

California Association of Health and Education Linked Professions  
Joint Powers Authority (CAHELP JPA)  
**DESERT MOUNTAIN CHARTER SELPA EXECUTIVE COUNCIL MEETING**  
*May 18, 2023 – 10:00 a.m.*

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

## **MINUTES**

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### **DESERT MOUNTAIN CHARTER SELPA EXECUTIVE COUNCIL MEMBERS PRESENT:**

Allegiance STEAM Academy – Callie Moreno, ASA Charter School – Kari Ramos, Desert Trails Prep/La Verne Elementary Prep – Chantal Mendoza, Elite Academic Academy – Susana Waisman via Web Ex, Leonardo da Vinci Health Sciences – Courtney Cox, Odyssey Charter Schools – Lauren O’Neill via Web Ex, Pathways to College – Heather Fracchiolla, and Virtual Prep Academy at Lucerne Valley – Michelle Romaine.

### **CAHELP STAFF PRESENT:**

Jamie Adkins, Pam Bender, Heidi Chavez, Peggy Dunn, Marina Gallegos, Linda Llamas, Kathleen Peters, and Adrienne Shepherd Myles.

### **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 a motion was made by Lauren O’Neill, seconded by Michelle Romaine, to approve the May 18, 2023 Desert Mountain Charter SELPA Executive Council Meeting Agenda as presented. The motion carried on the following vote 8:0:0, Ayes: Cox, Fracchiolla, Mendoza, Moreno, O’Neill, Ramos, Romaine, and Waisman, Nays: None, Abstentions: None.

### **5.0 PUBLIC HEARINGS**

#### **5.1 Desert Mountain Charter SELPA Annual Budget Plan (ACTION)**

California Education Code requires that an Annual Budget Plan be approved by the CAHELP JPA Governance Council as part of the Local Plan. The 2023-24 Annual Budget Plan describes the revenues and expenditures for special education for all local education agencies in the Desert Mountain Charter SELPA.

5.1.1 **BE IT RESOLVED** that a motion was made by Michelle Romaine, seconded by Lauren O’Neill, to approve the Desert Mountain Charter SELPA 2023-24 Annual Budget Plan as presented. The motion carried on the following vote 8:0:0, Ayes: Cox, Fracchiolla, Mendoza, Moreno, O’Neill, Ramos, Romaine, and Waisman, Nays: None, Abstentions: None.

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### 5.2 Desert Mountain Charter SELPA Annual Service Plan (**ACTION**)

California Education Code requires that an Annual Service Plan be approved by the CAHELP Governance Council as part of the Local Plan. The 2023-24 Annual Service Plan describes all special education services currently provided in the Desert Mountain Charter SELPA broken down by type, location, and level of severity.

5.2.1 **BE IT RESOLVED** that a motion was made by Kari Ramos, seconded by Michelle Romaine, to approve the Desert Mountain Charter SELPA 2023-24 Annual Service Plan as presented. The motion carried on the following vote 8:0:0, Ayes: Cox, Fracchiolla, Mendoza, Moreno, O’Neill, Ramos, Romaine, and Waisman, Nays: None, Abstentions: None.

## 6.0 INFORMATION/ACTION

### 6.1 Use of Desert Mountain Charter SELPA Low Incidence Ending Balance (**ACTION**)

Pam Bender proposed the Desert Mountain Charter SELPA Low Incidence Ending Balance be used to reimburse charter LEAs for low incidence costs incurred in 2022-23.

Marina Gallegos reported the Low Incidence balance has been building due to CDE increasing the per pupil rate \$466 in 2019-20 to \$3407 in 2023-24. She continued the funds are to reimburse LEAs for LIE materials and equipment that have been purchased. There have not been many reimbursement requests submitted. Marina reported CAHELP Governance Council approved a proposal to return 90% of the of the balance to charter LEAs based on their LIE contribution and maintain 10% of the balance. She said the LEAs were emailed their portion of the allocation earlier in the week. Marina noted there is a section of the Annual Budget Plan for Low Incidence set aside but only a few of our LEA have that budgeted. She asked to be notified if an LEA does have LIE in their budget.

6.1.1 **BE IT RESOLVED** that a motion was made by Heather Fracchiolla, seconded by Susana Waisman, to approve the Desert Mountain Charter SELPA Low Incidence Ending Balance be used to reimburse charter LEAs for low incidence costs incurred in 2022-23 as presented. The motion carried on the following vote 8:0:0, Ayes: Cox, Fracchiolla, Mendoza, Moreno, O’Neill, Ramos, Romaine, and Waisman, Nays: None, Abstentions: None

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

Pam Bender proposed a one-year pause of the set-aside contribution for the Desert Mountain Charter SELPA member LEAs to maintain the balance of the fund.

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Marina Gallegos said the LEAs are contributing 3% of the allocation for the set-aside fund which has grown to beyond the \$250,000 or 5% required reserve. CAHELP JPA Governance approved an additional one-year pause. Marina reminded the council that the set-aside fund is used for emergencies, in instances of high legal expenses, to assist with nonpublic school placement, when ADA was not certified so advanced apportionment payments were made then reimbursed once certified. Marina stated all requests must be approved by DMCS Executive Council. She confirmed the charter member LEAs will receive money in their allocation since they are not adding 3% to the set-aside fund.

6.2.1 **BE IT RESOLVED** that a motion was made by Lauren O’Neill, seconded by Michelle Romaine, to approve a one-year pause of the set-aside fund contribution for the Desert Mountain Charter SELPA member LEAs as presented. The motion carried on the following vote 8:0:0, Ayes: Cox, Fracchiolla, Mendoza, Moreno, O’Neill, Ramos, Romaine, and Waisman, Nays: None, Abstentions: None.

6.3 Proposed 2023-24 Desert Mountain Charter SELPA Budget (**ACTION**)

The annual Desert Mountain Charter SELPA budget for regional services administered by the SELPA office include the primary services provided through program specialists/regional services, X-pot, clinical counseling, SELPA regional services, and DMCC. In reviewing and approving the budgets, the Desert Mountain Charter Executive Council designates and supports the staff and operational expenses necessary to carry out the functions of the DMCS as designated in the Local Plans.

Marina Gallegos reviewed the budget including the funding sources. Marina shared that AB 602 Out-of-Home is new funding source of approximately \$150,000 included in the budget but it is not known if it will continue as a revenue source beyond 2023-24. The 2023-24 budget does include Allegiance STEAM – Fontana and the continuation of Out-of-Home funding. Marina continued the budget included expanding the OT/PT team based on referrals as well as establishing a program manager position and a couple of administrative team lead positions.

6.3.1 **BE IT RESOLVED** that a motion was made by Callie Moreno, seconded by Heather Fracchiolla, to approve the Proposed 2023-24 Desert Mountain Charter SELPA Budget as presented. The motion carried on the following vote 8:0:0, Ayes: Cox, Fracchiolla, Mendoza, Moreno, O’Neill, Ramos, Romaine, and Waisman, Nays: None, Abstentions: None.

6.4 Proposed 2023-24 Desert Mountain Charter SELPA Fee-for-Service Rates (**ACTION**)

Pam Bender presented the Proposed 2023-24 Desert Mountain Charter SELPA Fee-for-Service (FFS) Rates.

Marina Gallegos stated the FFS rates will not apply to charter member LEA unless they are

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making referrals for occupational therapy (OT) or physical therapy (PT) services.

6.4.1 **BE IT RESOLVED** that a motion was made by Kari Ramos, seconded by Michelle Romaine, to approve the 2023-24 Desert Mountain Charter SELPA Proposed Fee-For-Service Rates as presented. The motion carried on the following vote 8:0:0, Ayes: Cox, Fracchiolla, Mendoza, Moreno, O’Neill, Ramos, Romaine, and Waisman, Nays: None, Abstentions: None.

6.5 CAHELP JPA Governance Council Representative Fiscal Year 2023-24 (**ACTION**)

Article IV of the CAHELP JPA Bylaws specifies the CAHELP JPA Governance Council shall consist of two (2) CEO representatives from the Desert Mountain Charter SELPA. The two Desert Mountain Charter SELPA representatives will be chosen annually and will assume their roles as of July 1 of the next fiscal year. Discussion centered on the selection of these two representatives. Pam Bender shared that Jesse Najera and Debra Tarver were selected as chair and vice chair respectively for CAHELP JPA Governance Council.

6.5.1 **BE IT RESOLVED** that a motion was made by Lauren O’Neill, seconded by Michelle Romaine, to select Debra Tarver and Sebastian Cогnetta as the two representatives for the CAHELP JPA Governance Council effective July 1, 2023. The motion carried on the following vote 8:0:0, Ayes: Cox, Fracchiolla, Mendoza, Moreno, O’Neill, Ramos, Romaine, and Waisman, Nays: None, Abstentions: None.

6.6 Desert Mountain Charter SELPA Executive Council 2023-24 Schedule of Meetings (**ACTION**)

Pam Bender presented 2023-24 Desert Mountain Charter SELPA Executive Council Schedule of Meetings. After discussion, it was decided to move the May 16, 2024 meeting to May 9, 2024 so that it is held prior to the last CAHELP JPA Governance Council meeting of the fiscal year.

6.6.1 **BE IT RESOLVED** that a motion was made by Callie Moreno, seconded by Kari Ramos, to approve the Desert Mountain Charter SELPA Executive Council 2023-24 Desert Mountain Charter SELPA Executive Council Schedule of Meetings. The motion carried on the following vote 8:0:0, Ayes: Cox, Fracchiolla, Mendoza, Moreno, O’Neill, Ramos, Romaine, and Waisman, Nays: None, Abstentions: None.

## **7.0 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.

Pam Bender reported the three earlier meetings this year did not have quorum which is a significant concern.

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She will be emailing and possibly calling the DMCS Executive Council members stressing the importance of attending the meetings or have a proxy if not able to attend personally. Pam said there has been significant discussion about budget and changes that should not be missed.

7.1 **BE IT RESOLVED** that a motion was made by Michelle Romaine, seconded by Heather Fracchiolla, to approve the following Consent Items as presented. The motion carried on the following vote 8:0:0, Ayes: Cox, Fracchiolla, Mendoza, Moreno, O’Neill, Ramos, Romaine, and Waisman, Nays: None, Abstentions: None.

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

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

7.1.3 Approve the March 23, 2023 Desert Mountain Charter SELPA Executive Council Meeting Minutes.

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

### 8.1 Legislative Update

Pam Bender provided a legislative update, highlighting some of the bills that are currently active.

- AB 1340 (Garcia) School Accountability: pupils with exceptional needs - post statewide data based on disability on CDE website is moving forward,
- SB 323 (Portantino) Pupils with exceptional needs: IEPs: emergency safety procedures-include in the IEP accommodations needed to support comprehensive school safety plan is moving forward,
- SB 445 (Portantino) IEP Translations: requires translation of the IEP, assessments and progress reports used to determine IEP into the native language of the parent, or communication type; within 30 days of the meeting; top eight languages; amendments have been submitted so it could change,
- AB 611 (Weber) Nonpublic School (NPS) Certification: requires the LEA to notify parents within 14 days of a change in certification status. Pam said DMSELPA notifies LEAs of these changes but not parents,
- AB 723 (Quirk-Silva) Foster Youth: NPS: School of Origin - makes an NPS the school of origin for foster students,

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- AB 381 (Blanca Rubio) Teacher Credentialing: OT/PT: allows OT/PT as a services credential in health. California School Employees Association (CSEA) is opposed to the bill,
- AB 438 (Rubio) Pupils with exceptional needs: IEPs: postsecondary goals and transition services - change age to 14,
- SB 483 (Cortese) Pupil Rights: Prone Restraint: eliminates all prone restraint within the school system,
- AB 1466 (Weber) Pupil Discipline: Restraint and Seclusion: requires restraint and seclusion data to be posted on the LEA website and submitted to CDE,
- SB 691 (Portantino) Dyslexia Risk Screening: by June 2024, School Board of Education (SBE) provides list of screening instruments so that in 2024-25, all K-2nd graders are screened for dyslexia within first 90 days of school, new students screened within 30 days of enrollment. Within 45 days of screening, administration must notify parents of results and provide resources. LEAs are to provide evidence-based literacy instruction, progress monitoring, and interventions within general education programs. There are two agencies opposing the bill but 49 others that are supporting it,
- SB 88 (Skinner) Pupil Transportation: Driver Qualifications: drivers who operate a vehicle with a maximum of 10 students must undergo a criminal background check, fingerprinting, and mandated reporter. They must also test for tuberculosis, drugs, and alcohol testing, as well as training and classes,
- AB 447 (Arambula) Public postsecondary education: Students with Disabilities: inclusive college pilot programs: requires Cal State and University of California systems to create college pilot inclusive program for students with intellectual disabilities (ID) and developmental disabilities (DD),
- AB 248 (Mathis) Individuals with intellectual or developmental disabilities: removes obsolete terminology including “mentally retarded persons” “mentally retarded children” “retardation”.

