

DESERT/MOUNTAIN CHARTER SELPA STEERING and FINANCE COMMITTEE MEETING

September 22, 2022 – 1:00 p.m.

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

MINUTES

D/M CHARTER SELPA MEMBERS PRESENT:

Allegiance STEAM Academy – Sebastian Cогnetta, Callie Moreno, ASA Charter Schools – Tony Lucey, Aveson Global Academy/Aveson School of Leaders – Kelly Jung, Ballington Academy – Doreen Mulz, Desert Trails Preparatory Academy/Laverne Elementary Preparatory Academy – Honey Kaylor, Chantal Mendoza, Debbie Tarver, Elite Academic Academy – Susana Waisman, Adam Woodard, Encore Jr/Sr High – Bernice Swingle, Leonardo da Vinci Health Sciences – Courtney Cox, Odyssey Charter – Chasityflame Price, Pasadena Rosebud Academy – Sonia Anand, Shawn Brown-Brumfield, Pathways to College – James Connell, Taylion High Desert – Brenda Congo, and Virtual Prep-Lucerne – Malia Lovell.

CAHELP, SELPA, & DMCC STAFF PRESENT:

Jamie Adkins, Codi Andersen, Pam Bender, Guille Burgos, Heidi Chavez, Craig Cleveland, Peggy Dunn, Adrien Faamausili, Marina Gallegos, Colette Garland, Derek Hale, Maurica Manibusan, Yazmin Medina, Angela Mgbeke, Lisa Nash, Vianca Padilla, Sheila Parisian, Ana Perez, Linda Rodriguez, Veronica Rousseau, Adrienne Shepherd-Myles, Jessica Soto, and Jennifer Sutton.

GUESTS:

Celeste Cardenas, and Erica Lee.

1.0 CALL TO ORDER

The regular meeting of the California Association of Health and Education Linked Professions Joint Powers Authority (CAHELP JPA) Desert/Mountain Charter SELPA Steering and Finance Committee Meeting was called to order by Chairperson Pam Bender, at 1:08 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 Tony Lucey, seconded by Callie Moreno, to approve the September 22, 2022 Desert/Mountain Charter SELPA Steering and Finance Committee Meeting Agenda as presented. The motion carried on the following vote 13:0: Ayes: Brown-Brumfield, Congo, Connell, Cox, Jung, Lovell, Lucey, Moreno, Mulz, Price, Swingle, Tarver, and Waisman. Nays: None, Abstentions: None.

5.0 INFORMATION/ACTION

5.1 Assembly Bill 361 Exemptions to Brown Act Virtual Meeting Requirements

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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 Debbie Tarver, seconded by Tony Lucey, to approve Assembly Bill 361 Exemptions to Brown Act Virtual Meeting Requirements as presented. The motion carried on the following vote 13:0: Ayes: Brown-Brumfield, Congo, Connell, Cox, Jung, Lovell, Lucey, Moreno, Mulz, Price, Swingle, Tarver, and Waisman. Nays: None, Abstentions: None.

5.2 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 SELPA Steering Committee for consideration and approval.

5.2.1 **BE IT RESOLVED** that a motion was made by Debbie Tarver, seconded by Brenda Congo, to approve the Form D/M 85 SBCSS Desert/Mountain Operations Referral as presented. The motion carried on the following vote 13:0: Ayes: Brown-Brumfield, Congo, Connell, Cox, Jung, Lovell, Lucey, Moreno, Mulz, Price, Swingle, Tarver, and Waisman. Nays: None, Abstentions: None.

5.3 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 SELPA Steering Committee for consideration and approval.

5.3.1 **BE IT RESOLVED** that a motion was made by Shawn Brown-Brumfield, seconded by Tony Lucey, to approve retiring Form D/M 173 Referral to SBCSS Desert/Mountain Operations for Related Services Provider as presented. The motion carried on the following vote 13:0: Ayes: Brown-Brumfield, Congo, Connell, Cox, Jung, Lovell,

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Lucey, Moreno, Mulz, Price, Swingle, Tarver, and Waisman. Nays: None, Abstentions: None.

