

California Association of Health and Education Linked Professions
Joint Powers Authority (CAHELP JPA)
DESERT/MOUNTAIN CHARTER SELPA EXECUTIVE COUNCIL MEETING
October 20, 2022 – 10:00 a.m.

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

MINUTES

COUNCIL MEMBERS PRESENT:

Allegiance STEAM Academy – Sebastian Cогnetta, Miguel Angel Espinoza, 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 Vince Health Sciences – Courtney Cox, Odyssey Charter Schools – Lauren O’Neill, Pasadena Rosebud Academy – Shawn Brown, Pathways to College – Craig Merrill, Taylion High Desert Academy – Brenda Congo, and Virtual Prep Academy at Lucerne – Michelle Romaine.

CAHELP STAFF PRESENT:

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

1.0 CALL TO ORDER

The regular meeting of the Desert/Mountain Charter SELPA Executive Council Meeting was called to order by Chairperson Pam Bender, at 10:14 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 Courtney Cox, seconded by Debbie Tarver, to approve the October 20, 2022 Desert/Mountain Charter SELPA Executive Council Meeting Agenda as presented. The motion carried on the following vote 12:0, Ayes: Brown, Cогnetta, Congo, Cox, Freeman, Merrill, Mulz, O’Neill, Rios, Romaine, Tarver, and Taylor, Nays: none, Abstentions: none.

5.0 INFORMATION/ACTION

5.1 Assembly Bill 361 Exemptions to Brown Act Virtual Meeting Requirements

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.

5.1.1 **BE IT RESOLVED** that a motion was made by Shawn Brown, seconded by Sebastian Cогnetta, to approve the Assembly Bill 361 Exemptions to Brown Act Virtual Meeting

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Requirements as presented. The motion carried on the following vote 12:0, Ayes: Brown, Cognetta, Congo, Cox, Freeman, Merrill, Mulz, O’Neill, Rios, Romaine, Tarver, and Taylor, Nays: none, Abstentions: none.

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

Forms used in the operations of special education programs within the Desert/Mountain Charter 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 Charter Executive Council for consideration and approval.

5.2.1 **BE IT RESOLVED** that a motion was made by Meghan Freeman, seconded by Shawn Brown, to approve Form D/M 114 Behavioral Emergency Report (BER) as presented. The motion carried on the following vote 12:0, Ayes: Brown, Cognetta, Congo, Cox, Freeman, Merrill, Mulz, O’Neill, Rios, Romaine, Tarver, and Taylor, Nays: none, Abstentions: none.

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

Forms used in the operations of special education programs within the Desert/Mountain Charter 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 Charter Executive Council for consideration and approval.

5.3.1 **BE IT RESOLVED** that a motion was made by Shawn Brown, seconded by Meghan Freeman, to approve Form D/M 85 SBCSS Desert/Mountain Operations Referral as presented. The motion carried on the following vote 12:0, Ayes: Brown, Cognetta, Congo, Cox, Freeman, Merrill, Mulz, O’Neill, Rios, Romaine, Tarver, and Taylor, Nays: none, Abstentions: none.

5.4 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 Charter 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 Charter Executive Council for consideration and approval.

5.4.1 **BE IT RESOLVED** that a motion was made by Lauren O’Neill, seconded by Sebastian Cognetta, to retire Form D/M 173 Referral to SBCSS Desert/Mountain Operations for

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Related Services Provider as presented. The motion carried on the following vote 12:0, Ayes: Brown, Coggnetta, Congo, Cox, Freeman, Merrill, Mulz, O’Neill, Rios, Romaine, Tarver, and Taylor, Nays: none, Abstentions: none.

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 a motion was made by Meghan Freeman, seconded by Debbie Tarver, to approve the following Consent Item as presented. The motion carried on the following vote 12:0, Ayes: Brown, Coggnetta, Congo, Cox, Freeman, Merrill, Mulz, O’Neill, Rios, Romaine, Tarver, and Taylor, Nays: none, Abstentions: none.

