

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

Middlesex, ss.

Andrea Schuettler,
Petitioner,

Docket No.: CR-25-0432

v.

Massachusetts Teachers' Retirement System,
Respondent.

Appearances:

For Petitioner: Andyeliz Papaleo, Esq.
For Respondent: Lori Curtis Krusell, Esq.

Administrative Magistrate:

Eric Tennen

SUMMARY OF DECISION

The Respondent, Massachusetts Teachers' Retirement System (MTRS), properly calculated Petitioner Andrea Schuettler's creditable service. Under MTRS regulations governing part-time creditable service, service must be prorated when a member transitions from full-time to part-time employment. Ms. Schuettler transitioned from full-time to part-time employment in 2004 after a leave of absence. Additionally, Ms. Schuettler does not qualify for MTRS's Kindergarten exception because, although she worked with pre-Kindergarten students, she served as a Speech and Language Pathologist rather than as a pre-Kindergarten teacher.

INTRODUCTION

The Petitioner, Andrea Schuettler, timely appeals a decision by the Massachusetts Teachers' Retirement System (MTRS) denying her request for full-time equivalent (FTE) service credit. During the pre-hearing process, the Division of Administrative Law Appeals (DALA) determined that the case appeared capable of resolution on written submissions pursuant to

801 Code of Mass. Regs. § 1.01 (10)(c). The parties submitted various documents. I now enter into evidence exhibits 1-14 and 16-17.¹

FINDINGS OF FACT

1. Ms. Schuettler is a Speech and Language Pathologist. From September 1, 1996, to June 30, 2001, Ms. Schuettler worked full-time. After a leave of absence, she returned in 2004 and began working part-time. In 2022, she returned to full-time status. (Ex. 4.)
2. Since 2004, she has been continuously employed by the Public Schools of Brookline. From 2005 through 2010, Ms. Schuettler worked within the Brookline Early Education Program (Program), a department of the Brookline Public Schools, which provides a part-time program serving exclusively pre-Kindergarten students. (Exs. 1, 8 and 13.)
3. The Program consisted of a multidisciplinary team, typically a teacher and two paraprofessionals such as the Petitioner. Speech and Language Pathologists served in a supportive role, providing intervention and support to help children understand and use a language system to communicate, as well as supporting speech and the ability to communicate in a social context. Teachers, on the other hand, were responsible for creating a classroom atmosphere and providing each student with what they needed wholistically. (Exs. 11 and 14.)
4. Teachers planned activities that addressed goals and objectives in the areas of planning skills and work habits, language development, social development, problem solving, physical development, perceptual development, language arts, mathematics, science and creative representation. Teachers also established regular office hours with parents. (Exs. 11 and 14.)

¹ In its memorandum, MTRS indicated it was submitting a job description as exhibit 15. However, exhibit 15 is blank so therefore I cannot enter it into evidence.

5. Ms. Schuettler co-taught an afternoon Skills Group, sharing responsibility for student instruction rather than serving as the primary teacher. Thus, when she participated in lesson planning, theme selection, the development and implementation of behavior management strategies, and communication with families, she did so collaboratively with the primary teacher. (Exs. 11 and 14.)

6. Ms. Schuettler worked three days per week for the program and provided services to young children in three inclusive pre-Kindergarten classrooms and one preschool classroom. The children she served included students diagnosed with autism spectrum disorder. Ms. Schuettler conducted whole-class lessons in the inclusive classrooms; she also worked with most children twice weekly, individually, in pairs, or in small groups, either in the classroom or in a designated speech room. She worked closely with classroom teachers to address students' language and literacy skills and consulted with teachers on a regular basis. Ms. Schuettler was also responsible for developing individualized education program goals and objectives, reporting on a student's progress toward those goals, and communicating with parents. (Exs. 10 and 13.)

7. On January 19, 2024, MTRS provided Ms. Schuettler with a creditable service estimate that prorated her service between September 1, 2005, and June 30, 2022. (Ex. 4.)

8. On June 23, 2025, Ms. Schuettler contacted MTRS to request that her part-time service from 2005 through 2010 be credited as full-time service for retirement purposes. On July 10, 2025, MTRS notified Ms. Schuettler that her part-time membership service did not qualify for FTE service credit because her position was that of a Speech/Language Pathologist, not a pre-Kindergarten or Kindergarten teacher. (Exs. 5 & 6.)

