

HOUSE No. 2342

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
William N. Brownsberger	24th Middlesex
Donald F. Humason, Jr.	4th Hampden
Susan C. Tucker	Second Essex and Middlesex
Joyce A. Spilotis	12th Essex
Christine E. Canavan	10th Plymouth
Bill Bowles	2nd Bristol
Paul J. Donato	35th Middlesex
Stephen L. DiNatale	3rd Worcester
John P. Fresolo	16th Worcester
Robert L. Rice, Jr.	2nd Worcester
Louis L. Kafka	8th Norfolk
Cleon H. Turner	1st Barnstable
Rosemary Sandlin	3rd Hampden
Robert L. Rice, Jr.	2nd Worcester
Patricia A. Haddad	5th Bristol
John V. Fernandes	10th Worcester
Bruce E. Tarr	First Essex and Middlesex
Steven J. D'Amico	4th Bristol

[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 SECTION 2. Section 3 of said chapter 32, as so appearing, is hereby amended by inserting after subdivision (4A)
8 the following subdivision:-
9 (4B) Credit for Teachers for Nonpublic School Service after January 1, 1973. Any member in service, or any
10 member inactive on authorized leave of absence of the teachers' retirement system, the state retirement system or as
11 a teacher in the State-Boston retirement system, who holds a certificate issued by the department of education or is
12 exempted from the requirement of certification, or any member who is employed in a public institution of higher
13 education as a faculty member or professional employee not under the jurisdiction of the human resources division
14 within the executive office for administration and finance classification system, and who was previously employed
15 as a teacher in a nonpublic school may receive creditable service as if that service had been rendered in a public
16 school of the commonwealth or public institution of higher education and the member had been a member of the
17 teachers' retirement system, the state retirement system, or the State-Boston retirement system during the period in
18 which the service was rendered. No credit shall be allowed until the member has paid into the annuity savings fund
19 of the system before any retirement allowance becomes effective for the member, in 1 sum, or in installments, upon
20 the terms and conditions that the board prescribes, makeup payments of an amount equal to 10 per cent of the
21 regular annual compensation of the member as of the member's most recent date of entry into membership in the
22 teachers' retirement system, the state retirement system, or as a teacher in the State-Boston retirement system, for
23 each year of service purchased plus buyback interest on that amount. No credit shall be allowed and no payment
24 shall be accepted under this paragraph until the member has completed 10 or more years of membership service, and
25 no credit shall be allowed and no payment shall be accepted for any service on account of which the member shall
26 be entitled to receive a retirement allowance or other similar payment from any other nonpublic school system. No
27 credit shall be allowed if the member has received credit for 3 or more years of nonpublic school service under
28 subdivision (4A) of this section or paragraph (p) of subdivision (1) of section 4. The creditable service allowable
29 under this subdivision for any member shall not exceed 4 years. Members in service of a retirement system who
30 make application for this creditable service shall be notified by the retirement board of their eligibility for this
31 creditable service, and, if they are eligible, shall also be notified by the retirement board that they have the following

32 options: (1) to purchase the service in a lump sum within 180 days after the notice, or (2) to enter into an installment
33 agreement within 180 days after the notice to pay for the creditable service.