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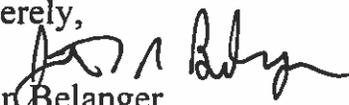
To the Maine Charter Commission,

It has come to my attention that certified teachers at CRCS and the other Maine public chartered schools are unfairly excluded from the Maine Public Employee Retirement System (MainePERS) as teacher members. Certified teachers who chose to serve children through a public charter school may only join the Participating Local District plan (PLD) if the public charter school offers it (20A, part 2, ch112, 2415.3). Which may jeopardize their previous years of service and affects retirement age and penalties for early retirement. This also puts undue financial burden on charter school. As a PLD member we as the employer pay 8.9%. School districts, on the other hand only pay 3.36%. If we stayed with social security we would only pay 6.2%. However, the board and I felt very strongly that CRCS join, at least as a PLD, not only in order to recruit and retain certified teachers with experience but to provide our teachers with the same benefits as their counterparts in any other public funded school. Not only is this unfair to teachers and public charter schools, I believe it is unlawful.

According, to 5 M.R.S.A., 17001.42; membership in the teacher plan is mandatory for public school teachers in Maine as defined by this statute. Please see attached. According to 20A, part 2, Ch 112, 2411,6B: All full-time teachers in a public charter school must hold appropriate teacher certification or become certified within 3 years of the date of employment” (with certain exceptions). However, all of our teachers are certified and therefore should be allowed to join the teachers retirement system.

I am respectfully requesting that you amend 20A, part 2, ch112, 2415.3 to allow public charter schools to be part of the MainePERS teacher system which would enable certified teachers who serve students in public charter schools parity in retirement benefits with their colleagues.

Sincerely,

  
Justin Belanger  
Executive Director

Cornville Regional Charter School

# **Statutory Definition of "Teacher"**

## **§17001. Definitions**

### **42. Teacher. "Teacher" means:**

**A. Any employee of a public school who fills any position that the Department of Education requires be filled by a person who holds the appropriate certification or license required for that position and:**

**(1) Holds appropriate certification from the Department of Education, including an employee whose duties include, in addition to those for which certification is required, either the setup, maintenance or upgrading of a school computer system the use of which is to assist in the introduction of new learning to students or providing school faculty orientation and training related to use of the computer system for educational purposes; or {2001, c. 699, §1 (amd)}**

**(2) Holds an appropriate license issued to a professional employee by a licensing agency of the State; {1989, c. 550, §2 (new); c. 700, Pt. A, §24 (amd); c. 878, Pt. D, §4 (rpr)}**

**B. Any employee of a public school who fills any position not included in paragraph A, the principal function of which is to introduce new learning to students, except that a coach who is employed by a public school and who is not otherwise covered by the definition of teacher as defined in this subsection or an employee who is employed in adult education as defined in Title 20-A, section 8601-A, subsection 1 and who is not otherwise covered by the definition of teacher defined in this subsection may not be considered a teacher for purposes of this Part; {1997, c. 355, §1 (amd)}**

**C. Any employee of a public school on June 30, 1989, in a position not included in paragraph A or B which was included in the definition of teacher in effect on June 30, 1989, as long as:**

**(1) The employee does not terminate employment; or**

**(2) The employee terminates employment and returns to employment in a position in the same classification within 2 years of the date of termination.**

**Regardless of any subsequent employment history, any employee of a public school in a position which was included in the definition of teacher in effect on June 30, 1989, is entitled to creditable service as a teacher for all service in that position on or before that date; {1989, c. 550, §2 (new); c. 878, Pt. D, §4 (rpr)}**

**D. Any employee of a public school in a position not included in paragraph A, B or C who was a member of the State Employee and Teacher Retirement Program of the retirement system as a teacher on August 1, 1988, as long as:**

**(1) The employee does not terminate employment; or**

**(2) The employee terminates employment and returns to employment in a position in the same classification within 2 years of the date of termination; {2007, c. 491, §66 (amd)}**

**E. Any former employee of a public school in a position not included in paragraph A, B or C who was a member of the State Employee and Teacher Retirement Program of the retirement system as a teacher before August 1, 1988, as long as the former employee returns to employment in a position in the same classification before July 1, 1991; or {2007, c. 491, §67 (amd)}**

**F. For service before July 1, 1989, any employee of a public school in a position which was included in the definition of teacher before July 1, 1989. (1989, c. 550, §2 (new); c. 878, Pt. D, §4 (rpr))**

**"Teacher" includes a person who is on a one-year leave of absence from a position as a teacher and is participating in the education of prospective teachers by teaching and supervising students enrolled in college-level teacher preparation programs in this State.**

**"Teacher" also includes a person who is on a leave of absence from a position as a teacher and is duly elected as President of the Maine Education Association.**

