

807 CMR: TEACHERS' RETIREMENT BOARD

807 CMR 19.00: ELIGIBILITY FOR OUT OF STATE SERVICE PURCHASE

Section

19.01: Definition

19.02: Principal, Supervisor, or Superintendent

19.03: Day School Under Exclusive Public Control and Jurisdiction

19.04: Out of State Retirement Allowance

19.01: Definition

Out of State Teacher. For purposes of M.G.L. c. 32, § 3(4), a member may purchase service credit for out of state service as a "teacher" if, during such service, the member was required to have, and had, the qualifications of a teacher in that school in that state, and performed the duties of a teacher. More specifically, this means:

(a) Public Schools. If the other state required certification, licensure, or other qualifications to be a public school teacher, the member was employed in a public school position that required such qualifications, and the member possessed such qualifications during his or her service.

(b) Other Day Schools Under Exclusive Public Control and Supervision. The member was employed in a position that required whatever qualifications were needed for a teacher in that setting, and performed the functions of a teacher in that setting.

19.02: Principal, Supervisor, or Superintendent

The requirements of 807 CMR 19.01 also applies to out of state employment as a principal, supervisor, or superintendent.

19.03: Day School Under Exclusive Public Control and Jurisdiction

For purposes of M.G.L. c. 32, § 3(4), a "day school" is a school that is not a residential or boarding school, nor exclusively an evening school, and which provides a course of study leading to a diploma, GED, or credits transferrable to a public school.

19.04: Out of State Retirement Allowance

(1) M.G.L. c. 32, § 3(4) provides that no credit shall be allowed and no payment shall be accepted for any service for which the member shall be entitled to receive a retirement allowance from any other state.

(2) For purposes of 807 CMR 19.04(1), the term "retirement allowance" means any out of state governmental defined benefit plan, or defined contribution plan offered in *lieu* of a defined benefit plan or as the sole retirement plan but not as a supplemental plan, in which a member is eligible to receive, or has received, a benefit based in whole or in part upon employer contributions.

REGULATORY AUTHORITY

807 CMR 19.00: M.G.L. c. 15, § 16 and c. 32, §§ 3(4), 20(5)(b).