

California Association of Health and Education Linked Professions,
Joint Powers Authority (CAHELP, JPA)
DESERT MOUNTAIN CHARTER SELPA EXECUTIVE COUNCIL MEETING
January 26, 2023 – 10:00 a.m.
Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley CA 92307

MINUTES

DESERT MOUNTAIN CHARTER SELPA EXECUTIVE COUNCIL MEMBERS PRESENT:

Allegiance STEAM Academy – Sebastian Coggnetta, Ballington Academy – Doreen Mulz, Desert Trails Preparatory Academy (DTPA) & La Verne Elementary Preparatory Academy (LEPA) – Debbie Tarver, Elite Academic Academy – Meghan Freeman, Julia Lee Performing Arts Academy – Tanya Taylor, Leonardo da Vinci Health Sciences – Anne Laird, Odyssey Charter Schools – Lauren O’Neill, and Virtual Prep Academy at Lucerne – Michelle Romaine.

CAHELP STAFF PRESENT:

Jamie Adkins, Pam Bender, Heidi Chavez, Marina Gallegos, Kathleen Peters, Adrienne Shepherd-Myles, and Jennifer Sutton.

1.0 CALL TO ORDER

The regular meeting of the Desert Mountain Charter SELPA (DMCS) Executive Council Meeting was called to order by Chairperson Pam Bender, at 10:11 a.m., at the Desert/Mountain Educational Service Center, Apple Valley, California.

2.0 ROLL CALL

3.0 PUBLIC PARTICIPATION

None.

4.0 ADOPTION OF THE AGENDA

4.1 **BE IT RESOLVED** that the adoption of the January 26, 2023 Desert Mountain Charter SELPA Executive Council Meeting Agenda failed due to lack of quorum.

5.0 CONSENT ITEM

It is recommended that the Desert Mountain Charter SELPA Executive 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 Committee Member at the meeting for clarification, discussion, or change.

5.1 **BE IT RESOLVED** that the approval of the following Consent Item be tabled until March 23, 2023 meeting due to lack of quorum.

5.1.1 Approve the October 20, 2022 Desert Mountain Charter SELPA Executive Council Meeting Minutes.

6.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS

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6.1 Assembly Bill 361 and Assembly Bill 2449 Brown Act Update

Pam Bender provided a Brown Act Update pertaining to Assembly Bills 361 and 2449. As of the time of the meetings, the California State of Emergency ends February 28, 2023. Pam said after receiving legal opinion and meeting with CAHELP, JPA Governance Council, all CAHELP, JPA meetings will continue with traditional Brown Act provisions. She said council members will notify Jamie Adkins if they will be participating in person or remotely and if remote, provide the address where they will participate from so that it can be listed on the agenda. When finalized, the agenda is to be posted at all remote sites with a space available for the public to attend.

6.2 Small LEAs and Special Education Monitoring

Pam Bender provided information regarding small LEA monitoring. Those selected for this year's monitoring did submit Policy and Procedure in December 2022 with Educational Benefit Review is due on January 30, 2023. Pam said CDE will review Educational Benefit Review then in the spring, ask to LEAS to review records of no more than 25 students which will include verifying enrollment, and reviewing the most recent IEP. There will be a training offered in Stepwell platform that has been used in other compliance monitoring along with guidance from Focused Monitoring and Technical Assistance (FMTA) and SELPA staff. Pam encouraged LEA staff to be involved in the student record reviews so they learn to write better IEPs even though SELPA staff is there to support. She continued that once the student record reviews are submitted, CDE will provide notice if corrective actions are needed. Pam confirmed it is a three-year cycle meaning all small LEAs will be reviewed in the next three years. Pam agreed to share a compilation of the process later in the year to help the other LEAs prepare for when they are selected. She said Policy and Procedure comes from SELPA so that portion is easier, but the remainder is more involved for the LEAs. Pam also agreed to having a debrief inviting appropriate staff from small district LEAs to see what is being commonly missed in IEPs.

Kathleen Peters reported that she participated in a review on January 25, 2023 and based on that as well as recent Office of Administrative Hearings, many IEPs are missing progress on goals. She said it is important for each of the Progress and Goals pages of IEPs be completed.

6.3 Transition to Special Education Information System (SEIS) IEP Platform

Pam Bender provided an update on the transition to Special Education Information System (SEIS) IEP platform. She reported CAHELP, JPA Governance Council approved the transition and Colette Garland has begun working to get the records transferred as well as training for SELPA staff. Pam also reported the past three years of documents will be uploaded and accessible. She confirmed SEIS will be implemented on July 1, 2023.

6.4 Learning Recovery Support and Dispute Prevention/Resolution Funding Update

Pam Bender provided a Learning Recovery Support and Dispute Prevention/Resolution Funding update. She said that if the funds are not claimed, they will be returned to CDE. Pam continued

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that Marina Gallegos has spoken several times about how the funds can be used including for previous years, prior settlements, compensatory education, and more. The funds cannot be used for attorney fees.

Lauren O'Neill thanked the SELPA team for making the process of claiming funds easy and said her LEA will continue to use their portion of the funding.

Marina said there are a couple of the LEAs that will not be using their portion of the funds so Marina will inquire if funds can be reallocated to other LEAs within our SELPA. However, it was stated that would require an update to the plan and the due dates for that has passed. Marina will confirm.