6.1.1 Approve the June 23, 2022 Desert/Mountain Charter SELPA Executive Council Meeting Minutes.

7.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS

7.1 State SELPA Administrators 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.

7.2 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 will review 25 student files. She continued that CDE has hosted a webinar regarding monitoring and has given the LEAs access to The Box platform. Pam said the Educational Benefit portion will consist of reviewing the last assessments and the IEPs since to report the students’ progress. Pam reported the reason for the monitoring is the federal government deciding California is to monitor small LEAs more closely to ensure student are making growth. The due date is January 30, 2023

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with any corrective actions being provided in the spring.

Lauren O'Neill suggested advocating for the federal government to fully fund the Individuals with Disabilities Education Act (IDEA) so LEAs can make the type of progress and improvement they would like to see. Lauren also said her LEA puts a lot of resources into students and services, with small caseloads for inclusion teachers. She is concerned the monitoring will be a heavy increase in paperwork that might require more administrative support so the teachers can continue to serve the students.

Pam responded that State SELPA Administrators have noted that as well. She said that Peggy Dunn and the program specialists are working diligently with staff at the LEAs selected for monitoring to assist them through the process.

7.3 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 reported she will be getting legal response in order to have a better understanding and asked for the committee members to plan on being in person effective January 2023.

Meghan Freeman expressed her interest in the legal opinion because the current Brown Act, outside of the state of emergency provisions, allows for virtual meetings with certain stipulations including the addresses being on the agendas for public locations. Due to the locations of the member LEAs, there will be a large amount of time away from the school sites for administrators when the virtual platform allows more public participation and flexibility to the participants.

Pam agreed with Meghan noting that parents and the public are more likely to join a meeting with the virtual option instead of traveling to a site to participate.

Lauren O'Neill reported the governor passed a law that charter school parents must have access to virtual meetings at their child's school site. This created a need for a staff member to be at each site in case a parent attended. She continued that if there is advocacy around AB 2449, to let her know.

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Lauren shared she works with California Charter Schools Association (CCSA) in letting them know the impact of bills on charter schools.

7.4 2022-23 Desert/Mountain Charter SELPA Application for Membership

Pam Bender provided an update on the 2022-23 D/M Charter SELPA Application for Membership stating Allegiance STEAM Academy-Fontana was approved at the October 17, 2022 CAHELP Governance Council meeting.

Sebastian Cogna thanked the D/M Charter SELPA staff and the Executive Committee members that assisted and supported the addition. He said it is an honor to bring their second school on board to be part of this SELPA. Sebastian introduced Miguel Angel Espinoza as the principal for the new site.

7.5 Transition to Special Education Information System (SEIS)

Pam Bender provided an update on the transition to Special Education Information System (SEIS) from CAHELP JPA Governance Council. The proposed transition was brought to October 17, 2022 CAHELP Governance Council meeting. Pam said a big thing that stood out was the DocuSign contract that is \$800,000 for three years with one year left on the contract. She continued that there was a motion to approve SEIS and move forward but the cost and duration of the DocuSign contract caused the item to be tabled. Pam said that it was not talked about at Governance that CAHELP also uses DocuSign outside of Web IEP. She confirmed there is approximately \$200,000 due for next year's portion of the DocuSign contract due in April 2023. Pam reported it will be brought back to Governance Council at the next meeting that is scheduled for January 2023 which will cause a two-month delay in the timeline. The plan is to continue to move forward as soon as it is approved and begin training CAHELP JPA staff including program specialists then train appropriate staff at the LEAs.

Sebastian Cogna asked if it is possible to separate the implications of DocuSign and call a special meeting of the Governance Council to meet again before the January date in order to stay on the projected timeline and start migrating data to SEIS.

Pam responded that three Governance Council members have voiced their concerns and she is working with the Governance chairperson on that.

