

California Department of Education

Executive Office

SBE-007 (REV. 1/2018)

Federal Waiver

# California State Board of Education July 2022 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

Butte Valley Unified Fed-2-2022

Sierra-Plumas Joint Unified Fed-1-2022

## Type of Action

Action, Consent

## Summary of the Issue(s)

The California Department of Education 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 rural counties and have a student population of 276 to 395. The districts are seeking a waiver 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 276 and is located in Rural: Remote (43) area in Siskiyou County.

Sierra-Plumas Joint Unified School District has a student population of 395 and is located in Rural: Distant (42) area in Sierra 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: Strengthening Career and Technical Education for the 21st Century Act: Consortium Requirement for Minimum Allocation, available on the California Department of Education’s Waiver Policies web page 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

Approval will enable the LEAs to receive the 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:** Butte Valley Unified School District Federal Waiver Request Fed-2-2022 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Sierra-Plumas Joint Unified School District Federal Waiver Request Fed-1-2022 (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-2-2022 | Butte Valley Unified School District | **Requested:**  July 1, 2022, to June 30, 2026  **Recommended:**  July 1, 2022, to June 30, 2026 | May 18, 2022 | 43 | Student Population of 276 located in  Siskiyou County | $3,509 |
| Fed-1-2022 | Sierra-Plumas Joint Unified School District | **Requested:**  July 1, 2022, to June 30, 2026  **Recommended:**  July 1, 2022, to June 30, 2026 | April 12, 2022 | 42 | Student Population of 395 located in  Sierra County | $3,508 |

Created by California Department of Education May 20, 2022

# Attachment 2: Butte Valley Unified Federal Waiver Request Fed-2-2022

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 4773684

Waiver Number: Fed-2-2022

Active Year: 2022

Date In: 5/20/2022 7:54:30 AM

Local Education Agency: Butte Valley Unified

Address: 615 West Third St.

Dorris, OR 97632

Start: 7/1/2022

End: 6/30/2026

Waiver Renewal: Y

Previous Waiver Number: FED-6-2018

Previous SBE Approval Date: 9/7/2018

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: 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.]

Outcome Rationale: Butte Valley High School is located in a small rural community in Northern California three miles from the Oregon border. The closest high school is served by another county and the County Office of Education is an hour and a half away. The district is remote and joining a consortium is not easily feasible. Therefore we are asking for a waiver to not join a consortium.

Student Population: 73

City Type: Rural

NCES Code: 43

Local Board Approval Date: 5/18/2022

Submitted by: Mr. Jim Shanks

Position: Agriculture Instructor

E-mail: jshanks@bvalusd.

Telephone: 530-598-8060

# Attachment 3: Sierra-Plumas Joint Unified Federal Waiver Request Fed-1-2022

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 4670177

Waiver Number: FED-1-2022

Active Year: 2022

Date In: 4/13/2022 9:50:21 AM

Local Education Agency: Sierra-Plumas Joint Unified

Address: 109 Beckwith Rd.

Loyalton, CA 96118

Start: 7/1/2022

End: 6/30/2026

Waiver Renewal: Y

Previous Waiver Number: FED-8-2018-W-03

Previous SBE Approval Date: 9/11/2018

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 $3,738 in Perkins funding for the 2021-22 school year which is necessary to continue operating our CTE programs.

Student Population: 409

City Type: Rural

NCES Code: 42

Local Board Approval Date: 4/12/2022

Submitted by: Mr James Berardi

Position: Superintendent

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