

California Department of Education

Executive Office

SBE-007 (REV. 1/2018)

Federal Waiver

# California State Board of Education July 2023 Agenda Item #W-02

## Subject

Request by **five 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

Dunsmuir Joint Union High School District Fed-23-2023

El Tejon Unified School District Fed-25-2023

Julian Union High School District Fed-21-2023

Modoc Joint Unified School District Fed-22-2023

Summerville Union High School District Fed-24-2023

## 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.

The State Board of Education (SBE) has previously approved waivers of the consortium requirement for each of these LEAs because each LEA received an allocation less than the $15,000 minimum:

1. At the September 2019 meeting, the SBE approved a waiver for Dunsmuir Joint Union High School District. This waiver (Fed-10-2019) expires on 6/30/2023.
2. At the January 2019 meeting, the SBE approved a waiver for El Tejon Unified School District’s waiver. This waiver (Fed-12-2018) expired on 6/30/2022.
3. At the September 2019 meeting, the SBE approved a waiver for Julian Union High School District. This waiver (Fed-3-2019) expires on 6/30/2023.
4. At the July 2019 meeting, the SBE approved a waiver for Modoc Joint Unified School District. This waiver (Fed-7-2019) expires on 6/30/2023.
5. At the July 2019 meeting, the SBE approved a waiver for Summerville Union High School District. This waiver (Fed-5-2019) expires on 6/30/2023.

**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.

For each of these five districts, there are no other districts in the local area willing to join in a consortium. Each of the five districts are located in rural counties and have student populations ranging from 61 to 837. Each of the five districts is seeking a waiver to function independently in order to meet the needs of the students in the district.

**Demographic Information:**

Dunsmuir Joint Union High School District has a student population of 61 and is located in a Rural: Distant (42) area in Siskiyou County.

El Tejon Unified School District has a student population of 685 and is located in a Rural: Fringe (41) area in Kern County.

Julian Union High School District has a student population of 96 and is located in Rural: Distant (42) area in San Diego County.

Modoc Joint Unified School District has a student population of 837 and is located in Town: Remote (33) area in Modoc County.

Summerville Union High School District has a student population of 651 and is located in a Rural: Fringe (41) area in Tuolumne County.

## Summary of Previous State Board of Education (SBE) 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 SBE Waiver Policy #01-01: Strengthening Career and Technical Education for the 21st Century Act: Consortium Requirement for Minimum Allocation, available 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:** Dunsmuir Joint Union High Federal Waiver Request Fed-23-2023 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** El Tejon Unified Federal Waiver Request Fed-25-2023 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** Julian Union High Federal Waiver Request Fed-21-2023 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 5:** Modoc Joint Unified Federal Waiver Request Fed-22-2023 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 6:** Summerville Union High Federal Waiver Request Fed-24-2023 (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-23-2023 | Dunsmuir Joint Union High School District | **Requested:**  July 1, 2023, to June 30, 2027  **Recommended:**  July 1, 2023, to June 30, 2027 | April 19, 2023 | 42 | Student Population of 61 located in Siskiyou County | $4,546 |
| Fed-25-2023 | El Tejon Unified School District | **Requested:**  July 1, 2023, to June 30, 2027  **Recommended:**  July 1, 2023, to June 30, 2027 | May 10, 2023 | 41 | Student Population of 685 located in Kern County | $15,431 |
| Fed-21-2023 | Julian Union High School District | **Requested:**  July 1, 2023, to June 30, 2027  **Recommended:**  July 1, 2023, to June 30, 2027 | March 10, 2023 | 42 | Student Population of 96 located in  San Diego County | $7,866 |
| Fed-22-2023 | Modoc Joint Unified School District | **Requested:**  July 1, 2032, to June 30, 2027  **Recommended:**  July 1, 2023, to June 30, 2027 | April 11, 2023 | 33 | Student Population of 837 located in  Modoc County | $13,799 |
| Fed-24-2023 | Summerville Union High School District | **Requested:**  July 1, 2023, to June 30, 2027  **Recommended:**  July 1, 2023, to June 30, 2027 | April 26, 2023 | 41 | Student Population of 651 located in Tuolumne County | $13,955 |

Created by California Department of Education May 2023

# Attachment 2: Dunsmuir Joint Union High Federal Waiver Request Fed-23-2023

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 4770250

Waiver Number: Fed-23-2023

Active Year: 2023

Date In: 4/20/2023 9:36:38 AM

Local Education Agency: Dunsmuir Joint Union High

Address: 5805 High School Way

Dunsmuir, CA 96025

Start: 7/1/2023

End: 6/30/2027

Waiver Renewal: Yes

Previous Waiver Number: Fed-10-2019-W-05

Previous SBE Approval Date: 9/11/2019

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 the $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,000 minimum requirements.

