

California Association of Health and Education Linked Professions
Joint Powers Authority (CAHELP JPA)
DESERT MOUNTAIN CHARTER SELPA EXECUTIVE COUNCIL MEETING
March 23, 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:

Elite Academic Academy – Meghan Freeman via Web Ex, Odyssey Charter Schools – Lauren O’Neill via Web Ex, and Pathways to College – James Connell.

CAHELP STAFF PRESENT:

Jamie Adkins, Pam Bender, Heidi Chavez, Peggy Dunn, Marina Gallegos, Linda Llamas, 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 10:15 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 March 23, 2023 Desert Mountain Charter SELPA Executive Council Meeting Agenda failed due to lack of quorum.

5.0 INFORMATION/ACTION

5.1 Use of Desert Mountain Charter SELPA Low Incidence Ending Balance (ACTION)

Pam Bender was expecting to propose the Desert Mountain Charter SELPA Low Incidence Ending Balance be used to reimburse charter LEAs for low incidence costs incurred in 2022-23. Due to lack of quorum, she shared the estimated Low Incidence ending balance as well as the incurred costs for the council members to review in preparation for the next meeting. Pam suggested the executive council start conversations with the directors of special education and their fiscal department to confirm if there are any reimbursements to be requested in the current year.

Marina Gallegos reported the ending balance is growing but it should instead be spent. She said there may be ways to reimburse charter LEAs for contracted services they have received including assessments.

Pam said that the funds being spent in a different way than what is currently being done, it will have to be voted on by the DMCS Executive Council

5.1.1 **BE IT RESOLVED** that approval of the Desert Mountain Charter SELPA Low

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Incidence Ending Balance be used to reimburse charter LEAs for low incidence costs incurred in 2022-23 is tabled until the May 18, 2023 meeting due to lack of quorum.

5.2 **One-year Pause of the Set-Aside Fund Contribution for Desert Mountain Charter SELPA Member LEAs (ACTION)**

Pam Bender reported last year, there was a one-year pause placed on the set-aside contribution for the Desert Mountain Charter SELPA member LEAs due to the amount of the ending balance. She said the ending balance is still high so she would recommend another one-year pause.

5.2.1 **BE IT RESOLVED** that approval of a one-year pause of the set-aside fund contribution for the Desert Mountain Charter SELPA member LEAs be tabled until the May 18, 2023 meeting due to lack of quorum.

6.0 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.

6.1 **BE IT RESOLVED** that the approval of the following Consent Items be tabled until the May 18, 2023 meeting due to lack of quorum.

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

6.1.2 Approve the January 26, 2023 Desert/Mountain Charter SELPA Executive Council Meeting Minutes.

7.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS

7.1 Legislative Update

Pam Bender provided a legislative update stating February 17, 2023 was the deadline for bills to be introduced to the state. Pam reviewed the following Assembly (AB) and Senate Bills (SB):

- SB 354 – reintroduced for special education inclusive practices that would allow students in special education to be completely involved with their peers in general education.
- AB 438 – asking for transition services goals to be in the child’s IEP at the age of 14 instead of the current age of 16.

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- AB 447 – postsecondary education for students with severe disabilities, looking at inclusive college pilot programs for students with intellectual disability (ID) or developmental delay (DD).
- AB 222 – from Civil Rights Department, asking for Californians with Disabilities workgroup to make broad recommendations to achieve full inclusion of students with disabilities in integrated general education classrooms without restraint and seclusion.
- SB 483 – pupil rights to eliminate prone restraints.
- AB 1466 – requires all restraint and seclusion data to be posted on LEA websites.
- SB 691 – Dyslexia screening requirements, by June 2024 the State Board of Education to provide a list of dyslexia screening instruments and by 2024-25, all kinder through second grade students be screened within the first 90 days of school and new students be screened within first 30 days and within 45 days, school administration must notify parents of the results and provide resources on evidence-based literacy instruction, progress monitoring, and interventions within the general education program.
- AB 87 – 504 Plan team meetings with the option of being recorded. Pam said 504 Plans are beginning to look more like special education with the use of the term Free Appropriate Public Education (FAPE) being included.
- AB 723 – nonpublic schools being the school of origin for foster youth.
- AB 497 – requires LEAs to provide braille instructional aides information on specific teacher credentialing programs.
- AB 248 – removes obsolete terminology including “mentally retarded persons” “Mentally retarded children” “retardation” regarding individuals with intellectual or developmental disabilities.
- SB 509 – regarding mental health education, this bill includes the requirement to train employees on how to make referrals to special education.
- SB 445 – requires translation of the IEP, assessments and progress into the native language of the parent, or communication type within 30 days of the meeting.
- AB 611 – requires LEAs to notify parent within 14 days of a change in nonpublic school certification status.

Pam shared that State SELPA Administration is very passionate about the inclusion bills. She said at this time, there is no legislation to increase special education funding but the projected cost of living adjustment (COLA) will likely be close to 6%.

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March 23, 2023 – 10:00 a.m.

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MINUTES

7.2 Learning Recovery Support and Dispute Prevention/Resolution Funding Update

Pam Bender provided a Learning Recovery Support and Dispute Prevention/Resolution Funding update. She reminded the executive council there are many LEAs that have not claimed their funds which will be returned to CDE if not spent by June 30, 2023. Pam continued there may have been money spent by the LEAs that can be claimed under these funding options. She said Marina Gallegos, Heidi Chavez, and Kathleen Peters are available to work with the LEAs. Pam shared that the same information is reported to the directors of special education and the finance committee at the monthly DMCS Steering and Finance Committee meetings. She reiterated the funds must be spent by June 30, 2023 and items must be received by September 30, 2023.

Lauren O'Neill asked if the funding of the LEAs that will not be using their portion can be redistributed to the other LEAs that have used their allotted portions.

Marina Gallegos replied that because DMCS submitted one budget and not for specific LEAs, she believes that can be done but will confirm the information.

Pam suggested having redistribution of the funds be an action item at the May meeting if it is confirmed that the funds can be distributed to other LEAs.

Marina continued that Maintenance of Effort (MOE) must be a consideration when using the funds. She emailed a workbook to the LEA's fiscal departments last week with a comparative year for MOE test while doing the 2nd interim budgets. The workbook allows the budget figures to be added to see if the LEA will pass one of the four MOE tests.

7.3 Educationally Related Mental Health Services (ERMHS) Funding Information

Pam Bender provided Educationally Related Mental Health Services (ERMHS) funding information. She said the member charter LEAs that are not located in the desert mountain region were given their ERMHS funding so they could purchase needed services. Pam said AB 181 included the funding model for ERMHS to go directly to LEAs effective July 2023. CAHELP Governance Council is in discussion as to if the funds will continue to pass through SELPA so services remain the same or if the LEAs use the funds for their districts.

7.4 Alternative Diploma Update

Pam Bender presented an update on alternative diploma pathway. Pam reported the pathway has specific requirements for students with significant disabilities, 1% of population that have taken the California Alternate Assessments (CAA) by the end of 11th grade and be taking standardized classes with each LEA determining what the standardized classes consist of. She continued it is not a functional skills program but functional skills could be an elective. The LEAs must look at what the state standards for graduation are and be able to modify the class for the students to be able to participate and pass. Pam said LEAs might already have alternative pathways to diplomas for foster youth but when a student who receives their alternative diploma still has the right to access to FAPE

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until the age of 22. Pam continued that a student must be identified for the alternative diploma pathway by grade 9 so the plan is in place when they start grade 10.

7.5 Compliance Updates

Pam Bender called on Peggy Dunn to present an update on compliance items from the California Department of Education (CDE). Peggy reported the 2022 Annual Determination Letter were received for two of the Desert Mountain Charter SELPAs that are in targeted monitoring. She said there is an upcoming CDE webinar that the two LEAs will be attending. Peggy continued there are 10 LEAs in Cyclical Monitoring for Small LEAs and they are in Cycle A. Two of the three phases have been completed with Student Records Review pending but no due date has been provided by CDE. Peggy shared there are 81 overdue IEPs throughout DMCS. She went on to say the IEP Implementation Data Collection is currently in process with CDE reviewing data from March 1, 2023 through April 28, 2023.

Peggy shared her team is actively planning to ensure a successful transition from Web IEP to SEIS. Part of the planning includes several training opportunities for LEA staff including on-sites.

Peggy concluded that though the number of overdue IEPs is not high, it is critical that all LEAs become compliant.

8.0 INFORMATION ITEMS

8.1 Professional Learning Summary

Heidi Chavez provided a professional learning summary. She noted the next Directors' Training is scheduled for April 21, 2023 and will be in person with Attorney Jack Clarke providing legal updates. Heidi continued that with the March 8, 2023 IMTSS Symposium concluding, planning has begun for next year's IMTSS Symposium which is scheduled for February 21, 2024. She asked for topic ideas to be emailed to her. The next Community Advisory Committee (CAC) meeting is scheduled for April 20, 2023 with in-person attendance. The presentation will be *Positive Behavior Supports in the Home*. Heidi concluded that her team will be scheduling their annual training needs conversations with special education directors in preparation for next year's trainings.

Lauren O'Neill shared her appreciation for the high-quality trainings provided by CAHELP. She asked if it would be possible to provide a training on how to conduct legally compliant 504 plans. Heidi replied that it has been offered in the past and CAHELP will work to offer it more often. Meghan Freeman offered to what her legal has already compiled including current law.

8.2 Resolution Support Services Summary

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

Pam Bender reported there are currently five cases in the Desert Mountain Charter SELPA with one of them being against the parent. Overall, the case numbers in both DMSELPA and DMCS are down and ADR trainings will continue.

8.3 Upcoming Professional Learning Opportunities

9.0 DESERT MOUNTAIN CHARTER SELPA EXECUTIVE COUNCIL MEMBERS COMMENTS / REPORTS

Lauren O'Neill asked if a student being placed at a nonpublic school (NPS) is supported by the DMCS Risk Pool. Marina confirmed it is not however in a previous year the council did approve supporting a school with set aside funds. She continued there are two contributions with the LEAs being at various levels in the Risk Pool. Last year, all charter LEAs were at Level One which is a 5% contribution. For 2023-24, the Risk Pools levels have not been decided on yet. Marina said a pause for 2023-24 3% Set Aside Fund contribution will be voted on at the next meeting when there is a quorum.

10.0 CEO COMMENTS

Pam Bender said to enjoy spring break with some rest and rejuvenation in preparing for end of year testing and other activities. Pam reminded the council of the upcoming IEP Implementation that will ensure students are receiving the services listed on their IEPs in a consistent manner.

11.0 MATTERS BROUGHT BY CITIZENS

None.

12.0 ADJOURNMENT

Having no further business, Pam Bender ended the meeting at 11:13 a.m.

The next regular meeting of the Desert Mountain Charter SELPA Executive Council will be held on Thursday, May 18, 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.