

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST

FORM has been modified to an electronic submission system

Local educational agency: Mt. Diablo Unified School District		Contact name and Title: Wendi Aghily, Chief, Pupil Services and Special Education/SELPA		Contact person's e-mail address: AghilyW@mdusd.org
Address: 1936 Carlotta Drive		(City) Concord	(State) CA	(ZIP) 94545
Phone (and extension, if necessary): 925-682-8000		Period of request: (month/day/year) 06-01-2022 to 07-03-2022		Local board approval date: (Required) 02-02-2022
Date of public hearing: (Required) 02-02-2022				
LEGAL CRITERIA				
1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the particular <i>Education Code</i> or <i>California Code of Regulations</i> section(s) to be waived (number): Topic of the waiver: CCR, Title 5, Section 3043 (g)(1); and 2)				
Circle One: <i>EC</i> or <i>CCR</i>				
2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval _____ Renewals of waivers must be submitted two months before the active waiver expires.				
3. Collective bargaining unit information. Does the district have any employee bargaining units? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes, please complete required information below: Bargaining unit(s) consulted on date(s): 01-28-2022 Name of bargaining unit and representative(s) consulted: Anita Johnson The position(s) of the bargaining unit(s): <input type="checkbox"/> Neutral <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose (<i>Please specify why</i>) Comments (if appropriate):				
4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. How was the required public hearing advertised? <input checked="" type="checkbox"/> Agendized on the board agenda <input checked="" type="checkbox"/> Other: Shared in the internal Monday Memo which is distributed districtwide <input checked="" type="checkbox"/> Other: Parents notified via robocall <input checked="" type="checkbox"/> Other: Notices posted at each school site				
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: Mt. Diablo Unified SELPA Community Advisory Committee Date the committee/council reviewed the waiver request: 01-11-2022 Were there any objection(s)? No <input checked="" type="checkbox"/> Yes _____ (<i>If there were objections please specify</i>) Parents were in support of the adjustment to the ESY calendar and felt it was favorable to students				
6. <i>Education Code</i> or <i>California Code of Regulations</i> section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key). Requested by Mt. Diablo Unified School District to waive California Code of Regulation (CCR), Title 5, Section 3043 (d) which requires a minimum of 20 school days of attendance for an extended school year for special education students.				

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Mt. Diablo Unified School District: 1. Provide within 18 days of increased minutes, the time equal to the normally provided 20 days as required by **CCR, Title 5, Section 3043 (g) (1); and 2)** only 18 days of special education average daily attendance (ADA) may be claimed for this serviced.

Mt. Diablo Unified School District is requesting to reduce the number of ESY days from 20 days at 3 hours per day to 18 days at 3.5 hours per day.

Mt. Diablo Unified School District's academic calendar for 2021-2022 ESY does not permit 20 days for ESY prior to the July 4th holiday. Our experience has been that student would be far less likely to attend for the one day after the holiday after a three day break. In addition, staffing for ESY is a challenge and staff have indicated they are less likely to sign up to teach if the session ends after July 5th which will exacerbate our existing ESY staffing shortages.

In addition, Mt. Diablo Unified believes the new schedule amounts to an increase in instructional time and a decreased amount of time spent on transportation.

8. Demographic Information:
(District/school/program) Mt. Diablo Unified School District has approximately 1200 students who are eligible for extended school year with an average of 800 typically electing to attend annually. Students reside across seven different municipalities and are from ages 3-22.