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CHARTER LAW PROVISIONS REGARDING STATE RETIREMENT SYSTEMS

State	Relevant Provisions
AZ	A charter school that is sponsored by a school district governing board, the state board of education or the state board for charter schools is eligible to participate in the Arizona state retirement system pursuant to title 38, chapter 5, article 2. The charter school is a political subdivision of this state for purposes of title 38, chapter 5, article 2.
AR	Employees of an open-enrollment charter school shall be eligible to participate in all benefits programs available to public school employees.
CA	<p>(a) If a charter school chooses to make the State Teacher's Retirement Plan available, all employees of the charter school who perform creditable service shall be entitled to have that service covered under the plan's Defined Benefit Program or Cash Balance Benefit Program, and all provisions of Part 13 (commencing with Section 22000) and Part 14 (commencing with Section 26000) shall apply in the same manner as the provisions apply to other public schools in the school district that granted the charter.</p> <p>(b) (1) If a charter school offers its employees coverage by the State Teachers' Retirement System or the Public Employees' Retirement System, or both, the charter school shall inform all applicants for positions within that charter school of the retirement system options for employees of the charter school.</p> <p>(2) The information shall specifically include whether the charter school makes available to employees coverage under the State Teachers' Retirement System, the Public Employees' Retirement System, or both systems, and that accepting employment in the charter school may exclude the applicant from further coverage in the applicant's current retirement system, depending on the retirement options offered by the charter of the charter school.</p>
CT	(d) An otherwise qualified school professional employed in a charter school may participate in the state teacher retirement system under chapter 167a on the same basis as if such professional were employed by a local or regional board of education. The governing council of a charter school shall make the contributions, as defined in subdivision (7) of section 10-183b for such professional.
DE	(e) A charter school may choose to be covered by the state retirement system established by Chapter 55 of Title 29 or choose another retirement system in lieu of the state retirement system. If the charter school chooses a retirement system other than the state retirement system, a memorandum of understanding must be executed as required

	by § 512(9) of this title.
DC	<p>(b) Retirement System.</p> <p>(1) Creditable service. -- An employee of a public charter school who has received a leave of absence under subsection (a) of this section shall receive creditable service, as defined in § 1-626.04 and the rules established under such section, for the period of the employee's employment at the public charter school.</p> <p>(2) Authority to establish separate system. -- A public charter school may establish a retirement system for employees under its authority.</p> <p>(3) Election of retirement system. -- A former employee of the District of Columbia public schools who becomes an employee of a public charter school within 60 days after the date the employee's employment with the District of Columbia public schools is terminated may, at the time the employee commences employment with the public charter school, elect: (A) To remain in a District of Columbia Government retirement system and continue to receive creditable service for the period of their employment at a public charter school; or (B) To transfer into a retirement system established by the public charter school pursuant to paragraph (2) of this subsection.</p> <p>(4) Prohibited employment conditions. -- No public charter school may require a former employee of the District of Columbia public schools to transfer to the public charter school's retirement system as a condition of employment.</p> <p>(5) Contributions. -- (A) Employees electing not to transfer. -- In the case of a former employee of the District of Columbia public school who elects to remain in a District of Columbia Government retirement system pursuant to paragraph (3)(A) of this subsection the public charter school that employs the person shall make the same contribution to such system on behalf of the person as the District of Columbia would have been required to make if the person had continued to be an employee of the District of Columbia public schools. (B) Employees electing to transfer. -- In the case of a former employee of the District of Columbia public schools who elects to transfer into a retirement system of a public charter school pursuant to paragraph (3)(B) of this subsection, the applicable District of Columbia Government retirement system from which the former employee is transferring shall compute the employee's contribution to that system and transfer this amount, to the retirement system of the public charter school.</p>
FL	<p>(i) A charter school shall organize as, or be operated by, a nonprofit organization. A charter school may be operated by a municipality or other public entity as provided for by law. As such, the charter school may be either a private or a public employer. As a public employer, a charter school may participate in the Florida Retirement System upon application and approval as a "covered group" under s. 121.021(34). If a charter school participates in the Florida Retirement System, the charter</p>

