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## **MINUTES**

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

Academy for Academic Excellence – Lisa Lamb, Allegiance STEAM Academy – Sebastian Cogna, Apple Valley USD – Trenae Nelson, Baker Valley USD – Milan Stijepovic, Barstow USD – Deanna Swearingen, Excelsior Charter Schools – Derek King, Helendale SD – Joshua Behnke, Hesperia USD – David Olney, Oro Grande SD – Derek Delton, Silver Valley USD – Jesse Najera, and Victor Elementary SD – Lori Clark.

### **OTHERS PRESENT:**

Shannon Brandner – Ballington Academy for the Arts and Sciences

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

Jamie Adkins, Pamela Bender, Peggy Dunn, Thomas Flores, Marina Gallegos, Linda Llamas, Letitia Macaraeg, Kathleen Peters, 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 10:00 a.m. at the Desert/Mountain Educational Service Center, Apple Valley.

## **2.0 ROLL CALL**

## **3.0 PUBLIC PARTICIPATION**

None.

## **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 March 1, 2024 CAHELP JPA Governance Council Meeting Agenda as presented. The motion carried on the following vote: 9:0:0: Ayes: Clark, Cogna, Delton, King, Lamb, Najera, Nelson, Olney, Stijepovic, Nays: None, Abstentions: None.

## **5.0 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.

5.1 **BE IT RESOLVED** that a motion was made by Sebastian Cogna, seconded by Lisa Lamb, to approve the following Consent Items as presented. The motion carried on the following vote: 9:0:0: Ayes: Clark, Cogna, Delton, King, Lamb, Najera, Nelson, Olney, Stijepovic, Nays: None,

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Abstentions: None.

- 5.1.1 October 27, 2023 CAHELP JPA Governance Council Meeting Minutes.
- 5.1.2 Health Care Compliance Association (HCCA) membership renewal for Veronica Hay in the amount of \$325.00.
- 5.1.3 Declaration of Low Incidence Equipment as Salvage or Surplus.

The Desert Mountain SELPA is seeking approval from the CAHELP JPA Governance Council for the release to surplus or salvage of unassigned and/or obsolete low incidence equipment currently in storage. All of the low incidence equipment identified on the inventory report has been reviewed and determined to be unassigned and/or obsolete.

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

#### **6.1 2024-25 Desert Mountain SELPA and Desert Mountain Charter SELPA Local Plans**

Pam Bender provided the submission timelines for the 2024-25 Desert Mountain SELPA and Desert Mountain Charter SELPA Local Plans. She reported Section B is due this year as it is submitted every three years. There is a small committee reviewing the Local Plan that meets the CDE requirement of having one general education administrator, one special education administrator, and one parent. Pam said the committee will be reviewing the CAHELP JPA policies that may need to be amended based on the language of the Local Plan. She stated the Local Plan will be presented to Community Advisory Committee on April 18, 2024, with a final read for approval to CAHELP JPA Governance Council on May 10, 2024. Pam said past practice has been for Local Plan Sections B, D, and E to be approved by each of the member districts' boards. However, CDE has recently stated there is no California Education Code that requires multi-district SELPAs to have any section of the Local Plan approved by every LEA board because the superintendents have been given authority by their boards to approve such items. Pam continued that a legal opinion has not yet been shared and that State SELPA Administrators has a meeting with CDE on March 1, 2024 with further questioning expected. CDE has stated that the local board can decide how to proceed.

A brief discussion followed in which it was suggested that the Local Plan be presented as an information item to the LEA boards so they are still aware of changes and updates to the information. It was also suggested that a legal opinion be obtained and a CDE written statement if possible. Pam agreed to pursue the CDE for a written statement as well as pursue a legal opinion.

\*Note – Deanna Swearingen joined the meeting at 10:03 a.m.  
Joshua Behnke joined the meeting at 10:05 a.m.

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### 6.2 Desert Mountain Charter SELPA Applications for Membership FY 2024-25

Pam Bender provided information regarding the applications for Desert Mountain Charter SELPA (DMCS) membership from Ballington Academy for the Arts and Sciences – San Bernardino and Options for Youth – Victor Valley. She shared that Ballington Academy for the Arts and Sciences - El Centro is currently a DMCS member with the San Bernardino location being authorized by San Bernardino City USD. Pam reported Options for Youth – Victor Valley is under VVUHS as a 7<sup>th</sup> through 12<sup>th</sup> grade non-classroom program with three locations. She shared that interviews with each of the applying charters are scheduled for March 7, 2024, with site tours scheduled tentatively for April 10 and 12, 2024. Pam concluded recommendations pertaining to the applications will be provided to the Governance Council on May 10, 2024.

### 6.3 CAHELP JPA Governance Workshop

Pam Bender provided an update on the CAHELP JPA Governance Workshop. She reported the January workshop was cancelled due to Robert J. Feldhake, Esq. being unavailable due to an emergency. Mr. Feldhake did provide names of other attorneys to attend in his absence who are well versed in JPA law but would not be familiar with our specific JPA and the connection to San Bernardino County Superintendent of Schools (SBCSS). Pam has spoken with Dr. Ron Powell who is ready to provide background information pertaining to the Allocation Plan. Pam said when she receives potential dates that Mr. Feldhake is again available, she will provide the information to the council members for input.