6.0 CONSENT ITEMS

It is recommended that the Charter Steering Committee 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 Callie Moreno, seconded by Shawn Brown-Brumfield, to approve the following Consent Item as presented. The motion carried on the following vote 13:0: Ayes: Brown-Brumfield, Congo, Connell, Cox, Jung, Lovell, Lucey, Moreno, Mulz, Price, Swingle, Tarver, and Waisman. Nays: None, Abstentions: None.

6.1.1 Approve the August 25, 2022 Desert/Mountain Charter SELPA Steering and Finance Committee Meeting Minutes.

7.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS

7.1 Legislative Updates from State SELPA Administrators Meeting

Pam Bender provided legislative updates from State SELPA Administrators Meeting by highlighting the following Bills:

Following:

- Senate Bill (SB) 1113 – Special Education: Inclusive Education: Universal Design for Learning – On the Governor’s Desk,
- Assembly Bill (AB) 2121 – School Accountability: California Collaborative for Educational Excellence: Special Education - Dead, did not meet the deadline,
- SB 291 – Advisory Commission on Special Education - On the way to the Governor’s Desk
- SB 866 – Minors: Vaccine Consent- Dead, did not meet the deadline,
- SB 1229 – Mental Health Workforce Grant Program - Dead, did not meet the deadline,
- SB 237 – Special Education: Dyslexia Risk Screening - Dead, did not meet the deadline. It is likely to be brought back next year.

Other Bills to Note:

- AB 152 COVID-19 Relief: Supplemental Paid Sick Leave – On the Governor’s Desk,
- SB 692 – Special Education: Pupils with Disabilities: Least Restrictive Environment - On the Governor’s Desk,

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- AB 181 - Education Finance: Education Omnibus Budget Trailer Bill – Signed by the Governor,
- AB 182 - COVID-19 Emergency Response: Learning Recovery Emergency Fund: Appropriation - Signed by the Governor,
- SB 1016 – Special Education – Eligibility of Fetal Alcohol Syndrome under OHI – Headed to the Governor’s Desk.

7.2 Small LEAs and Special Education Monitoring

Pam Bender provided information regarding small LEA monitoring. She reported the federal government wanted CDE to provide more monitoring to small schools that have less than 100 students with disabilities. 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 said ten CAHELP LEAs were selected for the current year and should have received a letter with details earlier in the week. She reported at least ten student files will be reviewed for educational benefit using the Stepwell system. Pam continued that up to 25 files of students with disabilities will also be reviewed. Peggy Dunn and the program specialists are aware of the LEAs that will be monitored this year and able to provide supports. Pam said the timeline for the reviews is December 5, 2022.

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). Beginning January 1, 2023 meetings are to be held in-person. Pam said there are two provisions for a committee member to attend remotely if they cannot attend in-person: “emergency circumstance” or “just cause”. An emergency circumstance would be a physical or family medical emergency that prevents the member from attending in person. Pam reported the committee must take action to approve the request. Another requirement is that quorum must be present in-person. She continued that participants must have audio and visual presence so if a member of the public joins, they can see and hear all participants. Pam stated just cause is defined as childcare or caregiving need, contagious illness, physical or mental disability not otherwise accommodated by an existing process, or official agency business such as a conference or training. She explained there are limits to the number of times a committee member can participate virtually such as no more than three consecutive months, or 20% of meetings in a fiscal year. Pam reassured the participants that there will be more discussion closer to the implementation date.

7.4 Interim Placement Procedures

Pam Bender called on Sheila Parisian to present an updated draft of Interim Placement Procedures. Sheila shared the Interim Placement Procedure document stating it includes more detailed directives due to continued questions about the interim placement process. The document also

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includes timelines for when students enter the LEAs. Sheila encouraged committee members to contact their assigned program specialist with any additional questions.

