



STATEMENT BY THE CALIFORNIA COUNTY SUPERINTENDENTS EDUCATIONAL SERVICES ASSOCIATION (CCSESA) REGARDING PENDING DISPUTE WITH CALPERS  
March 2009

*Submitted to CCBE for newsletter publication*

For the past two years CCSESA has been involved in a legal dispute with CalPERS pertaining to the CalPERS eligibility for the CCSESA staff. The following is intended to clarify the facts of the situation and provide an update on the timeline expected for a resolution.

Background. CCSESA is the operational organization that the 58 County Superintendents have formed to implement their constitutional, statutory and other collaborative functions. County Superintendents have historically been given broad and recently increasing statutory authority by the Legislature to implement and monitor programs and services, as well as to foster regional and statewide collaborations that promote efficient service delivery. The County Superintendents, both directly and regionally through CCSESA, provide support and assistance to local school districts in a variety of areas including staff development and curriculum implementation, direct services for certain student populations, fiscal support and accountability, administration and personnel, and technology and telecommunication.

Under state law County Superintendents are required to report all of their employees to a state retirement system (e.g. CalPERS or CalSTRS). County Superintendents have consistently followed this legal mandate for the staff employed to perform the duties of CCSESA, just as County Superintendents have for their other regional and statewide program personnel.

Legal Dispute. In March, 2007 CalPERS notified CCSESA that employees for the Association are not eligible for state pensions. This is a significant dispute because it goes to the heart of county superintendents' underlying constitutional and statutory authority to administer programs on a county, regional and statewide basis. Although all employer and employee contributions have fully paid for all employees, CalPERS has notified the County Superintendents that retroactive to 1998 all previously earned and continuing service credit is void.

Timeline for Resolution. The County Superintendents firmly believe that their actions have been consistent with their constitutional and statutory authority. In order to confirm CalPERS eligibility for CCSESA staff, an appeal was filed with CalPERS. An initial administrative hearing on this appeal, which covered the time period of 1998-2003, was held January 29-February 6, 2009. When the judge issues his ruling, which we expect in June, the CalPERS Board of Directors must affirm or reject the administrative decision. Such action will likely be scheduled by late fall. A second administrative hearing on the matter covering the period of 2003-present, is scheduled to take place in November 2009.

Broader Implications. As part of this dispute, CalPERS additionally requested information from county superintendents about all COE employees assigned to regional, statewide and local programs operated by them, which raises serious implications that could adversely affect the pension status of hundreds of classified employees. Regionalized service delivery is a well-established practice with abundant statutory authority. The County Superintendents are unified in the belief that CalPERS' challenge to the reporting by a County Office of Education of employees performing regional and/or statewide duties will have a deleterious effect on meeting legal and professional obligations for County Superintendents' delivery and monitoring of educational programs throughout California.

For further information, contact: Susan K. Burr, CCSESA Executive Director, 1121 L Street, Suite 510, Sacramento, CA 95814, (916) 446-3095, [sburr@ccsesa.org](mailto:sburr@ccsesa.org).