

LEGAL ALERT

November 20, 2026

Charter Schools Should Hold Off on Completing the Updated CalSTRS Certification Form (ES 0765)

Young, Minney & Corr, LLP ("YM&C") recommends that charter schools hold off on completing the updated CalSTRS Charter School/Nonprofit Public Benefit Corporation Certification form (ES 0765) until further guidance is available. Our review has identified a significant issue with the updated form: as currently drafted, it does not give a charter school that operates as, or is operated by, a nonprofit public benefit corporation a workable way to certify compliance. Because many charter schools are organized this way, the issue affects a large share of schools that participate in CalSTRS.

The updated form arrives alongside revised CalSTRS instructions and CalSTRS Employer Directive 2026-06, dated **November 17, 2026**. The revised instructions and the new directive raise a number of additional issues and questions that bear directly on how schools should complete the certification. We are working through these issues now and will be conferring with CalSTRS to seek clarification.

We recognize that the clock is running. The certification deadline remains **January 31, 2027**, and schools are understandably eager to finalize the form. Even so, we believe a brief pause while these issues are resolved is the prudent course, as it will help schools complete the certification accurately and avoid the need to correct or resubmit it later.

Schools that had already completed the prior version of the form do not need to recertify through the updated form.

We anticipate providing further guidance and instructions, after conferring with CalSTRS, by the end of November. In the meantime, schools can continue preparing by reviewing their charter, bylaws, and articles of incorporation and gathering the written employment agreements the certification requires, so they are ready to act once these issues are resolved.

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