	<p>school employees shall be compulsory members of the Florida Retirement System. As either a private or a public employer, a charter school may contract for services with an individual or group of individuals who are organized as a partnership or a cooperative. Individuals or groups of individuals who contract their services to the charter school are not public employees.</p>
LA	<p>(2) Employees employed by any charter school who, previous to employment in the charter school, were employees of a local school board shall, if such employees desire, be placed on leave of absence pursuant to Subsection B of this Section. However, for the duration of such leave each such employee shall contribute to and be eligible for the school employees' and teachers' retirement systems, and service time for the accrual of retirement benefits. However, service time while employed by a charter school shall not accrue toward the acquisition of permanent status.</p> <p>(3) Employment in any charter school for all employees other than those provided for in Paragraph (2) of this Subsection shall be deemed to be employment in a public elementary or secondary school in the state regarding eligibility for any or all benefits which would otherwise accrue under state law to such an employee in any other elementary or secondary school, including but not limited to the school employees' and teachers' retirement systems. However, participation of the charter school and its employees in such benefit programs shall be contingent upon provisions contained in the school's approved charter.</p> <p>(4) With regard to participation in the public retirement systems:</p> <p>(a) The compensation that the teacher or school employee would have received if employed by the local public school system shall be used to determine employee and employer contribution levels of the respective retirement systems.</p> <p>(b) Any compensation paid to a teacher or school employee which exceeds the salary that would have been received if employed by the local school system shall not be deemed as compensation solely for the purpose of the calculation of future retirement benefits.</p>
MI	<p>Employees hired by charter school board are eligible for state retirement benefits. Employees hired by for-profit corporation contracting with a charter school are not.</p>
NV	<p>5. An employee who is on a leave of absence from a school district pursuant to this section:</p> <p>(a) Shall contribute to and be eligible for all benefits for which he would otherwise be entitled, including, without limitation, participation in the Public Employees' Retirement System and accrual of time for the purposes of leave and retirement.</p> <p>(b) Continues, while he is on leave, to be covered by the collective bargaining agreement of the school district only with respect to any matter relating to his status or employment with the district.</p> <p>The time during which such an employee is on a leave of absence</p>

	<p>and employed in a charter school does not count toward the acquisition of permanent status with the school district.</p> <p>6. Upon the return of a teacher to employment in the school district, he is entitled to the same level of retirement, salary and any other benefits to which he would otherwise be entitled if he had not taken a leave of absence to teach in a charter school.</p> <p>7. An employee of a charter school who is not on a leave of absence from a school district is eligible for all benefits for which he would be eligible for employment in a public school, including, without limitation, participation in the Public Employees' Retirement System.</p> <p>8. For all employees of a charter school:</p> <p>(a) The compensation that a teacher or other school employee would have received if he were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the Public Employees' Retirement System.</p> <p>(b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that he would have received if he were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.</p>
NH	<p>III. A public charter school may choose to participate in the state teacher retirement system, and service in a public charter school shall be deemed creditable service under RSA 100-A:4.</p>
NY	<p>(c) The employees of the charter school may be deemed employees of the local school district for the purpose of providing retirement benefits, including membership in the teachers' retirement system and other retirement systems open to employees of public schools. The financial contributions for such benefits shall be the responsibility of the charter school and the school's employees. The commissioner, in consultation with the comptroller, shall develop regulations to implement the provisions of this paragraph in a manner that allows charter schools to provide retirement benefits to its employees in the same manner as other public school employees.</p>
NC	<p>(4) The employees of the charter school shall be deemed employees of the local school administrative unit for purposes of providing certain State-funded employee benefits, including membership in the Teachers' and State Employees' Retirement System and the Teachers' and State Employees' Comprehensive Major Medical Plan. The State Board of Education provides funds to charter schools, approves the original members of the boards of directors of the charter schools, has the authority to grant, supervise, and revoke charters, and demands full accountability from charter schools for school finances and student performance. Accordingly, it is the determination of the General Assembly that charter schools are public schools and that the employees of charter schools are public school employees. Employees of a charter school whose board of directors elects to become a</p>

