

California Department of Education

Executive Office

SBE-007 (REV. 1/2018)

Federal Waiver

# California State Board of Education January 2021 Agenda Item #W-01

## 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 Numbers

* Fort Sage Unified School District Fed-11-2020
* Middletown Unified School District Fed-12-2020

## 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 various rural counties and have student populations ranging from 271 to 1,479. Districts are seeking waivers to function independently in order to meet the needs of the students in the district.

**Demographic Information:**

Fort Sage Unified School District has a student population of 271 and is located in Rural: Remote (43) area in Lassen County.

Middletown Unified School District has a student population of 1,479 and is located in a Rural: Distant (42) area in Lake 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 CDE’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 (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:** Fort Sage Unified School District Federal Waiver Request   
  Fed-11-2020 (1 page). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Middletown Unified School District Federal Waiver Request   
  Fed-12-2020 (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-11-2020 | Fort Sage Unified School District | **Requested:**  September 16, 2020, to September 16, 2024  **Recommended:**  July 1, 2020, to June 30, 2024 | September 16, 2020 | 43 | Student Population of 271 located in  Lassen County | $1,618 |
| Fed-12-2020 | Middletown Unified School District | **Requested:**  July 1, 2020, to June 30, 2024  **Recommended:**  July 1, 2020, to June 30, 2024 | September 9, 2020 | 42 | Student Population of 1,479 located in Lake County | $11,380 |

Created by California Department of Education November 6, 2020

# Attachment 2: Waiver Fed-11-2020 Fort Sage Unified School District

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 1875036

Waiver Number: Fed-11-2020

Active Year: 2020

Date In: 9/18/2020 2:48:39 PM

Local Education Agency: Fort Sage Unified

Address: 100 DS Hall St.

Herlong, CA 96113

Start: 9/16/2020

End: 9/16/2024

Waiver Renewal: N

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: Strengthening Career and Technical Education 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 a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement.

Outcome Rationale: Fort Sage Unified School district receives less than $15,000 in funding and does not belong to a consortium.

Student Population: 61

City Type: Rural

NCES Code: 43

Local Board Approval Date: 9/16/2020

Submitted by: Ms. Kim Dieter

Position: Teacher

E-mail: kdieter@fortsage.org

Telephone:530-827-2101 x6713

# Attachment 3: Waiver Fed-12-2020 Middletown Unified School District

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 1764055

Waiver Number: Fed-12-2020

Active Year: 2020  
SBE Meeting: 1-13-2021

Date In: 10/9/2020 3:00:32 PM

Local Education Agency: Middletownl Unified

Address: 20932 Big Canyon Road

Middletown, CA 95461

Start: 7/1/2020

End: 6/30/2024

Waiver Renewal: Y

Previous Waiver Number: Fed-19-2016

Previous SBE Approval Date: 11/3/2016

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 (Perkin 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 that $15,000 to enter into to a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement.

Outcome Rationale: We are a small school in a rural area that doesn’t have access to join a consortium.

Student Population: 475

City Type: Rural

NCES Code: 42

Local Board Approval Date: 9/30/2020

Submitted by: Mr. Airic Guerrero

Position: Principal

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