Jesse Najera advised that he directed Pam to keep Dr. Powell and Mr. Feldhake scheduled for the same date. The council members agreed.

### 6.4 Chief Executive Officer Evaluation Update

Pam Bender provided an update on the Chief Executive Officer evaluation process. She reported she met with Jan Gonzales on February 15, 2024, and will meet again March 12, 2024. Pam said as part of her evaluation, she will present to the council in Closed Session. Pam's presentation will consist of data input, SEIS information, CALPADS information, due process data including alternative dispute resolution (ADR), facilitated IEPs, as well as compliance, DMCC update, budget items, program highlights, and Pam's goals moving forward.

Jesse Najera confirmed that Jan Gonzales will be present during Pam's presentation and will assist with facilitation.

Pam added that council members will be able to provide input and recommendations on March 29, 2024 with the final evaluation being part of the May 10, 2024 CAHELP JPA Governance Council meeting.

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### 6.5 Alternative Pathway Diploma

Pam Bender provided an update on the Alternative Pathway Diploma. Pam shared the California School Boards Association (CSBA) sample policy to assist with LEA board policy. She reported the alternative pathway diploma committee met on February 26, 2024, and they discussed that students receiving services from Desert Mountain Operations (DMOPS) will receive their diploma from the district of residence. Pam continued that each district must have a plan for an alternative pathway diploma and students being served by DMOPS must meet the requirements. She has found a lot of information is available as agencies across the state have shared their work including East County SELPA, San Mateo SELPA, Mt. Diablo USD SELPA, and Colton JUSD. Pam said the committee decided they will unpack the standards of what must be accomplished for a student to achieve an alternative pathway diploma. A checklist will be provided to districts of things that must be done for districts to move forward. Pam continued the standards and curriculum used should be the adopted general education curriculum with supplementals approved by CDE. Pam reminded the council members the alternative pathway diploma is for students who take the California Alternate Assessment (CAA), have moderate/severe needs, who could get a certification of completion but would be part of a 4-year cohort that would allow them to have access to high school education until they are 22 years of age. That additional four years could truly focus on transition. Pam said the students on the alternative pathway would not have to be in general education classrooms but could be the special day class with a course number and specific standards to be met. Pam confirmed there are special education directors involved in the committee. She said each district will decide what they will implement with their board approval.

Pam recognized there is a difference between the credits for an A-G diploma and the state requirement. The alternative pathway diploma is for the most severe student population and is at a higher level than the certificate of completion. Pam said the committee is working to find the similarities in the curriculums used so DMOPS teachers are not trying to meet different standards.

### 6.6 2024-25 CAHELP JPA Governance Council Meeting Dates and Location

Pam Bender presented the tentative 2024-25 CAHELP JPA Governance Council meeting dates and times. She shared the first two meetings will precede the Mountain Desert Career Pathway (MDCP) meeting which will also be held at DMESC. The other meetings will stand alone. Pam said the meetings were not able to be scheduled to coincide with the High Desert/Mountain Superintendents' Meetings. Pam asked to be notified if anyone finds a conflict with the dates.

### 6.7 Legislative Update

Pam Bender provided a legislative update. She reported that February 16, 2024 was the last date for bills to be submitted. State SELPA Administrators are currently reviewing special education bills which will allow Pam to report out at a later date.

David Olney suggested Pam work with council members that attend San Bernardino County

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District Advocates for Better Schools (SANDABS) to provide federal updates.

### 6.8 Compliance Update

Pam Bender provided an update on compliance issues from the California Department of Education including IEP Implementation and Monitoring, Compliance and Improvement Monitoring (CIM) and levels of intervention. She reported CDE sent an email on February 27, 2024 to directors of special education regarding Prong II that included names of student files for review. Pam stated that the directors can call Colette Garland who will provide CDE with read only access for the involved students. She said that February 29, 2024, information was emailed to her about IEP implementation data providing dates of March 1-April 29, 2024. On May 1, 2024, LEAs will receive student names with documentation being returned to CDE by June 15, 2024. It was asked for Colette Garland to copy the directors of special education when providing access to CDE and Pam agreed. Pam continued that CIM progress reports are due with the districts being very responsive. Peggy Dunn and the program specialists have been working with LEA staff and special education directors to assist with compliance. Pam said the SEIS dashboard gives directors immediate access to the number of late IEPs including teacher names and school sites. She stated the directors of special education are notified of the number of late IEPs monthly at Steering and Finance Committee Meetings.

