

California Department of Education

Executive Office

SBE-007 (REV. 11/2017)

Federal Waiver

# California State Board of Education July 2018 AgendaItem #W-07

## Subject

Request by **Oakland School for the Arts** for a waiver of Section 131(c)(1) of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Public Law 109-270).

## Waiver Number

Fed-1-2018

## Type of Action

Action, Consent

## Summary of the Issue(s)

The California Department of Education recommends approval to waive the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Perkins Act), Public Law 109-270 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.

## Authority for Waiver

Federal Waiver Authority (Public Law 109-270) 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 Oakland School for the Arts cannot form or join a consortium that handles the Perkins Act funds. There are no other charter schools in the local area willing to join in a consortium. Oakland School for the Arts is located in Alameda County and has a student populations of 745. Oakland School for the Arts is seeking a waiver to function independently in order to meet the needs of the students in the charter school.

**Demographic Information:**

Oakland School for the Arts has a student population of 745 and is located in a City: Large (11) area in Alameda County. The waiver rule still applies due to the school being a recognized public charter school operating secondary vocational and technical education programs.

## 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 State Board of Education (SBE) Waiver Policy #01-01: Carl D. Perkins Career and Technology Education Improvement Act: Consortium Requirement for Minimum Allocation, available at <http://www.cde.ca.gov/re/lr/wr/documents/perkinspolicyr.doc>, has criteria defining rural that are specifically tied to the National Center for Education Statistics (NCES) 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 Oakland School for the Arts to receive an annual Perkins Act allocation that is listed on Attachment 1. The waiver has no significant effect on the distribution of Perkins Act funds statewide.

## Attachment(s)

* **Attachment 1:** Summary Table. District Requesting Carl D. Perkins Career and Technical Education Waivers (1 page)
* **Attachment 2:** Oakland School of the Arts Federal Waiver Request Fed-1-2018 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

Districts Requesting Carl D. Perkins Career and Technical Education Waivers

| Waiver Number | District | Period of Request | Local Board and Public Hearing Approval | NCES Locale Code | Demographic Information | Perkins Act Allocation |
| --- | --- | --- | --- | --- | --- | --- |
| Fed-1-2018 | Oakland School for the Arts | **Requested:**August 20, 2018, to August 19, 2019**Recommended:**July 1, 2018, to June 30, 2022 | April 16, 2018 | 11 | Student Population of 745 located in Alameda County | $3,622 |

Created by California Department of Education

May 8, 2018

# Attachment 2: Waiver Fed-1-2018 Oakland School for the Arts

**WAIVER SUBMISSION - Federal**

CD Code: 0161259

Waiver Number: Fed-1-2018

Active Year: 2018

Date In: 4/25/2018 3:35:42 PM

Local Education Agency: Oakland Unified School District

Address: Oakland School For the Arts, 530 18th St.

Oakland, CA 94612

Start: 8/20/2018

End: 8/19/2019

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: Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Perkins Act), Public Law 109-270 Section 131(c)(1), 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".

Outcome Rationale: This request is for Oakland School for the Arts, an independent charter school whose allocation will be less than $15,000. Oakland School for the Arts would like to request a waiver of the consortium requirement because we are a public charter school operating secondary vocational education programs.

All of the NCES choices above are not appropriate for our school, located in Oakland, an urban city with a population of 422,856 in 2016. The appropriate NCES code for Oakland School for the Arts is "11". However, "23" was selected because a choice was required for submission of this waiver.

Student Population: 754

City Type: Urban

NCES Code: 23

Local Board Approval Date: 4/16/2018

Submitted by: Ms. Ashley Adams

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