

California Department of Education

Executive Office

SBE-007 (REV. 1/2018)

Federal Waiver

# California State Board of Education July 2019 AgendaItem #W-05

## Subject

Request by six 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

* Julian Union High School District Fed-3-2019
* Los Molinos Unified School District Fed-8-2019
* Modoc Joint Unified School District Fed-7-2019
* San Lorenzo Valley Unified School District Fed-4-2019
* Southern Humboldt Joint Unified School District Fed-6-2019
* Summerville Union High School District Fed-5-2019

## 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.

The CDE is currently operating under the new federal act, Strengthening Career and Technical Education for the 21st Century Act. At the May 2019 SBE meeting, the SBE approved a transition plan, submitted to the United States Department of Education, as the CDE transitions from the Perkins Act to the Strengthening Career and Technical Education Act.

**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 Act 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 150 to 4,921. Districts are seeking waivers to function independently in order to meet the needs of the students in the district.

**Demographic Information:**

Julian Union High School District has a student population of 150 and is located in a Rural: Distant (42) area in San Diego County.

Los Molinos Unified School District has a student population of 593 and is located in a Rural: Fringe (41) area in Tehama County.

Modoc Joint Unified School District has a student population of 847 and is located in a Town: Remote (33) area in Modoc County.

San Lorenzo Valley Unified School District has a student population of 4,921 and is located in a Rural: Fringe (41) area in Santa Cruz County.

Southern Humboldt Joint Unified School District has a student population of 747 and is located in a Rural: Remote (43) area in Humboldt County.

Summerville Union High School District has a student population of 1,056 and is located in a Rural: Fringe (41) area in Tuolumne 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 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 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 Carl D. Perkins Career and Technical Education Waivers (1 page).
* **Attachment 2:** Julian Union High School District Federal Waiver Request Fed-3-2019 (1 page). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Los Molinos Unified School District Federal Waiver Request Fed-8-2019 (1 page). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** Modoc Joint Unified School District Federal Waiver Request Fed-7-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 5:** San Lorenzo Valley Unified School District Federal Waiver Request Fed-4-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 6:** Southern Humboldt Joint Unified School District Federal Waiver Request Fed-6-2019 (1 page). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 7:** Summerville Union High School District Federal Waiver Request Fed-5-2019 (1 page). (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-3-2019 | Julian Union High School District | **Requested:**July 1, 2019, to June 30, 2023**Recommended:**July 1, 2019, to June 30, 2023 | March 14, 2019 | 42 | Student Population of 150 located in San Diego County | $3,336 |
| Fed-8-2019 | Los Molinos Unified School District | **Requested:**July 1, 2019, to June 30, 2023**Recommended:**July 1, 2019, to June 30, 2023 | May 16, 2019 | 41 | Student Population of 593 located inTehama County | $4,495 |
| Fed-7-2019 | Modoc Joint Unified School District | **Requested:**July 1, 2019, to June 30, 2023**Recommended:**July 1, 2019, to June 30, 2023 | May 14, 2019 | 33 | Student Population of 847 located in Modoc County | $9,331 |
| Fed-4-2019 | San Lorenzo Valley Unified School District  | **Requested:**July 1, 2019, to July 1, 2023**Recommended:**July 1, 2019, to June 30, 2023 | May 1, 2019 | 41 | Student population of 4,921 located in Santa Cruz County | $12,768 |
| Fed-6-2019 | Southern Humboldt Joint Unified School District  | **Requested:**July 1, 2019, to June 30, 2023**Recommended:**July 1, 2019, to June 30, 2023 | May 9, 2019 | 43 | Student population of 747 located in Humboldt County | $7,357 |
| Fed-5-2019 | Summerville Union High School District  | **Requested:**July 1, 2019, to June 30, 2023**Recommended:**July 1, 2019, to June 30, 2023 | April 24, 2019 | 41 | Student population of 1,056 located in Tuolumne County | $8,362 |

Created by California Department of Education May 20, 2019

# Attachment 2: Waiver Fed-3-2019 Julian Union High School District

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 3768171

Waiver Number: Fed-3-2019

Active Year: 2019

Date In: 4/11/2019 11:59:55 AM

Local Education Agency: Julian Union High School District

Address: 1656 Highway 78

Julian, CA 92036

Start: 7/1/2019

End: 6/30/2023

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, Public law 109-270 Section 131(c)(1), that requires local agencies whose allocations are less than $15,000 to enter into into to a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement.

