

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education July 2018 Agenda Item #W-09

## Subject

Request by the **Sanger Unified School District** for a renewal to waive California *Education Code* Section 45134(c), to allow the employment of a State Teachers’ Retirement System retiree as a classified school bus driver.

## Waiver Number

17-4-2018

## Type of Action

Action, Consent

## Summary of the Issue(s)

The Sanger Unified School District (USD) is requesting a waiver of California *Education Code* (*EC*) Section 45134(c), to allow Raymon Magana, a State Teachers’ Retirement System retiree, to be employed as a classified substitute school bus driver.

## Authority for Waiver

*Education Code (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 Sanger USD to waive *EC* Section 45134(c) for the period from June 29, 2018, through June 30, 2020, for the employment of Raymon Magana as a school bus driver.

*EC* Section 33051(b) will apply and the district will not need to reapply if the information contained on the request remains current.

## 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 Sanger USD is requesting a renewal of waivers previously received in 2013 through 2018 to allow a retired individual to be employed as a classified school bus driver for the district. The district has an ongoing need for bus drivers and since this individual is available, has the qualifications and training to drive multiple buses and routes, and has a good record with the district, they are requesting the waiver to continue to employ him. The district expects that Mr. Magana will continue working as a substitute bus driver for another five years.

**Demographic Information:** Sanger USD has a student population of 12,000 and is located in Fresno County, serving the city of Sanger; the communities of Centerville, Del Rey, Fairmont, Lone Star, and Tivy Valley; and portions of the Sunnyside area of metropolitan Fresno.

**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 previously approved four separate waivers for Sanger USD to employ this individual in fiscal years 2013–14, 2014–15, 2015–16, 2016–17, and 2017–18.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of this waiver approval.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Sanger Unified School District General Waiver Request 17-4-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code (EC)* Section 45134(c)

| **Waiver Number** | **District** | **Period of Request** | **Bargaining Unit, Representatives Consulted, Date, and Position** | **Local Board and Public Hearing Approval** | **Previous Waivers** |
| --- | --- | --- | --- | --- | --- |
| 17-4-2018 | Sanger Unified School District | **Requested:**  June 29, 2018  to  June 29, 2020  **Recommended**:  June 29, 2018  to  June 30, 2020 | California School Employees Association Chapter 153,  Jennifer Herring Chapter President  Bargaining Unit Date: April 12, 2018  Position: Support | Community Council Review,  April 9, 2018  No objections  Public Hearing:  April 10, 2018  Local Board Approval:  April 10, 2018 | Yes  36-12-2016  19-10-2015  18-10-2014  9-8-2013 |

Created by California Department of Education  
May 2018

# Attachment 2: Sanger Unified School District General Waiver Request 17-4-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1062414

Waiver Number: 17-4-2018

Active Year: 2018

Date In: 4/30/2018 4:50:16 PM

Local Education Agency: Sanger Unified

Address: 1905 Seventh St.

Sanger, CA 93657

Start: 6/29/2018

End: 6/29/2020

Waiver Renewal: Yes

Previous Waiver Number: 36-12-2016-W-05

Previous SBE Approval Date: 3/9/2017

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: To allow employment of a STRS retiree as a classified school bus driver.

Outcome Rationale: This waiver provides an additional driver to support student transportation to school.

Student Population: 12000

City Type: Rural

Public Hearing Date: 4/10/2018

Public Hearing Advertised: Notice posted at each school.

Local Board Approval Date: 4/10/2018

Community Council Reviewed By: Superintendents Cabinet

Community Council Reviewed Date: 4/9/2018

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Jimmy Robles

Position: Director of Support Services

E-mail: [jimmy\_robles@sanger.k12.ca.us](file:///C:\Users\jfinley\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\Content.Outlook\H8CB9R2I\jimmy_robles@sanger.k12.ca.us)

Telephone: 559-593-6471

Bargaining Unit Date: 04/12/2018

Name: California School Employees Association Chapter

Representative: Jennifer Herring

Title: Chapter President

Position: Support