

**GOVERNANCE COUNCIL MEETING**

*January 20, 2023 - 10:00 a.m.*

Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley, California 92307

---

**MINUTES**

---

**GOVERNANCE COUNCIL MEMBERS PRESENT:**

Academy for Academic Excellence – Lisa Lamb, Allegiance STEAM Academy – Sebastian Cогnetta, Apple Valley USD – Trenae Nelson, Baker Valley USD – Cecil Edwards, Desert Trails Preparatory Academy (DTPA) & LaVerne Elementary Preparatory Academy (LEPA) – Debra Tarver, Helendale SD – Ross Swearingen, Hesperia USD – David Olney, Lucerne Valley USD – Peter Livingston, Oro Grande SD – Derek Delton, SBCSS – Ted Alejandre, Silver Valley USD – Jesse Najera, Snowline USD – Ryan Holman, and Victor Elementary SD – Lori Clark.

**OTHERS PRESENT:**

Doreen Mulz - Ballington Academy, Tanya Taylor – Julia Lee Performing Arts Academy, and Brenda Congo – Taylion High Desert Academy.

**CAHELP JPA STAFF PRESENT:**

Jamie Adkins, Pamela Bender, Heidi Chavez, Marina Gallegos, Linda Llamas, Kathleen Peters, Deborah Sarkesian, Adrienne Shepherd, 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 Ross Swearingen at 10:04 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 Lori Clark, seconded by David Olney, to approve the January 20, 2023 CAHELP, JPA Governance Council Meeting Agenda as presented. The motion carried on the following vote: 13:0:0 Ayes: Alejandre, Clark, Cогnetta, Delton, Edwards, Holman, Lamb, Livingston, Najera, Nelson, Olney, Swearingen, and Tarver. Nays: None, Abstentions: None.

**5.0 INFORMATION / ACTION**

5.1 Assembly Bill 361 Exemptions to Brown Act Virtual Meeting Requirements (**ACTION**)

Assembly Bill (AB) 361 requires local agencies to consider the circumstances of the state of emergency and make the following findings by a majority vote: 1) the state of emergency continues

California Association of Health and Education Linked Professions,  
Joint Powers Authority (CAHELP JPA)  
**GOVERNANCE COUNCIL MEETING**  
*January 20, 2023 - 10:00 a.m.*

Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley, California 92307

---

## MINUTES

---

to directly impact the ability of the members to meet safely in person; or 2) state or local officials continue to impose or recommend measures to promote social distancing.

There was discussion about AB 361 no longer being applicable going forward as LEAs are back in-person. Committee members were reminded that the addresses of sites attending remotely will need to be listed on agendas and the agendas are to be posted at the sites in public view with a space for the public to participate.

5.1.1 **BE IT RESOLVED** that a motion was made by Cecil Edwards, seconded by Derek Delton, to approve Assembly Bill 361 Exemptions to Brown Act Virtual Meeting Requirements as presented. After discussion, the motion failed on the following vote 6:7:0 Ayes: Alejandre, Delton, Edwards, Najera, Swearingen, and Tarver. Nays: Clark, Cognetta, Holman, Lamb, Livingston, Nelson, and Olney. Abstentions: None.

### 5.2 Bear Valley USD Notification to Take Back Programs (ACTION)

The Desert Mountain SELPA has received notification from Bear Valley Unified School District (USD) to take back the education of the moderate to severe students including speech services in grades three through six currently being served at the North Shore County School building effective at the beginning of the 2023-24 school year. This program is currently operating under San Bernardino County Superintendent of Schools (SBCSS) Desert Mountain Operations, Student Services.

5.2.1 **BE IT RESOLVED** that a motion was made by Lori Clark, seconded by Trenae Nelson, to approve the Bear Valley USD's notification to take back the education of the moderate to severe students in grades three through six including speech services currently operated under SBCSS as presented. The motion carried on the following vote: 13:0:0 Ayes: Alejandre, Clark, Cognetta, Delton, Edwards, Holman, Lamb, Livingston, Najera, Nelson, Olney, Swearingen, and Tarver. Nays: None, Abstentions: None.