	<p>participating employer under G.S. 135-5.3 are "teachers" for the purpose of membership in the North Carolina Teachers' and State Employees' Retirement System. In no event shall anything contained in this Part require the North Carolina Teachers' and State Employees' Retirement System to accept employees of a private employer as members or participants of the System.</p>
OH	<p>(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following: (14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;</p>
OK	<p>14. Employees of a charter school may participate as members of the Teachers' Retirement System of Oklahoma in accordance with applicable statutes and rules if otherwise allowed pursuant to law;</p>
PA	<p>(C) ALL EMPLOYEES OF A CHARTER SCHOOL SHALL BE ENROLLED IN THE PUBLIC SCHOOL EMPLOYEE'S RETIREMENT SYSTEM IN THE SAME MANNER AS SET FORTH IN 24 PA.C.S. SECTION 8301 (A) (RELATING TO MANDATORY AND OPTIONAL MEMBERSHIP) UNLESS AT THE TIME OF THE APPLICATION FOR THE CHARTER SCHOOL THE SPONSORING DISTRICT OR THE BOARD OF TRUSTEES OF THE CHARTER SCHOOL HAS A RETIREMENT PROGRAM WHICH COVERS THE EMPLOYEES OR THE EMPLOYEE IS CURRENTLY ENROLLED IN ANOTHER RETIREMENT PROGRAM. THE COMMONWEALTH SHALL MAKE CONTRIBUTIONS ON BEHALF OF CHARTER SCHOOL EMPLOYEES AND THE CHARTER SCHOOL SHALL BE CONSIDERED A SCHOOL DISTRICT AND SHALL MAKE PAYMENTS BY EMPLOYERS AND PAYMENTS ON ACCOUNT OF SOCIAL SECURITY AS ESTABLISHED UNDER 24 PA.C.S.PT. IV (RELATING TO RETIREMENT FOR SCHOOL EMPLOYEES). FOR PURPOSES OF PAYMENTS BY EMPLOYERS A CHARTER SCHOOL SHALL BE CONSIDERED A SCHOOL DISTRICT UNDER 24 PA.CS. SECTION 8329(A) (1) (RELATING TO PAYMENTS ON ACCOUNT OF SOCIAL SECURITY DEDUCTIONS FROM APPROPRIATIONS). THE MARKET VALUE/INCOME AID RATIO USED IN CALCULATING PAYMENTS AS PRESCRIBED IN THIS SUBSECTION SHALL BE THE MARKET VALUE/INCOME AID RATIO FOR THE SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED OR, IN THE CASE OF A REGIONAL CHARTER SCHOOL, SHALL BE COMPOSITE MARKET VALUE/INCOME AID RATIO FOR THE PARTICIPATING SCHOOL DISTRICTS AS DETERMINED BY THE DEPARTMENT. EXCEPT AS OTHERWISE PROVIDED, EMPLOYEES OF A CHARTER SCHOOL SHALL MAKE REGULAR MEMBER CONTRIBUTIONS AS REQUIRED FOR ACTIVE MEMBERS UNDER 24 PA.C.S. PT. IV. IF THE EMPLOYEES OF THE CHARTER SCHOOL PARTICIPATE IN ANOTHER RETIREMENT PLAN, THEN THOSE EMPLOYEES SHALL HAVE NO CONCURRENT CLAIM ON THE BENEFITS PROVIDED TO</p>

	<p>PUBLIC SCHOOL EMPLOYEES UNDER 24 P.A.C.S. PT. IV. FOR PURPOSES OF THIS SUBSECTION, A CHARTER SCHOOL SHALL BE DEEMED TO BE A "PUBLIC SCHOOL" AS DEFINED IN 24 P.A.C.S. SECTION 8102 (RELATING TO DEFINITIONS).</p>
UT	<p>(7) Except as provided under Subsection (8), an employee of a charter school shall be a member of a retirement system under Title 49, Utah State Retirement and Insurance Act.</p> <p>(8) (a) At the time of application for a charter school, whether the chartering entity is the State Charter School Board or a school district, a proposed charter school may make an election of nonparticipation as an employer for retirement programs under Title 49, Chapter 12, Public Employees' Contributory Retirement Act and under Title 49, Chapter 13, Public Employees' Noncontributory Retirement Act.</p> <p>(b) A charter school that was approved prior to July 1, 2004 may make an election of nonparticipation prior to December 31, 2004.</p> <p>(c) An election provided under this Subsection (8):</p> <p>(i) is a one-time election made at the time specified under Subsection (8)(a) or (b);</p> <p>(ii) shall be documented by a resolution adopted by the governing body of the charter school;</p> <p>(iii) is irrevocable; and</p> <p>(iv) applies to the charter school as the employer and to all employees of the charter school.</p> <p>(d) The governing body of a charter school may offer employee benefit plans for its employees:</p> <p>(i) under Title 49, Chapter 20, Public Employees' Benefit and Insurance Program Act; or</p> <p>(ii) under any other program.</p>
WI	<p>Retirement benefits extend only to charter school teachers whose charter schools are part of a school district.</p>