

California Department of Education

Executive Office

SBE-007 (REV. 1/2018)

Federal Waiver

# California State Board of Education January 2022 Agenda Item #W-01

## Subject

Request by **two 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

* Cloverdale Unified School District Fed-7-2021
* Templeton Unified School District Fed-8-2021

## 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.

**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. There are no other districts in the local area willing to join in a consortium. The districts are located in rural counties and have a student population of 1,383 to 2,424. The districts are seeking a waiver to function independently in order to meet the needs of the students in the district.

**Demographic Information:**

Cloverdale Unified School District has a student population of 1,383 and is located in Town: Fringe (31) area in Sonoma County.

Templeton Unified School District has a student population of 2,424 and is located in Suburb: Small (23) area in San Luis Obispo 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 (SBE) Waiver Policy #01-01: Strengthening Career and Technical Education for the 21st Century Act: Consortium Requirement for Minimum Allocation, available on the CDE’s Waiver Policy 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:** Cloverdale Unified School District Federal Waiver Request   
  Fed-7-2021 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Templeton Unified School District Federal Waiver Request   
  Fed-8-2021 (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-7-2021 | Cloverdale Unified School District | **Requested:**  July 1, 2021, to June 30, 2025  **Recommended:**  July 1, 2021, to June 30, 2025 | May 29, 2021 | 31 | Student Population of 1,383 located in  Sonoma County | $6,989 |
| Fed-8-2021 | Templeton Unified School District | **Requested:**  July 1, 2021, to June 30, 2025  **Recommended:**  July 1, 2021, to June 30, 2025 | October 28, 2021 | 23 | Student Population of 2,424 located in  San Luis Obispo County | $9,826 |

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# Attachment 2: Cloverdale Unified School District Federal Waiver Request Fed-7-2021

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 4970656

Waiver Number: Fed-7-2021

Active Year: 2021

Date In: 9/29/2021 11:40:37 AM

Local Education Agency: Cloverdale Unified

Address: 97 School St.

Cloverdale, CA 95425

Start: 7/1/2021

End: 6/30/2025

Waiver Renewal: N

Previous Waiver Number: Fed-17-2017

Previous SBE Approval Date: 9/13/2017

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)]

a local educational agency shall not receive an allocation under subsection (a) unless the amount allocated to such agency under subsection (a) is greater that $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: Our allocation amount is less than $15,000 and we do not belong to a consortium as we qualify as a rural school under NCES. The nearest Ag program with our focus is over 20 miles away, our construction program is focused on building tiny houses and we are building a sustainable practices pathway. All pathways have community partners.

Student Population: 400

City Type: Rural

NCES Code: 31

Local Board Approval Date: 5/29/2021

Submitted by: Dr. Rani Goyal

Position: Principal

E-mail: [goyalr@cusd.org](mailto:goyalr@cusd.org)

Telephone: 707-894-1902

# Attachment 3: Templeton Unified School District Federal Waiver Request Fed-8-2021

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 4068841

Waiver Number: Fed-8-2021

Active Year: 2021

Date In: 10/29/2021 12:25:31 PM

Local Education Agency: Templeton Unified

Address: 960 Old County Rd.

Templeton, CA 93446-4833

Start: 7/1/2021

End: 6/30/2025

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

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: Ed Code Title: Strengthening Career and Technical Education for the 21st Century (Perkins V)

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 for the purpose of meeting the $15,000 minimum grant requirement.

Outcome Rationale: Templeton High School is seeking a waiver based upon Section 131 (d) (2) of the Career Technical Education and Improvement Act of 2006 that permits states to waive the consortium requirement in any case in which the local education agency (a) is in a rural, sparsely populated area, or is a public charter school operating a secondary vocational and technical education programs; and (b) demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

Neither of the two neighboring urban districts are interested in a consortium with us, because they do not need us to attain their grant. The closest rural district is 35 miles away. A consortium was attempted in the past, but it failed due to the large distance between the schools, making articulation and job participation very difficult.

Because of these reasons, we are requesting a waiver.

Student Population: 755

City Type: Small

NCES Code: 42

Local Board Approval Date: 10/28/2021

Submitted by: Mr. Joshua Aston

Position: Principal, Templeton High School

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