### 8.2 Risk Pool Contributions and Obligations to Desert Mountain Charter SELPA (DMCS)

Pam Bender reviewed the member Risk Pool Contributions and the member obligations to DMCS. Pam reported she will be in contact with each of the DMCS Executive Council members to discuss their standing in the risk pool. She said the risk pool standings are about the cost of due process and attendance at DMCS committee and council meetings.

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### 8.3 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 attendees that the funds must be spent by June 30, 2023 with services are items received by September 30, 2023. Pam asked Heidi Chavez or Kathleen Peters to be notified in an LEA will not be using their allocated funds so it can possibly be used by other charter LEAs. Pam advised council member that another option is to contact Heidi or Kathleen for ideas on how to use the funds.

Kathleen Peters added that she has been working with special education directors in reviewing expenditures to see if items can be moved to these budget categories, including hiring additional special education staff as the number of students enrolled in the program have increased. She said some compensatory education that was awarded pre-due process should also be considered.

### 8.4 Compliance Updates

Pam Bender called on Peggy Dunn to present an update on compliance items from the California Department of Education (CDE). Peggy reported that with small school cyclical monitoring, the due date for the last phase of Student Records Review is June 9, 2023. She continued that IEP Data Collection and Implementation is due June 30, 2023. It was requested that the data be entered in the system by June 28, 2023 so Pam can review and certify the information by June 30, 2023. Peggy said there are LEAs in targeted and intensive Compliance Improvement Monitoring (CIM) with those in intensive working with CDE consultants and DMCS program specialists.

Pam reminded council members that it is important to complete late IEPs and to have the IEPs that are due June, July, and August completed before the end of the school year if possible so they can be done before the SEIS transition on July 1, 2023. Pam said that Colette Garland has scheduled many onsite SEIS trainings to ensure that compliance staff are trained and comfortable using the platform. Pam shared that IEP Implementation documentation has been received from some LEAs. Pam will review it and will send an additional assurance for LEA CEO or designee to sign as additional documentation. She reiterated that the LEAs are to keep IEP Implementation documentation where it is accessible all times of the year and not lost with change of staff.

## **9.0 INFORMATION ITEMS**

### 9.1 Professional Learning Summary

### 9.2 Resolution Support Services Summary

### 9.3 Upcoming Professional Learning Opportunities

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**10.0 DESERT MOUNTAIN CHARTER SELPA EXECUTIVE COUNCIL MEMBERS COMMENTS / REPORTS**

Lauren O’Neill thanked the council members who attend the meetings. She expressed her frustration with not having quorum because it makes it extremely difficult to conduct business. Lauren asked for parameters to be placed on members that are not meeting their legal obligations to participate in the Desert Mountain Charter SELPA in 2023-24.

**11.0 CEO COMMENTS**

Pam Bender thanked the council members for attending the meetings. She stressed the importance of quorum as it is part of the agreement signed when LEAs join the Desert Mountain Charter SELPA.

Pam encouraged the council members as they handle compliance requirements, end of the year testing, celebrations, and activities, finishing with the poem, “Take a Moment to Appreciate All You Mean to the World” by Irina Vasilescu.

**12.0 MATTERS BROUGHT BY CITIZENS**

None.

**13.0 ADJOURNMENT**

Having no further business to discuss, a motion was made by Callie Moreno, seconded by Michelle Romaine, to adjourn the meeting at 11:22 a.m. The motion carried on the following vote 8:0:0, Ayes: Cox, Fracchiolla, Mendoza, Moreno, O’Neill, Ramos, Romaine, and Waisman, Nays: None, Abstentions: None.

The next regular meeting of the Desert Mountain Charter SELPA Executive Council will be held on Thursday, October 19, 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.*