Outcome Rationale: Dunsmuir Joint Union High School District is located in a rural, far northern California, sparsely populated area and in unable to enter into a consortium to participate in the Perkins funding.

Student Population: 70

City Type: Rural

NCES Code: 42

Local Board Approval Date: 4/19/2023

Submitted by: Ms. Kim Vardanega

Position: Adm.Asst./CBO

E-mail: [kim@sisnet.ssku.k12.ca.us](mailto:kim@sisnet.ssku.k12.ca.us)

Telephone: 530-235-4835

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# Attachment 3: El Tejon Unified High Federal Waiver Request Fed-25-2023

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 1575168

Waiver Number: Fed-25-2023

Active Year: 2023

Date In: 5/11/2023 10:06:21 AM

Local Education Agency: El Tejon Unified

Address: 4337 Lebec Rd.

Lebec, CA 93243

Start: 7/1/2023

End: 6/30/2027

Waiver Renewal: Yes

Previous Waiver Number: FED-12-2018

Previous SBE Approval Date: 1/9/2019

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.

Outcome Rationale: The waiver of this section that was previously requested and approved has expired on 06/30/2022. Approval of this waiver will allow El Tejon Unified ongoing eligibility through June 30, 2027, for Perkins funding to serve our students and support high quality career technical education courses and pathways.

Student Population: 691

City Type: Rural

NCES Code: 41

Local Board Approval Date: 5/10/2023

Submitted by: Mr. Michael Vogenthaler

Position: Director of Student Services

E-mail: [mvogenthaler@el-tejon.k12.ca.us](mailto:mvogenthaler@el-tejon.k12.ca.us)

Telephone: 661-248-0310 x309

Fax: 661-248-0403

# Attachment 4: Julian Union High Federal Waiver Request Fed-21-2023

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 3768171

Waiver Number: Fed-21-2023

Active Year: 2023

Date In: 3/22/2023 4:42:17 PM

Local Education Agency: Julian Union High

Address: 1656 Highway 78

Julian, CA 92036

Start: 7/1/2023

End: 6/30/2027

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: 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

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 Agriculture class that offers students the opportunity to experience mechanics, welding, animals and horticulture. Due to the size and location of the distrcit, it is not possible to become eligible for funding under most grants unless there is a waiver.

Student Population: 106

City Type: Rural

NCES Code: 42

Local Board Approval Date: 3/10/2023

Submitted by: Ms. Yvonne Fleet

Position: Chief Business Official

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Telephone: 760-765-0606

# Attachment 5: Modoc Joint Unified Federal Waiver Request Fed-22-2023

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 2573585

Waiver Number: Fed-22-2023

Active Year: 2023

Date In: 4/18/2023 11:53:53 AM

Local Education Agency: Modoc Joint Unified

Address: 906 West Fourth St.

Alturas, CA 96015

Start: 7/1/2023

End: 6/30/2027

Waiver Renewal: Yes

Previous Waiver Number: FED-7-2019-W-05

Previous SBE Approval Date: 7/10/2019

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)]

(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 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.

(2) Waiver

The eligible agency shall waive the application of paragraph (1) in any case in 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 U.S.C.A. § 2351 et seq.)

Under this U.S. 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 trades, Agriculture and Natural Resources, Manufacturing and Product Development industry sectors 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 pathways, 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: 221

City Type: Rural

NCES Code: 33

Local Board Approval Date: 4/11/2023

Submitted by: Mr. Brian Norby

Position: Principal

E-mail: [bnorby@modoc.k12.ca.us](mailto:bnorby@modoc.k12.ca.us)

Telephone: 530-233-7201

# Attachment 6: Summerville Union High Federal Waiver Request Fed-24-2023

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 5572413

Waiver Number: Fed-24-2023

Active Year: 2023

Date In: 5/8/2023 11:45:45 AM

Local Education Agency: Summerville Union High

Address: 17555 Tuolumne Rd.

Tuolumne, CA 95379

Start: 7/1/2023

End: 6/30/2027

Waiver Renewal: Yes

Previous Waiver Number: Fed-5-2019-W-05

Previous SBE Approval Date: 7/10/2019

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: Strengthening Career and Technical Education for the 21st Century (Perkins V). Public law 109-270 Section 131 (c)(1), that requires local agenciues whose allocations are less than $15,000 to enter into a consortium with other agencies.

Outcome Rationale: The Waiver is requested to eliminate the need to be in a consortium for Strengthening Career and Technical Education for the 21st Century funding. This streamlines the application process by being able to apply to funding directly to the department of education and not having to work with another LEA who is not directly involved in our CTE programs.

Student Population: 651

City Type: Rural

NCES Code: 41

Local Board Approval Date: 4/26/202

Submitted by: Mr. Tom Dibble

Position: CTE Coordinator

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