

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of EducationNovember 2023 AgendaItem #W-09

## Subject

Request by **Leggett Valley Unified School District** to waive California *Education Code* Section 45134(c), in which no person shall be employed in a classified position in school employment while he or she is receiving a retirement allowance under any retirement system by reason of prior school employment, to allow a retired individual, Sherrie Ebyam, to be employed in a classified position to train the new Business Manager.

## Waiver Number

8-6-2023

## Type of Action

Action, Consent

## Summary of the Issue(s)

The Leggett Valley Unified School District (USD) is requesting a waiver of California *Education Code* (*EC*) Section 45134(c), to allow Sherrie Ebyam, a State Teachers’ Retirement System (STRS) retiree, to be appointed to a classified position to train the new Business Manager 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 Leggett Valley USD to waive *EC* Section 45134(c) for the period from June 1, 2023, through June 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 Leggett Valley USD is requesting a waiver to allow a retired CalSTRS individual, Sherrie Ebyam, to be appointed to a classified position to train the new Business Manager on a temporary basis.

Ms. Ebyam retired from the district as a Business Manager and is available to train the new Business Manager, Ruby Arias, as she learns the responsibilities of her new role. Although Ms. Ebyam’s prior position was classified, she had elected to continue having her retirement go to CalSTRS after moving from a prior teaching position.

**Demographic Information:** The Leggett Valley USD has a student population of 114, and is located in a rural area of Mendocino 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 previously approved requests from the Los Angeles USD to employ a STRS retiree in a classified staff assistant to a board member position, at the November 2, 2022 SBE meeting (W-01), from the Inglewood USD to employ a STRS retiree to a County Administrator position, at the May 18, 2023 SBE meeting (W-10), and from the Sanger USD to employ a STRS retiree to a classified bus driver position, at the July 11, 2018 SBE meeting (W-09).

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of this waiver approval.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Leggett Valley Unified School District General Waiver Request 8-6-2023 (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** |
| --- | --- | --- | --- | --- | --- |
| 8-6-2023 | Leggett Valley Unified School District | **Requested:**June 1, 2023, to June 30, 2024**Recommended:**June 1, 2023, to June 30, 2024 | California School Employees AssociationKorina Sotelo, Chapter PresidentJune 9, 2023**Support** | Approved:June 14, 2023 | School Site CouncilMay 31, 2023**No objections** |

Created by California Department of Education
November 2023

# Attachment 2: Leggett Valley Unified School District General Waiver Request 8-6-2023

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 2375218

Waiver Number: 8-6-2023

Active Year: 2023

Date In: 6/27/2023 10:33:56 AM

Local Education Agency: Leggett Valley Unified

Address: 1 School Way

Leggett, CA 95585

Start: 6/1/2023

End: 6/30/2024

Waiver Renewal: No

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: (c) [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:

Outcome Rationale: The Leggett Valley Unified School District is requesting a waiver of *EC* 45134(c), which states that a STRS retiree cannot return to work after retirement in a classified position. The district is seeking this waiver in order to hire Sherrie Ebyam. Ms. Ebyam is a STRS retiree who retired as a Business Manager. While the position she retired from was a classified position, she had a 372 on file electing to continue to have her retirement go to STRS after she moved from a prior teaching position.

The district wishes to hire Ms. Ebyam as a trainer for the new Business Manager, Ruby Arias. This will only be a temporary position while Ms. Arias is learning the duties of her new role.

Student Population: 114

City Type: Rural

Public Hearing Date: 6/14/2023

Public Hearing Advertised: On the website and posted at all school sites and the local post office.

Local Board Approval Date: 6/21/2023

Community Council Reviewed By: School Site Council

Community Council Reviewed Date: 5/31/2023

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Sierra Lahera

Position: Superintendent

E-mail: sierralahera@leggett.k12.ca.us

Telephone: 707-925-6285

Bargaining Unit Date: 06/09/2023
Name: CSEA
Representative: Korina Sotelo
Title: President
Phone: 707-925-6285
Position: Support