

California Department of Education

Executive Office

SBE-007 (REV. 1/2018)

Federal Waiver

# California State Board of Education September 2023 Agenda Item #W-01

## Subject

Request by **three school districts** for a waiver of Section 131(c)(1) of the Strengthening Career and Technical Education for the 21st Century Act (Public Law 115-224).

## Waiver Number

Los Molinos Unified School District Fed-28-2023

Willits Charter District Fed-26-2023

Winters Joint Unified School District Fed-27-2023

## Type of Action

Action, Consent

## Summary of the Issue(s)

The California Department of Education recommends approval to waive the Strengthening Career and Technical Education for the 21st Century Act (Perkins Act), Public Law 115-224 Section 131(c)(1), which requires local educational agencies (LEAs) whose allocations are less than $15,000 to enter into a consortium with other agencies. If they are unable to do so, under Section 131(c)(2), they may waive the consortium requirement if the LEA is in a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs, and is unable to join a consortium, thus allowing the districts to meet the needs of their students.

The State Board of Education (SBE) has previously approved waivers of the consortium requirement for the following LEA due to the LEA receiving an allocation less than the $15,000 minimum:

1. At the July 2019 meeting, the SBE approved a waiver for Los Molinos Unified School District. This waiver (Fed-8-2019) expired on 6/30/2023.

## Authority for Waiver

Federal Waiver Authority (Public Law 115-224) Section 131(c)(2)

## Recommendation

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

## Summary of Key Issues

The criterion for qualifying for this waiver is demonstration that the LEAs cannot form or join a consortium that handles the Perkins Act funds.

For each of the three districts, there are no other districts in the local area willing to join in a consortium and the districts are located in rural counties with student populations ranging from 107 to 1,557. The districts are seeking a waiver to function independently in order to meet the needs of the students in the district.

**Demographic Information:**

Los Molinos Unified School District has a student population of 553 and is located in a Rural: Fringe (41) area in Tehama County.

Willits Charter District has a student population of 107 and is located in a Town: Remote (33) area in Mendocino County.

Winters Unified School District has a student population of 1,557 and is located in a Town: Fringe (31) area in Yolo County.

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

Section 131(c)(1) of the Perkins Act requires LEAs whose allocations are less than $15,000 to enter into a consortium with other LEAs for the purpose of meeting the $15,000 minimum grant requirement. Section 131(c)(2) of the Perkins Act permits states to waive the consortium agreement if the LEA is in a rural, sparsely populated area or is a public charter school operating secondary vocational and technical education programs, and is unable to join a consortium.

The SBE Waiver Policy #01-01: Strengthening Career and Technical Education for the 21st Century Act: Consortium Requirement for Minimum Allocation, available on the California Department of Education Waiver Policies web page at <https://www.cde.ca.gov/re/lr/wr/waiverpolicies.asp>, has criteria defining rural that are specifically tied to the National Center for Education Statistics Locale Codes numbers 23, 31, 32, 33, 41, 42, or 43.

The SBE has approved all waivers of this statute that have been presented to it to date.

## Fiscal Analysis (as appropriate)

Approval will enable the LEAs to receive the annual Perkins Act allocation that is listed on Attachment 1. These waivers have no significant effect on the distribution of Perkins Act funds statewide.

## Attachment(s)

* **Attachment 1:** Districts Requesting Strengthening Career and Technical Education for the 21st Century Act Waivers (1 page).
* **Attachment 2:** Los Molinos Unified School District Federal Waiver Request Fed-28-2023 (1 page). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Willits Charter District Federal Waiver Request Fed-26-2023 (1 page). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** Winters Unified School District Federal Waiver Request Fed-27-2023 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

Districts Requesting Strengthening Career and Technical Education for the 21st Century Act Waivers

| Waiver Number | District | Period of Request | Local Board and Public Hearing Approval | NCES Locale Code | Demographic Information | Perkins Act Allocation |
| --- | --- | --- | --- | --- | --- | --- |
| Fed-28-2023 | Los Molinos Unified School District | **Requested:**  July 1, 2023, to June 30, 2027  **Recommended:**  July 1, 2023, to June 30, 2027 | June 15, 2023 | 41 | Student Population of 553 located in  Tehama County | $6,535 |
| Fed-26-2023 | Willits Charter District | **Requested:**  July 1, 2023, to June 30, 2027  **Recommended:**  July 1, 2023, to June 30, 2027 | May 9, 2023 | 33 | Student Population of 107 located in Mendocino County | $2,627 |
| Fed-27-2023 | Winters Unified School District | **Requested:**  July 1, 2023, to June 30, 2027  **Recommended:**  July 1, 2023, to June 30, 2027 | June 8, 2023 | 31 | Student Population of 1,557 located in Yolo County | $14,280 |

Created by: California Department of Education August 2023

# Attachment 2: Los Molinos Unified School District Federal Waiver Request Fed-21-2023

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 5271571

Waiver Number: Fed-28-2023

Active Year: 2023

Date In: 7/11/2023 3:32:54 PM

Local Education Agency: Los Molinos Unified

Address: 7851 Highway 99-E

Los Molinos, CA 96055

Start: 7/1/2023

End: 6/30/2027

Waiver Renewal: Yes

Previous Waiver Number: Fed-8-2019-W-05

Previous SBE Approval Date: 7/10/2019

Waiver Topic: Federal Program Waiver

Ed Code Title: Carl D. Perkins Voc and Tech Ed Act

Ed Code Section: PL 109-270 Section 131(c)(1)

Ed Code Authority: PL 109-270 Section 131(c)(2)

Ed Code or *CCR* to Waive: PL 109-270 Section 131(c)(1)

Outcome Rationale: We are very rural school district with highly successful CTE programs that are flourishing. We wish to continue the same format.

Student Population: 220

City Type: Rural

NCES Code: 31

Local Board Approval Date: 6/15/2023

Submitted by: Mr. Joey Adame

Position: Superintendent

E-mail: [jadame@lmusd.net](mailto:jadame@lmusd.net)

# Attachment 3: Willits Charter District Federal Waiver Request Fed-26-2023

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 2365623

Waiver Number: Fed-26-2023

Active Year: 2023

Date In: 5/20/2023 12:49:13 PM

Local Education Agency: Willits Charter

Address: 1431 South Main St

Willits, CA 95490

Start: 7/1/2023

End: 6/30/2027

Waiver Renewal: No

Waiver Topic: Federal Program Waiver

Ed Code Title: Carl D. Perkins Voc and Tech Ed Act

Ed Code Section: PL 109-270 Section 131(c)(1)

Ed Code Authority: PL 109-270 Section 131(c)(2)

Ed Code or *CCR* to Waive: Strengthening Career and Technical Education for the 21st Century (Perkins V), [Public law 109-270 Section 131(c)(1), that requires local agencies whose allocations are less than $15,000 to enter into to a consortium with other agencies]

Outcome Rationale: We have been allocated less than $15,000 in Perkins Grant funds. We are a small, public charter school in a rural area operating our own CTE program

Student Population: 119

City Type: Rural

NCES Code: 33

Local Board Approval Date: 5/9/2023

Submitted by: Ms. Erin Vaccaro

Position: Education Director

E-mail: [evaccaro@willitscharter.net](mailto:evaccaro@willitscharter.net)

Telephone: 707-459-5506

# Attachment 4: Winters Unified School District Federal Waiver Request Fed-27-2023

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 5772702

Waiver Number: Fed-27-2023

Active Year: 2023

Date In: 6/13/2023 10:35:52 AM

Local Education Agency: Winters Joint Unified

Address: 909 West Grant Ave.

Winters, CA 95694

Start: 7/1/2023

End: 6/30/2027

Waiver Renewal: No

Waiver Topic: Federal Program Waiver

Ed Code Title: Carl D. Perkins Voc and Tech Ed Act

Ed Code Section: PL 109-270 Section 131(c)(1)

Ed Code Authority: PL 109-270 Section 131(c)(2)

Ed Code or *CCR* to Waive: Strengthening Career and Technical Education for the 21st Century (Perkins V), Public law 109-270 Section 131 (c)(1) Except as provided in paragraph (2), [a local educational agency shall not receive an allocation under subsection (a) unless the amount allocated to such agency under subsection (a) is greater than $15,000. A local educational agency may enter into a consortium with other local educational agencies for purposes of meeting the minimum allocation requirement of this paragraph.]

Outcome Rationale: We have been in a consortium with Esparto Unified School District for several years. However, this year, Esparto chose to withdraw from the consortium. We are a rural school district, so we are now applying on our own.

Student Population: 1634

City Type: Rural

NCES Code: 31

Local Board Approval Date: 6/8/2023

Submitted by: Ms. Liz Coman

Position: College and Career Coordinator

E-mail: [lcoman@wintersjusd.org](mailto:lcoman@wintersjusd.org)

Telephone: 530-400-0734

Fax: 530-795-6114