

California Department of Education

Executive Office

SBE-007 (REV. 1/2018)

Federal Waiver

# California State Board of Education March 2019 Agenda Item #W-01

## Subject

Request by three 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

* Black Oak Mine Unified School District Fed-2-2019
* Lakeport Unified School District Fed-1-2019
* Shandon Joint Unified School District Fed-14-2018

## Type of Action

Action, Consent

## Summary of the Issue(s)

The California Department of Education (CDE) 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 LEA to meet the needs of their students.

The CDE is currently operating under the Perkins Act. It is anticipated that the CDE will transition to the new federal act, Strengthening Career and Technical Education for the 21st Century Act, once the state has an approved transition plan. This transition plan will be submitted to the US Department of Education in the spring of 2019.

**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 and/or the districts are located in various rural counties and have student populations ranging from 289 to 1,558. The districts in this waiver request are seeking waivers to function independently in order to meet the needs of the students in their districts.

**Demographic Information:**

Black Oak Mine Unified School District has a student population of 1,317 and is located in a Rural: Distant (42) area in El Dorado County.

Lakeport Unified School District has a student population of 1,558 and is located in a Town: Distant (32) area in Lake County.

Shandon Joint Unified School District has a student population of 289 and is located in a Rural: Distant (42) 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: Carl D. Perkins Career and Technology Education Improvement Act: Consortium Requirement for Minimum Allocation, available on the CDE website 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 of this waiver 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:** Summary Table (1 page).
* **Attachment 2:** Black Oak Mine Unified School District Federal Waiver Request Fed-2-2019 (1 page). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Lakeport Unified School District Federal Waiver Request   
  Fed-1-2019 (1 page). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** Shandon Joint Unified School District Federal Waiver Request Fed-14-2018 (1 page). (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-2-2019 | Black Oak Mine Unified School District | **Requested:**  July 1, 2018, to June 30, 2022  **Recommended:**  July 1, 2018, to June 30, 2022 | Sept 13, 2018 | 42 | Student Population of 1,317 located in  El Dorado County | $8,016 |
| Fed-1-2019 | Lakeport Unified School District | **Requested:**  July 1, 2018, to June 30, 2022  **Recommended:**  July 1, 2018, to June 30, 2022 | Jan 9, 2019 | 32 | Student Population of 1,558 located in Lake County | $14,145 |
| Fed-14-2018 | Shandon Joint Unified School District | **Requested:**  July 1, 2018, to June 30, 2022  **Recommended:**  July 1, 2018, to June 30, 2022 | Dec 11, 2018 | 42 | Student population of 289 located in  San Luis Obispo County | $2,416 |

Created by California Department of Education January 11, 2019

# Attachment 2: Waiver Fed-2-2019 Black Oak Mine Unified School District

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 0973783

Waiver Number: Fed-2-2019

Active Year: 2019

Date In: 1/11/2019 9:53:34 AM

Local Education Agency: Black Oak Mine Unified

Address: 6540 Wentworth Springs Rd.

Georgetown, CA 95634

Start: 7/1/2018

End: 6/30/2022

Waiver Renewal: Yes

Previous Waiver Number: Fed-2-2014-W-01

Previous SBE Approval Date: 9/3/2014

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(d)(2) of the Career and Technical 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.

Outcome Rationale: Prior to a waiver approval in the 2007-08 school year, Black Oak Mine Unified School District participated in a consortium with Placer Union High School District located in Placer County. Due to the geographic difference between the the two districts and being in two separate counties the needs of Black Oak Mine Unified School District Students were not being fulfilled.

Student Population: 1231

City Type: Rural

NCES Code: 42

Local Board Approval Date: 9/13/2018

Submitted by: Ms. Heather Penley

Position: School Secretary/Registrar

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# Attachment 3: Waiver Fed-1-2019 Lakeport Unified School District

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 1764030

Waiver Number: Fed-1-2019

Active Year: 2019

Date In: 1/10/2019 8:37:53 AM

Local Education Agency: Lakeport Unified School District

Address: 2508 Howard Ave.

Lakeport, CA 95453

Start: 7/1/2018

End: 6/30/2022

Waiver Renewal: Yes

Previous Waiver Number: FED-4-2014

Previous SBE Approval Date: 6/12/2014

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 109-207 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.

Outcome Rationale: In the past, Clear Lake High School (Lakeport Unified) has been lead in a consortium with Upper Lake Unified. With new guidelines for consortiums, the consortium has ended. There are no common programs and the ability to share students and instructors in not possible. Lakeport Unified has received this waiver in the past.

Student Population: 380

City Type: Rural

NCES Code: 32

Local Board Approval Date: 1/9/2019

Submitted by: Ms. Jill Falconer

Position: Principal

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# Attachment 4: Waiver Fed-14-2018 Shandon Joint Unified School District

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 4068833

Waiver Number: Fed-14-2018

Active Year: 2018

Date In: 12/18/2018 9:16:55 AM

Local Education Agency: Shandon Joint Unified School District

Address: 101 South First St. / P.O. Box 79

Shandon, Ca 93461

Start: 7/1/2018

End: 6/30/2022

Waiver Renewal: Yes

Previous Waiver Number: Fed-6-2014-W-01

Previous SBE Approval Date: 9/3/2014

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: Shandon Unified School District is located in a rural, sparsely populated area, and is unable to enter into a consortium to participate in Carl Perkins Grant Funding.

Student Population: 81

City Type: Rural

NCES Code: 42

Local Board Approval Date: 12/11/2018

Submitted by: Mr. Jonathan Fuller

Position: Agriculture Instructor

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