

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 local educational agencies** 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 Angeles Academy of Arts and Enterprises Fed-9-2021

Pierce Joint Unified School District Fed-10-2021

## 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 291 to 1,454. The districts are seeking a waiver to function independently in order to meet the needs of the students in the district.

**Demographic Information:**

Los Angeles Academy of Arts and Enterprises has a student population of 291 and is located in City: Large (11) area in Los Angeles County.

Pierce Joint Unified School District has a student population of 1,454 and is located in Town: Distant (32) area in Colusa 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 California Department of Education’s 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

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 Angeles Academy of Arts and Enterprises Federal Waiver Request Fed-9-2021 (1 page). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Pierce Joint Unified School District Federal Waiver Request   
  Fed-10-2021 (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-9-2021 | Los Angeles Academy of Arts and Enterprises | **Requested:**  November 8, 2021, to November 8, 2025  **Recommended:**  July 1, 2021, to June 30, 2025 | October 29, 2021 | 11 | Student Population of 291 located in  Los Angeles County | $8,837 |
| Fed-10-2021 | Pierce Joint Unified School District | **Requested:**  July 1, 2021, to June 30, 2025  **Recommended:**  July 1, 2021, to June 30, 2025 | November 18, 2021 | 23 | Student Population of 1,545 located in  Colusa County | $10,581 |

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# Attachment 2: Los Angeles Academy of Arts and Enterprise Federal Waiver Request Fed-9-2021

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 1964733

Waiver Number: Fed-9-2021

Active Year: 2021

Date In: 11/8/2021 2:42:07 PM

Local Education Agency: Los Angeles Academy of Arts and Enterprise

Address: LAAAE- 1200 Colton Street

Los Angeles, CA 90026

Start: 11/8/2021

End: 11/8/2025

Waiver Renewal: No

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: We will be using Section PL 109-270 Section 131(c)(2) to waive the minimum threshold requirements set forth in PL 109-270 Section 131(c)(1)

Outcome Rationale: Waiver is necessary as we do not meet the minimum attendance requirements.

Student Population: 300

City Type: Urban

NCES Code: 31

Local Board Approval Date: 10/29/2021

Submitted by: Mr. Wil Flores

Position: Perkins Coordinator

E-mail: [wflores@laaae.org](mailto:wflores@laaae.org)

# Attachment 3: Pierce Joint Unified School District Federal Waiver Request Fed-10-2021

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 0661614

Waiver Number: Fed-10-2021

Active Year: 2021

Date In: 11/19/2021 1:21:23 PM

Local Education Agency: Pierce Joint Unified School District

Address: 540 A Sixth St.

Arbuckle, CA 95912

Start: 7/1/2021

End: 6/30/2025

Waiver Renewal: Yes

Previous Waiver Number: Fed-11-2017

Previous SBE Approval Date: 7/15/2017

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: Ed Code or *CCR* to Waive: Ed Code or *CCR* to Waive: Public Law 109-270(Carl D. Perkins Career and Technical Education Improvement Act of 2006, Section 131(c)(1) requires local education agencies 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 an rural, sparsely populated area and is unable to join a consortium.

Pierce Joint Unified School District needs the allocation portion waived. See rationale below.

Outcome Rationale: Outcome Rationale: Outcome Rationale: Located in Colusa County, Pierce Joint Unified School District (Pierce JUSD) is a small rural unified school district with one comprehensive high school and one continuation high school. The district serves the town of Arbuckle and outlying rural population. Pierce High School is located off of Interstate 5 in Northern California, 40 miles north of Sacramento. Pierce JUSD has a locale code of 42 (rural, distant) per the NCES, thus meeting one of the criteria established by the SBE Waiver Policy #01-01.

The other criterion for this waiver is demonstration that the LEA cannot form or join a consortium that handles the Perkins funds. Pierce JUSD was part of a large consortium with 10 other members. However, the Perkins funds, as reauthorized in 2006 and enacted beginning in the 2007-2008 school year, changed the way in which consortiums operate. Section 131(f) (2) requires funds allocated to a consortium to be used only for purposes and programs mutually beneficial to all members and that the funds may not be reallocated to individual members of the consortium. Due to this change in the Perkins Act, the consortium was disbanded in the 2008-09 fiscal year. Pierce JUSD has not been able to find another LEA to form a consortium that could also meet the requirements of the Perkins Act. Pierce JUSD is seeking this waiver to function independently in order to meet the needs of the students in the district.

Student Population: 498

City Type: Rural

NCES Code: 42

Local Board Approval Date: 11/18/2021

Submitted by: Dr. David Vujovich

Position: Principal/Perkins Coordinator

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