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

Marina Gallegos presented information about one-time Learning Recovery Support and Dispute Prevention/Resolution Funding. She said that not many claims have been submitted and funds must be encumbered by June 30, 2023 then spent by September 30, 2023. Marina continued that the funding is for prior years which is not typical practice, but it is meant to mitigate the impact of Covid-19. Marina acknowledged there is concern about how using the funding could impact Maintenance of Effort but with LEAs making local contributions, using general fund revenue for

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special education purpose, these funds can be used to offset that. Marina directed the council members to Heidi Chavez and Kathleen Peters for questions about activities.

Heidi Chavez confirmed demographics can be general statements when submitting for the funding reimbursement.

Marina added there must be a methodology for segregating and identifying the expenditures by specific resource. She said a fiscal report is also needed to support the claim.

7.7 Projected Mental Health Funding

Marina Gallegos provided information regarding projected mental health funding. She shared a rough estimated projection of what each LEA could receive. She stated that Pam Bender is working on an MOU with Governance Council on a possible Memorandum of Understanding (MOU) between DMCC and charter LEAs that are in the desert mountain area to serve those students and well as virtual students. Marina said the LEAs that are out of the area would possibly retain their funding at the LEA level.

Lauren O'Neill asked if there has been any talk of increases to mental health supports considering the toll the pandemic has taken on students' mental health. She cited the current amount of \$81 per ADA is significantly low.

Pam Bender responded there are grants and other funding outside of Educationally Related Mental Health Services (ERMHS). ERMHS funding has not changed as of the date of the meeting. She continued that mental health is a huge area of concern currently and there is a lot of discussion about making sure there are services available. Pam said she does not have information about accessing the grants but will collect data then email it to the council members.

7.8 Bridge to Added Authorizations

Pam Bender presented information regarding the bridge to added authorizations. The California Commission on Teacher Credentialing (CTC) is changing current credentials for special education: Mild Moderate Disability is now Mild Moderate Support Needs, Moderate Severe Disabilities is now Extensive Support Needs, Early Childhood Special Education continues to be 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 help meet the requirements instead of the teachers returning to a university program.

7.9 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

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like but at this time, it is a local decision with no additional guidance from CDE. As more information is provided at State SELPA Administrators meetings, it will be shared at the D/M Charter SELPA Steering and Finance Committee meetings.

7.10 Professional Learning Summary

Heidi Chavez presented the D/M Charter SELPA's Professional Learning Summary. She reported the Directors' Training schedule for October 21, 2022 will be on Special Education Finance. Heidi said all are welcome to attend and highlighted it is a hybrid meeting that will start at 12:00 p.m.

7.11 Resolution Support Services Summary

Kathleen Peters presented the D/M Charter SELPA's Resolution Support Services Summary. Kathleen shared that she watched part of CDE's Small LEA Monitoring Educational Benefit webinar. She believes the monitoring process will help reduce complaints related to educational benefit. Kathleen shared *Taking the "A" Out of ADR* will be a virtual training on November 4, 2023, 9:00am-12:00pm. David Dowling will be the trainer. The skills learned will help not only with IEP meetings but with any difficult meetings.

7.12 Compliance Updates

Peggy Dunn reported there are no updates on compliance items from the California Department of Education (CDE) aside from the previous discussion on small LEA monitoring.

8.0 INFORMATION ITEMS

8.1 Upcoming Professional Learning Opportunities

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

10.0 CEO COMMENTS

Pam Bender 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.

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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.

Pam Bender shared that November 1, 2022 will be her one year anniversary with CAHELP JPA. She expressed her appreciation of the wonderful staff and the support of the council members.

11.0 MATTERS BROUGHT BY CITIZENS

None.

12.0 ADJOURNMENT

Having no further business to discuss, a motion was made by Craig Merrill, seconded by Lauren O’Neill, to adjourn the meeting at 11:21 a.m. The motion carried on the following vote 12:0, Ayes: Brown, Cognetta, Congo, Cox, Freeman, Merrill, Mulz, O’Neill, Rios, Romaine, Tarver, and Taylor, Nays: none, Abstentions: none.

The next regular meeting of the Desert/Mountain Charter SELPA Executive Council will be held on Thursday, January 26, 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.