

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of EducationMarch 2022 AgendaItem #W-02

## Subject

Request by **Saint Helena Unified School District** to waive California *Education Code* Section 45134(c), to allow the employment of a State Teachers’ Retirement System retirees in classified athletic coaching positions, as needed, on a temporary basis.

## Waiver Number

* 2-12-2021

## Type of Action

Action, Consent

## Summary of the Issue(s)

The Saint Helena Unified School District (USD) is requesting a waiver of California *Education Code* (*EC*) Section 45134(c), to allow State Teachers’ Retirement System (STRS) retirees, to be employed in classified athletic coaching positions, as needed, on a temporary basis.

## Authority for Waiver

*EC* Section 33050

## Recommendation

* Approval: Yes
* Approval with conditions: No
* Denial: No

The California Department of Education recommends the State Board of Education (SBE) approve the request by the Saint Helena USD to waive *EC* Section 45134(c) to allow STRS retirees to be employed in classified athletic coaching positions as needed from February 1, 2022, through January 30, 2024.

## Summary of Key Issues

An employee may continue to receive a retirement allowance while collecting a salary for work in classified service if *EC* Section 45134(c) is waived. The Saint Helena USD is requesting a waiver to allow STRS retirees to be employed in classified athletic coaching positions, as needed, on a temporary basis.

The district states that it often has a difficult time recruiting and retaining athletic coaches due to their small rural location. The coaching positions are certificated or classified stipend positions. Retired certificated STRS members would receive the classified stipend according to the district based on STRS/PERS compensation rules. The district states that hiring certificated retirees with former classroom experience would expand the hiring pool of potential athletic coaches and would also be beneficial to students. The district is requesting the waiver for a two-year period. The certificated and classified bargaining units are in support of the waiver.

**Demographic Information:** The Saint Helena USD has a student population of 1,150 and is located in a rural area of Napa County.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at** <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051>.

## Summary of Previous State Board of Education Discussion and Action

The SBE approved the following previous requests:

* Los Angeles USD (March 2015, September 2019, November 2020, and March 2021) to employ a STRS retiree as an assistant to a board member.
* Sanger USD (2013 through 2018) to employ a STRS retiree as a classified bus driver.
* Mendocino County Office of Education (November 2021) to employee a STRS retiree in a management position during a maternity leave period.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of this waiver approval.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Saint Helena USD General Waiver Request 2-12-2021 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

| California *Education Code* Section 45134(c)**Waiver Number** | **District** | **Period of Request** | **Bargaining Unit Representatives Consulted, Date and Position** | **Public Hearing and Board Date** | **Advisory Committee Position** |
| --- | --- | --- | --- | --- | --- |
| 2-12-2021 | Saint Helena Unified School District | **Requested:**February 1, 2022, to January 31, 2024**Recommended:**February 1, 2022, to January 30, 2024 | California School Employees Associations (CSEA) #287Christina Avina, PresidentNovember 17, 2021**Support**Saint Helena Teachers’ Association (SHTA)Brandon Farrell, PresidentOctober 28, 2021**Support** | Approved:November 18, 2021 | Business Operations CommitteeNovember 8, 2021 **No Objection** |

Created by California Department of Education
January 2022

# Attachment 2: Saint Helena Unified School District General Waiver Request 2-12-2021

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 2866290

Waiver Number: 2-12-2021

Active Year: 2021

Date In: 12/9/2021 12:13:40 PM

Local Education Agency: Saint Helena Unified

Address: 465 Main St.

St. Helena, CA 94574

Start: 2/1/2022

End: 1/31/2024

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Other Waivers

Ed Code Title: Employment - Retirement System

Ed Code Section: 45134 c

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: [No person shall be employed in school employment while he or she is receiving a retirement allowance under any retirement system by reason of prior school employment, except that a person may be hired...(sections (1) - 2(B).]

Outcome Rationale: The district often has a difficult time recruiting and retaining athletic coaches, particularly because we are in a small rural area. Our coaching positions do not require a credential and are treated as "classified" stipended positions. We would like to be able to hire retired certificated employees as coaches as needed, in these temporary positions. The compensation is far below the STRS earnings limit for retirees. Being able to hire certificated retirees who have classroom experience will be beneficial to students and also streamline district operations.

Student Population: 1150

City Type: Rural

Public Hearing Date: 11/18/2021

Public Hearing Advertised: District website, and posted physically at all school sites and the district office.

Local Board Approval Date: 11/18/2021

Community Council Reviewed By: Business Operations Committee

Community Council Reviewed Date: 12/8/2021

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Ms. Andrea Stubbs

Position: Chief Business Official

E-mail: astubbs@sthelenaunified.org

Telephone: 707-967-2704

Fax: 707-968-9310

Bargaining Unit Date: 11/17/2021

Name: California School Employees Assocation (CSEA) #287

Representative: Christina Avina

Title: President

Phone: 707-967-2712

Position: Support

Comments:

Bargaining Unit Date: 10/28/2021

Name: St. Helena Teachers Association (SHTA)

Representative: Brandon Farrell

Title: President

Phone: 707-967-2740

Position: Support

Comments: