

LAKE COUNTY OFFICE OF EDUCATION
Office of Superintendent

Resolution No. 1617-06
Exemption to the Separation from Services Requirements

ISSUE

Due to the recent retirement of Linda Seropian-Miller from her full time assignment, a waiver is required for her to continue in her assignment as the Deaf – Hearing Impaired, Early Infant Educator for Lake County school districts.

PREVIOUS ACTIVITY

The Board previously approved Resolution No. 1516-13 on June 22, 2016 for Exemption to the Separation from Service Requirement for Gail Dickenson, Leadership Coach.

DISCUSSION

The DHH position has been advertised since last spring, with one applicant that applied and accepted a position elsewhere. In California special education programs, only 52 percent of new teachers are fully prepared. This does not address the difficulty of finding a teacher with a specialized credential such as DHH. We have also explored contracting with an agency to provide service, but have been unable to locate an agency in this area that would have a credentialed DHH teacher. The state mandates services for Deaf – Hearing Impaired from Early infant through age 22 . These services are mandated in all counties in California. Currently we are in legal compliance because Linda Seropian- Miller is providing these services to students in Lake County , who have an IEP and are in need of these services. We would like to have the waiver for Ms. Miller (who will be retiring) so that the students in Lake County who are Deaf – Hearing Impaired may continue to receive services after December 2016. We will continue our recruitment efforts .

FISCAL, STAFFING AND FACILITIES ISSUES

The resolution addresses potential staffing shortages.

RECOMMENDATION

The Lake County Superintendent of Schools recommends the County Board of Education approve the resolution.

Report prepared by Brock Falkenberg, County Superintendent of Schools, Sharon Hjella, SELPA Director, and Ryan Mahan, Director of Human Resources and Operations.

**RESOLUTION OF THE LAKE COUNTY BOARD OF EDUCATION
RESOLUTION NO. 1617-06**

**RESOLUTION FOR EXEMPTION TO THE SEPARATION-FROM-SERVICE
REQUIREMENT PURSUANT TO SECTION 24214.5 OR 26812 OF
THE EDUCATION CODE**

WHEREAS, pursuant to Education Code section 24214.5 and 26812, there is a 180 calendar day separation-from-service requirement for all retired CalSTRS members and participants; and,

WHEREAS, all retired CalSTRS members and participants are subject to a restriction if they perform retired member activities as defined by section 22164.5 of the Education Code or retired participant activities as defined by section 26135.7 of the Education Code, during the first 180 calendar days after their most recent retirement; and,

WHEREAS, if the retired CalSTRS member or participant performed retired member or participant activities during this period, CalSTRS will reduce his or her retirement benefit or annuity one dollar for each dollar earned for performing retired member or participant activities during the 180-day period; and,

WHEREAS, there is an exemption from the 180 calendar day separation-from-service requirement for a member or participant who retires for service and is at or above normal retirement age; and,

WHEREAS, in order to qualify for this narrow exemption, the employer must appoint the retired member or participant to a critically needed position that has been approved by the Lake County Superintendent of Schools in a public meeting as reflected in a resolution; and,

WHEREAS, this approval by the governing body of the employer in a public meeting as reflected in a resolution must be finalized and communicated to CalSTRS before the member or participant commences to perform retired member or participant activities; and,

WHEREAS, the County Superintendent of Schools must complete the *Request for Separation-from-Service Requirement Exemption* form, which must be submitted to CalSTRS and received by CalSTRS before the member or participant commences to perform retired member or participant activities,

NOW, THEREFORE, BE IT RESOLVED that this Board does provide public notice that the district is in critical need of a Leadership Coach to mentor new administrators because of the severe shortage of fully credentialed school administrators;

AND BE IT FURTHER RESOLVED that the Board wishes to meet this critical need by hiring Linda Seropian-Miller, a member or participant who retired for service less than 180 days ago or who will retire;

AND BE IT FURTHER RESOLVED that this appointment is needed to fill this critical need before the 180 calendar day separation-from-service requirement is fulfilled;

AND BE IT FURTHER RESOLVED that this member or participant did not receive a retirement incentive or any financial inducement to retire from any public employer;

AND BE IT FURTHER RESOLVED that the retired member's or participant's termination of employment is not the basis for the need to acquire his or her services;

AND BE IT FURTHER RESOLVED that the earnings for retired member activities during the 180 calendar days will still be subject to the annual postretirement earnings limit for the Defined Benefit Program;

AND BE IT FURTHER RESOLVED that this member or participant will not commence to perform retired member or participant activities before this approval is authorized by the governing body of the employer in a public meeting as reflected in a resolution and received by CalSTRS;

AND BE IT FURTHER RESOLVED that this member or participant will not commence to perform retired member or participant activities before the Lake County Superintendent of Schools completes the *Request for Separation-from- Service Requirement Exemption* form and this is transmitted to and received by CalSTRS.

PASSED AND ADOPTED this 16th day of November, 2016 at a regular meeting of the Lake County Board of Education.

David Browning:	Aye _____	Nay _____	Abstain _____	Absent _____
Mark Cooper:	Aye _____	Nay _____	Abstain _____	Absent _____
Patricia Hicks:	Aye _____	Nay _____	Abstain _____	Absent _____
Melissa Kinsel	Aye _____	Nay _____	Abstain _____	Absent _____
Madelene Lyon:	Aye _____	Nay _____	Abstain _____	Absent _____

APPROVED:

Board President

ATTEST:

Lake County Superintendent of Schools

I, Brock Falkenberg, Secretary of the Governing Board, Lake County Office of Education, County of Lake, do hereby certify the foregoing to be a full, true and correct copy of a resolution adopted by the said Board at a regular meeting hereof held at its regular meeting place on [DATE] , which action is contained in the minutes of the meeting of said Board.

Brock Falkenberg, Secretary of the Governing Board, Lake County Office of Education

Date