DISCUSSION

Upon retirement, a member may be entitled to a superannuation retirement allowance. G.L. c. 32, § 5(2). A member's superannuation retirement allowance is calculated, in part, based on the member's years of creditable service. G.L. c. 32, § 5(2)(a). Any member in service shall be credited with all service rendered as an employee in any government unit. G.L. c. 32, § 4(1). Retirement boards have the right to fix and determine how much service in any calendar year is equivalent to a year of service. G.L. c. 32, § 4(2)(b).

In 1990, MTRS promulgated 807 Code of Mass. Reg. § 3.04, governing retirement credit for service rendered by part-time members. The regulation states, in pertinent part:

(1) Any part-time employee who qualifies for membership shall receive one year of creditable service provided they work the hours required by their position and provided their entire service is in a part-time position. (2) Subject to verification as specified by the agency, any part-time employee who becomes full-time shall receive credit for their part-time service on a pro-rated basis as it relates to a full-time position. (3) Subject to verification as specified by the agency any full-time employee who becomes part-time shall receive credit for their part-time service on a pro-rated basis as it relates to a full-time position.

Under 807 Code of Mass. Reg. § 3.04, Ms. Schuettler is ineligible to receive full-time retirement credit for her part-time service because she transitioned from full-time to part-time employment beginning on January 13, 2004. This change in employment status results in her receiving credit for her 2005 through 2010 part-time service on a pro-rated basis. *Id.*; see, e.g., *Casinelli v. Massachusetts Teachers' Ret. Sys.*, CR-18-0040, (Div. Admin. Law App. Dec. 16, 2022).

In 1992, MTRS adopted a written policy creating an exception to pro-rated service credit for kindergarten teachers. The policy lets Kindergarten teachers receive full credit for their service regardless of the number of hours worked, so long as they are considered to be working

a full session by the school district. The policy recognizes that, traditionally, Kindergarten teachers have been considered “full time” even when the hours they teach are less than the time required for other teachers. *See* 603 Code of Mass. Reg. §§ 27.03 and 27.04 (governing required instructional time). Thus, for purposes of 807 Code of Mass. Reg. § 3.04, a Kindergarten teacher does not undergo a “status change” when his or her hours change. In 2013, the Kindergarten teachers’ exception policy was extended to pre-Kindergarten teachers.

This policy, however, provides no benefit to Ms. Schuettler because she was not a Kindergarten or pre-Kindergarten teacher. Rather, she worked as a Speech and Language Pathologist. Ms. Schuettler argues that she is entitled to MTRS’s Kindergarten exception because she provided services to pre-Kindergarteners. The MTRS policy, however, is to be applied narrowly to Kindergarten teachers. *Garreffi v. Massachusetts Teachers' Ret. Sys.*, CR-18-0257, (Div. Admin. Law App. Apr. 5, 2019) (Speech and Language Pathologist not entitled to benefit of Kindergarten policy exception). From 2005 to 2010, Ms. Schuettler was neither licensed nor employed as a Kindergarten or pre-Kindergarten teacher. *Id.* Specialists like her—Speech and Language Pathologists—as well as other specialists are simply not covered under the Kindergarten exception policy. *Id.*; *Richard-Harrington v. Massachusetts Teachers' Ret. Sys.*, CR-17-017, (Div. Admin. Law App. Aug. 19, 2022).

Even if she were considered a teacher, Ms. Schuettler cannot overcome one last obstacle: she did not work all the hours expected of a pre-Kindergarten teacher—something that is also required under the policy. *Singer v. Massachusetts Teachers' Ret. Sys.*, CR-22-0044, 2025 WL 2365546, at *6, (Div. Admin. Law App. Aug. 8, 2025). She worked some days each week, not all, and then only some hours on those days. The record does not disclose why Ms.

Schuettler worked part-time, but the reason is irrelevant. What matters is whether she worked part-time, not why. *Id.* Further, the fact that she did not work full-time is more evidence that she was not a teacher but, rather, a specialist supporting the teachers.

CONCLUSION AND ORDER

The petitioner is not entitled to full-time credit for her part-time service from 2005 through 2010 as a Speech and Language Pathologist. Accordingly, MTRS's decision is **affirmed**.

SO, ORDERED.

DIVISION OF ADMINISTRATIVE LAW APPEALS

Date: June 26, 2026

Eric Tennen

Eric Tennen
Administrative Magistrate