

**HOUSE . . . . . No. 2624**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Timothy J. Toomey, Jr.**

*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:

Timothy J. Toomey, Jr.

DISTRICT/ADDRESS:

26th Middlesex

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

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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

27 of service purchased plus buyback interest on that amount. No credit shall be allowed and no  
28 payment shall be accepted under this paragraph until the member has completed 10 or more  
29 years of membership service, and no credit shall be allowed and no payment shall be accepted  
30 for any service on account of which the member shall be entitled to receive a retirement  
31 allowance or other similar payment from any other nonpublic school system. No credit shall be  
32 allowed if the member has received credit for 3 or more years of nonpublic school service under  
33 subdivision (4A) of this section or paragraph (p) of subdivision (1) of section 4. The creditable  
34 service allowable under this subdivision for any member shall not exceed 4 years. Members in  
35 service of a retirement system who make application for this creditable service shall be notified  
36 by the retirement board of their eligibility for this creditable service, and, if they are eligible,  
37 shall also be notified by the retirement board that they have the following options: (1) to  
38 purchase the service in a lump sum within 180 days after the notice, or (2) to enter into an  
39 installment agreement within 180 days after the notice to pay for the creditable service.