**"Teacher" also includes a person who, subsequent to July 1, 1981, has served as president of a recognized or certified bargaining agent representing teachers for which released time from teaching duties for performance of the functions of president has been negotiated in a collective bargaining agreement between the collective bargaining agent and the teacher's school administrative unit and for whom contributions related to the portion of the person's salary attributable to the released time have been paid as part of the regular payroll of the school administrative unit. (1997, c. 355, §1 (amd))**



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**Teacher Employer Contribution Rates**

Plan	FY 15 (Begins 7/1/14)			FY 16 (Begins 7/1/15)			FY 17 (Begins 7/1/16)		
	Normal	UAL	Total	Normal	UAL	Total	Normal	UAL	Total
Teacher Regular <sup>1</sup>	2.65%	13.03%	15.68%	3.36%	10.02%	13.38%	3.36%	10.02%	13.38%

Plan	FY 15 (Begins 7/1/14)					FY 16 (Begins 7/1/15)					FY 17 (Begins 7/1/16)				
	Admin	UAL	SubTotal <sup>2</sup>	Normal	Total	Admin	UAL	SubTotal <sup>2</sup>	Normal	Total	Admin	UAL	SubTotal <sup>2</sup>	Normal	Total
Teacher Federal/ Grant Funded <sup>3</sup>	0.47%	13.03%	13.50%	2.65%	16.15%	0.55%	10.02%	10.57%	3.36%	13.93%	0.55%	10.02%	10.57%	3.36%	13.93%

- <sup>1</sup> Effective FY14 Teacher Rate Normal Costs Paid by Teacher Employers. The State pays Teacher UAL Costs.
- <sup>2</sup> Normal cost is charged on all teacher compensation reported to MainePERS. The subtotal represents the remaining employer costs due on teacher grant funded compensation when the normal cost has been paid.
- <sup>3</sup> For Teacher/Grant Funded employees, Teacher employers pay an additional % to State Employee Health & Benefits for teacher retiree health. This % is not shown here.



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### Participating Local District – Employer Consolidated Plans Rates

	FY 15 (7/1/14 – 6/30/15)	FY 16 7/1/15 – 6/30/16)
<b>Regular Plans</b>		
AC	7.8%	8.9% ✕
BC	4.7%	5.8%
AN	4.1%	5.6%
<b>Special Plans</b>		
1C	13.4%	14%
2C	8.3%	8.9%
3C	11.0%	11.4%
4C	7.2%	7.6%
1N	7.5%	8.7%
2N	4.4%	5.2%
3N	6.1%	7.0%
4N	4.0%	4.4%
<b>Effective Aggregate Rate</b>	<b>8.0%</b>	<b>9.0%</b>

**Note:** Employee rates will increase an additional .5% for FY 16.

Handout From Maine PERS 2015 Regional Employer Tng.

## Determining Teacher Plan Eligibility

**Question 1:**

Is this person an employee of a public school?

**YES.**  
Continue

**NO.**  
Not eligible

**Question 2:**

Does this position meet the definition of 5 MRSA § 17001, 42 Paragraph A? Basically, does the DOE require certification and does the individual hold certification?

**NO.**  
Continue

**YES.**  
Mandatory Eligibility.

**Question 3:**

Does this position meet the definition of 5 MRSA § 17001, 42 Paragraph B? Basically, does this position introduce new learning to students?

**YES.**  
Eligible UNLESS Coach or Adult Ed Exclusion.

**NO.**  
Not eligible UNLESS grandfathered.

Email Job Description to [Teacher@MainePERS.org](mailto:Teacher@MainePERS.org) for Help!

extracurricular activities, the public charter school student is eligible for extracurricular activities at the noncharter public school subject to eligibility standards applied to full-time students of the noncharter public school. A school administrative unit or noncharter public school may not impose additional requirements on a public charter school student to participate in extracurricular activities that are not imposed on full-time students of the noncharter public school. Public charter school students must pay the same fees as other students to participate in extracurricular or cocurricular activities. For each public charter school student who participates in an extracurricular or cocurricular activity at a noncharter public school, the public charter school must pay a reasonable share of the noncharter public school's costs for the activity, as determined through negotiations between the schools involved.

[ 2013, c. 601, §1 (AMD) .]

**3. Retirement.** A public charter school may establish a retirement plan or plans for employees. If a public charter school chooses to set up a plan with the Maine Public Employees Retirement System, the public charter school may establish a participating local district plan with the Maine Public Employees Retirement System under Title 5, chapter 425.

[ 2011, c. 414, §5 (NEW) .]

SECTION HISTORY

2011, c. 414, §5 (NEW). 2013, c. 601, §1 (AMD).

*Data for this page extracted on 01/05/2015 12:02:55.*

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of Maine law to the public.**

**If you need legal advice, please consult a qualified attorney.**

**[Office of the Revisor of Statutes](#)**

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