

HOUSE No. 19

So much of the recommendations of the Teachers' Retirement Board (House, No. 18) as relates to protecting the federal tax qualification status of Massachusetts public retirement plans. Education.

The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court

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An Act relative to protecting the federal tax qualification status of Massachusetts public retirement plans.

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: Paragraph (c) of Section 89 of Chapter 71 of the General Laws, as so
2 appearing, is hereby amended by adding after the words “control the charter school” in line 28 of
3 the 2012 Official Edition, the following language:- “The board of trustees may not control or
4 supervise the employees of its vendors including, but not limited to, the employees of vendors
5 from whom the charter school procures substantially all educational services under paragraph
6 (k)(5) of this section.”

7 SECTION 2: Paragraph (c) of Section 89 of Chapter 71 of the General Laws, as so
8 appearing, is hereby further amended by adding the following sentence after the end of
9 Paragraph (c) in line 51 of the 2012 Official Edition:- “The board of trustees may not control or
10 supervise the employees of its vendors including, but not limited to, the employees of vendors
11 from whom the charter school procures substantially all educational services under paragraph
12 (k)(5) of this section.”

13 SECTION 3. Paragraph (y) of Section 89 of said Chapter 71 of the General Laws, as so
14 appearing, is hereby amended by adding, after the words “meaning thereof” in line 522 of the
15 2012 Official Edition, the following sentence:- “Teachers employed by vendors of charter
16 schools including, but not limited to, the teachers employed by vendors from whom the charter
17 school procures substantially all educational services under Paragraph (k)(5) of this section, shall
18 not be subject to the state teacher retirement system under chapter 32, and service in a charter
19 school as an employee of a vendor shall not be deemed creditable service within the meaning
20 thereof.”

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22 SECTION 4. Because SECTIONS 1, 2, and 3 of this Act are intended to clarify and not
23 change the meaning of Section 89 of Chapter 71 of the General Laws, SECTIONS 1, 2, and 3 of
24 this Act shall be applied retroactively to the date of the initial enactment of Section 89 of Chapter
25 71 of the General Laws.