

California Association of Health and Education Linked Professions

Joint Powers Authority (CAHELP JPA)

GOVERNANCE COUNCIL MEETING

October 17, 2022 - 1:30 p.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 Coggnetta, Callie Moreno, Apple Valley USD – Trena Nelson, Barstow USD – Jeff Malan, Desert Trails Preparatory Academy (DTPA) & LaVerne Elementary Preparatory Academy (LEPA) – Debra Tarver, Helendale SD – Ross Swearingen, Lucerne Valley USD – Peter Livingston, Silver Valley USD – Jesse Najera, Snowline USD – Ryan Holman, and Victor Elementary SD – Lori Clark.

OTHERS PRESENT:

Tanya Taylor – Julia Lee Performing Arts Academy, Craig Merrill – Pathways to College, Brenda Congo – Taylion High Desert Academy, Michelle Romaine – Virtual Prep Academy-Lucerne.

CAHELP JPA STAFF PRESENT:

Jamie Adkins, Pamela Bender, Heidi Chavez, Peggy Dunn, Marina Gallegos, Kathleen Peters, 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 1:02 p.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 Jesse Najera, seconded by Peter Livingston, to approve the October 17, 2022 CAHELP JPA Governance Council Meeting Agenda as presented. The motion carried on the following vote: 10:0: Ayes: Clark, Coggnetta, Holman, Lamb, Livingston, Malan, Najera, Nelson, Swearingen, Tarver. Nays: None, Abstentions: None.

5.0 PRESENTATIONS

5.1 SBCSS D/M Operations Final 2021-22 Local Control Funding Formula (LCFF) Revenue Transfer

The SBCSS D/M Operations Fiscal Year 2021-22 LCFF Revenue Transfer was presented by Jennifer Alvarado.

California Association of Health and Education Linked Professions
Joint Powers Authority (CAHELP JPA)
GOVERNANCE COUNCIL MEETING
October 17, 2022 - 1:30 p.m.

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

MINUTES

5.2 SBCSS D/M Operations 2021-22 Fee-For-Service Year-End Actuals

The SBCSS D/M Operations Fiscal Year 2021-22 Fee-For-Service Year-End Actuals was presented by Jennifer Alvarado.

5.3 SBCSS D/M Operations 2021-22 Fee-for-Service Return

The SBCSS D/M Operations 2021-22 Fee-For-Service Return was presented by Jennifer Alvarado.

5.4 The Feldhake Law Firm, APC

Robert J. Feldhake of The Feldhake Law Firm, APC presented information pertaining to joint powers authority (JPA). Mr. Feldhake stated CAHELP JPA is an independent governmental agency comprised of individual members and not part of anything else. He continued that JPAs are popular and extensive throughout the state of California and exist because they give the group a lot of flexibility in terms of contracting, program design, and ancillary services. Mr. Feldhake went on to say there may be contracting that CAHELP JPA does where it could be easier to do as a template. He concluded that his office is available to answer questions as they arise.

6.0 INFORMATION / ACTION

6.1 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 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.

6.1.1 **BE IT RESOLVED** that a motion was made by Sebastian Cогnetta, seconded by Lisa Lamb, to approve Assembly Bill 361 Exemptions to Brown Act Virtual Meeting Requirements as presented. The motion carried on the following vote: 10:0: Ayes: Clark, Cогnetta, Holman, Lamb, Livingston, Malan, Najera, Nelson, Swearingen, Tarver. Nays: None, Abstentions: None.

6.2 Desert/Mountain Charter SELPA Application for Membership FY 2022-23 (**ACTION**)

The Desert/Mountain Charter SELPA has received one application from Allegiance STEAM Academy-Fontana for membership into the Charter SELPA for FY 2022-23. A discussion occurred regarding the potential applicant. A recommendation for membership was offered from the CAHELP administrative team and the Charter SELPA CEOs.

6.2.1 **BE IT RESOLVED** that a motion was made by Lisa Lamb, seconded by Peter Livingston to approve Allegiance STEAM Academy - Fontana application for

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

GOVERNANCE COUNCIL MEETING

October 17, 2022 - 1:30 p.m.

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

MINUTES

membership as presented. The motion carried on the following vote: 9:0:1 Ayes: Clark, Cognetta, Holman, Lamb, Livingston, Malan, Najera, Nelson, Swearingen, Tarver. Nays: None, Abstentions: Cognetta.

6.3 Special Education Information System (SEIS) (**ACTION**)

Pam Bender proposed that CAHELP JPA and its membership transition to Special Education Information System (SEIS) beginning for the 2023-24 school year. She presented a services and cost comparison between SEIS and Web IEP. Pam highlighted the DocuSign contract is \$800,000 for three years but electronic signatures will be included with the SEIS contract. SEIS includes service logs which would have also been an additional cost with Web IEP. Pam continued that when the determination is made to move forward with SEIS, MIS Analyst will ensure the appropriate CAHELP JPA staff are trained then begin training LEA teachers, service providers, and staff.

