



CalPERS
Circular Letter

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Special:

TO: ALL COUNTY SUPERINTENDENTS OF SCHOOLS AND SCHOOL DISTRICTS

SUBJECT: POLICY REGARDING CHARTER SCHOOL EXCLUSIONS

This letter clarifies our position regarding Charter School exclusion of classified employees from CalPERS membership. Specifically, this policy decision addresses the question of whether a charter school can choose CalPERS coverage for some employees while excluding others.

CalPERS' Policy is as follows:

1. A Charter School that chooses CalPERS coverage for its classified employees will be treated as a school district. As such, only exclusions applicable to school employers apply to the Charter Schools.
2. Once a Charter School chooses CalPERS coverage for its employees, all provisions of the PERL pertaining to school employers and their employees apply to the Charter School, any contrary provisions in the charter notwithstanding.
3. A Charter School may request to establish a contract with CalPERS as a public agency. If it chooses to do so, it will no longer be subject to the school pool rate, and a separate rate will be established.

If a Charter School has chosen to participate in CalPERS and is excluding classified employees other than those excluded by statute (see pages 2.6 through 2.9 of your procedure manual), the Charter School must include all eligible employees in membership retroactive to the date they were hired or first became eligible for membership.

We would also suggest that any appropriate changes be made to the school's charter.

If you have any questions in this regard, please contact Bobbie Talbert, of my staff, at (916) 795-0166.

Kenneth W. Marzion, Chief
Actuarial and Employer Services Division