

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Theresa Melito-Conners,
Petitioner

v.

Docket No. CR-26-0022

Massachusetts Teachers'
Retirement System,
Respondent

DISMISSAL

Petitioner is seeking to purchase service credit for her work as a Guidance Counselor at Walker Beacon School from June 1, 2011 through February 1, 2014.

The portion of the public employee retirement statute governing the purchase of credit for teaching in non-public schools in Massachusetts, like Walker Beacon, is rather restrictive. It provides that such credit is available only if the member was “engaged in teaching pupils” at the school. G.L. c. 32, § 4(1)(p). “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)).

Petitioner submitted a job description that included the following duty:
“[d]evelop and teach the DESE mandated training on bullying. Cyber skills training
completed on a quarterly basis,” as the type of duty that supports the conclusion that
she was engaged in teaching pupils. These duties are not the teaching of academic
subjects; rather, they are more akin to life skills.

Accordingly, I ordered Petitioner to show cause why her appeal should not be
dismissed for failure to state a claim upon which relief may be granted. She responded
on February 20, 2026. She included an affidavit from Nicole Deschenes, Vice President
of Human Resources at Walker Beacon. Petitioner and Ms. Deschenes explained that
Petitioner taught courses during the regular school day that were required for
graduation, including advisory/homeroom, seminar, transition, and college- and career-
readiness courses. They described these courses as “academic in nature.”

CRAB and DALA, however, have determined that courses like the ones Petitioner
taught are *not* academic in nature and therefore do not qualify the member as
“engaged in teaching pupils.” *See Siddle*, *supra* (guidance counselor who provided
students with intellectual, emotional, and behavioral strategies to help them better
understand course content, but also helped formulate and present aspects of the health
and culinary arts curricula and instructed students on career readiness several times per

week, was not “engaged in teaching pupils.”); *Lukasik*, supra (adjustment counselor who taught social and life skills to special needs students to overcome their social and emotional challenges and develop coping skills was not “engaged in teaching pupils.”); *Gerety v. Massachusetts Teachers’ Ret. Sys.*, CR-24-0691 (Div. Admin. L. App. Dec. 26, 2025) (social worker/counselor who provided therapy to children who experienced social, emotional or behavioral challenges, and taught them coping skills, social skills, emotional regulation, and anger management, was not “engaged in teaching pupils.”).

Petitioner has not submitted evidence that she taught academic and vocational courses comparable to traditional subjects taught in public schools. Rather, the evidence she supplied reflects that the courses she taught were in the main supportive services.

Accordingly, this matter is hereby DISMISSED.

DIVISION OF ADMINISTRATIVE LAW APPEALS

Dated: February 27, 2026

/s/ Kenneth J. Forton

Kenneth J. Forton
Administrative Magistrate

Sent to: Theresa Melito-Conners
James O’Leary, Esq.