

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Jessie Beaubrun,
Petitioner

v.

Docket No. CR-24-0287
Dated: September 26, 2025

Boston Retirement System,
Respondent

Appearance for Petitioner:

Jessie Beaubrun, *pro se*

Appearance for Respondent:

Timothy J. Smyth, Esq.

Administrative Magistrate:

Kenneth J. Forton

SUMMARY

Retirement system's motion for summary decision is allowed because Petitioner has presented no evidence that the tuition of the students she taught at the Boston University Early Learning Center was paid, at least in part, by the commonwealth. *See* G.L. c. 32, § 4(1)(p).

RULING ON MOTION FOR SUMMARY DECISION

This appeal concerns the Boston Retirement System's denial of Petitioner Jessie Beaubrun's application to purchase service credit for her teaching service at Boston University Early Learning Center because the Board could not confirm that all of the pupils Petitioner taught at the Boston University Early Learning Center had their tuition

paid, at least in part, by the Commonwealth of Massachusetts. *See* G.L. c. 32, § 4(1)(p).

The Board moved DALA for summary decision on that basis on February 3, 2025.

Petitioner has not filed an opposition to the motion, but I treat her appeal letter as her opposition because it provides her essential arguments and had several documents attached to it.

The following facts either are established beyond genuine dispute or are taken as true in Petitioner's favor. *See generally* 801 CMR 1.01(7)(h); *Caitlin v. Bd. of Registration of Architects*, 414 Mass. 1, 5-7 (1992).

Jessie Beaubrun began teaching with the Boston Public Schools on January 4, 2020 and consequently became a member of the Boston Retirement System. Nearly twenty years ago, from November 1, 1999 through September 30, 2002, Ms. Beaubrun worked at the Boston University Early Learning Center in Allston, Massachusetts. Her employer was Boston University. The program was a partnership with Boston Public Schools (BPS). The students were BPS students. Ms. Beaubrun was eligible to participate in a 403(b) retirement plan offered by BU, but she chose not to.

Ms. Beaubrun applied to purchase service credit for her service at the Learning Center. Her employer, Boston University, filled out Section B of the application. It asked for details of her employment, including salary and other compensation, whether tuition was paid for her students by the commonwealth, whether the position required certification from the state Department of Education, and whether she was eligible to participate in a retirement plan. Boston University noted that it was unable to answer the questions about payment of tuition by the commonwealth and certification and

stated that Ms. Beaubrun was eligible for the 403(b) plan but did not participate. Ms. Beaubrun herself has provided no evidence regarding her students' tuition or her own certification.

The Board denied her application because she did not prove that the tuition of all the students she taught was paid, at least in part, by the commonwealth. Ms. Beaubrun timely appealed.

G.L. c. 32, § 4(1)(p) allows teachers to purchase service credit for teaching they performed at non-public schools if, among other requirements, "the tuition of all such pupils taught was financed in part or in full by the commonwealth." Ms. Beaubrun must prove her entitlement to purchase service by a preponderance of the evidence. *See Lisbon v. Contributory Ret. App. Bd.*, 41 Mass. App. Ct. 246, 255 (1996).

Ms. Beaubrun has presented no evidence regarding who paid the tuition of her students, and the best that her employer could do was to admit that it could not answer the question. Ms. Beaubrun also made no other argument regarding the tuition of her students, except to say that she did not teach Boston University students and did teach BPS students. If the students were indeed BPS students, then, by definition, the school could not have been a non-public school. Either way, she does not qualify to purchase this service under § 4(1)(p).¹

¹ The retirement system does not argue that Ms. Beaubrun is disqualified from purchasing service because she has not proven that she was licensed by the Department of Education or because she was entitled to a retirement allowance. I therefore reach no conclusion on those issues.

Although Ms. Beaubrun made no argument that she is otherwise entitled to purchase her service, the retirement system considered and rejected her claim under the other provisions of the retirement law covering teaching service. *See* G.L. c. 32, §§ 3(4) (applies to only out-of-state teaching); 3(4A) (applies to only pre-1973 teaching); 4(1)(g-1/2) (applies to only pre-1975 maternity leave); 4(1)(l), 4(1)(l-1/2) (applies to only teachers paid directly by the federal government from federal funds). She likewise does not qualify to purchase credit under §§ 3(5) or 4(2)(c), as they apply to only work in a governmental unit; Boston University is not a governmental unit.

For the above-stated reasons, Ms. Beaubrun is not entitled to purchase service credit for her employment at the Boston University Early Learning Center. The Boston Retirement System's motion for summary decision is ALLOWED.

SO ORDERED.

DIVISION OF ADMINISTRATIVE LAW APPEALS

/s/ Kenneth J. Forton

Kenneth J. Forton
Administrative Magistrate

Dated: September 26, 2025