

# HOUSE . . . . . No. 3977

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, July 13, 2023.

The committee on Public Service to whom was referred so much of the recommendations of the Teachers' Retirement System (House, No. 16) as relates to clarifying and normalizing non-public school service purchases (House, No. 20), reports recommending that the accompanying bill (House, No. 3977) ought to pass.

For the committee,

KENNETH I. GORDON.

**HOUSE . . . . . No. 3977**

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act clarifying and normalizing non-public school service purchases.

*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 (1) of section 4 of Chapter 32 is hereby amended by striking  
2 out paragraph (p) and inserting in place thereof the following paragraphs:

3           (p) Any member of a contributory retirement system who is engaged in a teacher position  
4 and holds a license issued by the department of elementary and secondary education or is  
5 exempted from the requirement of licensure and who was previously employed as a teacher as  
6 defined in section 1 in a special education program for school aged children in a non-public  
7 school in the commonwealth, if the tuition of all pupils in said non-public school was financed in  
8 part or in full by the commonwealth may, before the date any retirement allowance becomes  
9 effective for him, establish such service as creditable service by depositing into the annuity  
10 savings fund of the system of which he is a member in one sum, or in installments, upon such  
11 terms and conditions as the board may prescribe, an amount equal to that which would have been  
12 withheld as regular deductions from his regular compensation for such previous period, or most  
13 recent portion thereof, as he may elect, had such service been rendered in a public school of the

14 commonwealth plus buyback interest to the date of such deposit for such previous period, or  
15 most recent portion thereof, as he may elect.

16 Payment shall not be made and no credit shall be allowed for such non-public school  
17 service in excess of the total service rendered in a public school of the commonwealth to which  
18 the member would be entitled to receive credit if he remained in service to age sixty-five, with  
19 the maximum credit for service in such non-public schools not to exceed ten years; provided, that  
20 no credit shall be allowed and no payment shall be accepted for any service for which the  
21 member shall be entitled to receive a retirement allowance, annuity or pension from any other  
22 source. Upon completion of such payments, such member shall receive the same credit for such  
23 period of his previous non-public school service or portion thereof elected, as would have been  
24 allowed had such service been rendered by him in a public school of the Commonwealth. Such  
25 member shall furnish the board with such information as it shall require to determine the amount  
26 to be paid and the credit to be allowed under this paragraph. At the time a retirement allowance  
27 becomes due to a member or to a beneficiary under option (d) of subdivision (2) of section  
28 twelve, if the service rendered in public schools of the commonwealth on the date either the  
29 retirement allowance becomes effective, or on the date the member attained age sixty-five,  
30 whichever occurs first, is less than the service in said non-public schools for which the member  
31 has paid, credit shall be allowed only for the most recent service rendered in said non-public  
32 schools equal to such service rendered in the public schools of the commonwealth and the  
33 amount paid for such additional service shall be refunded with accumulated interest, refund to be  
34 made only when the retirement allowance becomes due to the member or to the beneficiary  
35 under option (d) of subdivision (2) of section twelve, and if it is found that payment has been  
36 accepted for any service for which the member is entitled to a retirement allowance, annuity or

37 pension from any other source, the amount paid for such service with accumulated interest shall  
38 also be refunded with no retirement credit allowed.

39 For the purposes of this section, “non-public school” shall mean an institution operated  
40 by a private entity in the Commonwealth that will lead to or award school-aged children either a  
41 high school diploma or its equivalent; service in a “non-public school” does not include activities  
42 in a residence or afterschool program.