### 6.9 CAHELP JPA Budget Overages

Pam Bender provided information regarding CAHELP JPA budget overages. Pam reported the Average Daily Attendance (ADA) increased to \$820.00 per student and CAHELP JPA staffing vacancies caused a large part of the overage. She said Dispute Prevention and Resolution along with Learning Recovery must be returned to CDE. CDE said instead of fully funding 602 proportionate share, they were going to take it out of the Dispute Prevention and Resolution and Learning Recovery funds but then decided it would have to be paid back. Pam said the Out of Home funding has been revamped and is now fully funded for 2021-22 and 2022-23 school years. She continued that it has been difficult to confirm with CDE the amount of funds being received per filled bed. Pam continued for Desert Mountain Children's Center (DMCC), Department of Behavioral Health (DBH) for 2021-22 and 2022-23 fully funded the contract. Many counselors left during that time as they were able to work remotely with other agencies. Pam said DMCC has not been billed for the cost settlement so the amount is unknown. She said for Desert Mountain Charter SELPA (DMCS), out of home funding was not expected. There is significant fund balance under low incidence with an increase in funding but the number of students and requests have not increased. Pam said she is looking at ways to provide more low incidence supports. She is also reviewing the possibility of returning the fee-for-service to districts, and if it can be done mid-year or the beginning of the fiscal year. Pam said she will report out as soon as a decision is made. She reported that DMCC is close to fully staffed and there is one program specialist position that is still vacant. Pam asked to have ideas shared with her so she can bring them to the CAHELP team of how to spend funds down.

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There was discussion about the need to give funds back to the districts if possible because having excess is not common. There is hesitation because though the governor says no cuts to education or mental health, the final budget has not been released.

### **6.10 Building Committee**

Pam Bender discussed dates for the building committee to meet. She said the number of staff is continuing to grow and some sites have staff hoteling and sharing space. The hope is for the committee to see what is available and discuss what do we want to look towards as services are provided. The committee members are Carl Coles, Deanna Swearingen, Trenae Nelson, David Olney, and Josh Behnke. Pam will email dates to the committee for input and offered to hold the meeting virtually if that was a better option.

## **7.0 INFORMATION ITEMS**

### **7.1 Professional Learning Summaries**

Pam Bender shared that past practice has been to email training flyers to the directors of special education. There has been discussion recently about emailing the flyers instead to the directors' support staff.

Pam explained Region 10 covers San Bernardino, Riverside, Inyo, and Mono counties. Region 10 offers trainings and in-services as well.

### **7.2 Resolution Support Services Summaries**

Pam Bender reported resolution support services numbers are high across the state with some families filing multiple times. She said that families with advocates and attorneys often receive what the LEA originally offered but now there are additional fees added on. Pam continued that filing on a parent is sometimes needed based on the law.

There was discussion about an optometrist providing diagnoses outside of his area of expertise, including providing mental health assessments. It was suggested to make a complaint with the appropriate licensing board.

Kathleen Peters said it is acceptable for there to be language in settlement agreements that an assessment will be approved but not from the named specialist.

Pam stated that if an independent educational evaluator provides an assessment, they should not be the one providing services.

Lori Clark appreciates the support received in filing against parents for what is right for the student. When the student needs different placement to be successful and the parent will not agree, it is detrimental to the student.

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### **8.0 CLOSED SESSION – 11:02 A.M.**

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

Reconvene to Open Session – 11:34 a.m.

### **9.0 GOVERNANCE COUNCIL MEMBERS COMMENTS / REPORTS**

Trenae Nelson explained her district currently has a young student with severe behavior issues. The sheriff's office, Child Protective Services, Desert Mountain Children's Center (DMCC), and the district board certified behavior analysts (BCBA) have been supporting the family in the home and on campus. The individual agencies are working independently of the others with no collaboration. Trenae asked if would be possible to coordinate resources so each agency has all of the data and can work together to assist the students.

Pam Bender agreed it would be beneficial and would speak with Linda Llamas at DMCC Trenae will gather data and Pam will work with Linda Llamas to move forward.

### **10.0 CEO COMMENTS**

Pam Bender introduced Milan Stijepovic, the new superintendent for Baker Valley USD.

Pam thanked the council members for their support with the transition to SEIS and the updates in CALPADS.

A number of council members thanked Pam for providing weekly updates and reports during the transition and agreed the change was long overdue.

### **11.0 MATTERS BROUGHT BY GENERAL PUBLIC**

None.

### **12.0 ADJOURNMENT**

Having no further business to discuss, a motion was made by Lori Clark, seconded by Lisa Lamb, to adjourn the meeting at 11:39 a.m. The motion carried on the following vote 11:0:0: Ayes: Behnke, Clark, Cognetta, Delton, King, Lamb, Najera, Nelson, Olney, Stijepovic, Swearingen, Nays: None, Abstentions: None.

The next regular meeting of the CAHELP JPA Governance Council will be held on Friday, March 29, 2024, at 10:00 a.m., at the Desert Mountain Educational Service Center, Aster/Cactus Room, 17800 Highway 18, Apple Valley, CA 92307.

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*Individuals requiring special accommodations for disabilities are requested to contact Jamie Adkins at (760) 955-3555, at least seven days prior to the date of this meeting.*