7.5 Desert/Mountain Children's Center Client Services Reports and Update

Guille Burgos presented the Desert/Mountain Children's Center Client Services monthly reports and updates. She requested to be contacted with any questions regarding the reports or with changes.

7.6 Desert/Mountain Children's Center Mental Health Research Report

Guille Burgos shared the Desert/Mountain Children's Center Mental Health Research Report. She said research is reflecting that the COVID-19 pandemic has taken a clear and significant toll on student's mental health. She also stated in the work of the DMCC, they are seeing an increase in suicidal ideation and depression in students they work with. Guille reminded the committee members that DMCC is available to help and to receive referrals for students.

7.7 Professional Learning Summary and Update

Heidi Chavez presented the D/M Charter SELPA's Professional Learning Summary. Heidi reported that in 2021-22, there were a total of 326 participants in professional development. In the first two month of 2022-23, there have been 271 participants which shows an amazing effort on the part of the LEAs to have their staff involved. Heidi asked to be contacted for brainstorming on ways she can help provide professional learning opportunities to the teams.

Heidi reported Community Advisory Committee (CAC) is scheduled for 5:00pm on September 22, 2022 and will be offered in-person and remotely.

She added the Directors' Training scheduled for October 21, 2022 will be hybrid. Heidi said the presenter will be remote but committee members are encouraged to participate in-person as there will be topical conversation.

Heidi concluded by stating the IMTSS Symposium is scheduled for March 8, 2023 as a full day in-person event. The topic will be about LGBTQ+ student mental health.

7.8 Resolution Support Services Summary and Update

Lisa Nash presented the D/M Charter SELPA's Resolution Support Services Summary. Lisa reported there have been two filings this school year with one LEA also initiating a cross filing to implement the IEP and the other case is settling with signatures pending on the final agreement.

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7.9 Case Law Review

Sheila Parisian provided case law review citing a case in which a parent disagreed with a child's IEP. Sheila said when this occurs, it is important to ask the parent what they do agree with then have them sign the IEP with exception. This action will allow the supports the parent does agree with to be implemented and then use the alternative dispute resolution (ADR) process, facilitated IEPs, and other interventions to move forward. Sheila continued that in Office of Administrative Hearings (OAH) Case 2022040227, the parent provided a "consent with exceptions" letter that stated the parents has various questions, concerns, and requests regarding the student's program. When the parents filed with OAH they alleged the district failed to provide prior written notice in response to the consent with exceptions communication and denial of free appropriate public education (FAPE). The district did not believe they had to respond. Sheila reported though the district was not required to make the changes or agree with the parents, the district was required to provide prior written notice (PWN) to address the parents' concerns and requests. Sheila said the OAH judge the parents' opportunities were impeded to make evidence-based decisions. This finding required the district to pay for a private assessor's time to attend the IEP meeting.

Sheila reported that in response to many requests for Section 504 compliance training, there will be a virtual training by Atkinson, Andelson, Loya, Ruud & Romo (AALRR) on November 2, 2022, 9:00 a.m-10:30 am. She said registration is required with the link being provided in an email that was previously sent.

7.10 Compliance Update

Peggy Dunn presented an update on compliance items from the California Department of Education (CDE). She provided an update on overdue IEP and acknowledged Aveson Global, Aveson School of Leaders, Ballington Academy, LaVerne Prep, Leonardo da Vinci Health Sciences Charter, and Pathways to College for having no late IEPs.

Peggy provided the named the charter LEAs that were selected by CDE for the first round of Small LEA Monitoring: Allegiance STEAM Academy, Aveson Global, Ballington Academy, Pathways to College, and Pasadena Rosebud Academy.

