

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**William Lantigua**

*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 improving recruitment and retention of educators and superintendents in underperforming school districts.

PETITION OF:

NAME:

William Lantigua

DISTRICT/ADDRESS:

16th Essex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2640 OF 2007-2008.]

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the Year Two Thousand and Nine  
\_\_\_\_\_

### AN ACT IMPROVING RECRUITMENT AND RETENTION OF EDUCATORS AND SUPERINTENDENTS IN UNDERPERFORMING SCHOOL DISTRICTS.

*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 (4) of section 3 of Chapter 32 of the Massachusetts General Laws, as  
2 appearing in the 2004 Official Edition, is hereby amended by striking out in line 400 the word  
3 “ten” and inserting in place thereof the word “fifteen”.

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5 SECTION 2. Section 3 of Chapter 32 of the Massachusetts General Laws is hereby amended by  
6 adding after subdivision (4A) the following:–

7  
8 (4B) Notwithstanding the provisions of section 4A of Chapter 32, any superintendent in service  
9 who is employed as the superintendent by a school district, which has been identified as an  
10 under-performing school district and/or a district in which there is a memorandum of  
11 understanding (agreement) with the Commonwealth of Massachusetts Department of Education,  
12 who holds a certificate issued by the department of education or is exempted from the  
13 requirement of certification and who was previously engaged in teaching pupils or as an  
14 administrator in a nonpublic school may, before the date any retirement allowance becomes  
15 effective for him, pay into the annuity savings fund of the teachers' retirement system in one  
16 sum, or in installments, upon such terms and conditions as the board may prescribe, an amount  
17 equal to that which would have been withheld as regular deductions from his regular  
18 compensation for such previous period, or most recent portion thereof, as he may elect, had such  
19 service been rendered in a public school of the commonwealth and had he been a member of the

20 teachers' retirement system during the period such service was rendered with a maximum credit  
21 for service in nonpublic schools not to exceed ten years; provided that no credit shall be allowed  
22 and no payment shall be accepted for any service on account of which the member shall be  
23 entitled to receive a retirement allowance from any other non public school system. If it is found  
24 that payment has been accepted for any service for which the member is entitled to a retirement  
25 allowance from any other non public school system, the amount paid for such service with  
26 accumulated interest shall also be refunded with no retirement credit allowed. In addition to the  
27 payment of such sum, or installments thereof, such member shall also pay into the appropriate  
28 annuity savings fund an amount of interest such that at the completion of such payments the  
29 value of his accumulated payments, together with regular interest thereon, actually made on  
30 account of such previous nonpublic school service, shall equal the value of his accumulated  
31 regular deductions which would have resulted if regular deductions had been made when regular  
32 compensation for such service was actually received. Upon the completion of such payments,  
33 such member shall receive the same credit for such period of his previous nonpublic school  
34 service, or portion thereof elected, as would have been allowed if such service had been rendered  
35 by him in a public school of the commonwealth. Such member shall furnish the teachers'  
36 retirement board with such information as it shall require to determine the amount, to be paid and  
37 the credit to be allowed under this subdivision.

38

39 SECTION 3. Subdivision (4) of section 5 of said Chapter 32 is hereby amended by striking out  
40 clause (ii) and inserting in place thereof the following:–

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42 (ii) The normal yearly amount of the retirement allowance for an eligible employee who has  
43 completed at least 30 years of creditable service and has paid the full amount of regular  
44 deductions on the total amount of regular compensation as determined under paragraph (a) of  
45 subdivision (2), shall be based on the average annual rate of regular compensation as determined  
46 under said paragraph (a) and shall be computed according to the table contained in said  
47 paragraph (a) based on the age of such member and his number of years and full months of  
48 creditable service at the time of his retirement with the percentage of salary average in such  
49 computation to be increased by 2 per cent per year for each full year of service in excess of 24  
50 years of creditable service. Such member shall have served for not less than 20 years as a  
51 teacher; **provided that service credited under subdivision (4) of section 3 of this chapter**  
52 **shall be included as part of the 20-year teacher requirement**, in order to be eligible to receive  
53 the benefit provided under this subdivision. For any member who retires before age 55, his age  
54 factor shall be determined in accordance with subdivision (1) of section 10. Any member who  
55 retires before completing 30 years of service shall receive a retirement allowance equal to the  
56 retirement allowance that the member would have been eligible for had he not participated in the  
57 alternative superannuation retirement benefit program.

58

59 SECTION 4: Subdivision (4) of section 5 of said chapter 32, is hereby amended by adding at the  
60 end thereof the following clause:–

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62 (iii) Notwithstanding the seventh sentence of clause (i) of subdivision (4) of this section the  
63 teachers' retirement board and the State-Boston retirement board, at the request of an active  
64 member, may allow said member to elect into the alternative superannuation retirement benefit  
65 program; provided that said member should make retirement contributions to the system as if  
66 said member had elected into said program on or before July 1, 2001, plus interest; provided that  
67 the interest shall be calculated by using the actuarially assumed investment rate of return of the  
68 teachers' retirement system or the State-Boston retirement.