

The Carl D. Perkins Career and Technical Education Act of 2006 defines an eligible recipient [Section 3 (14)] and establishes how funds can be distributed to Local Education Agencies (LEA)[Section 131(c)].

### Eligible recipient

- (a) A local educational agency, an area career and technical education school, an educational service agency, or a consortium, eligible to receive assistance under section 131; or
- (b) An eligible institution or consortium of eligible institutions eligible to receive assistance under section 132.

### SECTION 131. DISTRIBUTION OF FUNDS TO SECONDARY EDUCATION PROGRAMS

#### (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 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.
- (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; or  
(ii) is a public charter school operating secondary school career and technical education programs; and
  - (B) Demonstrates that the local educational agency is unable to enter into a consortium for purposes of providing activities under this part.

An LEA may submit a waiver request if the LEA meets the criteria identified in Section 131(c)(2). The waiver request must be sent to the Director of the Division of Career and Technical by close of business on January 31<sup>st</sup> each year and include:

- 1) An explanation as to why the LEA is not able to enter into activities of mutual benefit with other schools in a Perkins consortium.
- 2) A thorough description of how the LEA will implement programs of sufficient size, scope and quality. The submitted description will be a complete Perkins Local Plan, demonstrating how the LEA will be able to meet the requirements identified in Section 134 of the Perkins Act.
  - a. Perkins Local Plan Waiver Form – this form will be completed and submitted with the waiver request.

Waiver requests are due to the Division of Career and Technical Education Director before the close of business each year on January 31<sup>st</sup>.

## Perkins Waiver for Funding Eligibility

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The Division of Career and Technical Education will review submitted waiver requests and provide notification regarding the request by March 1<sup>st</sup> of each year.

In addition to the requirements above, waiver requests will be evaluated on the LEA's history of demonstrating capacity to manage the requirements of the Perkins grant, meeting deadlines, Perkins accountability performance, and attendance at Perkins Program Improvement Meetings or other like grants management meetings.

Pending waiver approval, the information in the Perkins Local Plan can be transferred into the Perkins grant application in the Grants Management System (GMS). The waiver must be approved before a Perkins account for the LEA will be established in the GMS.

If an LEA's waiver request is denied, the LEA must continue to work with their current consortium or identify another consortium that may provide more mutual benefit to the LEA than the current consortium.

If the LEA chooses to transfer to another consortium, the LEA must submit a letter to the Division of Career & Technical Education requesting approval to transfer to another identified consortium. If the request is approved, the LEA must complete the grant year with their current consortium, including all grant requirements and reporting.