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### **GOVERNANCE COUNCIL MEMBERS PRESENT:**

Academy for Academic Excellence – Lisa Lamb, Adelanto Elementary SD – Terry Walker, Apple Valley USD – Trenae Nelson, Barstow USD – Deanna Swearingen, Excelsior Education Center – Dr. Derek King (8:00 am), Helendale SD – Joshua Behnke, Hesperia USD – David Olney, Oro Grande SD – Derek Delton, Silver Valley USD – Jesse Najera, Snowline Joint USD – Ryan Holman, and Victor Elementary SD – Lori Clark.

### **OTHERS PRESENT:**

Selina Hurley via Zoom – San Bernardino County Superintendent of Schools, Business Services.

### **CAHELP JPA STAFF PRESENT:**

Pamela Bender, Heidi Chavez, Dr. Peggy Dunn, Kayla Gewirtz, Linda Llamas, Deborah Sarkesian, and Jennifer Sutton

## **1.0 CALL TO ORDER**

The regular meeting of the California Association of Health and Education Linked Professions, Joint Powers Authority (CAHELP, JPA) Governance Council was called to order by Chairperson Jesse Najera at 7:48 a.m. at the Desert/Mountain Educational Service Center, Apple Valley.

## **2.0 ROLL CALL**

## **3.0 PUBLIC PARTICIPATION**

No public participation.

## **4.0 ADOPTION OF THE AGENDA**

4.1 **BE IT RESOLVED** that a motion was made by David Olney, seconded by Lori Clark, to approve the November 1, 2024, CAHELP JPA Governance Council Meeting Agenda as presented. The motion carried on the following vote: 10:0:0, Ayes: Olney, Clark, Lamb, Walker, Nelson, Swearingen, Behnke, Delton, Najera, and Holman. Nays: None, Abstentions: None.

## **5.0 PRESENTATIONS**

### **5.1 SBCSS D/M Operations 2023-24 Fee-For-Service Year-End Actuals**

Selina Hurley reviewed the budget to actuals comparison. Services were provided to almost 800 students, which is more than was anticipated, causing an increase in revenue. The expenditures increased along with the student count. She reviewed the fee-for-service return.

\*Note: Dr. Derek King joined at 8:00 am

### **5.2 SBCSS D/M Operations Final 2023-24 Local Control Funding Formula (LCFF) Revenue Transfer**

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Selina Hurley reviewed the SBCSS D/M Operations Fiscal Year 2023-24 LCFF Revenue Transfer. The final transfer was taken in October.

**6.0 INFORMATION / ACTION**

6.1 CAHELP JPA Policy and Procedures: Strategic Plan for Web Accessibility (**ACTION**)

The CAHELP Strategic Plan for Web Accessibility, hereinafter referred to as “SPWA” establishes a foundation for equality of opportunity and provides guidance to ensure equal access to IT the CAHELP purchases, creates, and uses, such as websites, software, hardware, and media in accordance with applicable state and federal laws including, but not limited to, Sections 504 and 508 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act as amended (ADA). Suggested revisions to SELPA Policy and Procedures Appendix A are submitted to the CAHELP Governance Council for consideration and approval.

6.1.1 **BE IT RESOLVED** that a motion was made by Ryan Holman and seconded by Lisa Lamb to approve the CAHELP JPA Policy & Procedures: Strategic Plan for Web Accessibility be approved as presented. The motion carried on the following vote: 11:0:0, Ayes: Lamb, Walker, Nelson, Swearingen, King, Behnke, Olney, Delton, Najera, Holman, and Clark. Nays: None, Abstentions: None.

6.2 San Bernardino County Superintendent of Schools Desert Mountain Operations – program transfer of speech and language services from Helendale School District (**ACTION**)

On June 28, 2024, the Desert Mountain SELPA received a request for the intent to transfer the provision of 415 speech and language services to Helendale School District to be effective June 30, 2025.

6.2.1 **BE IT RESOLVED** that a motion was made by David Olney seconded by Trenae Nelson to approve the San Bernardino County Superintendent of Schools Desert Mountain Operations – program transfer of speech and language services to Helendale School District effective June 30, 2025, as presented. The motion carried on the following vote: 11:0:0, Ayes: Lamb, Krause, Nelson, Swearingen, King, Behnke, Olney, Delton, Najera, Holman, and Clark. Nays: None, Abstentions: None.

6.3 LEA-BOP – Medi-Cal Submission (**INFORMATION**)

CAHELP has secured the application for LEA-BOP submission through Medi-Cal for Occupational and Physical Therapy. Services for students will be submitted only for those students receiving services through DMSELPA OT and PT staff and will not interfere with submission by the LEA for their provided services.

