

California Department of Education

Executive Office

SBE-007 (REV. 1/2018)

Federal Waiver

# California State Board of Education January 2019 AgendaItem #W-04

## Subject

Request by two school districts 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

* Durham Unified School District Fed-13-2018
* El Tejon Unified School District Fed-12-2018

## 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 IV), 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.

The CDE is currently operating under the Perkins IV. It is anticipated that the CDE will transition to the new federal act, Strengthening Career and Technical Education for the 21st Century Act, also known as Perkins V, when the state has an approved transition plan, which will be submitted the United States Department of Education in the spring of 2019.

**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 LEAs cannot form or join a consortium that handles the Perkins IV funds. There are no other districts in the local area willing to join in a consortium. The Districts are located in various rural counties and have student populations ranging from 764 to 983. Districts are seeking waivers to function independently in order to meet the needs of the students in the district.

**Demographic Information:**

Durham Unified School District has a student population of 983 and is located in a Rural: Fringe (41) area in Butte County.

El Tejon Unified School District has a student population of 764 and is located in a Rural: Fringe (41) area in Kern County.

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

Section 131(c)(1) of the Perkins IV 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 IV 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 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 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 these LEAs to receive an annual Perkins IV allocation that is listed on Attachment 1. These waivers have no significant effect on the distribution of Perkins IV funds statewide.

## Attachment(s)

* **Attachment 1:** Districts Requesting Carl D. Perkins Career and Technical Education Waivers (1 page).
* **Attachment 2:** Durham Unified School District Federal Waiver Request
Fed-13-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** El Tejon Unified School District Federal Waiver Request
Fed-12-2018 (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 IV Allocation |
| --- | --- | --- | --- | --- | --- | --- |
| Fed-13-2018 | Durham Unified School District | **Requested:**July 1, 2018, to June 30, 2022**Recommended:**July 1, 2018, to June 30, 2022 | Nov 14, 2018 | 41 | Student Population of 983 located in Butte County | $4,728 |
| Fed-12-2018 | El Tejon Unified School District  | **Requested:**July 1, 2018, to June 30, 2022**Recommended:**July 1, 2018, to June 30, 2022 | Nov 8, 2018 | 41 | Student population of 764 located in Kern County | $12,035 |

Created by California Department of Education November 19, 2018

# Attachment 2: Waiver Fed-13-2018 Durham Unified School District

**California Department of Education**

**WAIVER SUBMISSION – Federal**

CD Code: 0461432

Waiver Number: Fed-13-2018

Active Year: 2018

Date In: 11/15/2018 8:40:59 AM

Local Education Agency: Durham Unified School District

Address: 9420 Putney Dr.

Durham, CA 95938

Start: 7/1/2018

End: 7/1/2022

Waiver Renewal: Yes

Previous Waiver Number: FED-12-2014

Previous SBE Approval Date: 1/14/2015

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: Section 131(c)(1) of the Carl D. Perkins Career and Technical

education Improvement Act requires local education agencies to whose allocations are less than $15,000 to enter into a local consortium with other LEA's for the purpose of meeting the $15,000 requirement. Section 131(c)(20 of said act permits states to waive the consortium agreement if the LEA is in a rural, sparsely populated area.

Outcome Rationale: Our LEA cannot form or join a consortium in re Perkins funds. Durham Unified has received prior waivers based on this criterion.

Outcome Rationale: The allocations from the Carl D. Perkins grant help to enhance and support greater student learning in our Welding and Materials/Manufacturing programs. Due to the size of our student population, we are eligible to apply for the waiver under section 23519(c)91) and (2). In the past these funds have supported the programs via the purchase of welding and automotive supplies (including support materials) and equipment. Through this grant we have been able to to take students on field trips to post-secondary institutions.

Student Population: 1033

City Type: Small

NCES Code: 23

Local Board Approval Date: 11/14/2018

Submitted by: Mr. Lloyd Webb

Position: Superintendent

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# Attachment 3: Waiver Fed-12-2018 El Tejon Unified School District

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 1575168

Waiver Number: Fed-12-2018

Active Year: 2018

Date In: 11/9/2018 10:23:08 AM

Local Education Agency: El Tejon Unified School District

Address: 4337 Lebec Rd.

Lebec, CA 93243

Start: 7/1/2018

End: 6/30/2022

Waiver Renewal: Yes

Previous Waiver Number: Fed-7-2014

Previous SBE Approval Date: 7/11/2014

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: (c)Minimum Allocation (1) In general 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 the purposes of meeting the minimum allocation requirement of this paragraph.

Outcome Rationale: Frazier Mountain High School is the only high school to serve the youth in the mountain communities and is located in a small, rural community. We do not have another high school close enough to enter into a consortium with in order to meet the minimum allocation requirement. The Perkins Grant is necessary and extremely helpful to improve student performance and achievement in vocational areas which are so very important to the youth today.

Student Population: 265

City Type: Rural

NCES Code: 41

Local Board Approval Date: 11/8/2018

Submitted by: Ms. Sara Haflich

Position: Interim Superintendent

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