

By Ms. Brenton of Burlington (by request), petition of Marie Ardito for legislation to authorize credit for service in the teachers' retirement system for teachers previously employed in non-public school systems. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT PROVIDING FOR CREDIBLE SERVICE FOR TEACHERS WHO TAUGHT
IN NON-PUBLIC SCHOOL SYSTEMS.

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 3 of chapter 32 of the General Laws, as
2 appearing in the 1990 Official Edition, is hereby amended by
3 inserting after subdivision (4) the following subdivision: —
4 (4½) Credit For Non-Public School Service. Any member in
5 service, or any member inactive on authorized leave of absence
6 of the teachers' retirement system, or any member in service, or
7 any member inactive on authorized leave of absence of any other
8 contributory retirement system who is employed in a teaching
9 position or as a principal, supervisor or president in a school or
10 college, or employed in the department of education as supervisor
11 of teachers or of educational methods, who had rendered service
12 in any non-public school for any previous period as a teacher,
13 principal, supervisor or superintendent in the public day schools
14 or other day school under exclusive public control and
15 supervision, or in a public academy, or as a teacher, principal,
16 supervisor or president in a state normal school, state teachers
17 college or like institution, or other college under exclusive public
18 control and supervision, or in a public academy, or who was
19 employed in a state department of education as supervisor of
20 teachers or of educational methods, may, before the date any
21 retirement allowance becomes effective for him, pay into the
22 annuity savings fund of the system in one sum, or in installments,
23 upon such terms and conditions as the board may prescribe, an

24 amount equal to that which would have been withheld as regular
25 deductions from his regular compensation for such previous
26 period, or most recent portion thereof, as he may elect, had such
27 service been rendered in a public school of the commonwealth and
28 had he been a member of the teachers' retirement system during
29 the period the service was rendered; provided, that for such service
30 which was rendered prior to July first, nineteen hundred and
31 fourteen, payment shall be made equal to the regular deductions
32 which would have been withheld from his regular compensation
33 if the teachers' retirement system, as established by chapter eight
34 hundred and thirty-two of the acts of nineteen hundred and
35 thirteen, had been in effect during the period the service was
36 rendered, and the interest to July first, nineteen hundred and
37 fourteen, shall be computed at the rate of three per cent. Payment
38 shall not be made and no credit shall be allowed for service in
39 a non-public school in excess of the total public school service
40 to which the member would be entitled to receive credit if he
41 remained in service to age sixty-five, with a maximum credit for
42 service in other states not to exceed ten years; provided, that no
43 credit shall be allowed and no payment shall be accepted for any
44 service for which the member shall be entitled to receive a
45 retirement allowance from any non-public school system. In
46 addition to the payment of such sum or installments thereof, such
47 member shall also pay into the annuity savings fund an amount
48 of interest such that at the completion of such payments the value
49 of his accumulated payments, together with regular interest
50 thereon, actually made on account of such previous non-public
51 school service, shall equal the value of his accumulated regular
52 deductions which would have resulted if regular deductions had
53 been made when regular compensation for such service was
54 actually received. Upon the completion of such payments, such
55 member shall receive the same credit for such period of his
56 previous non-public school service or portion thereof elected, as
57 would have been allowed if such service had been rendered by him
58 in a public school of the commonwealth. Such member shall
59 furnish the board with such information as it shall require to
60 determine the amount to be paid and the credit to be allowed
61 under this subdivision. At the time a retirement allowance
62 becomes due to a member or to a beneficiary under option (d)
63 of subdivision (2) of section twelve, if the public school service

64 on the date either retirement allowance becomes effective, or on
65 the date the member attained age sixty-five, whichever first occurs,
66 is less than the service in other states for which the member has
67 paid, credit shall be allowed only for the most recent service
68 rendered in other states equal to such public school service, and
69 the amount paid for additional service shall be refunded with
70 accumulated interest, refund to be made only when the retirement
71 allowance becomes due to the member or to the beneficiary under
72 option (d) of subdivision (2) of section twelve, and if it is found
73 that payment has been accepted for any service for which the
74 member is entitled to a retirement allowance from any other state,
75 the amount paid for such service with accumulated interest shall
76 also be refunded with no retirement credit allowed.

1 SECTION 2. Subdivision (1) of section 4 of chapter 32 of the
2 General Laws, as so appearing, is hereby amended by inserting
3 after paragraph (f) the following paragraph: —

4 (f ½) Creditible service for periods of non-public school service
5 in the case of any member who has acquired the right to credit
6 for such service as a member of the teachers' retirement system
7 shall be allowed as provided in subdivision (4½) of section three.

