

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of EducationJuly 2019 AgendaItem #W-07

## Subject

Request by **Northern Humboldt Union High School District** 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

* 4-4-2019

## Type of Action

Action, Consent

## Summary of the Issue(s)

The Northern Humboldt Union High School District (HSD) is requesting a waiver of California *Education Code* (*EC*) Section 45134(c), to allow Darcey Lima, a State Teacher’s Retirement System (STRS) retiree, to be employed as a classified school bus driver.

## 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 Northern Humboldt Union HSD to waive *EC* Section 45134(c) for the period from June 1, 2019, through May 30, 2021, for the employment of Darcey Lima as a school bus driver.

## 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 Northern Humboldt Union HSD is requesting a waiver to allow a retired individual, Darcey Lima, who was employed as a bus driver in the district from August 2004 until December 2018, to be employed as a classified bus driver. The district has been advertising year-round for both regular staffed bus drivers and substitute bus drivers for the past two years due to the shortage of bus drivers available in the county. The Director of Transportation is filling in and driving daily. The shortage of drivers has necessitated the cancellation of transportation for field trips and athletics. Since this individual is available, has the qualifications and training, as well as a good record with the district, they are requesting the waiver to employ Ms. Lima. The district is requesting the waiver for the period from June 1, 2019, through June 30, 2021.

**Demographic Information:** The Northern Humboldt Union HSD has a student population of 1,805 and is located in a rural area of Humboldt 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 has approved similar waiver requests in the past. The most recent approval was at the July 2018 SBE meeting for the Sanger Unified School District to employ a STRS retiree as a classified bus driver.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of this waiver approval.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Northern Humboldt Union HSD General Waiver Request 4-4-2019 (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** |
| --- | --- | --- | --- | --- | --- |
| 4-4-2019 | Northern Humboldt Union High School District | **Requested:**June 1, 2019, to June 30, 2021**Recommended:**June 1, 2019, to May 29, 2021 | CSEA Chapter 337Stephanie Hampton, Chapter PresidentApril 3, 2019**Support.** | Approved:April 9, 2019 | Community Council ReviewApril 1, 2019**No objections** |

Created by California Department of Education
May 2019

# Attachment 2: Northern Humboldt Union High School District General Waiver Request 4-4-2019

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1262687

Waiver Number: 4-4-2019

Active Year: 2019

Date In: 4/10/2019 9:35:40 AM

Local Education Agency: Northern Humboldt Union High School District

Address: 2755 McKinleyville Ave.

McKinleyville, CA 95519

Start: 6/1/2019

End: 6/30/2021

Waiver Renewal: No

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 will provide additional driver support to support student transportation to school which is already short staffed.

Student Population: 1805

City Type: Rural

Public Hearing Date: 4/9/2019

Public Hearing Advertised: Notice posted at school sites and district office

Local Board Approval Date: 4/9/2019

Community Council Reviewed By: Superintendent Administrative Team

Community Council Reviewed Date: 4/1/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Tammy Pires

Position: Superintendent's Secretary

E-mail: tpires@nohum.k12.ca.us

Telephone: 707-839-6481

Fax: 707-839-6457

Bargaining Unit Date: 04/03/2019

Name: CSEA Chapter 337

Representative: Stephanie Hampton

Title: Chapter President

Position: Support