Colette Garland reported CalPads End of Year 3 and 4 were certified by the deadline of Sunday, September 18, 2022 at 4:00pm. She continued that Web IEP performance has been extremely slow. To combat the issue, the D/M Charter SELPA LEAs will be moving to a different server. Colette stated an email providing the new link would be sent to the appropriate staff after the meeting. She confirmed the old link would no longer be effective after 4:00pm making it important to save all work so it is not lost in the transition.

Colette announced an in-person MIS meeting is scheduled on September 28, 2022. , 9:00 a.m-3:00 p.m with a remote attendance option.

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7.11 Prevention and Intervention Update

Pamela Strigglers presented the Prevention and Intervention update. She reported the PBIS Recognition Event is scheduled for October 20, 2022, 5:00p.m-7:00p.m, with 29 schools recognized for their PBIS implementation. Pamela also highlighted a regional training on bullying prevention scheduled for October 27, 8:30am-12:00pm with trainer Angela Mgbeke.

7.12 Community Outreach Update

Jessica Soto provided the Community Outreach update and had her team introduce themselves. Jessica asked to be contacted with questions or needs for community outreach.

8.0 FINANCE COMMITTEE REPORTS

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

Marina Gallegos presented updated information about one-time Learning Recovery Support and Dispute Prevention/Resolution Funding. She said less than 1% of Dispute Prevention/Resolution Funding has been claimed and 8% of One-Time Learning Recovery Support has been claimed. Marina reiterated the funds are a reimbursement for claims submitted. The purpose of the funding is to mitigate the impact of school disruptions due to COVID-19 during the period of March 13, 2020 through September 1, 2021 and can be claimed as prior year expenditures. Marina reviewed the process of claiming the funding. She said many LEAs have local contributions which are essentially encroachments from the general fund. If activities can be identified as activities covered by the plans can qualify. Marina encouraged the directors to work with fiscal staff to utilize the funds or the funds will be returned to CDE. She has emailed a file to fiscal staff regarding how to access the funding and shared it with the directors as well. Marina instructed the activities reports are to be submitted to Heidi Chavez or Kathleen Peters, depending on which funds are being used. She continued that in reviewing Maintenance of Effort for the LEAs, many have substantial local contribution to the special education fund which means the general fund is being used for special education expenses. There could be a way to access the one-time funding without effecting MOE if it has been included in the 2023 budget. Marina continued there is a workbook that has been emailed to the finance staff that includes the major components of claiming the reimbursements for the funds.

8.2 Projected Mental Health Funding

Marina Gallegos provided information regarding projected mental health funding. Marina said the figures are a very rough projection of how funding could be disbursed to LEAs as it has been proposed in legislature.

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Pam Bender added if the funding change does occur, new Memorandums of Understanding (MOU) will be developed.

9.0 INFORMATION ITEMS

9.1 Monthly Occupational & Physical Therapy Services Reports

9.2 Upcoming Professional Learning Opportunities

10.0 STEERING COMMITTEE MEMBERS COMMENTS / REPORTS

None.

11.0 CEO COMMENTS

Pam Bender stressed the importance of self-care, especially during the busy times. She reported that starting next school year, the plan is to transition to SEIS with the final decision being made by CAHELP JPA Governance Council at their October 2022 meeting. If the change is approved, training will begin almost immediately beginning with appropriate CAHELP staff.

12.0 MATTERS BROUGHT BY THE PUBLIC

None.

13.0 ADJOURNMENT

Having no further business to discuss, a motion was made by Shawn Brown-Brumfield, seconded by Tony Lucey, to adjourn the meeting at 2:09 p.m. The motion carried on the following vote 13:0: Ayes: Brown-Brumfield, Congo, Connell, Cox, Jung, Lovell, Lucey, Moreno, Mulz, Price, Swingle, Tarver, and Waisman. Nays: None, Abstentions: None.

The next regular meeting of the Desert/Mountain Charter SELPA Steering Committee will be held on Thursday, October 20, 2022, at 1:00 p.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.