

California Department of Education

Executive Office

SBE-007 (REV. 1/2018)

Federal Waiver

# California State Board of Education September 2019 Agenda Item #W-05

## Subject

Request by three 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-10-2019
* Fall River Joint Unified School District Fed-9-2019
* Ferndale Unified School District Fed-11-2019

## Type of Action

Action, Consent

## Summary of the Issue(s)

The California Department of Education (CDE) 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 LEAs 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 various rural counties and have student populations ranging from 65 to 1,232. Districts are seeking waivers 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 65 and is located in a Rural: Distant (42) area in Siskiyou County.

Fall River Joint Unified School District has a student population of 1,232 and is located in a Town: Remote (33) area in Shasta County.

Ferndale Unified School District has a student population of 513 and is located in a Rural: Distant (42) area in Humboldt 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: Strengthening Career and Technical Education for the 21st Century 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 Strengthening Career and Technical Education for the 21st Century Act Waivers (1 page).
* **Attachment 2:** Dunsmuir Joint Union High School District Federal Waiver Request Fed-10-2019 (1 page). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Fall River Joint Unified School District Federal Waiver Request Fed-9-2019 (1 page). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** Ferndale Unified School District Federal Waiver Request Fed-11-2019 (1 page). (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-10-2019 | Dunsmuir Joint Union High School District | **Requested:**  July 1, 2019, to June 30, 2023  **Recommended:**  July 1, 2019, to June 30, 2023 | June 12, 2019 | 42 | Student Population of 65 located in  Siskiyou County | $3,426 |
| Fed-9-2019 | Fall River Joint Unified School District | **Requested:**  July 1, 2018, to June 30, 2022  **Recommended:**  July 1, 2019, to June 30, 2023 | May 8, 2019 | 33 | Student Population of 1,232 located in Shasta County | $10,453 |
| Fed-11-2019 | Ferndale Unified School District | **Requested:**  July 1, 2019, to June 30, 2023  **Recommended:**  July 1, 2019, to June 30, 2023 | June 26, 2019 | 42 | Student population of 513 located in  Humboldt County | $2,700 |

Created by California Department of Education July 17, 2019

# Attachment 2: Waiver Fed-10-2019 Dunsmuir Joint Union High School District

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 4770250

Waiver Number: Fed-10-2019

Active Year: 2019

Date In: 6/17/2019 10:45:25 AM

Local Education Agency: Dunsmuir Joint Union High

Address: 5805 High School Way

Dunsmuir, CA 96025

Start: 7/1/2019

End: 6/30/2023

Waiver Renewal: Yes

Previous Waiver Number: Fed-4-2015-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 and Technical Education Improvement Act of 2006, Public Law 109-270 Section 131 (c) (1), that requires local agencies who allocations are less than $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,0000 minimum requirements.

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

Student Population: 64  
City Type: Rural  
NCES Code: 42

Local Board Approval Date: 6/12/2019

Submitted by: Mr. Ray Kellar

Position: Superintendent/Principal

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

Telephone: 530-235-4835 x210 / Fax 530-235-2224

# Attachment 3: Waiver Fed-9-2019 Fall River Joint Unified School District

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 4569989

Waiver Number: Fed-9-2019

Active Year: 2019

Date In: 5/28/2019 2:35:05 PM

Local Education Agency: Fall River Joint Unified

Address: 20375 Tamarack Ave.

Burney, CA 96013

Start: 7/1/2018

End: 6/30/2022

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: The District continues to meet the waiver criteria and requests a waiver in order to receive its allocated funds for the 2018-2019 through 2021-2022 program years.

Outcome Rationale: The waiver was requested by the CDE for the Carl D. Perkins Voc and Tech Ed Act.

Student Population: 250

City Type: Rural

NCES Code: 43

Local Board Approval Date: 5/8/2019

Submitted by: Ms. Carolyn Garrigus

Position: Administrative Assistant

E-mail: cgarrigus@frjusd.org

Telephone: 530-335-2220 / Fax: 530-335-311

# Attachment 4: Waiver Fed-11-2019 Ferndale Unified School District

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 1275374

Waiver Number: Fed-11-2019

Active Year: 2019

Date In: 7/9/2019 1:04:31 PM

Local Education Agency: Ferndale Unified

Address: 1231 Main St.

Ferndale, CA 95536

Start: 7/1/2019

End: 6/30/2023

Waiver Renewal: Yes

Previous Waiver Number: FED-5-2015-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: Based on the premises that our school gets less than $15,000.00 funding from Perkins

Outcome Rationale: Based on the premises that our school gets less than $15,000.00 funding from Perkins

Student Population: 147

City Type: Rural

NCES Code: 42

Local Board Approval Date: 6/26/2019

Submitted by: Ms. Theresa Noga

Position: Teacher/Grant Writer

E-mail: [tnoga@ferndalek12.org](mailto:tnoga@ferndalek12.org)

Telephone: 707-834-4762