

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Christina Caruso,
Petitioner

Docket No.: CR-25-0580

v.

Massachusetts Teachers' Retirement System,
Respondent

Appearances:

For Petitioner: Haidee Morris, Esq.

For Respondent: Ashely Freeman, Esq.

Administrative Magistrate:

Judi Goldberg

SUMMARY OF DECISION

Petitioner worked in a variety of roles at a non-public school for students with autism, including as a therapist, case manager, and clinical director. She applied to purchase her service under G.L. c. 32, § 4(1)(p). Respondent denied her application because she had not demonstrated that she “taught pupils” or that the Commonwealth paid the tuition of “all” of the students at the school. Respondent’s decision is affirmed.

DECISION

Petitioner Christina Caruso timely appealed Respondent Massachusetts Teachers’ Retirement System’s (MTRS) denial of her application to purchase service pursuant to Section 4(1)(p) of Chapter 32 of the Massachusetts General Laws, which allows a purchase of creditable service by a teacher “who was previously engaged in teaching pupils in any non-public school in the commonwealth, if the tuition of all such pupils taught was financed in part or in full by the commonwealth.”

The Division of Administrative Law Appeals issued a Scheduling Order stating that the appeal could be decided based on the Parties' submissions pursuant to 801 CMR 1.01(10)(c). The Order also notified the Parties that if they did not submit additional information, "a decision will be reached based upon the documents that have been submitted." Neither party objected to having the appeal decided based on their written submissions. I am treating Petitioner's letter of appeal as her memorandum as she filed no further papers. I now admit into evidence exhibits P1 to P5 and R1 to R3.¹

Findings of Fact

Based on the evidence in the record and reasonable inferences drawn from it, I make the following findings of fact:

1. Ms. Caruso worked for Nashoba Learning Group (NLG), a non-public school, from 2011 to 2020. NLG provides services to students with autism from ages 3 to 22 years old. Students at NLG receive instruction on language, communication, social skills, and academic subjects. They also receive one-on-one applied behavior analysis (ABA) for 30 hours each week and some students participate in vocational training. (R3.)

2. Approximately 1% of the NLG students were from out-of-state school districts and another 1% paid private tuition. (R1 (part 2, section 3).)

¹ Over the MTRS's objection, I admit exhibit P5, a collection of letters from the Massachusetts Department of Elementary and Secondary Education dated 2015 to 2019 congratulating Ms. Caruso on creating test portfolios for her students.

3. From May 2011 to December 2015, Ms. Caruso was an understudy/lead therapist.² She worked directly with individual students 100% of each day. (R1; Petitioner's appeal letter.)

4. The job description for an understudy ABA therapist includes providing direct services and behavioral support to students, including the delivery of ABA therapy to four or five students; collecting data; taking students on community outings; acting as a job coach for students who worked at job sites; and working collaboratively with other staff members. ABA therapists also have one student for whom they developed and maintained academic and behavioral programs. (P4.)

5. The job description for a lead therapist includes providing direct services and behavioral support to students. The responsibilities include providing ABA to four or five students; collecting data; taking students on community outings; participating in the development of the students' individualized educational program (IEP); managing the student's team; and working cooperatively with other staff members. (P3.)

6. From December 2015 to September 2017, Ms. Caruso was a case manager and clinical manager.³ She worked directly with individual students 75% of each day. (R1; Petitioner's appeal letter.)

² From May 2011 to March 2013, Ms. Caruso was a "therapist/understudy"; from March 2013 to March 2015 she was a "therapist – 2 lead"; and from March 2015 to June 2015 she was a "therapist – 3 lead". (R1.)

³ From June 2015 Ms. Caruso was a "coordinator – 2 leads"; from December 2015 to January 2017 she was a "case manager"; and from January 2017 to September 2017 she was a "clinical manager". (R1.)

7. The job description for a case and clinical manager includes developing and providing oversight for academic, life skills, and behavioral programming; providing support to the students' teams; collaborating with the family and caregivers; and working with the students' school districts. In addition, the case and clinical manager delivers programming using ABA. (P2.)

8. From September 2017 to August 2020, she was a clinical director. She worked directly with individual students for 25% of each day. (R1; Petitioner's appeal letter.)

9. The job description summary for a clinical director is providing oversight for the academic, life skills, and behavioral programming for a group of students. More specifically, the clinical director develops each student's academic, life skills, and behavioral curriculum; writes each student's IEP; reviews students' daily progress; serves as the liaison with the students' school districts; interacts with parents and caregivers; collaborates with a variety of consultants; serves as a resource to therapists; and monitors data. (R2.)

10. Ms. Caruso writes that her professional duties "included substantial direct educational work with students/pupils." Her responsibilities included "providing educational guidance, instruction, and support directly to students." She described developing "lessons and programming adhering to the Massachusetts Curriculum Frameworks for PreK-12[.]" administering "state-mandated testing (MCAS), on-demand with accommodations, and through alternative portfolios[.]" and receiving "evaluations from supervisors that were in line with the Massachusetts Educator Evaluation Framework. This included self-assessment, analysis, goal setting and plan development, and both formative and summative assessments." (R1; Petitioner's appeal letter.)

