

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

Middlesex, ss.

Holly Gerety,
Petitioner,

Docket No.: CR-24-0691

v.

Massachusetts Teachers' Retirement System,
Respondent.

Appearances:

For Petitioner: Holly Gerety, pro se
For Respondent: Ashley Freeman, Esq.

Administrative Magistrate:

Eric Tennen

SUMMARY OF DECISION

The Petitioner was a social worker/counselor, employed by the Home for Little Wanderers, but working with students in the Boston Public Schools. Although she taught students in public schools, she applied to purchase her service under the statutory provision for nonpublic school service. It is not clear this statutory section authorizes this purchase. However, even if it did, she was not "engaged in teaching pupils," meaning, she did not provide "instruction in the academic and vocational subjects that are typically taught for credit in public schools." G.L. c. 32, § 4(1)(p).

INTRODUCTION

The Petitioner, Holly Gerety, timely appeals a decision by the Massachusetts Teachers' Retirement System (MTRS) denying her application to purchase prior service for her time as an employee at the Home for Little Wanderers. During the pre-hearing process, the Division of Administrative Law Appeals (DALA) determined that there were no disputed facts, and the case

could be decided on the papers. 801 Code of Mass. Regs. § 1.01(10)(b). The parties submitted various documents. I now enter into evidence exhibits 1-10.¹

FINDINGS OF FACT

1. The Petitioner is a current member of MTRS. She teaches for Pembroke public schools. (Ex. 2.)
2. From May 1998 through October 1999 she was employed at the Home for Little Wanderers (the Home), a private non-profit entity providing a range of services to children. She was a social worker/counselor. (Exs. 1, 3-4.)
3. Although employed by the Home, her job required her to work directly with students from Boston public schools in the schools. (Exs. 1, 3-4.)
4. She provided therapy to children who experienced social, emotional or behavioral challenges. She taught them a variety of skills: coping skills, social skills, emotional regulation, anger management, etc. (Exs. 1 & 2.)
5. The Petitioner applied to purchase this prior service using an application entitled "Nonpublic school teaching service in a Massachusetts publicly-funded school." MTRS denied her application because she had not met the requirement of having taught pupils. (Exs. 2 & 8.)

DISCUSSION

In certain circumstances, teachers may purchase prior service at nonpublic schools. G.L. c. 32, § 4(1)(p). Applications to purchase service under this provision normally come from

¹ Exhibits 1-7 were submitted by the Petitioner. Exhibit 2 is the Petitioner's application to purchase her prior service. The Petitioner submitted only a portion of the application; MTRS submitted the entire application, which I adopt as Exhibit 2. Exhibits 8-10 were submitted by MTRS.

teachers who taught in private schools. Ms. Gerety's case presents an unusual situation. She was employed by a private, nonpublic entity, but she taught students in a public school. Thus, it is not entirely clear if this teaching experience even is eligible to be purchased under § 4(1)(p). But Ms. Gerety applied to purchase this service under that statutory section and submitted an application specifically created for nonpublic school service. MTRS did not address this; that is, their denial was not based on the premise that working for a private organization, but teaching at a public school, is not covered by § 4(1)(p). If it is not covered, I take no position on whether she may be eligible to purchase this service under some other provision.

Under § 4(1)(p)'s requirements, her application was properly denied for reasons unrelated to the fact that she worked in a public school. Teachers seeking to purchase prior service under Section 4(1)(p) must have been engaged in teaching pupils. This phrase, "engaged in teaching pupils," has a very specific meaning:

[T]he choice of the words "engaged in teaching pupils" in a non-public "school" in enacting § 4(1)(p) was intended by the Legislature to include instruction in the academic and vocational subjects that are typically taught for credit in public schools, generally in the classroom, but not the myriad of other special education services that are provided in alternative day and residential schools[.] [T]he Legislature meant to distinguish between the teaching of academic and vocational subjects to special needs students, comparable to traditional subjects taught in public schools, and the broad array of supportive services that were required by the newly-enacted special education law, Chapter 766.

Siddle v. MTRS, CR-16-385, 2023 WL 11806177 (Contributory Ret. App. Bd. Aug 2, 2023); see *Lukasik v. MTRS*, CR-15-668, 2020 WL 14009721 (Contributory Ret. App. Bd. Feb. 21, 2020) (adjustment counselor not eligible to purchase service under § 4(1)(p)).

Here, there is no dispute Ms. Gerety was not "engaged in teaching pupils" in the sense that she did not teach the traditional subjects taught in school. She was a social

worker/counselor, teaching students about emotional regulation and similar tasks. She provided invaluable and critical services. But these are not the kinds of services that qualify for purchase under § 4(1)(p).

CONCLUSION AND ORDER

MTRS's decision denying the Petitioner's application to purchase her prior service is **affirmed**.

SO, ORDERED.

DIVISION OF ADMINISTRATIVE LAW APPEALS

Date: December 26, 2025

Eric Tennen

Eric Tennen
Administrative Magistrate