2/26/2025*
Bruce E. Tarr	*First Essex and Middlesex*	*3/13/2025*
Patricia D. Jehlen	*Second Middlesex*	*3/13/2025*
Manny Cruz	*7th Essex*	*3/13/2025*
Joan B. Lovely	*Second Essex*	*3/13/2025*
William J. Driscoll, Jr.	*Norfolk, Plymouth and Bristol*	*3/12/2025*
James B. Eldridge	*Middlesex and Worcester*	*3/19/2025*
John J. Cronin	*Worcester and Middlesex*	*3/25/2025*
Lydia Edwards	*Third Suffolk*	*3/31/2025*
Angelo J. Puppolo, Jr.	*12th Hampden*	*3/31/2025*
Shirley B. Arriaga	*8th Hampden*	*4/1/2025*
Adam Gómez	*Hampden*	*4/1/2025*
Nick Collins	*First Suffolk*	*4/4/2025*
Michael O. Moore	*Second Worcester*	*4/4/2025*
Pavel M. Payano	*First Essex*	*4/8/2025*
Adam J. Scanlon	*14th Bristol*	*4/9/2025*
Julian Cyr	*Cape and Islands*	*4/10/2025*
Hannah Kane	*11th Worcester*	*4/15/2025*
Edward J. Kennedy	*First Middlesex*	*4/16/2025*
Paul R. Feeney	*Bristol and Norfolk*	*4/28/2025*
Marcus S. Vaughn	*9th Norfolk*	*5/7/2025*
Rebecca L. Rausch	*Norfolk, Worcester and Middlesex*	*5/19/2025*
Mark D. Sylvia	*10th Bristol*	*5/20/2025*

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SENATE . . . . . No. 1884

By Ms. Miranda, a petition (accompanied by bill, Senate, No. 1884) of Liz Miranda, Sal N. DiDomenico, Michael F. Rush, Joanne M. Comerford and other members of the General Court for legislation relative to teacher retirement election. Public Service.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1702* OF 2023-2024.]

The Commonwealth of Massachusetts

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

An Act relative to teacher retirement election.

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

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

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

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

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

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

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

subdivision (4) to the teachers' retirement system or the Boston retirement system before July 1, 2001 or at any other time prior to December 31, 2024 or declined to participate in the alternative superannuation retirement benefit program before July 1, 2001 or at any other time prior to December 31, 2024, shall have a new 1-time opportunity to elect to participate in the alternative superannuation retirement benefit program. A member entitled to make an election under this section shall have 180 days from the effective date of this act to make such election.

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

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

SECTION 5. Section 91 of said chapter 32, as so appearing, is hereby amended by striking subsection (e) and inserting in place thereof the paragraph:

(e) Notwithstanding the provisions of paragraphs (a) to (d), inclusive, in any period during which there is a critical shortage of certified teachers available for employment in a

school district, said school district may employ as a teacher or as a mentor to other teachers any person who has retired from the teachers' retirement system or the Boston retirement system. Any such retired person who renders service in a public school district as a teacher or as a mentor to other teachers shall be subject to all laws, rules and regulations governing the employment of teachers in the school district. Such person shall not be deemed to have resumed active membership in the teachers' retirement system or Boston retirement system and said service shall not be counted as creditable service toward retirement.