

**COMMONWEALTH OF MASSACHUSETTS
DIVISION OF ADMINISTRATIVE LAW APPEALS**

Middlesex, ss.

Anne Andrade,
Petitioner,

Docket No.: CR-23-0512

v.

Massachusetts Teachers' Retirement System,
Respondent.

ORDER OF DISMISSAL

The petitioner, Anne Andrade, appealed the Massachusetts Teachers' Retirement System's (MTRS) denial of her application to purchase one school year of employment as a speech and language pathologist at the Learning Prep School, a non-public school. Under a scheduling order from the Division of Administrative Law Appeals (DALA) that set this matter for decision under 801 C.M.R. § 1.01(10)(b), the parties filed their arguments and proposed exhibits. The exhibits are admitted as marked.

G.L. c. 32, § 4(1)(p) allows teachers to purchase credit for pre-membership periods during which they were "engaged in teaching pupils in any non-public school in the commonwealth." Section 4(1)(p) further requires that the tuition of all students be paid in part or in full by the Commonwealth.

The Contributory Retirement Appeal Board (CRAB) has interpreted the term "teaching pupils" narrowly. In *Lukasik v. Mass. Teachers' Ret. Syst.*, No. CR-15-668 (Contributory Ret. App. Bd. Feb. 21, 2020) CRAB held that the term:

"engaged in teaching pupils" . . . was intended by the Legislature to include instruction in the academic and vocational subjects that are typically taught for credit in public schools . . . but not the myriad of other special education services that are provided in alternative day and residential schools.

Lukasik at *12.

Services that do not qualify as “teaching pupils” include “therapeutic programming,” instruction on “social and behavioral strategies,” and “advising teachers on how to accommodate students’ learning differences.” *Siddle v. Mass. Teachers’ Ret. Syst.*, No. CR-16-385, 2023 WL 11806177, at *2-4 (Contributory Ret. App. Bd. Aug. 2, 2023).

Ms. Andrade offered little detail about her day-to-day activities at the Learning Prep School. She told MTRS that she no longer had a job description or resume from that time. Ms. Andrade described her work as a speech and language pathologist as follows:

I worked with students on an individual basis, doing explicit teaching of foundational language concepts and strategies. Goal areas . . . included vocabulary and word retrieval, organization of language, language processing, language comprehension, abstract language and social language.

Ex. 6. In her appeal, she added that she taught students “1:1 or in a small group setting, using curriculum related materials to address students’ language deficits.”

In *Siddle*, CRAB held:

[T]he specificity of the term “engaged in teaching pupils,” the fact that the Legislature sought to distinguish those who were engaged in [other] functions from those who were engaged in teaching pupils, and the . . . [Legislature’s intent] to only narrowly expand pension benefits, indicate that teaching had to have been one’s primary responsibility, rather than merely an incidental component of an otherwise different job, for one to be eligible.

Sullivan v. Mass. Teachers’ Ret. Syst., No. CR-23-0371 (Div. Admin. Law App. Sept. 13, 2024)

quoting *Siddle* at 7. Instructing students in the academic and vocational subjects that are typically taught for credit in public schools was not Ms. Andrade’s primary responsibility. Rather, she used the curricula to teach foundational language concepts and strategies and to address students’ language deficits. This is not “teaching pupils” under CRAB’s analysis in *Lukasik* and

Siddle. See Sullivan supra; Hersh v. Mass. Teachers' Ret. Syst., No. CR-03-115 (Div. Admin. Law App. May 12, 2003.)

A determination of whether the tuition of all students at the Learning Prep School was paid in part or in full by the Commonwealth when Ms. Andrade taught there is not necessary in this decision. Even if Ms. Andrade were to prevail on this point, she would not be able to purchase her non-public school service.

The MTRS decision is affirmed. Ms. Andrade was not teaching pupils within the meaning of G.L. c. 32, § 4(1)(p).

Dated: Oct. 3, 2025

/s/ Bonney Cashin
Bonney Cashin
Administrative Magistrate
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