

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Joann Rose,
Petitioner,

Docket No.: CR-25-0680

v.

Massachusetts Teachers' Retirement System,
Respondent.

ORDER OF DISMISSAL

Petitioner Joann Rose is a member of the Massachusetts Teachers' Retirement System (MTRS). She appeals from an MTRS decision denying her application to purchase retirement credit for a period of pre-membership work. A prior order directed Ms. Rose to show cause why her appeal should not be dismissed for failure to state a claim. *See* 801 C.M.R. § 1.01(7)(g)(3). She has filed a timely responsive memorandum.

Ms. Rose's assertions are taken as true for present purposes. The period for which she seeks credit ran from 1990 to 1992. Ms. Rose's employer at that time was a nongovernmental corporation working under a contract with the Department of Youth Services (DYS). Ms. Rose's title was "DYS education liaison."

Ms. Rose provided services to children in DYS's custody. Many of the children had special-education needs. Ms. Rose "over[saw] educational programming" for them. She participated in "educational planning" meetings, including discussions and hearings about individualized education programs (IEPs). Ms. Rose "facilitated students' transition back to their home school districts, ensuring appropriate placements and continuation of special

education services.” She “was not in the classroom with the pupils explicitly teaching”; but her services were “essential to students’ ability to access classroom instruction.”

The statute under which Ms. Rose seeks to make her purchase is G.L. c. 32, § 4(1)(p), which covers to pre-membership work “teaching pupils in any non-public school in the commonwealth.” The case law has construed the phrase “teaching pupils” strictly.

A leading case is *Siddle v. Massachusetts Teachers’ Ret. Syst.*, No. CR-16-385, 2023 WL 11806177 (Contributory Ret. App. Bd. Aug. 2, 2023), *aff’d*, No. 2384CV01958 (Suffolk Super. June 23, 2025). The member there served “as a ‘liaison’ between students, teachers, administrators, and parents.” She instructed students on “social, intellectual, and behavioral” techniques. She worked with teachers on “the most effective strategies for conveying material to . . . students based on their IEPs.” She “frequently consulted with students’ school districts regarding their IEPs.” *Id.* at *1-2. These duties did not qualify the member for a purchase under § 4(1)(p), because:

[T]he words “engaged in teaching pupils” . . . [were] 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.

Id. at *3.

The work that Ms. Rose reportedly performed during 1990-1992 landed outside the boundaries of the term “teaching pupils” under *Siddle*. She offered important “special education services” to children in DYS’s custody. But she did not “instruct[]” those children on

traditional “academic and vocational subjects.” 2023 WL 11806177, at *3. She is ineligible to purchase retirement credit for the pertinent period under § 4(1)(p).¹

In view of the foregoing analysis, Ms. Rose’s appeal does not state a claim upon which relief can be granted. It is therefore ORDERED that the appeal is DISMISSED.

Dated: January 2, 2026

/s/ Yakov Malkiel
Yakov Malkiel
Administrative Magistrate
DIVISION OF ADMINISTRATIVE LAW APPEALS
14 Summer Street, 4th floor
Malden, MA 02148
Tel: (781) 397-4700
www.mass.gov/dala

¹ Ms. Rose’s memorandum in response to the order to show cause does not press the other line of argument suggested by her notice of appeal, i.e., that her pre-membership work was “substantially similar” to her duties as a public employee. That theory potentially could have mattered if Ms. Rose were currently a member of the state employee retirement system (as she was for a time before joining MTRS). See G.L. c. 32, § 4(1)(s).