Meghan Freeman encouraged LEA Chief Executive Officers and directors to notify their contracted fiscal services about the available funding and the impact on maintenance of effort (MOE) especially going in to second interim. She continued additional dollars are not often available and is now available to support students in special education which is often an encroachment on general funds. Meghan said the benefit of using the funds could possibly outweigh any MOE risk. Meghan is concerned that if LEAs do not use the funds and they are returned to CDE, the state will think the funds are not needed.

Pam concluded that the funds must be encumbered by June 30, 2023 and spent by September 30, 2023.

6.5 IEP Implementation and Monitoring of Tracking Service Minutes

Pam Bender presented information regarding IEP implementation and monitoring of service minute tracking. Pam provided a brief overview stating more specific details have been provided to the special education directors. She said as educators in special education, tracking goals should already be done and this will ensure that the students are receiving their services. Pam reported SEIS has a service tracker but it is currently set up for 365-days instead of actual school days. She added that State SELPA has a small work group that has developed an Excel program that will calculate the information so it will be reviewed for ease of use. Pam shared some districts are finding it to be an issue in negotiating with teachers' unions as they feel it is additional work though tracking of services should already be done.

6.6 Educationally Related Mental Health Services (ERMHS) Funding Information

Pam Bender called on Marina Gallegos to provide Educationally Related Mental Health Services (ERMHS) funding information. Marina reported that between state and federal funding, SELPA receives approximately \$532,000 for mental health funding with 32 students currently receiving Desert Mountain Children's Center (DMCC) services. She said a number of charter LEAs will benefit from receiving the funding directly from the state as proposed by the governor in AB 114.

Pam said a portion of ERMHS funding comes off the top to pay for residential placements that applies to SELPA LEA. For charter LEAs with students who receive services from DMCC it could

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be beneficial to continue to have the funds continue through SELPA, possibly with a Memorandum of Understanding (MOU) as it allows the funds to be enhanced by the DMCC contract with DBH.

6.7 Alternative Diploma Pathway Update

Pam Bender presented an update on 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 10th grade, the IEP team needs to determine whether the student needs to participate in the graduation standards and the student must take the California Alternative Assessment (CAA) in 11th 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 in the most severe classes. The student must also be identified as cognitively impaired and not eligible for general education diploma. An 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.

6.8 Low Incidence Ending Balance

Pam Bender called on Marina Gallegos to lead a discussion on options for the Low Incidence Fund ending balance. Marina reported the 2021-22 school year generated approximately \$59,000 in revenue with expenditures of \$917. She said 2022-23 has a similar estimated revenue creating a potential ending balance of roughly \$168,000. Marina said the funds have historically been used to reimburse LEAs for LIE equipment that has been purchased.

Pam added student who are low incidence are those that are deaf or hard of hearing, visually impaired or blind, and orthopedically impaired.

Marina said it is possible for the funds to be used to reimburse LEAs for hearing assessments. She concluded the goal is for the balance to not continue to grow.

6.9 2023-24 Set-Aside Fund

Pam Bender asked Marina Gallegos to lead a discussion on options for the 2023-24 Set-Aside Fund. Marina reported the Set-Aside fund is an emergency fund. There were no expenditures in 2021-22 so there was a pause on the 3% contribution for 2022-23 with no anticipated revenue. Marina said \$75,000 was budgeted for expenditures for 2022-23 based on hearing that some LEAs were

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considering asking for reimbursement but that has not yet happened. She continued that will leave an ending balance of \$814,000 this year. It was suggested to continue the pause in contributions for another fiscal year to allow LEAs to offset any encroachment on the general fund.

6.10 Professional Learning Summary

Pam Bender presented the DMCS's Professional Learning Summary in Heidi Chavez's absence. She then reported the next Community Advisory Committee (CAC) meeting is scheduled in February with Apple Valley USD hosting. Pam asked for the flyer to be shared with parents and staff.

Pam stated the I-MTSS Symposium will be held on March 8, 2023 in San Bernardino. Speaker Ami Davis will return to DMESC to provide a more in-depth training on a different date following the symposium.

6.11 Resolution Support Services Summary

Kathleen Peters presented the DMCS's Resolution Support Services Summary. Kathleen also said the upcoming Core Communication Skills training is at capacity. She said the March Key2Ed training has been cancelled due to lack of participants and asked to be contacted if interested in the training.

6.12 Compliance Updates

Pam Bender presented an update on compliance items from the California Department of Education (CDE) in Peggy Dunn's absence.

7.0 INFORMATION ITEMS

7.1 Upcoming Professional Learning Opportunities

8.0 DESERT/MOUNTAIN CHARTER SELPA EXECUTIVE COUNCIL MEMBERS COMMENTS / REPORTS

None.

9.0 CEO COMMENTS

Pam Bender welcomed everyone to 2023, hoping everyone is energized and ready to get through the last semester taking it one day at a time. She reminded the council members that for IEP Implementation, CDE will pull specific student records and calculate the percentage of services minutes during a 60-day period with the CEO or superintendent certifying with signature. The document will then be sent to SELPA for signature then returned to the LEA for submission to CDE.

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10.0 MATTERS BROUGHT BY CITIZENS

None.

11.0 ADJOURNMENT

Having no further business to discuss, Pam Bender ended the meeting at 11:12am

The next regular meeting of the Desert Mountain Charter SELPA Executive Council will be held on Thursday, March 23, 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.