

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

Middlesex, ss.

Patrice Murphy,
Petitioner,

Docket No.: CR-25-0307

v.

Massachusetts Teachers'
Retirement System,
Respondent.

ORDER OF DISMISSAL

Petitioner, Patrice Murphy, is a member of the Massachusetts Teachers' Retirement System (MTRS). She appeals from a MTRS decision denying her application to purchase retirement credit for her work as an instructional aide at a charter school in the school year 2006-2007.

The parties were ordered on May 19, 2025 to provide memoranda by certain dates presenting facts and legal arguments as to Petitioner's eligibility to purchase her service. Respondent, MTRS, submitted a pre-hearing memorandum and four exhibits. Petitioner did not file a memorandum responding to MTRS' memorandum or present any additional facts or legal arguments. Pursuant to the order, if documents were not received in accordance with the schedule, a decision would be reached based upon the documents submitted.

In Petitioner's notice of appeal, she refers to her position as a "teacher's aide" during the 2006-2007 school year at Mystic Valley Charter School. Her service credit application identifies her position as an "instructional aide" and a "teacher's aide" during this time. She

does not dispute Respondent's position that her role was to support classroom teachers through administrative work and to assist children in classroom activities. Petitioner also does not dispute that she did not have a license granted by the Department of Elementary and Secondary Education (DESE) or that one was not required for the position.

The issue is whether her role as an instructional aide qualifies her as a charter school "teacher" for the purpose of purchasing retirement credit for work performed during the 2006-2007 school year. The burden of proof is on Petitioner to demonstrate that she is entitled to the relief she seeks. *Blanchette v. Contributory Retirement Appeal Board*, 20 Mass. App. Ct. 479, 483 (1985).

Employees who qualify as charter school "teachers" are entitled to MTRS membership pursuant to G.L. c. 71, § 89(y):

Teachers employed by a charter school shall be subject to the state teacher retirement system under chapter 32 and service in a charter school shall be creditable service within the meaning thereof.

The definition of a charter school "teacher" is set out in 807 C.M.R. 4.02(2)(b) and applies to

[i]ndividuals employed, pursuant to a contractual agreement, on at least a half-time basis as a teacher by a Massachusetts public charter school, an innovation school, or Quincy College.

Because "teachers" in these entities are members of the MTRS irrespective of any provision of M.G.L. c. 32, a "teacher" in these entities is hereby defined as one who either holds the title of teacher, meets all four of the eligibility criteria set forth in 807 CMR 4.02(1) . . . or works in a position that would be eligible for MTRS membership if it were performed in a Massachusetts public school.

Therefore, an employee may qualify for MTRS membership in three ways. The first is to hold "the title of teacher". The second is to meet the four eligibility criteria set forth in 807 C.M.R. § 4.02(1):

- (a) The individual holds a license granted by the Department of Elementary and Secondary Education (DESE) or had a waiver pending licensure from DESE;
- (b) The individual is covered by a contractual agreement for employment with one or more school committees or boards or trustees or by any combination of such committees and boards;
- (c) The contractual agreement requires no less than half-time service as a teacher, as defined in M.G.L. c. 32; and
- (d) The contractual agreement requires that the individual be licensed by the DESE as a condition of employment.

The third way to qualify is to show that the employee “works in a position that would be eligible for MTRS membership if it were performed in a Massachusetts public school.” 807 C.M.R. § 4.02 (2)(b).

Petitioner does not qualify under any of the three definitions of a charter school “teacher.” First, based upon the undisputed facts and taking Petitioner’s statements in the appeal as true, her position title was “instructional aide” (or “teacher’s aide”) not “teacher”.

Second, she did not have a DESE license, nor did the position require one; therefore the criteria of 807 C.M.R. § 4.02(1) are not met. *See Stockwell v. Massachusetts Teachers’ Ret. Syst.*, CR-23-0177 (Div. of Admin. Law App. Aug. 1, 2025) (An instructional assistant at a charter school not hired as a teacher and not licensed was not a charter school “teacher.”)

Third, Petitioner does not show that an instructional aide (or a teacher’s aide) would be eligible for MTRS membership if the position were performed in a Massachusetts public school. Therefore on this basis Petitioner does not qualify as a charter school “teacher.”

Because Petitioner’s role as an “instructional aide” (or a “teacher’s aide”) does not satisfy the definition of charter school “teacher,” she is not entitled to MTRS membership for her work, pursuant to G.L. c. 71 § 89(y). She provides no other basis to purchase retirement credit for this work.

Petitioner has not met her burden of proof. For the reasons stated above, Petitioner is ineligible to purchase her service for work as an instructional aide from 2006-2007 at Mystic Valley Regional Charter School. This appeal is dismissed for failure to state a claim on which relief may be granted.

Dated: February 6, 2026

/s/ Karen T. Guthrie
Karen T. Guthrie
Administrative Magistrate
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