6.4 CAHELP Podcast (**INFORMATION**)

The podcast will feature interview-style episodes led by an approved facilitator from the CAHELP

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organization focusing on topics related to special education, behavior, mental health, social emotional learning, and community issues. Episodes will be recorded in audio format and distributed through our website, newsletters, member local educational agencies, social media, Buzz Sprout, and other podcast platforms.

Pam shared that the purpose is to have one on one interview type discussions regarding special education behavioral issues, mental health, social emotional learning, and any other community issues. We are working with legal on the name and logo. Superintendents are welcome to be guests.

### 6.5 The Children and Youth Behavioral Health Initiative (CYBHI) **(INFORMATION)**

A new reimbursement program through CYBHI is available to LEAs to provide therapy, skill building, and student and family psychotherapy. Options are available through various vendors including Desert Mountain Children's Center. Pam shared that DMCC is ready, willing, and able to provide services remotely.

The Department of Health Care Services is offering an infrastructure bond act providing 2.2 billion dollars to construct, acquire, or expand properties to invest in mobile crisis infrastructure related to mental health. The entity must own the land or building or have something to be able to develop this infrastructure and be able to provide services. The Department of Behavioral Health is looking to build a residential facility in this area which will bring in additional needed mental health services.

### 6.6 Custodian of Record for WorkAbility 1 Program **(INFORMATION)**

As indicated in Senate Bill 531 amending Education Code 45125.1, at least one adult in a workplace where students are placed must be fingerprinted. CAHELP has investigated options to become the Custodian of Record by filing with the Department of Justice (DOJ) as a school contractor. The submission requires the signature of the Superintendent from each district for whom CAHELP places students participating in the WorkAbility 1 program, authorizing the CAHELP to proceed.

Pam Bender provided information on SELPA possibly being the Custodian of Record as an educational entity. SELPA is applying for an educational contract that would allow SELPA to become the Custodian of Record for the employees of the businesses where students in the SELPA WAI program are placed. SELPA may be able to assist MDCP as well or work together as we move forward for students to be able to be employed in the mainstream work force rather than only educational or medical entities where individuals are required to be fingerprinted. DOJ is asking for signatures from each LEA with whom SELPA provides WAI services and include them with the application.

Deborah Sarkesian clarified that the student who has already been placed by the LEA and their hours are completed thus moving to the SELPA WAI program could stay at the location and the SELPA Work Incentive Technician would then take over the caseload. Under the SELPA program, the fingerprinting information would need to be with the SELPA.

Discussion took place regarding LEA transfer funding with the understanding that it does not include

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the transfer of the custodian of record. The student continues to be an LEAs student.

Pam Bender will define when students start with LEAs and transfer to SELPA.

Additional discussion included the parent permission for their student to be in the workplace is given. The parent is familiar that the student is going to be potentially in workplace where there are individuals not fingerprinted.

Pam Bender shared that this issue is at the state SELPA level as well and will follow up.

### 6.7 Contracts (**DISCUSSION**)

CEO to share the contracts entered with CAHELP, DMSELPA and DMCC. An overview of the past year and current contract numbers will be shared for discussion as we move forward with contracting for services.

Jesse Najera initiated a discussion about how CAHELP brings or does not bring contracts to the board. Within a district there is an identified threshold that goes to the board. CAHELP has not previously brought forward contracts to the board, and this could be considered a risk. This board meets four times a year and having CAHELP bring contracts to the board could slow down business for CAHELP.

A thorough discussion took place regarding the pros and cons as well as the timing of bringing the contracts before the board; ratifications as opposed to approval to provide oversight. The Board agreed to put a subcommittee together to review the process and bring back suggestions.

Joshua Behnke and Deanna Swearingen agreed to be a part of the subcommittee to provide insight on a policy and procedure. Pam Bender to reach out to her counterparts.

### 6.8 Office of Administrative Hearings and Attorney Fees (**DISCUSSION**)

Pam Bender shared that attorney fees are continuing to increase and that this is an area of concern at state SELPA.

A thorough discussion took place regarding recent OAH cases in the LEAs. The Board discussed strategies to help mitigate some of the settlements and discussed best practices that the Board could employ as a collective moving forward.

Pam Bender will provide the Board with information on similarities and trends within SELPA and State-wide including common settlement language and aligning efforts around great practices. She will be reaching out to other SELPAs for additional information.

### 6.9 Workshop Date Selection (**ACTION**)

Rescheduling dates for the Workshop from Mr. Robert Feldhake and Dr. Ron Powell topics to

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include Superintendent Role as JPA Governance Member and Understanding Special Education Allocation Plans.

