



## Montana Teachers' Retirement System FACT SHEET: Substitute Teaching

Generally, an individual who works in a TRS-reportable position for at least 30 days (210 hours) in a single school year is eligible to participate in the retirement system. In fact, *participation is mandatory* once the 210-hour threshold is reached. However, a provision in state law<sup>1</sup> allows substitute teachers and part-time teachers' aides to participate in TRS from their first date of employment if they choose. In other words, these individuals *are not required to wait* until they meet the 210-hour threshold to become active TRS members.

This Fact Sheet explains:

- TRS membership election options available to new substitute teachers and part-time teachers' aides or paraprofessionals
- Circumstances under which TRS retirees may substitute teach during the 150-day break in service

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### TRS membership election options for substitute teachers and part-time teachers' aides/paraprofessionals

If you have never been a TRS member *and* you are not currently a member of the MUS-Retirement Program, you will make an irrevocable election *either* to have employee contributions withheld from your pay beginning with your first day of employment, *or* to have contributions withheld only after you meet the threshold (210 hours) for TRS membership. Your employer will provide TRS Form 106 *Membership Election – Substitute Teacher or Part-Time Teacher's Aide* on your first day and will keep your completed form on file. Here are two questions you might have:

*Q. Why would I elect to participate with TRS beginning with my first day of employment?*

*A.* All active TRS members accrue *service credit* based on the total hours for which contributions are paid. Members who accrue 5.00 years of service credit are “vested” and will be eligible for a monthly retirement benefit when they reach retirement age. If you elect to participate in TRS on your first day of employment, you will accrue service credit for every single hour you work. If you elect *not* to participate as of your first day, you will not earn service credit for the first 210 hours you work.<sup>2</sup>

*Q. If I stop working, what happens to the TRS contributions that were withheld from my pay?*

*A.* You have two options. You can leave your contributions on account with TRS in case you work in another TRS-reportable position<sup>3</sup> in the future. If you do not intend to work in such a position, you can withdraw from TRS and receive a refund of all contributions you paid, plus accrued interest.

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### TRS retirees working as substitute teachers

If you are a TRS retiree who has not yet completed the required 150-calendar-day break in service,<sup>4</sup> you may be eligible for an exception that allows you to substitute teach **up to 45 days**<sup>5</sup> during the 150-day period. Please read Page 2 carefully to be sure you understand the conditions under which this exception is allowed.

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<sup>1</sup> TRS active membership criteria are specified in §19-20-302, MCA.

<sup>2</sup> Once you become vested in TRS, you may be eligible to purchase service credit for those hours. This topic is addressed in a separate TRS Fact Sheet, *Creditable Service and Service Purchases*.

<sup>3</sup> See TRS Fact Sheet, *Which Positions Are Reportable to TRS?*

<sup>4</sup> This restriction is described in the TRS Fact Sheet, *150-Day Break in Service Requirement*.

<sup>5</sup> A day means any portion of a day.

To be eligible for the substitute teaching exception, you must meet **all three requirements** listed below. Otherwise, you must complete the 150-calendar-day break in service before working in any TRS position as a retiree.<sup>6</sup>

1. At the time you terminated employment and retired, you must have been *either*:
  - a. of normal retirement age (60 or older), *or*
  - b. younger than age 60 *without a written or verbal pre-arranged agreement* to return to work with your pre-retirement employer;
2. You must have received at least one monthly benefit from TRS (i.e., attained retired status); and
3. You must substitute for a regular, licensed K-12 classroom teacher (see *Eligible subject fields*, below) who is under contract during the school term and who is *temporarily absent*. This means the absence is outside the employer's control (such as due to illness) and the regular teacher is expected to return.
  - You cannot work under the substitute teaching exception if, for example, the employer has been unable to fill a vacant position or has reassigned the regular teacher so that he or she is no longer available to teach the class. These are not considered temporary absences.

**Eligible subject fields.** The following fields require teacher licensure or endorsement:

Art	Family and consumer sciences	Music
Biology	Geography	Physical education
Business & Information Tech education	Health	Physics
Chemistry	Health enhancement	Political science
Communication	History	Psychology
Computer science	Industrial trades and tech education	Reading
Earth science	Journalism	Science (broadfield)
Economics	Library	Social studies (broadfield)
English	Marketing	Theatre
English as a Second Language	Mathematics	Traffic education
		World languages

*The exception is allowed whether the temporarily absent teacher normally provides instruction in a single subject or in multiple subjects (such as a general elementary school teacher) during a regular class period.*

**Ineligible positions.** Retirees **may not** provide service as a paraprofessional, teacher's aide, coach, administrator, or specialist (e.g., school counselor, school nurse, speech language pathologist, audiologist) under the substitute teaching exception to the 150-day break in service requirement.

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## Questions?

If you have any questions about the content of this Fact Sheet, please contact us.

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*Please Note: This Fact Sheet is intended to provide a concise, easy-to-understand summary of TRS law and policy. The actual application of TRS law will depend upon the specific circumstances and facts presented. In determining the rights and obligations of any person, TRS law will supersede any contradictory information provided in this Fact Sheet.*

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<sup>6</sup> See TRS Fact Sheet, *Working After Retirement*, for a more detailed description of all requirements.