

California Department of Education

Executive Office

SBE-007 (REV. 1/2018)

Federal Waiver

# California State Board of Education September 2020 Agenda Item #W-03

## Subject

Request by **two 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

Klamath-Trinity Joint Unified School District Fed-8-2020

Surprise Valley Joint Unified School District Fed-7-2020

## 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 districts 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 116 to 1,019. Districts are seeking waivers to function independently in order to meet the needs of the students in the district.

**Demographic Information:**

Klamath-Trinity Joint Unified School District has a student population of 1,019 and is located in a Rural: Remote (43) area in Humboldt County.

Surprise Valley Joint Unified School District has a student population of 116 and is located in a Rural: Remote (43) area in Modoc 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 <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 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:** Klamath-Trinity Joint Unified School District Federal Waiver Request Fed-8-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Surprise Valley Joint Unified School District Federal Waiver Request Fed-7-2020 (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-8-2020 | Klamath-Trinity Joint Unified School District | **Requested:**  July 1, 2020, to July 1, 2024  **Recommended:**  July 1, 2020, to June 30, 2024 | June 9, 2019 | 43 | Student Population of 1,019 located in  Humboldt County | $13,884 |
| Fed-7-2020 | Surprise Valley Joint Unified School District | **Requested:**  July 1, 2020, to June 30, 2024  **Recommended:**  July 1, 2020, to June 30, 2024 | May 14, 2020 | 43 | Student Population of 116 located in Modoc County | $879 |

Created by California Department of Education July 8, 2020

# Attachment 2: Waiver Fed-8-2020 Klamath-Trinity Joint Unified School District

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 1262901

Waiver Number: Fed-8-2020

Active Year: 2020

Date In: 6/17/2020 11:26:50 AM

Local Education Agency: Klamath-Trinity Joint Unified

Address: 11800 Highway 96

Hoopa, CA 95546

Start: 7/1/2020

End: 7/1/2024

Waiver Renewal: Yes

Previous Waiver Number: FED-13-2015

Previous SBE Approval Date: 7/15/2015

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: US Code, Section 2351(c)(1) and (2) or P.L. 109-270 Section 131(c)(1) and (2)

(c) minimum allocation- 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 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 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.)

Outcome Rationale: Klamath Trinity Joint Unified School District is separating from Ferndale Unified School District as a consortium for the 2015-16 school year. This puts us below the $15,000 minimum threshold required for individual districts. By receiving this waiver approval, we can implement a more rigorous and relevant CTE pathway more suitable for our students in Eastern Humboldt County. Hoopa High School is located on the Hoopa Valley Indian Reservation, an extremely rural, sparse, desolate town, plagued with poverty, unemployment and drug use. Our CTE plan is to create a more rigorous pathway in the areas of: metal fabrication, building trades and automotive technology. Ferndale was more involved with agriculture. (farming) By obtaining this waiver, we will be able to supplement our high school to better prepare students for career and college readiness in fields more suitable for our region.

Student Population: 1019

City Type: Rural

NCES Code: 43

Local Board Approval Date: 6/9/2019

Submitted by: Ms. Emilee Marshall

Position: Budget & Purchasing

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# Attachment 3: Waiver Fed-7-2020 Surprise Valley Joint Unified School District

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 2565896

Waiver Number: Fed-7-2020

Active Year: 2020

Date In: 5/21/2020 11:14:32 AM

Local Education Agency: Surprise Valley Joint Unified

Address: 470 Lincoln St.

Cedarville, CA 96104

Start: 7/1/2020

End: 6/30/2024

Waiver Renewal: Yes

Previous Waiver Number: Fed­14­2016

Previous SBE Approval Date: 7/13/2016

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 for the purpose of meeting the $15,000 minimum grant requirement.

Outcome Rationale: As a very rural school district in Modoc County, we receive very little funding compared to other rural schools in the state. This money helps free up other funds for students by using these Perkins funds to provide professional development for the CTE (Agriculture) teacher.

Student Population: 24

City Type: Rural

NCES Code: 43

Local Board Approval Date: 5/14/2020

Submitted by: Ms. Maigen Matteucci

Position: Ag Teacher

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