

California Department of Education

Executive Office

SBE-007 (REV. 1/2018)

Federal Waiver

# California State Board of Education September 2022 Agenda Item #W-04

## 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

* Black Oak Mine Unified Fed-4-2022
* Durham Unified Fed-3-2022

## 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 school career 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 991 to 1,284. The districts are seeking a waiver to function independently in order to meet the needs of the students in the district.

**Demographic Information:**

Black Oak Mine Unified has a student population of 1,284 and is located in Rural: Distant (42) area in El Dorado County.

Durham Unified has a student population of 991 and is located in Rural: Fringe (41) area in Butte 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 school career 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 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 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:** Black Oak Mine Unified Federal Waiver Request Fed-4-2022 (2 page). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Durham Unified Federal Waiver Request Fed-3-2022 (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-4-2022 | Black Oak Mine Unified School District | **Requested:**  July 1, 2022, to June 30, 2026  **Recommended:**  July 1, 2022, to June 30, 2026 | May 12, 2022 | 42 | Student Population of 1,284 located in  El Dorado County | $11,833 |
| Fed-3-2022 | Durham Unified School District | **Requested:**  July 1, 2022, to June 30, 2026  **Recommended:**  July 1, 2022, to June 30, 2026 | May 18, 2022 | 41 | Student Population of 991 located in  Butte County | $6,449 |

Created by California Department of Education June 10, 2022

# Attachment 2: Black Oak Mine Unified Federal Waiver Request Fed-4-2022

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 0973783

Waiver Number: Fed-4-2022

Active Year: 2022

Date In: 6/7/2022 6:26:54 PM

Local Education Agency: Black Oak Mine Unified

Address: 6540 Wentworth Springs Rd.

Georgetown, CA 95634

Start: 7/1/2022

End: 6/30/2026

Waiver Renewal: Y

Previous Waiver Number: Fed-2-2019

Previous SBE Approval Date: 3/13/2019

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 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: 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: 500

City Type: Rural

NCES Code: 42

Local Board Approval Date: 5/12/2022

Submitted by: Ms. Kassidy Salters

Position: Chief Fiscal & Operations Officer

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# Attachment 3: Durham Unified Federal Waiver Request Fed-3-2022

**California Department of Education**

**WAIVER SUBMISSION - Federal**

CD Code: 0461432

Waiver Number: Fed-3-2022

Active Year: 2022

Date In: 6/7/2022 8:57:31 AM

Local Education Agency: Durham Unified

Address: 9420 Putney Dr.

Durham, CA 95938

Start: 7/1/2022

End: 6/30/2026

Waiver Renewal: Y

Previous Waiver Number: Waiver Number: 2-11-2018

Previous SBE Approval Date: 1/9/2019

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: U.S. Code, Section 2351(c)(1) and (2) or [P.L. 109-270 Section 131(c)(1) and (2)]

(c) Minimum Allocation

(1) 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 that $15,000. A local educational agency may enter into a consortium with other local educational agencies for the purposes of meeting the minimum allocation requirement of this paragraph.

Outcome Rationale: We are a small school district with a wonderful agricultural program. We do not receive as much funding due to our unduplicated student population being under 55%. Due to the size of our district we would not normally qualify for $$15,000.

Student Population: 981

City Type: Rural

NCES Code: 41

Local Board Approval Date: 5/18/2022

Submitted by: Ms. Aimee Beleu

Position: Assistant Superintendent of Business and Ops

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