

California Department of Education

Executive Office

SBE-007 (REV. 1/2018)

Federal Waiver

# California State Board of Education September 2018 Agenda Item #W-03

## Subject

Request by eight 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

* Butte Valley Unified School District Fed-6-2018
* Health Sciences High Fed-9-2018
* Lucerne Valley Unified School District Fed-3-2018
* Sierra-Plumas Joint Unified School District Fed-8-2018
* Sutter Union High School District Fed-2-2018
* Warner Unified School District Fed-4-2018
* Westwood Unified School District Fed-5-2018
* Wheatland Union High School District Fed-7-2018

## 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 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 299 to 2,346. Districts are seeking waivers to function independently in order to meet the needs of the students in the district.

**Demographic Information:**

Butte Valley Unified School District has a student population of 299 and is located in a Rural: Remote (43) area in Siskiyou County.

Health Sciences High has a student population of 593 and is located in a City: Large (11) area in San Diego County. The waiver rule still applies due to the school being a recognized public charter school operating secondary vocational and technical education programs.

Lucerne Valley Unified School District has a student population of 2,346 and is located in a Town: Fringe (31) area in San Bernardino County.

Sierra-Plumas Joint Unified School District has a student population of 381 and is located in a Rural: Distant (42) area in Sierra County.

Sutter Union High School District has a student population of 753 and is located in a Rural: Fringe (41) area in Sutter County.

Warner Unified School District has a student population of 1,145 and is located in a Rural: Distant (42) area in San Diego County.

Westwood Unified School District has a student population of 388 and is located in a Rural: Remote (43) area in Lassen County.

Wheatland Union High School District has a student population of 710 and is located in a Rural: Fringe (41) area in Yuba 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 (2 pages).
* **Attachment 2:** Butte Valley Unified School District Federal Waiver Request Fed-6-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Health Sciences High Federal Waiver Request Fed-9-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** Lucerne Valley Unified School District Federal Waiver Request Fed-3-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 5:** Sierra-Plumas Joint Unified School District Federal Waiver Request Fed-8-2018 (2 pages). (Original waiver request is signed and on file in the Wavier Office.)
* **Attachment 6:** Sutter Union High School District Federal Waiver Request Fed-2-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 7:** Warner Unified School District Federal Waiver Request

Fed-4-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 8:** Westwood Unified School District Federal Waiver Request Fed-5-2018 (1 page). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 9:** Wheatland Union High School District Federal Waiver Request Fed-7-2018 (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-6-2018 | Butte Valley Unified School District | **Requested:**  July 1, 2018, to June 30, 2022  **Recommended:**  July 1, 2018, to June 30, 2022 | May 17, 2018 | 43 | Student Population of 299 located in  Siskiyou County | $3,033 |
| Fed-9-2018 | Health Sciences High | **Requested:**  June 22, 2018, to June 22, 2021  **Recommended:**  July 1, 2018, to June 30, 2022 | June 7, 2018 | 11 | Student population of 593 located in  San Diego County | $12,008 |
| Fed-3-2018 | Lucerne Valley Unified School District | **Requested:**  July 1, 2018, to June 30, 2022  **Recommended:**  July 1, 2018, to June 30, 2022 | May 10, 2018 | 31 | Student population of 2,346 located in  San Bernardino County | $12,552 |
| Fed-8-2018 | Sierra-Plumas Joint Unified School District | **Requested:**  July 1, 2018, to June 30, 2022  **Recommended:**  July 1, 2018, to June 30, 2022 | June 12, 2018 | 42 | Student population of 381 located in  Sierra County | $3,087 |
| Fed-2-2018 | Sutter Union High School District | **Requested:**  July 1, 2018, to June 30, 2022  **Recommended:**  July 1, 2018, to June 30, 2022 | May 8, 2018 | 41 | Student population of 753 located in  Sutter County | $9,118 |
| Fed-4-2018 | Warner Unified School District | **Requested:**  July 1, 2018, to June 30, 2022  **Recommended:**  July 1, 2018, to June 30, 2022 | May 8, 2018 | 42 | Student population of 1,145 located in  San Diego County | $2,432 |
| Fed-5-2018 | Westwood Unified School District | **Requested:**  July 1, 2018, to June 30, 2022  **Recommended:**  July 1, 2018, to June 30, 2022 | May 16, 2018 | 43 | Student population of 388 located in  Lassen County | $2,373 |
| Fed-7-2018 | Wheatland Union High School District | **Requested:**  July 1, 2018, to June 30, 2022  **Recommended:**  July 1, 2018, to June 30, 2022 | May 15, 2018 | 41 | Student population of 710 located in  Yuba County | $12,658 |

Created by California Department of Education July 18, 2018

# Attachment 2: Waiver Fed-6-2018 Butte Valley Unified School District

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 4773684

Waiver Number: Fed-6-2018

Active Year: 2018

Date In: 5/18/2018 3:52:58 PM

Local Education Agency: Butte Valley Unified School District

Address: 615 West Third St.