6.9.1 **BE IT RESOLVED** that a motion was made by Trenae Nelson seconded by David Olney to approve the workshop for Robert Feldhake and Dr. Ron Powell to present topics to include Superintendent Role as JPA Governance Member and Understanding Special Education Allocation Plans on December 2, 2024, 8:00 AM to 12:00 PM. The motion carried on the following vote: 11:0:0, Ayes: Olney, Clark, Lamb, Walker, Nelson, Swearingen, King, Behnke, Delton, Najera, Holman. Nays: None, Abstentions: None.

### **7.0 CONSENT ITEMS**

It is recommended that the Governance Council consider approving several Agenda items as a Consent list. Consent Items are routine in nature and can be enacted in one motion without further discussion. Consent items may be called up by any Council Member at the meeting for clarification, discussion, or change.

7.1 **BE IT RESOLVED** that a motion was made by David Olney, seconded by Trenae Nelson to approve the following Consent Items as presented. The motion carried on the following vote: 11:0:0, Ayes: Lamb, Walker, Nelson, Swearingen, King, Behnke, Olney, Delton, Najera, Holman, and Clark. Nays: None, Abstentions: None.

7.1.1 May 10, 2024, CAHELP JPA Governance Council Meeting Minutes.

7.1.2 2024-25 Crisis Prevention Institute (CPI) Annual Membership for Ned Broberg, Danielle Côté, Brian Follis, Blanca Medrano, Miya Narvaiz-Ward, Michael Norton, Annette Rego, Linda Rodriguez, Veronica Rousseau, and Melissa de Silva in an amount not to exceed \$200.00 per individual membership.

7.1.3 2024-25 Association of Community Based Organizations (ACBO) Annual Membership for Linda Llamas not exceeding \$120.00.

7.1.4 2024-25 HCCA Annual Membership for Veronica Hay in an amount not to exceed \$325.00.

7.1.5 2024-25 Association for Positive Behavior Support (APBS) Annual Membership for Deborah Sarkesian in an amount not to exceed \$175.00.

### **8.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS**

8.1 Legislative Update

Pam Bender provided the following legislative updates.

**AB2173 (Addis)** replaces emotional disturbance with emotional disability.

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**AB2268 (Muratsuchi)** Exempts students in Transitional Kindergarten from being tested with the ELPAC.

**SB445 (Portantino)** goes into effect January 1, 2027. The state IEP form still needs to be completed. Once completed, the translation of that form will be available by January 1, 2027, or eighteen months after the final draft is complete. CDE must translate the form into the ten most common languages in California and have all the forms available on the CDE website. All LEAs, county offices, charter schools, and other stakeholders will be notified.

Pam Bender sits on the SELPA Legislation Committee. CDE is not sure what that will look like.

**SB483 (Cortese)** eliminating Prone Restraint goes into effect on January 1, 2025. It is known as Max Benson's Law, which is a student with autism who ended up passing away from being prone restrained. SELPA is creating addendums for our non-public schools, non-public agencies, and residential schools out of the state. The residential placements are approved through CDE and must follow California law. SELPA will have everything in place by January 1, 2025, so they know they can no longer do prone restraint.

**AB438 (Blanco Rubio)** goes into effect July 1, 2025. This bill requires transition goals and language in IEPs for students transitioning to ninth grade. If the IEP team determines that there is an appropriate justification that a student does not need the transition goals or services in their IEP by the time they get into ninth grade, the team can say that it is not appropriate and provide justification for the decision but must be in the IEP by age 16. Training eighth grade teachers will be needed.

**AB2725 (Blanco Rubio)** was vetoed by the Governor. It would have allowed OTs and PTs to be able to enroll in an administrative program based on the individual meeting the basic skills requirement of having worked in a school district with at least three years of experience. In the Governor's veto memo, he indicates that CTC should look at the administrative credentials.

**SB1263 (Newman)** goes into effect on July 1, 2025, requiring a workgroup to examine the TPAs and then look at those colleges where their passing rates are exceptionally low to figure out why. The legislation is only about having that workgroup.

**SB1391 (Rubio)** was vetoed by the Governor. This bill was to look at the Cradle to Career data system and create teacher training and retention on a dashboard. In his veto memo, the Governor shared that we already have a dashboard and do not need a separate dashboard.

### 8.2 Compliance Update

Pam Bender explained that Cycle B has begun for small schools that have less than a hundred special education students. Charter schools are included in the monitoring system.

Pam Bender reviewed the Annual Determination Letters that are due December 13, 2024. Indicator 10 (disproportionate by specific categories) will be pulled from CALPADS after December 13, 2024. We are looking at timeline compliance which are late IEPs. LEA Director's worked extremely hard

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to improve this data point. There were districts that went from 86 to 10 late IEPs. SELPA worked hard with district staff to make sure that districts did not have special education errors on the CALPADS submission. Thank you for being willing to work with us.

