

AMENDED IN SENATE JULY 2, 2012
AMENDED IN ASSEMBLY MAY 2, 2012
AMENDED IN ASSEMBLY MARCH 29, 2012
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1819

Introduced by Assembly Member Ammiano

February 21, 2012

An act to amend Section 47611 of the Education Code, *and to amend Section 20610 of the Government Code*, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1819, as amended, Ammiano. Charter schools: State Teachers' Retirement Plan.

Existing law provides that all employees of a charter school who perform creditable service are entitled to have that service covered under the Defined Benefit Program of the State Teachers' Retirement Plan, if the charter school elects to make that plan available. Existing law further requires a charter school that elects to make that or another plan available to inform all applicants for employment of the retirement options for employees of the charter school, as specified.

This bill would require charter schools to make the State Teachers' Retirement Plan and the Public Employees' Retirement Plan available to its employees, as specified, and ~~makes~~ *would make* corresponding changes to the information charter schools are required to provide regarding retirement options. The bill would provide that these provisions shall not apply to the extent they would cause the State Teachers' Retirement System or the Public Employees' Retirement

System or their members to incur adverse tax consequences under federal law.

Existing law requires every county superintendent of schools to enter into a contract with the Board of Administration of the Public Employees' Retirement System for inclusion of the school district's classified employees in the system. Existing law further provides that, if a charter school chooses to participate in the system, its qualified employees shall be covered under the system in the same manner as the employees of the school district that granted the charter.

This bill would provide that all qualified employees of a charter school shall be covered under the system in the same manner as the employees of the school district that granted the charter, except as specified. The bill would require the county superintendent of schools to notify the board before a charter school or its employees may be enrolled for membership in the system.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 47611 of the Education Code is amended
- 2 to read:
- 3 47611. (a) A charter school shall make the State Teachers'
- 4 Retirement Plan available, and all employees of the charter school
- 5 who perform creditable service shall be entitled to have that service
- 6 covered under the plan's Defined Benefit Program or Cash Balance
- 7 Benefit Program. All provisions of Part 13 (commencing with
- 8 Section 22000) and Part 14 (commencing with Section 26000) of
- 9 Division 1 of Title 1 shall apply in the same manner as the
- 10 provisions apply to other public schools in the school district that
- 11 granted the charter.
- 12 (b) A charter school shall offer its employees coverage by the
- 13 Public Employees' Retirement System, and shall inform all
- 14 applicants for positions within that charter school of the retirement
- 15 system options for employees of the charter school.
- 16 (c) This section shall not apply to the extent it would cause the
- 17 State Teachers' Retirement System or the Public Employees'
- 18 Retirement System or their members to incur adverse tax
- 19 consequences under the *federal* Internal Revenue Code of 1986
- 20 (Title 26 of the United States Code).

1 *SEC. 2. Section 20610 of the Government Code is amended to*
2 *read:*

3 20610. (a) (1) Every county superintendent of schools shall
4 enter into a contract with the board for the inclusion in this system
5 of ~~(1) all both of the following:~~

6 (A) All of the employees of the office of county superintendent
7 whose compensation is paid from the county school service fund
8 other than employees electing pursuant to Section 1313 of the
9 Education Code to continue in membership in a county system;
10 and ~~(2) all.~~

11 (B) All of the employees of school districts and community
12 college districts existing on July 1, 1949, or thereafter formed,
13 within his or her jurisdiction, other than school districts that are
14 contracting agencies or that maintain a district, joint district, or
15 other local retirement system, with respect to service rendered in
16 a status in which they are not eligible for membership in the State
17 Teachers' Retirement Plan. ~~The~~

18 (2) The effective date of each contract shall not be later than
19 July 1, 1949. For the purposes of this part, those school district
20 employees shall be considered employees of the county
21 superintendent of schools having jurisdiction over the school
22 district by which they are employed and service to the district shall
23 be considered service to the county superintendent of schools.

24 ~~(b) If a charter school chooses to participate in the system,~~
25 *Subject to subdivision (c), all employees of the a charter school*
26 *who qualify for membership in the this system shall be covered*
27 *under the this system and all provisions of this part shall apply in*
28 *the same manner as if the charter school were a public school in*
29 *the school district that granted the charter.*

30 (c) *The county superintendent of schools shall notify the board*
31 *pursuant to the procedures prescribed by the board before a*
32 *charter school or its employees may be enrolled for membership*
33 *in this system. Notwithstanding any other law, a charter school*
34 *shall not participate in this system if the board, in its sole*
35 *discretion, determines that participation would jeopardize the*
36 *system's tax-qualified or governmental plan status under federal*
37 *law. The board may impose any additional requirements, in*

- 1 *addition to those in this section, that the board considers necessary*
- 2 *to comply with applicable federal law.*

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