Dorris, OR 97632-9791

Start: 7/1/2018

End: 6/30/2022

Waiver Renewal: Yes

Previous Waiver Number: Fed-1-2014-W-01

Previous SBE Approval Date: 2/19/2014

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: 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: Outcome Rationale: Butte Valley unified is unable to join a consortium due to our rural isolated district location. I have spoken to the County Office of Education and they are unable to join a consortium with us.

Student Population: 98

City Type: Rural

NCES Code: 43

Local Board Approval Date: 5/17/2018

Submitted by: Mr. Jim Shanks

Position: Agriculture Instructor

E-mail: [jshanks@bvalusd.org](mailto:jshanks@bvalusd.org)

Telephone: 530-598-8060

# Attachment 3: Waiver Fed-9-2018 Health Sciences High

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 3768338

Waiver Number: Fed-9-2018

Active Year: 2018

Date In: 6/24/2018 1:33:27 PM

Local Education Agency: San Diego Unified School District

Address: 4100 Normal St.

San Diego, CA 92103

Start: 6/22/2018

End: 6/22/2021

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:

Outcome Rationale: The reason for the waiver is that Health Sciences High and Middle College is a public charter school operating secondary vocational and technical education programs. Also, we are unable to enter into a consortium to participate in the Perkins funding given the policies of our local school district.

One of our industry partners is Sharp Healthcare. Sharp is is the largest Hospital organization in San Diego county with 10 Major acute care hospitals. We have partnered with Sharp to create meaningful student internships that give opportunities for potential careers. On various days our students are transported to Sharp Memorial, Sharp Grossmont, Sharp Coronado, and Sharp Chula Vista. Per our 3 LCAP goals which include a) maintain a fully credentialed instructional staff, b) accelerate student achievement, and c)maintain a welcome, inclusive climate and culture that honors student voice and family perspectives, funding for transportation to the CTE internships sites is not available, therefore needing approval for this waiver.

Student Population: 570

City Type: Urban

NCES Code: 23

Local Board Approval Date: 6/7/2018

Submitted by: Dr. Douglas Fisher

Position: Dean of Faculty Affairs

E-mail: [dfisher@sdsu.edu](mailto:dfisher@sdsu.edu)

Telephone: 619-392-1707

# Attachment 4: Waiver Fed-3-2018 Lucerne Valley Unified School District

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 3675051

Waiver Number: Fed-3-2018

Active Year: 2018

Date In: 5/11/2018 5:35:25 PM

Local Education Agency: Lucerne Valley Unified

Address: 8560 Aliento Rd.

Lucerne Valley, CA 92356

Start: 7/1/2018

End: 6/30/2022

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 a consortium with other agencies for the purposes of meeting the $15,000 minimum grant requirement.

Outcome Rationale: Section 131(d)(2) of the Career and Technical Education Improvement Act of 2006 permits states to waive the consortium requirement in any case in which the local agency (a) is in a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs; (b) demonstrates it is unable to enter into a consortium to participate in the Perkins funding. Lucerne Valley High School, located 32 miles from Apple Valley High is the closest school in which to form a consortium. Considering differences in school size, distances from each other, and programs offered at each school, we feel a waiver is possible and reasonable.

Student Population: 209

City Type: Rural

NCES Code: 42

Local Board Approval Date: 5/10/2018

Submitted by: Mr. Douglas Beaton

Position: Chief Business Official

E-mail: [douglas\_beaton@lucernevalleyusd.org](mailto:douglas_beaton@lucernevalleyusd.org)

Telephone: 760-248-6108 x4

# Attachment 5: Waiver Fed-8-2018 Sierra-Plumas Joint Unified School District

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 4670177

Waiver Number: Fed-8-2018

Active Year: 2018

Date In: 6/13/2018 9:17:38 AM

Local Education Agency: Sierra-Plumas Joint Unified School District

Address: 109 Beckwith Rd.

Loyalton, CA 96118

Start: 7/1/2018

End: 6/30/2022

Waiver Renewal: Yes

Previous Waiver Number: FED-5-2014

Previous SBE Approval Date: 6/19/2014

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: 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: The Sierra-Plumas JUSD is located over 100 miles from the nearest city over 10,000 people and has been operating on a waiver for quite some time. Efforts to tie into other consortiums have been unsuccessful due to our rural location. S-PJUSD is expecting to receive $2,727 in Perkins funding for the 2018-19 school year which is necessary to continue operating our CTE programs.

Student Population: 404

City Type: Rural

NCES Code: 42

Local Board Approval Date: 6/12/2018

Submitted by: Dr. Merrill Grant

Position: Superintendent

E-mail: [mgrant@spjusd.org](mailto:mgrant@spjusd.org)

Telephone: 530-993-1660 x110

# Attachment 6: Waiver Fed-2-2018 Sutter Union High School District

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 5171449

Waiver Number: Fed-2-2018

Active Year: 2018

Date In: 5/10/2018 3:12:12 PM

Local Education Agency: Sutter Union High School District

Address: PO Box 498 / 2665 Acacia St.