A motion was made by Debra Tarver, seconded by Sebastian Cognetta, to approve transitioning to SEIS. There was discussion around the end date of the DocuSign contract which expires on June 30, 2023. The motion failed due to lack of vote.

6.3.1 **BE IT RESOLVED** that a motion was made by Jesse Najera, seconded by Peter Livingston, to table CAHELP JPA transitioning to Special Education Information System (SEIS) beginning July 1, 2023 until the next meeting. The motion carried on the following vote: 10:0: Ayes: Clark, Cognetta, Holman, Lamb, Livingston, Malan, Najera, Nelson, Swearingen, Tarver. Nays: None, Abstentions: None.

6.4 Form D/M 114 Behavior Emergency Report (BER) (**ACTION**)

Forms used in the operations of special education programs within the Desert/Mountain SELPA are developed, reviewed and revised throughout the year upon the recommendation of the Program Team. Forms are modified as necessary in order to support the operations of special education programs in an efficient, effective and legally compliant manner. Suggested revisions to SELPA Forms are submitted to the D/M SELPA and D/M Charter SELPA Steering Committees for consideration and approval.

6.4.1 **BE IT RESOLVED** that a motion was made by Jesse Najera, seconded by Ryan Holman, to approve the Form D/M 114 Behavioral Emergency Report (BER) as presented. The motion carried on the following vote: 10:0: Ayes: Clark, Cognetta, Holman, Lamb, Livingston, Malan, Najera, Nelson, Swearingen, Tarver. Nays: None, Abstentions: None.

6.5 Form D/M 85 SBCSS Desert/Mountain Operations Referral (**ACTION**)

Forms used in the operations of special education programs within the Desert/Mountain SELPA

MINUTES

are developed, reviewed and revised throughout the year upon the recommendation of the Program Team. Forms are modified as necessary in order to support the operations of special education programs in an efficient, effective and legally compliant manner. Suggested revisions to SELPA Forms are submitted to the D/M SELPA and D/M Charter SELPA Steering Committees for consideration and approval.

6.5.1 **BE IT RESOLVED** that a motion was made by Peter Livingston, seconded by Jesse Najera, to approve the Form D/M 85 SBCSS Desert/Mountain Operations Referral as presented. The motion carried on the following vote: 10:0: Ayes: Clark, Cognitiona, Holman, Lamb, Livingston, Malan, Najera, Nelson, Swearingen, Tarver. Nays: None, Abstentions: None.

6.6 Form D/M 173 Referral to SBCSS Desert/Mountain Operations for Related Services Provider **(ACTION)**

Forms used in the operations of special education programs within the Desert/Mountain SELPA are developed, reviewed and revised throughout the year upon the recommendation of the Program Team. Forms are modified as necessary in order to support the operations of special education programs in an efficient, effective and legally compliant manner. Suggested revisions to SELPA Forms are submitted to the D/M SELPA and D/M Charter SELPA Steering Committees for consideration and approval.

6.6.1 **BE IT RESOLVED** that a motion was made by Lisa Lamb, seconded by Sebastian Cognitiona, to approve retirement of Form D/M 173 Referral to SBCSS Desert/Mountain Operations for Related Services Provider as presented. The motion carried on the following vote: 10:0: Ayes: Clark, Cognitiona, Holman, Lamb, Livingston, Malan, Najera, Nelson, Swearingen, Tarver. 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 Peter Livingston, seconded by Sebastian Cognitiona, to approve the following Consent Items as presented. The motion carried on the following vote: 10:0: Ayes: Clark, Cognitiona, Holman, Lamb, Livingston, Malan, Najera, Nelson, Swearingen, Tarver. Nays: None, Abstentions: None.

7.1.1 Approve the May 20, 2022 CAHELP JPA Governance Council Meeting Minutes.

7.1.2 Approve the Association of Community Based Organizations (ACBO) 2022-23

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

GOVERNANCE COUNCIL MEETING

October 17, 2022 - 1:30 p.m.

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

MINUTES

Annual Membership for DMCC Director Linda Llamas in the amount of \$125.00.

7.1.3 Approve the 2022-23 Crisis Prevention Institute (CPI) Annual Membership for Ned Broberg, Danielle Cote, Adrien Faamausili, Brian Follis, Blanca Medrano, and Michael Norton in an amount not to exceed \$200.00 per individual membership.