11. In March 2024, Ms. Caruso applied to purchase her service from May 2011 through April 2020. On September 11, 2025, the MTRS denied her application. (P1.)

10. In a letter dated September 23, 2025, Ms. Caruso filed a timely appeal.

Analysis

The MTRS denied Ms. Caruso's application to purchase creditable service for her work at NLG, citing Section 4(1)(p) of Chapter 32 of the Massachusetts General Laws. Section 4(1)(p) provides that a teacher can purchase up to ten years of creditable service if the teacher was:

previously engaged in teaching pupils in any non-public school in the commonwealth, if the tuition of all such pupils taught was financed in part or in full by the commonwealth Such member shall furnish the board with such information as it shall require to determine the amount to be paid and the credit to be allowed under this paragraph.

Section 4(1)(p) is "one of few exceptions to the legislative scheme of G.L. c. 32, which otherwise operates under the general rule that retirement rights and benefits to public employees are only provided for their work *in the public sector*." *Galanti v. Massachusetts Tchrs.' Ret. Sys.*, No. 2384CV00186 (Suffolk Super. Ct. Sept. 20, 2024) (emphasis in original).

The MTRS argues that Ms. Caruso cannot purchase creditable service for her time at NLG because she was not "teaching pupils" under Section 4(1)(p). A recent decision from the Contributory Retirement Appeal Board explained that the Legislature intended "teaching pupils" to include:

instruction in the academic and vocational subjects that are typically taught for credit in the public schools, generally in the classroom, but not the myriad of other special education services that are provided in alternative day and residential schools, including instruction in life, coping, social, and emotional skills.

Lukasik v. Massachusetts Tchrs.’ Ret. Sys., CR-15-0668 (Contributory Ret. App. Bd. Feb. 21, 2020) (emphasizing “the value of both therapy and instruction in the myriad of life skills that are necessary for children with disabilities to access traditional education”). *See also Verbits v. Massachusetts Tchrs.’ Ret. Sys.*, CR-17-1032 (Div. Admin. Law App. May 2021) (school psychologist who taught social and emotional skills to students not eligible); *Burke v. Massachusetts Tchrs.’ Ret. Sys.*, CR-16-0259 (Div. Admin. Law App. July 24, 2020) (teacher who taught “functional academics” and life skills not eligible); *Dibella v. Massachusetts Tchrs.’ Ret. Sys.*, CR-10-0181 (Div. Admin. Law App. Mar. 4, 2016) (“A therapist, even one who provides services in a classroom to students, is not teaching students academics.”). Thus, a clinician who provides instruction in life, coping, social, and emotional skills but who is not teaching academic or vocational subjects that public schools typically teach for credit is not eligible to purchase creditable service under Section 4(1)(p).

Ms. Caruso has the burden of providing each element of her claim by a preponderance of the evidence. *Galanti v. Massachusetts Tchrs.’ Ret. Sys.*, CR-15-566, 2022 WL 22863705, at *3 (Contributory Ret. App. Bd. Dec. 30, 2022). Ms. Caruso states that she had “direct educational interaction” with individual students for much or all of the time that she worked at NLG. She described her responsibilities as “providing educational guidance, instruction, and support directly to students.” She deferred to the job descriptions to “clearly demonstrate” the type of work that she engaged in with students.

However, the job descriptions do not bolster her case. They describe providing therapy and support to students; collecting and monitoring data; working on ISPs; acting as a job coach; taking students on outings; liaising and collaborating with parents, caregivers, school districts,

and other staff; and developing and providing oversight for academic, life skills, and behavioral programming. They do not, however, describe the provision of “instruction in the academic and vocational subjects that are typically taught for credit in the public schools[.]” *Lukasik, supra*. Rather, they paint a picture of a person working with students on a regular basis to help structure and support their academic endeavors, but not someone who is teaching math, reading, science, or any of the other subjects that public school teachers instruct for credit. Accordingly, I find that Ms. Caruso has not sustained her burden of proving that she had “taught pupils” for purposes of Section 4(1)(p).

The MTRS further asserts in its filing that Commonwealth did not pay the tuition of “all” of the pupils who attended NLG, a non-public school. The MTRS indicated that 1% of the students at NLG came from out-of-state schools that paid their tuition and that another 1% paid their tuition privately. Ms. Caruso did not submit any contrary information about the source of the tuition for the students at NLG and failed to satisfy her burden to show that the Commonwealth paid the tuition of “all” of the pupils at NLG.

Conclusion and Order

Based on the above analysis, I conclude that Ms. Caruso may not purchase her service for the time she worked at NLG. The decision of the Board is hereby affirmed.

Dated: June 5, 2026

/s/ Judi Goldberg
Judi Goldberg
Administrative Magistrate
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