

3 (32) ✓

4 (b) (1)

December 31, 1975

Dear :

This is in response to your letter requesting a determination whether the above-described plan is covered under the provisions of the Employee Retirement Income Security Act of 1974 (ERISA).

According to the information furnished by you, the plan was established by the Board of Education of the Regional School District, a public school district, on for its employees. Benefits provided under the plan are to be insured under a group insurance policy issued by the Insurance Company . The plan is funded by both employer and employee contributions and is administered by the Board of Education of Regional School District, the named fiduciary of the plan.

Section 4(b)(1) of the ERISA exempts governmental plans from coverage thereunder. Section 3(32) defines the term "governmental plan", in part, to mean a plan established or maintained for its employees by the Government of the United States, by the government of any State or political subdivision thereof, or by any agency or instrumentality of any of the foregoing.

Based on the foregoing, it is concluded that the plan is established and maintained for its employees by the Board of Education of the Regional School District, a public school district. Accordingly, it is a "governmental plan" as defined in section 3(32) of the ERISA, and is exempt from coverage thereunder pursuant to the provisions of section 4(b)(1).

Sincerely,