

LEGAL ALERT

October 6, 2026

AB 2519 Preserves CalSTRS Membership for Charter School Administrators Beginning July 1, 2027

Assembly Member Tina McKinnor's Assembly Bill 2519 ("AB 2519") was signed into law on ***September 30, 2026***, preserving CalSTRS membership for charter school administrators and other charter school positions that would have lost eligibility on July 1, 2027. Charter schools that employ these positions will need their governing boards to adopt a resolution designating positions as subject to CalSTRS membership, effective no earlier than **July 1, 2027**.

The bill corrects an unintended consequence of AB 1997, the 2024 measure that replaced the long-standing "creditable service" test for CalSTRS participation with a new "position subject to membership" framework. For charter schools, that framework recognized only two routes into the system: a position requiring a Commission on Teacher Credentialing document pursuant to Education Code section 47605(l) (which only includes teachers) and a position in a certificated bargaining unit (which essentially only includes teachers). Everyone else was left out.

What Would Have Happened on July 1, 2027

Beginning July 1, 2027, absent certain limited exceptions, any charter school employee who is not a teacher and was hired after that date would not have been able to participate in CalSTRS, pursuant to the provisions of AB 1997. Even those employees who had been hired into non-teacher positions before July 1, 2027 would have only had a limited "grandfather" or legacy right to remain in CalSTRS. Specifically, those employees would only remain eligible for CalSTRS for as long as they remained in the same position. In practical effect, charter school employees would have had to choose between, on one hand, taking advantage of new and expanded work opportunities and, on the other, retaining their CalSTRS retirement benefits. The consequences would have reached beyond individual employees, putting charter schools at a recruiting disadvantage against districts, who would be able to offer the same work type of employment opportunities but without similar restrictions on CalSTRS eligibility.

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The AB 2519 Fix of AB 1997

AB 1997 had effectuated its changes by largely replacing the concept of "creditable service" with that of "position subject to membership," and then providing that the only "position subject to membership" at a charter school is that of teacher. AB 2519 cures this deficiency, adding a new category of "position subject to membership" for charter schools. Under AB 2519, a non-teacher position at a charter school is a "position subject to membership" if it meets the following requirements:

1. The position performs, directs, coordinates, supervises, or administers one or more of the functions listed in Education Code section 44065, which include instruction, counseling and guidance, curriculum planning, instructional materials, the school health program, library services, in-service training of certificated staff, and evaluation of the instructional program; ***AND***
2. ***ONE of the following applies:***
    a. The charter school itself requires a valid credential, license, permit, or certificate authorized by the Commission on Teacher Credentialing or the State Department of Health Care Services for the position; ***OR***
    b. The position would require a valid credential, license, permit, or certificate authorized by the Commission on Teacher Credentialing or the State Department of Health Care Services if the position were (hypothetically) at a school district or county office of education.

The requirements of AB 2519 are even more straightforward than they first appear. Education Code section 44065 establishes the types of positions that require credentials at a school district or county office of education. Therefore, any position that would perform, direct, coordinate, supervise, or administer one or more of the functions listed in Education Code section 44065 would almost certainly also be a position that would require a valid credential, license, permit, or certificate authorized by the Commission on Teacher Credentialing or the State Department of Health Care Services if the position were at a school district or county office of education. As a result, the two requirements of AB 2519 will, in practice, collapse into one for all or nearly all charter school non-teacher positions.

AB 2519 restores the equitable treatment of California charter school employees that had been threatened by AB 1997. Work that would be CalSTRS-eligible if performed at a school district or county office of education will be every bit as eligible when performed for a charter school, allowing for the charter school career opportunities and free flow of employees between charter schools and school districts originally envisioned by the Charter Schools Act.

What Charter Schools Should Do Now

Coverage is not automatic, however. This is a change from prior CalSTRS law, under which "creditable service" was CalSTRS-eligible whenever performed, even if no affirmative steps

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were taken by the charter school to affirmatively and prospectively designate it as such. (Instead, CalSTRS historically audited "creditable service" on the back end, demanding retroactive corrections where CalSTRS deemed it necessary). Under AB 2519, affirmative steps must indeed be taken before a given position is a "position subject to membership."

Specifically, for each position that the school wishes to be CalSTRS-eligible, the charter school's governing board must adopt a resolution at a public meeting that (1) designates the position as a "position subject to membership" in CalSTRS and (2) identifies the Education Code section 44065 function or functions that the position performs, directs, coordinates, supervises, or administers. This resolution must be in effect on the employee's date of hire or be made retroactive to that date, and it may not be earlier than July 1, 2027. Boards should plan to adopt a resolution effective July 1, 2027 and revisit it whenever they create a new position or fill an existing one.

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Young, Minney & Corr, LLP is available to assist charter schools with reviewing position classifications, preparing the governing board resolution, and coordinating CalSTRS reporting. If you have any questions about this legal alert, please contact **Kevin Troy** at ktroy@ymclegal.com or **Paul Minney** at pminney@ymclegal.com or by telephone at 916-646-1400

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