

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Cheryl A. Coakley-Rivera

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 passage of the accompanying bill:

An Act relative to nonpublic school service.

PETITION OF:

| | |
|--------------------------|-------------------|
| NAME: | DISTRICT/ADDRESS: |
| Cheryl A. Coakley-Rivera | 10th Hampden |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2438 OF 2007-2008.]

The Commonwealth of Massachusetts

—————
In the Year Two Thousand and Nine
—————

AN ACT RELATIVE TO NONPUBLIC SCHOOL SERVICE.

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. Section 1 of chapter 32 of the General Laws, as appearing in the 2006 Official Edition, is hereby
2 amended by inserting, after the definition of “Membership service,” the following definition:-
3 “Nonpublic school,” an institution, not operated by the federal, state or local governments or agencies thereof, the
4 primary function of which is (a) to educate students in a course of study designed to lead to the award of a diploma
5 or its equivalent; or (b) to provide a college-level course of study designed to lead to the award of a college or
6 university degree.
7
- 8 SECTION 2. Section 3 of said chapter 32, as so appearing, is hereby amended by inserting after subdivision (4A)
9 the following subdivision:-
10 (4B) Credit for Teachers for Nonpublic School Service after January 1, 1973. Any member in service, or any
11 member inactive on authorized leave of absence of the teachers’ retirement system, the state retirement system or as
12 a teacher in the State-Boston retirement system, who holds a certificate issued by the department of education or is
13 exempted from the requirement of certification, or any member who is employed in a public institution of higher
14 education as a faculty member or professional employee not under the jurisdiction of the human resources division
15 within the executive office for administration and finance classification system, and who was previously employed
16 as a teacher in a nonpublic school may receive creditable service as if that service had been rendered in a public
17 school of the commonwealth or public institution of higher education and the member had been a member of the
18 teachers’ retirement system, the state retirement system, or the State-Boston retirement system during the period in
19 which the service was rendered. No credit shall be allowed until the member has paid into the annuity savings fund
20 of the system before any retirement allowance becomes effective for the member, in 1 sum, or in installments, upon
21 the terms and conditions that the board prescribes, makeup payments of an amount equal to 10 per cent of the
22 regular annual compensation of the member as of the member’s most recent date of entry into membership in the
23 teachers’ retirement system, the state retirement system, or as a teacher in the State-Boston retirement system, for
24 each year of service purchased plus buyback interest on that amount. No credit shall be allowed and no payment
25 shall be accepted under this paragraph until the member has completed 10 or more years of membership service, and
26 no credit shall be allowed and no payment shall be accepted for any service on account of which the member shall
27 be entitled to receive a retirement allowance or other similar payment from any other nonpublic school system. No
28 credit shall be allowed if the member has received credit for 3 or more years of nonpublic school service under
29 subdivision (4A) of this section or paragraph (p) of subdivision (1) of section 4. The creditable service allowable

30 under this subdivision for any member shall not exceed 4 years. Members in service of a retirement system who
31 make application for this creditable service shall be notified by the retirement board of their eligibility for this
32 creditable service, and, if they are eligible, shall also be notified by the retirement board that they have the following
33 options: (1) to purchase the service in a lump sum within 180 days after the notice, or (2) to enter into an installment
34 agreement within 180 days after the notice to pay for the creditable service.