Outcome Rationale: Julian High School is located in the rural community of Julian located within San Diego County. Currently the high school is operating an pathways in ag-science. This offers the students the opportunity to experience mechanics, welding, animals and horticulture. Due to the size and location of the district it is not possible to become eligible for funding under most grants unless there is a waiver.

Student Population: 110

City Type: Rural

NCES Code: 42

Local Board Approval Date: 3/14/2019

Submitted by: Ms. Yvonne Fleet

Position: Chief Business Official

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# Attachment 3: Waiver Fed-8-2019 Los Molinos Unified School District

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 5271571

Waiver Number: Fed-8-2019

Active Year: 2019

Date In: 5/17/2019 9:24:33 AM

Local Education Agency: Los Molinos Unified

Address: 7851 Highway 99-E

Red Bluff, CA 96080

Start: 7/1/2019

End: 6/30/2023

Waiver Renewal: Yes

Previous Waiver Number: FED-1-2015-W-01

Previous SBE Approval Date: 3/11/2015

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: Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-207 Section 131(c)(1) that requires local agencies whose allocations are less that $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,000. Ed Code Section: PL 109-270 Section 131(c)(1)

Outcome Rationale: Los Molinos Unified School District is a small unified school district with a high school population of approximately 200. We are eligible to submit a waiver to receive an allocation of less that $15,000 due to the rural nature of our district and the inability to form a consortium. We have been granted this waiver in the past and it is needed so that we may continue to apply for the Perkins grant and provide support for our career technical education pathways. These pathways allow our students to graduate college and career ready.

Student Population: 558

City Type: Rural

NCES Code: 41

Local Board Approval Date: 5/16/2019

Submitted by: Ms. Christie Landingham

Position: Chief Business Official

E-mail: [clandingham@lmusd.net](file:///%5C%5CCDE.Cal%5CDATA%5CCCTDATA%5CCENTRAL%5CDivision%20Shared%5CSBE%5CWaivers%5C2019%5CJuly%202019%5Cclandingham%40lmusd.net)

Telephone: 530-384-7826

# Attachment 4: Waiver Fed-7-2019 Modoc Joint Unified School District

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 2573585

Waiver Number: Fed-7-2019

Active Year: 2019

Date In: 5/15/2019 2:21:44 PM

Local Education Agency: Modoc Joint Unified School District

Address: 906 West Fourth St.

Alturas, CA 96101

Start: 7/1/2019

End: 6/30/2023

Waiver Renewal: Yes

Previous Waiver Number: FED-70-2011-W-12

Previous SBE Approval Date: 7/1/2015

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: US Code, Section 2351(c)(1) and (2) or [PL 109-270 Section 131 (c)(1) and (2)] (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 $15,000.00. A local educational agency may enter into a consortium with other local educational agencies for the purposes of meeting the minimum allocation requirements of this paragraph. (2) Waiver: The eligible agency shall waive the application of paragraph (1) in any case which the local educational agency -- (A)(i) is located in a rural, sparsely populated area, or (ii) is a public charter school operating a secondary school career and technical educational program; and (B) demonstrates that the local educational agency is unable to enter into a consortium for purposes of providing activities under this part (20 USCA 2351 et seq.). Under this US Code, Modoc High School is seeking a waiver because we are (A)(i) located in a rural, sparsely populated area, operating vocational and technical programs and (B) unable to enter into a consortium for purposes of providing activities under this part.

