



**CalSTRS Charter School/Nonprofit Public Benefit Corporation Certification
(IRS Notice 2015-07)**

Section 1: Charter School Identification

CHARTER SCHOOL NAME
CHARTER SCHOOL COUNTY-DISTRICT-SCHOOL (CDS) CODE
NPBC NAME
NPBC MAILING ADDRESS

Pursuant to Notice 2015-07, *Relief for Certain Participants in Section 414(d) Governmental Plans* (Notice 2015-07), the Internal Revenue Service (IRS) and the United States Treasury Department are expected to issue final regulations permitting a state or local retirement system to provide benefits for charter school employees and continue to qualify as an Internal Revenue Code section 414(d) governmental plan, provided that certain requirements are met. The IRS and the United States Treasury Department have identified those requirements in Section III.A of Notice 2015-07.

CalSTRS is permitting employees of the NPBC to be covered under CalSTRS in reliance on the certifications in Section 2 that the NPBC meets and will fully comply with the requirements of, all modifications to, amendments to, expansions of, or other changes to the requirements of Notice 2015-07, as of the date the 26 USC section 414(d) regulations go into effect.

Consistent with Section 47604 of the Education Code, and in accordance with their approved charter petition, the charter school identified in this section has elected to operate as, or be operated by, the nonprofit public benefit corporation (NPBC) identified above; and has elected to participate in CalSTRS or continue to participate in CalSTRS to provide benefits under the Teachers' Retirement Law for its employees who perform creditable service for a charter school which is eligible to receive state apportionment.

Section 2: Certification

Check one:

- ☐ I certify the charter school has publicly available written contractual agreements with each employee to perform creditable service under the

Teachers' Retirement Law, specifying which charter school the service is being performed at. A true and correct copy of all written contractual agreements for eligible employees will be updated and maintained by the charter school. The charter school will furnish copies of any written contractual agreements at any time upon CalSTRS request.

☐ I certify the NPBC meets the following requirements from Notice 2015-07 and further requirements imposed by the Teachers' Retirement Law:

- (a) NPBC is a nonsectarian independent public school that serves a governmental purpose by providing tuition-free elementary or secondary education, or both.
- (b) NPBC is established and operates a charter school in accordance with the Charter Schools Act of 1992, as amended, authorizing NPBC to create or establish one or more independent public schools.
- (c) Participation in CalSTRS for NPBC's employees is contingent on each employee having a written contract to perform creditable service under the Teachers' Retirement Law and only for those employees who actually perform creditable service activities under that contract. A true and correct copy of all written contracts for eligible employees will be updated and maintained by NPBC. NPBC will furnish copies of any written contracts at any time upon the request of CalSTRS.
- (d) NPBC satisfies either of the following:
 - (1) NPBC's governing board or body is controlled by the State of California, a political subdivision of the state, or an agency or instrumentality of the state or political subdivision. NPBC confirms that the state or political subdivision has the power to nominate, appoint, remove, and replace a majority of the members of the NPBC's governing board or board, or a majority of the members of the NPBC's governing board or body are publicly nominated and elected under state law.
 - (2) NPBC satisfies all of the following requirements:
 - (i) The primary source of NPBC's funding is from the State of California, a political subdivision of the state, or an agency or instrumentality of the state or political subdivision.
 - (ii) The rights of NPBC's employees to their accrued benefits under CalSTRS are not dependent on whether NPBC continues to

participate in CalSTRS, and in the event NPBC ceases participation in CalSTRS, a governmental entity in the State of California has responsibility for the accrued benefits of NPBC's employees, including the continued funding of the accrued benefits, to no lesser extent than a governmental entity has responsibility for the continued funding of the accrued benefits of the employees of any other participating employer of CalSTRS in the event that other employer were to cease to be a participating employer under CalSTRS.

- (iii) NPBC is part of a local educational agency, as defined in 20 U.S.C. 7801(26) (or is its own local educational agency), and is subject to the significant regulatory control and oversight by the State of California, a political subdivision of the state, or an agency or instrumentality of the state or political subdivision of the state as further described in Section IIIA, paragraphs (d)(2)(iii)(1) and (d)(2)(iii)(2), of Notice 2015-07.
- (e) All financial interests of ownership in NPBC are held by the State of California, a political subdivision of the state, or an agency or instrumentality of the state or political subdivision of the state. The State of California, a political subdivision of the state, or an agency or instrumentality of the state are entitled to NPBC's net assets upon dissolution or final liquidation of NPBC, or those net assets will be transferred to another public school that satisfies the requirement in Section III.A of Notice 2015-07.
- (f) NPBC has governing documents that require its net assets, upon dissolution or final liquidation of NPBC, to be distributed to either a public school that meets the requirement of Section III.A of Notice 2015-07 or that its net assets will be transferred to the State of California, a political subdivision of the state, or an agency or instrumentality of the state or political subdivision. A true and correct copy of all such documents will be updated and maintained by NPBC. NPBC will furnish copies of any such documents at any time upon the request of CalSTRS.

NPBC certifies and acknowledges its employees' participation in CalSTRS is conditioned on the promises and representations above. NPBC further understands that CalSTRS will be obligated to comply with the final regulations issued pursuant to 26 USC section 414(d). Should NPBC fail to timely comply with any and all applicable requirements of Notice 2015-07 and final regulations issued under 26 USC section 414(d), CalSTRS may be required to terminate NPBC's participation in CalSTRS, including cancellation of all benefits and any service credit accrued for employees and retirees of NPBC.

Section 3: Required Signature

The undersigned is the duly appointed representative and is authorized to sign on behalf of the charter school, the NPBC or both.

By signing below, the undersigned represents under penalty of perjury under the laws of the State of California and further subject to the criminal penalties described in Section 22010 of the Education Code that all the information on this form is true and correct. The undersigned further acknowledges that if any information on this form is incorrect, CalSTRS reserves the right to refer the undersigned's and NPBC's or charter school's conduct to state, local and federal law enforcement and to take all actions authorized under the Teachers' Retirement Law, including, but not limited to, cancelling benefits for NPBC's or charter school's employees and NPBC's or charter school's continued participation in CalSTRS.

I hereby declare under penalty of perjury under the laws of the State of California and further subject to the penalties described in Section 22010 of the Education Code that all the information provided above is true and correct, and I hereby declare that the NPBC operating the charter school is complying with the requirements of Notice 2015-07 as of the date the 26 USC section 414(d) regulations go into effect.

PRINT NAME OF OFFICIAL REPRESENTATIVE	
REPRESENTATIVE'S POSITION TITLE	
REPRESENTATIVE'S EMAIL	
REPRESENTATIVE'S PHONE NUMBER	
REPRESENTATIVE'S SIGNATURE	SIGNATURE DATE