7.1.4 Approve 2022 Theraplay Certification Renewal for Julie McNeil in the amount of \$50.00.

7.1.5 Approve the 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.

8.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS

8.1 Legislative Update

Pam Bender provided a legislative update as it pertains to special education. Both Senate Bill (SB) 1113 re: inclusive education and universal design for learning and SB 870 for developmental services were vetoed. Pam reported the following bills were chaptered: SB 291, Assembly Bill (AB) 1868, and SB 692. SB 1016 Special Education, eligibility of Fetal Alcohol Spectrum Disorder was also signed into law with being listed as Other Health Impairment (OHI). Pam pointed out that a student with a medical diagnosis of Fetal Alcohol Spectrum Disorder must still qualify for special education services.

8.2 Assembly Bill 2449 Open Meetings: Local Agencies: Teleconferences (Brown Act)

Pam Bender provided information pertaining to Assembly Bill 2449 Open Meetings: Local Agencies: Teleconferences (Brown Act), implementing January 1, 2023. She stated all meetings must be held in-person but there are two provisions allowing a committee member to attend remotely: emergency circumstance or just cause. Emergency Circumstance is a physical or family medical emergency that prevents the committee member from attending in person and must be approved by the legislative body. The requirement also includes that quorum must be present in person with both audio and visual presence so a member of the public can see and hear all participants. Just Cause is defined as childcare or caregiving needs, contagious illness, physical or mental disability not otherwise accommodated, or travel while on official business of the legislative body or another state or local agency. Pam continued there are additional limits to the number of times a committee member can participate virtually with no more than three consecutive months or 20% of the meetings in a fiscal year. Pam then said the Governance Council could

MINUTES

consider meeting on a different date or time, depending on other meetings such as the SBCSS District Superintendents' meetings in San Bernardino and would suggest the council members consider those options.

8.3 One-Time Learning Recovery Support and Dispute Prevention/Resolution Funding

Pam Bender called on Marina Gallegos to present updated balance information of one-time Learning Recovery Support and Dispute Prevention/Resolution Funding. Marina reported the current unclaimed balances of both funding sources. She explained the funding can be accessed through planning estimates or planning narratives that would be submitted to Heidi Chavez or Kathleen Peters. Marina reiterated the funds must be encumbered by June 30, 2023 and expended by September 30, 2023. Marina also shared an article from Coalition for Adequate Funding for Special Education (CAFSE) which identified a couple of methodologies for LEAs to access the funding for prior year expenditures that also involve a revenue transfer. She encouraged the committee members to talk about the funding with their business staff about the impact to Maintenance of Effort (MOE) as they are reluctant to spend the money. Marina said she has reviewed the 2021-22 and 2022-23 budget and sees large amounts of local contributions that can be reduced by using these funds. Marina concluded with asking the council members to have their business staff contact her with questions.

8.4 Proposed Educationally Related Mental Health Services (ERMHS) Funding Changes

Pam Bender presented information pertaining to proposed educationally related mental health funding changes. She said there was a reprieve this year with funding continuing through SELPAs and confirmed next year the funding will go to districts. Pam continued one of the advantages of the funding coming through the D/M SELPA is the connection to Department of Behavioral Health (DBH). Also, if a small district enrolls a student with high needs, that could use the available ERMHS funding in addition to some general education funds. Pam recommends using the current format and creating a Memorandum of Understanding (MOU) including all member LEAs with funds coming to CAHELP JPA with local members receiving their funding. Currently, ERMHS funds the oversight of residential students, so staff are able to visit the sites, provide ERMHS assessments, and provide counseling through Desert Mountain Children's Center (DMCC). Pam continued that ERMHS is now for all students, not only students in special education. She said State SELPA Administrators continues to lobby for the funding to come through the SELPAs.

8.5 Program Transfer for Bear Valley USD

Pam Bender provided information regarding the possible program transfer for Bear Valley USD. She said notification has been received from Bear Valley USD that they are wanting to transfer the 3rd -6th grade moderate severe classroom be transferred back to the district. Pam reported that will consist of 11 students in total: 11 receive speech services, six receive occupational therapy services, one receives physical therapy services, one receives adapted physical education, and three receive intensive intervention. The classroom also has one teacher and two paraprofessionals.

MINUTES

Pam said she and Rich Frederick will meet with Bear Valley USD to review information as their final decision must be made by October 31. She stated that according to educational code when an LEA transfers programs, the staff currently providing the services are given first right to the Bear Valley USD positions created due to the LEA taking back the program. Rich will provide Bear Valley USD with an accounting of the cost for each student so they have a realistic understanding of what will be needed.