Outcome Rationale: Modoc JUSD is seeking the federal grant for CTE, Carl D. Perkins to support our CTE Building and Construction trade (Woodworking), Agriculture and Natural Resources (Companion Animal Science), Manufacturing and Product Development (Welding) industry sections to improve, enhance and expand these career pathways. By receiving this grant and waiver approval, we can implement increasingly rigorous and relevant CTE pathways that will prepare them for further post-secondary training and workforce. Since this is a supplemental grant, district, local, state and other funds will continue to be used on the CTE pathway, and the federal funds will only be used to supplement, not supplant the CTE pathways. Onsite technical assistance, regional Perkins meetings, CTE meetings and other professional development for CTE teachers will also be made available by our assigned CDE Perkins consultant for continued support.

Student Population: 213

City Type: Rural

NCES Code: 33

Local Board Approval Date: 5/14/2019

Submitted by: Mr. Brian Norby

Position: Principal, MHS

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# Attachment 5: Waiver Fed-4-2019 San Lorenzo Valley Unified School District

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 4469807

Waiver Number: Fed-4-2019

Active Year: 2019

Date In: 5/3/2019 10:03:32 AM

Local Education Agency: San Lorenzo Valley Unified

Address: 325 Marion Ave.

Ben Lomond, CA 95005

Start: 7/1/2019

End: 7/1/2023

Waiver Renewal: Yes

Previous Waiver Number: Fed-19-2015

Previous SBE Approval Date: 11/5/2015

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: [Carl D. Perkins Career and Technical Education Act of 2006. Public Law 109-270 section 131(c)(1) that requires local agencies whose allocations are less than $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement.

Outcome Rationale: Public Law 109-270 second 131(d)(2) of the Career Technical Education and Improvement Act of 2006 permits states to waive the consortium requirement in any case where the local agency is:(a) is in a rural sparkly populated area, or is a public charter school operating secondary vocation and technical education programs and (b) demonstrates it is unable to enter into a consortium to participate in Perkins funding. Given our remote location being in the Santa Cruz Mountains, we are unable to enter into a consortium because of our location.

Student Population: 711

City Type: Rural

NCES Code: 41

Local Board Approval Date: 5/1/2019

Submitted by: Mr. Ned Hearn

Position: CTE Coordinator/Accountability Dean

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# Attachment 6: Waiver Fed-6-2019 Southern Humboldt Joint Unified School District

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 1263040

Waiver Number: Fed-6-2019

Active Year: 2019

Date In: 5/10/2019 12:38:56 PM

Local Education Agency: Southern Humboldt Joint Unified

Address: 110 School Rd.

Miranda, CA 95553

Start: 7/1/2019

End: 6/30/2023

Waiver Renewal: Yes

Previous Waiver Number: Fed-7-2015

Previous SBE Approval Date: 7/16/2015

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: U.S. Code, Section 2351(c)(1) and (2) or [P.L. 109-270 Section 131(c)(1) and (2). (See attached letter).

Outcome Rationale: See attached letter.

Student Population: 760

City Type: Rural

NCES Code: 43

Local Board Approval Date: 5/9/2019

Submitted by: Ms. Jennifer McClure

Position: CTE Coordinator

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# Attachment 7: Waiver Fed-5-2019 Summerville Union High School District

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 5572413

Waiver Number: Fed-5-2019

Active Year: 2019

Date In: 5/8/2019 1:46:00 PM

Local Education Agency: Summerville Union High School District

Address: 17555 Tuolumne Rd.

Tuolumne, CA 95379

Start: 7/1/2019

End: 6/30/2023

Waiver Renewal: Yes

Previous Waiver Number: FED-6-2015

Previous SBE Approval Date: 7/8/2015

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: Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270 Section 131(c)(1), that requires local agencies whose allocations are less than $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement.

Outcome Rationale: This waiver was requested to eliminate the need to be in a consortium for Carl Perkins Funding. This streamlines the application process by being able to apply for funding directly to the department of education and not having to go through another LEA.

Student Population: 452
City Type: Rural
NCES Code: 41

Local Board Approval Date: 4/24/2019

Submitted by: Mr. Tom Dibble

Position: CTE Coordinator

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