Sutter, CA 95982

Start: 7/1/2018

End: 6/30/2022

Waiver Renewal: Yes

Previous Waiver Number: Fed-12-2015-W-01

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: Sutter Union High School meets the Department of Educations Evaluation Guidelines. Sutter Union High School is a rural school with NCES locale code 23 and has a population744 students, well under the 1000 students or less requirement. Sutter Union High School is located 8.9 miles west of Yuba City, the closest and largest city, making the distance more than the 5 miles requirement. The rural town of Sutter has a population of 3000, which is under the 7000 population criteria for a suburb.

Sutter Union High School is unable to form a consortium with neighboring districts. All neighboring districts either meet the $15,000 requirement or do not participate in Perkins funding.

Student Population: 744

City Type: Rural

NCES Code: 23

Local Board Approval Date: 5/8/2018

Submitted by: Mr. Doug Ahlers

Position: CTE Department Chair/Teacher

E-mail: [dahlers@sutterhigh.k12.ca.us](mailto:dahlers@sutterhigh.k12.ca.us)

Telephone: 530-822-5161 x223

Fax: 530-822-51688

# Attachment 7: Waiver Fed-4-2018 Warner Unified School District

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 3775416

Waiver Number: Fed-4-2018

Active Year: 2018

Date In: 5/14/2018 3:53:43 PM

Local Education Agency: Warner Unified School District

Address: 30951 Highway 79

Warner Springs, CA 92086

Start: 7/1/2018

End: 6/30/2022

Waiver Renewal: Yes

Previous Waiver Number: FED-10-2014-W-01

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: ‘‘(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. A local educational agency may enter into a consortium with other local educational agencies for 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 secondary school career and technical education programs; and

‘‘(B) demonstrates that the local educational agency is unable to enter into a consortium for purposes of providing activities under this part.

Outcome Rationale: The District boundaries include 462 square miles of an extremely rural and sparsely populated low income area. The District's Agricultural Science program has come to rely on certain sources of funding to promote college and career readiness in our High School students. The District has greatly benefited from the Carl Perkins grant in years past and would like to continue receiving funding. The district currently serves a population where nearly 83% of our student body lives at or below federal poverty rates.

Student Population: 159

City Type: Rural

NCES Code: 42

Local Board Approval Date: 5/8/2018

Submitted by: Ms. Andrea Sissons

Position: Chief Business Official

E-mail: [andrea.sissons@warnerusd.net](mailto:andrea.sissons@warnerusd.net)

Telephone: 760-782-3517

# Attachment 8: Waiver Fed-5-2018 Westwood Unified School District

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 1864204

Waiver Number: Fed-5-2018

Active Year: 2018

Date In: 5/17/2018 12:49:10 PM

Local Education Agency: Westwood Unified School District

Address: Fourth and Greenwood Sts.

Westwood, CA 96137

Start: 7/1/2018  
End: 6/30/2022

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: Waiver of Section 131(c)(1) of the CArl D. Perkins Career Technical Education Improvement Act of 2006 (Public Law 109-270)

Outcome Rationale: Do to our schools remote location and resources the funds that are recieved through the Perkins Grant. Our students have minimal activities that they can participate in. Funding through Perkins allows our school to enhance our Ag Mechanics Program and provide addtional equipment that would otherwise not be purchased.

Student Population: 45

City Type: Rural

NCES Code: 33

Local Board Approval Date: 5/16/2018

Submitted by: Ms. Courtney Russell

Position: CBO

E-mail: [crussell@westwoodusd.org](mailto:crussell@westwoodusd.org)

Telephone: 530-256-0112

Fax: 530-256-3539

# Attachment 9: Waiver Fed-7-2018 Wheatland Union High School District

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 5872769

Waiver Number: Fed-7-2018

Active Year: 2018

Date In: 5/23/2018 8:43:33 AM

Local Education Agency: Wheatland Union High School District

Address: 1010 Wheatland Rd.

Wheatland, CA 95692

Start: 7/1/2018

End: 6/30/2022

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: U.S. Code, Section 2351(c)(1) and (2) or [P.L. 109270 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. A local educational agency may enter into a consortium with other local educational agencies for the purposes of meeting the minimum.

Outcome Rationale: Wheatland UHSD is a small rural school district and is therefore eligible to submit a waiver to receive an allocation of less than $15,000.00. The waiver is needed so that we may continue to apply for the Perkins grant and support our career technical education pathways. Wheatland UHSD is a rural school district that serves a community that heavily values career technical education. The Perkins grant allows us to provide additional funding to our Metal Fabrication, Floral Design, Construction Arts, and Culinary Arts pathways that allow our students to graduate college and career ready. Our partnerships with local agricultural and manufacturing businesses as well as with surrounding colleges further enhance our career technical education programs.

Student Population: 784

City Type: Rural

NCES Code: 41

Local Board Approval Date: 5/15/2018

Submitted by: Mr. Jesse Castillo

Position: Director of Fiscal Services

E-mail: [jcastillo@wheatlandhigh.org](mailto:jcastillo@wheatlandhigh.org)

Telephone: 530-633-3100 x103