

California Department of Education

Executive Office

SBE-007 (REV. 1/2018)

Federal Waiver

# California State Board of Education November 2018 Agenda Item #W-02

## Subject

Request by Sierra Unified School District 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

Sierra Unified School District Fed-11-2018

## 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 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.

**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 Sierra Unified School District 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. Sierra Unified is located in Fresno County and has a student population of 1,311. Sierra Unified is seeking a waiver to function independently in order to meet the needs of the students in the district.

**Demographic Information:**

Sierra Unified School District has a student population of 1,311 and is located in a Rural: Distant (42) area in Fresno 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 Sierra Unified School District to receive an annual Perkins Act allocation that is listed on Attachment 1. The waiver has 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:** Sierra Unified School District Federal Waiver Request Fed-11-2018 (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 Act Allocation |
| --- | --- | --- | --- | --- | --- | --- |
| Fed-11-2018 | Sierra Unified School District | **Requested:**  July 1, 2018, to June 30, 2022  **Recommended:**  July 1, 2018, to June 30, 2022 | May 18, 2018 | 42 | Student Population of 1,311 located in Fresno County | $12,495 |

Created by California Department of Education September 10, 2018

# Attachment 2: Waiver Fed-11-2018 Sierra Unified School District

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 1075275

Waiver Number: Fed-11-2018

Active Year: 2018

Date In: 8/31/2018 9:04:04 AM

Local Education Agency: Sierra Unified School District

Address: 29143 Auberry Rd.

Prather, CA 93651

Start: 7/1/2018

End: 6/30/2022

Waiver Renewal: Yes

Previous Waiver Number: Fed-9-2014

Previous SBE Approval Date: 11/14/2014

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: Section 131(c)(1) of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Public Law 109-270) requires local education agencies (LEA's) whose allocations are less than $15,000 to enter into a consortium with other LEA's 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 and is unable to join a consortium.

Outcome Rationale: Located in rural Fresno County, Sierra Unified School District is a small district with one high school. The district serves the small town of Tollhouse, CA, situated on the edge of the Sierra National Forest. The district is 38 miles from the city of Fresno, the largest city in the area. Total population of the Tollhouse is 2461.

Sierra High School has a current enrollment of 375 students and has consistently been one of the top achieving high schools in Fresno County. Sierra Unified School District has a NCES Locale Code of 42 (Rural:Distant), thus meeting one of the criteria established in the SBE Waiver Policy #01-01.

The other criterion for qualifying for this waiver is a demonstration that the LEA cannot form or join a consortium that handles Perkins funds. Since 2004, Sierra Unified School District has received a waiver as it has not been able to form a consortium with neighboring District who receive Perkins fund due to its geographic remoteness.

Student Population: 1275

City Type: Rural

NCES Code: 42

Local Board Approval Date: 6/18/2018

Submitted by: Ms. Janelle Mehling

Position: Assistant Superintendent

E-mail: [jmehling@sierrausd.org](mailto:jmehling@sierrausd.org)

Telephone: 559-855-3662 x1

Fax: 559-855-3585