Dr. Terry Walker personally thanked Pam Bender for being so supportive and providing her information so that she knew what was going on and could help support the team moving forward.

Pam Bender reviewed the Compliance and Improvement Monitoring stating that the districts in the Intensive Monitoring send the progress reports directly to CDE. Those in Targeted Monitoring send their progress reports to SELPA.

### 8.3 Local Plan

Pam Bender informed Governance that SELPA is awaiting approval from CDE. CDE is looking closely at the plans this year and once approved, the Local Plan will be placed on the Website and available for LEA websites.

### 8.4 Credentials Bridge Authorization

Pam Bender discussed the pretraining, training, and post training for the Credentials Bridge Authorization process included in the meeting materials. SELPA wants to meet with district credential analysts or human resource departments to identify those eligible for the Bridge. The training is three hours long. Participants are required to always have their cameras on, or they will need to take the course again. Pam must sign off that participant took the course, participated, and completed the hours. The LEA, or participants themselves are responsible for submitting to CTC. The Bridge Credential assists districts in the audit process. There is a \$100 fee to submit to CTC.

Please submit your credential analyst/human resource personnel to Pam for an email invite for the initial meetings to take place in November/December

### 8.5 DMCC Yearly Report

Linda Llamas shared that there were over 21,000 children (about the seating capacity of Madison Square Garden) seen last year. She reviewed the data provided in the meeting materials highlighting that EIIS, SART, and SATS programs served approximately 6,500 children and the SAPS program served 14,000 students. There are approximately 160 clinical staff providing these services. DMCC appreciates the ability to work with districts and hopes to extend that to also build a fee schedule for those interested in DMCC being a subcontractor for districts. Linda shared that there have been about ten recent crisis situations.

Members of the Board shared their appreciation for the response to crisis situations within their districts.

## **9.0 INFORMATION ITEMS**

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### 9.1 Professional Learning Summaries

Pam Bender reviewed the Professional Learning Summary highlighting behavioral supports as the most attended training. If it is a multi-day training, it is only counted once. There were 437 participants that attended on-site training, and 487 participants attended regional trainings. Family engagement has been busy for the SELPA. The SELPA Outreach team has been out working with many districts, family resource centers, and communities. They continue to partner with LEA staff.

### 9.2 Resolution Support Services Summaries

Pam Bender reviewed the Resolution Support Services summary sharing that last year there were 56 cases and this year there are 15 with 10 of the filings taking place recently. There were two filings for the Charter SELPA. Last year we filed on two parents and were successful. The new Special Education Director for CDE, Rachel Heenan, is a former SELPA director out of Long Beach and she has some innovative ideas for working with families. CDE has developed a new department where when they get a complaint, they contact the parent, explain the ADR process, and ask if they would like to participate in ADR CDE called SELPA to let us know a parent would like to participate in ADR and is willing to try and fix the issue before it goes anywhere else.

## 10.0 CLOSED SESSION – 9:30 A.M.

10.1 Closed Session Agenda 10.1. Pending Litigation – Meeting with Counsel per Government Code section 54956.9(d)(2) and (4) (and recommended by General Counsel)

10.2 Public Employee Discipline/Dismissal/Release/Reassignment/Transfer/Resignation

10.3 Chief Executive Officer Evaluation

## RETURNED TO OPEN SESSION – 9:45 A.M.

## 11.0 GOVERNANCE COUNCIL MEMBERS COMMENTS / REPORTS

No member comments or reports.

## 12.0 CEO COMMENTS

Reminder to the Board regarding the SATS/SART grant renewal and the need for the Letter of Support to include in the submission.

Thank you to the VVUHSD for their Special Education and Student Services staff coming to share their training for the Alternate Pathway Diploma on October 28, 2024

Thank you to Adelanto for including Pam in their Adelanto Discovery Team as they move forward building teams and improving their district.

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**13.0 MATTERS BROUGHT BY GENERAL PUBLIC**

No matters brought by the general public.

**14.0 ADJOURNMENT**

Having no further business to discuss, a motion was made by Joshua Behnke, seconded by Deanna Swearingen, to adjourn the meeting at 9:57 a.m. The motion carried on the following vote: 11:0:0, Ayes: Olney, Clark, Lamb, Walker, Nelson, Swearingen, King, Behnke, Delton, Najera, Holman. Nays: None, Abstentions: None.

The next regular meeting of the CAHELP JPA Governance Council will be held on Friday, January 31, 2024, at 10:00 a.m., at the Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley, CA 92307.

*Individuals needing special accommodation(s) for disabilities are asked to contact Cindy Quan at (760) 955-3555, at least seven days before this meeting.*