## 6.0 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.

6.1 **BE IT RESOLVED** that a motion was made by Ryan Holman, seconded by Lisa Lamb, to approve the following Consent Items as presented. The motion carried on the following vote: 12:0:1 Ayes: Alejandre, Clark, Cognetta, Delton, Edwards, Holman, Lamb, Livingston, Najera, Nelson, Olney, Swearingen, and Tarver. Nays: None, Abstentions: Olney.

California Association of Health and Education Linked Professions,  
Joint Powers Authority (CAHELP JPA)  
**GOVERNANCE COUNCIL MEETING**  
*January 20, 2023 - 10:00 a.m.*

Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley, California 92307

---

## MINUTES

---

- 6.1.1 Approve the August 22, 2022 CAHELP, JPA Governance Council Special Meeting Minutes.
- 6.1.2 Approve the October 17, 2022 CAHELP, JPA Governance Council Meeting Minutes.
- 6.1.3 Approve the November 28, 2022 CAHELP, JPA Governance Council Special Meeting Minutes.

### 7.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS

#### 7.1 Educationally Related Mental Health Services (ERMHS) Funding Information

Pam Bender provided Educationally Related Mental Health Services (ERMHS) funding information. She and Marina Gallegos reviewed the Average Daily Attendance (ADA) and projected funding for each LEA, as well as the client count and number of services being provided. Pam continued that they also looked at the projected number and cost for clinical staff including salary and medical benefits for each LEA. She said providing these figures will allow the LEAs to see what mental health services for students in special education they could provide if they decided to hire their own clinical staff. Desert Mountain Children's Center (DMCC) provides more services than what ERMHS funding covers including residential placement. Pam said federal funding will continue to go through the SELPAs. ERMHS has been expanded to include students in general education and those students were not accounted for in the presented figures. Pam continued there are four SELPAs presenting to Advisory Commission on Special Education regarding how returning ERMHS funding to LEAs will impact students. Pam reported there was additional information in the meeting materials regarding fee-for-service amounts. She asked the council members to review the information and share it with their boards so that the council can possibly take action at the March 10, 2023 meeting to create Memorandum of Understanding (MOU) to continue to fund the programs in the current manner. Pam would like to have a conversation with each of the superintendents about the funding. She advised that if LEAs keep the ERMHS funding, it would cause a significant loss of CAHELP, JPA staff. Pam continued if funding does go to SELPA, the MOUs would be developed with each district. She shared there are several SELPAs throughout the state who have developed MOUs with their districts agreeing that funding will continue to go through SELPA.

Pam confirmed March 15 is the layoff notice date for SBCSS employees. Regarding First Right of Refusal, Pam referred to California Education Code 44903.7 for certificated staff and 45120.2 for classified staff. She shared she is talking with other SELPAs on how they have managed First Right of Refusal. If this is covered by program transfer regulations, there is a 366-day notice that must be provided but if it is less than 366 days, CAHELP, JPA Governance Council can vote to waive that timeline.

There was consensus for Pam to meet with the superintendents and their fiscal staff to review the data and to have a Special Governance Council meeting.

## **MINUTES**

---

Marina Gallegos shared DMCC has a contract with Department of Behavioral Health (DBH) that has a local requirement to make a match to access funding. DBH does not have enough money locally so DMCC has been using Assembly Bill (AB) 114 funding to make the match. CAHELP has approximately \$21 million in DBH contracts with DMCC providing approximately \$1.7 million match. That funding will be lost if DMCC cannot match. She concluded there is more value when funding moves through SELPA at almost an extra \$17 million in total with the Department of Behavioral Health contract.

### 7.2 Learning Recovery Support, Dispute Prevention and Resolution Funds Update

Pam Bender provided a Learning Recovery Support and Dispute Prevention and Resolution Funds update. She stated that the special education directors have been updated on the funding amounts and plans to ensure they know how to submit for reimbursements. Pam stressed the funding will be returned to CDE if not used by the LEAs.