8.6 Small LEAs and Special Education Monitoring

Pam Bender provided information regarding small LEA monitoring. She reported that moving forward, every district and charter with less than 100 students with disabilities will be monitored by CDE. A three-year cycle begins this year with 1/3 of the State's small LEAs being selected for this year, another 1/3 in 2023-24, and the remaining 1/3 in 2024-25. Pam stated CDE will be using Special Education Self-Review (SESR) to review at least ten student files for educational benefit and 25 student files for policy and procedure. The reviews are due to CDE by December 5, 2022 with a possible extension to January 30, 2023.

8.7 Governance Council Member Data Collection Form

Pam Bender provided information pertaining to the Governance Council Member Data Collection Form. She stated that due to the funding for current contracts with the Department of Behavioral Health, DMCC is required to complete monthly "exclusion" checks on three federal and one state database in order to verify that none of our employees, contractor, or Council members have been excluded from participation in Medicare, and all other Federal health care programs. These sites have listings of individuals that have been excluded or disqualified from health care programs or organizations awarded or receiving federal funds. Pam continued that previously, the clearance process only required the use of the first and last names, but it now requires the individual's full legal names, date of birth, and social security number in order to be compliant with the funding contracts. The information will only be provided to the quality compliance analyst and only used for the required exclusion checks. Pam stressed the information will not be shared. She said Jamie Adkins will email the form to the council members and asked for the completed document be returned to Jamie via encrypted email.

8.8 Prevention and Intervention Update

Pam Bender provided a Prevention and Intervention update. She reported the triage grant has been completed with all documents submitted. Because of this, the triage team and the prevention and intervention team will be combined. Pam stated any contract the LEAs currently have with CAHELP JPA will continue as is.

8.9 Compliance Update

Pam Bender provided an update on compliance issues from the California Department of Education. She reported two LEAs are in significant disproportionality and three LEAs in

MINUTES

disproportionality. Pam state that Peggy Dunn and her team continually meet with special education directors to put plans in place to get out of disproportionality areas.

8.10 Bridge to Added Authorizations

Pam Bender presented information regarding the bridge to added authorizations. The California Commission on Teacher Credentialing (CTC) is changing current credential for special education: Mild Moderate Disability is no Mild Moderate Support Needs, Moderate Severe Disabilities is now Extensive Support Needs, Early Childhood Special Education continues to Early Childhood Special Education, but they will be able to teach both transitional kindergarten and kindergarten. Pam shared State SELPA Administrators is working with CTC and CDE to create a bridge that will assist teachers in getting the authorizations. The teacher would still have to file the forms and pay any fees to CTC, but free professional development trainings will assist the teachers in achieving needed authorization.

8.11 Alternative Diploma

Pam Bender provided information on the alternative diploma. Pam reported there is significant discussion at State SELPA Administrators meetings about what an alternative diploma will look like. She said at this time, it has been left up to each LEA but as information is made available, it will be shared with the special education directors at the monthly Steering and Finance Committee meetings.

8.12 CARE Center Location

Pam Bender led a discussion on CARE Center location. She reported that DMOPS preschool numbers are rising, with more classroom space needed. Because of that, DMCC is looking to relocate the CARE program. Pam asked if any LEA has extra classrooms or space for portables, to contact her. She said DMCC is releasing one classroom to DMOPS effective January 1, 2023 but CARE does need two classrooms.

9.0 INFORMATION ITEMS

9.1 Professional Learning Summary

9.2 Resolution Support Services Summary

10.0 CLOSED SESSION

10.1 Possible Litigation

10.2 Possible Employee Discipline

MINUTES

11.0 REPORT OUT ON CLOSED SESSION

Ross Swearingen reported there was discussion on possible litigation and possible employee discipline.

12.0 GOVERNANCE COUNCIL MEMBERS COMMENTS / REPORTS

Sebastian Cognetta thanked the committee members for approving the expansion of Allegiance STEAM – Fontana in the D/M Charter SELPA. Jesse Najera acknowledged that Allegiance STEAM has impressive programs.

It was announced that Jeff Malan will be retiring from Barstow USD effective January 31, 2023.

13.0 CEO COMMENTS

Pam Bender said she has been the CEO of CAHELP JPA for almost a year. She shared her appreciation in the opportunity to work with the Governance Council and the relationships she has built in that time.

14.0 MATTERS BROUGHT BY GENERAL PUBLIC

None.

15.0 ADJOURNMENT

Having no further business to discuss, a motion was made by Jesse Najera, seconded by Lisa Lamb, to adjourn the meeting at 2:52 p.m. The motion carried on the following vote: 10:0: Ayes: Clark, Cognetta, Holman, Lamb, Livingston, Malan, Najera, Nelson, Swearingen, Tarver. Nays: None, Abstentions: None.

The next regular meeting of the CAHELP JPA Governance Council will be held on Friday, January 20, 2022, 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.