Marina Gallegos stated the one-time state funding for Learning Recovery Support and Dispute Prevention and Resolution is to support students who experienced losses as a result of COVID-19 between March 13, 2020 and September 1, 2021. Marina reviewed the allocations and balances for each LEA. She said she has reviewed the LEA's Financial Activity Reports for expenditures that could be claimed under these funds and provided those figures as well. Marina stated the funds must be encumbered by June 30, 2023 and expended by September 30, 2023. She continued that many LEAs are making increased local contributions to Maintenance of Effort (MOE) and that by using these one-time funds, some LEAs can decrease the amount of the local contributions and pass MOE. Marina said there is also the option to claim prior year expenditures which would result in a revenue transfer. She reminded the committee members that the same information has been provided to the fiscal departments of the LEAs. Marina agreed to meet with any superintendent, special education director, and fiscal contact of any LEA interested in that opportunity.

### 7.3 Alternative Diploma Update

Pam Bender presented a PowerPoint on the alternative diploma pathway. She explained as part of Assembly Bill (AB) 181 and California Education Code Section 51225.31 is establishing a new high school diploma pathway exclusively for students with significant cognitive disabilities instead of a certificate of completion. Pam said a student can be awarded the alternative diploma if they have met the graduation requirements the LEA has developed. She continued that before commencing 10<sup>th</sup> grade, the IEP team needs to determine whether the student is eligible to participate in the graduation standards and the student must take the California Alternative Assessment (CAA) in 11<sup>th</sup> grade. A student who is in functional skills program is not eligible but a student that needs differential standards for aligned coursework is. Pam said eligible students are those with significant disabilities and are generally in the most severe classes. The student must also be identified as cognitively impaired and not eligible for general education diploma. An

California Association of Health and Education Linked Professions,  
Joint Powers Authority (CAHELP JPA)  
**GOVERNANCE COUNCIL MEETING**  
*January 20, 2023 - 10:00 a.m.*

Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley, California 92307

---

## MINUTES

---

LEA will continue to be obligated to provide free appropriate public education (FAPE) until the student is 22 years of age even if they earn an alternative diploma. Pam shared CDE has an Alternative Assessment IEP Committee to assist in developing the guidelines and requirements. Pam reminded the committee members that students who take the CAA are 1% of the special education population so no more than that should be eligible for the alternative diploma. Pam restated the LEAs are to determine what their eligibility requirements will be. In closing, Pam confirmed the alternative diploma will not look any different from a traditional diploma and the student records will not say “modified”.

### 7.4 Tracking of Service Minutes-IEP Implementation and Monitoring

Pam Bender presented a PowerPoint with information regarding the tracking of service minutes. She said the federal government found California Department of Education (CDE) was not adequately collecting data regarding Individualized Education Plan (IEP) implementation. In response, CDE was ordered to develop an annual data collection plan. Pam stated CDE will identify 5% of students with disabilities in each district over a 60-day period and review what services were listed on the IEP and what services were provided. She continued that CDE will compile the data to identify LEAs in need of monitoring and support in the subsequent monitoring years: 100-95% of services received, 94.9-90%, and less than 90%. CDE has not yet provided the means to collect the data, but Pam has advised the special education directors that tracking was to start at the beginning of the 2022-23 school year. Pam said that IEP service minutes can be documented in a number of ways including service logs, attendance in self-contained classrooms, and Medi-Cal billing. She reported that Special Education Information System (SEIS) does track services and that will help beginning in 2023-24 when the contract begins. Pam said if services were not provided because the provider was not available, the service minutes must be made up. If the student is absent, the minutes do not have to be made up. CDE will provide the student names or Statewide Student Identifier (SSID) that they will be reviewing for a specific timeframe. Pam said at this time, CDE has not given the date for when their review list will be released. She continued that the LEA staff will gather the information and provide it to the superintendent to sign off, it will then be given to SELPA to sign off before returning to the LEA for submission to CDE.

Ross Swearingen said California Teachers Association (CTA) has started to be discuss service minute tracking in their negotiations.

### 7.5 2023-24 CAHELP JPA Governance Council Meeting Dates and Location

Pam Bender led a discussion regarding 2023-24 CAHELP JPA Governance Council meeting dates and location. The consensus was for the meetings to remain in the desert mountain region. It was suggested that Pam, Ross Swearingen, and Matt Wells, director of Mountain Desert Career Pathways (MDCP) coordinate their meetings to be held one after the other at Desert Mountain Education Service Center. Pam said she will work to schedule a meeting with Matt Wells and the CAHELP JPA Governance chairperson to discuss coordinating meetings.

California Association of Health and Education Linked Professions,  
Joint Powers Authority (CAHELP JPA)  
**GOVERNANCE COUNCIL MEETING**  
*January 20, 2023 - 10:00 a.m.*

Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley, California 92307

---

## MINUTES

---

### 7.6 Resolution Support Services Update

Kathleen Peters provided an update on Resolution Support Services for DMSELPA and Desert Mountain Charter SELPA (DMCS). Kathleen also reported a March Key2Ed training is being postponed due to lack of participants. She added the upcoming Core Communication Skills training is at capacity.

### 7.7 Prevention and Intervention Update

Pam Bender called on Deborah Sarkesian to provide a Prevention and Intervention update. Deborah explained that the Positive Behavioral Interventions and Supports (PBIS) team has become the Prevention and Intervention (P&I) team which provides PBIS supports as well as mental health supports and social emotional learning supports.

### 7.8 Compliance Update

Pam Bender provided an update on compliance. She said there are two districts in significant disproportionality with their plans submitted and approved by CDE. Pam continued there are a few LEAs involved in Small School Monitoring that will be in a three-year cycle with one third of schools with less than 100 students in special education being reviewed each year. For this year, the Policy and Procedures portion was due before winter recess with Educational Benefit Review submitted on January 31, 2023 then IEP Service Review will be next.

### 7.9 Desert Mountain Operations Referrals and Need for Space

Pam Bender provided information on Desert Mountain Operations referrals and their need for additional space. She said Rich Frederick will attend the March 10, 2023 CAHELP, JPA Governance Council meeting to present information on the increase in referrals and the need for additional space for the increase in the number of students.

## 8.0 INFORMATION ITEMS

### 8.1 Professional Learning Summary

Heidi Chavez provided the professional learning summary. She then reported the next Community Advisory Committee (CAC) meeting is scheduled in February with Apple Valley USD hosting. She said representatives from each district are needed as well as chairperson and co-chairperson. Heidi said having LEA representatives attending the CAC meetings is a requirement of being a SELPA member.

Heidi stated the I-MTSS Symposium will be held on March 8, 2023 and is limited to 300 participants. At a date following the symposium, speaker Ami Davis will return to DMESC to

California Association of Health and Education Linked Professions,  
Joint Powers Authority (CAHELP JPA)

**GOVERNANCE COUNCIL MEETING**

*January 20, 2023 - 10:00 a.m.*

Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley, California 92307

---

**MINUTES**

---

provide a more in-depth training. The date of the additional training will be released on March 8, 2023 at the symposium.

**9.0 GOVERNANCE COUNCIL MEMBERS COMMENTS / REPORTS**

Ross Swearingen reported the next regular meeting is scheduled for March 10, 2023 at 10:00am at DMESC. He strongly encouraged all members to attend in person.

**10.0 CEO COMMENTS**

Pam Bender said she is working with SBCSS on Local Control and Accountability Plan (LCAP). She reported that LEA parent advisory boards must have at least two parents of children with disabilities. Pam also said that effective 2023-24, LEAs must also have students on the advisory groups.

Pam thanked the council members that attended in-person as it is helpful for discussion and interaction.

**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 David Olney, to adjourn the meeting at 11:31am. The motion carried on the following vote 13:0:0 Ayes: Alejandre, Clark, Cognetta, Delton, Edwards, Holman, Lamb, Livingston, Najera, Nelson, Olney, Swearingen, and Tarver. Nays: None, Abstentions: None.

The next regular meeting of the CAHELP, JPA Governance Council will be held on Friday, March 10, 2023, at 10:00 a.m., at the Desert Mountain Educational Service Center, Aster/Cactus Room, 17800 Highway 18, Apple Valley, CA 92307.

*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.*