

**DESERT MOUNTAIN CHARTER SELPA STEERING and FINANCE COMMITTEE MEETING**

*September 21, 2023 – 9:00 a.m.*

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

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**MINUTES**

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**DESERT MOUNTAIN CHARTER SELPA MEMBERS PRESENT:**

Alliance STEAM Academy – Jacque Williams, ASA Charter School – Susan Lucey via Web Ex, Aveson School of Leaders – Kelly Jung via Web Ex, Desert Trails Prep Academy/Laverne Elementary Prep – Chantal Mendoza, Elite Academic Academy – Jen Edick, Adam Woodard both via Web Ex, Encore Jr/Sr High – Madison Dennison, Julia Lee Performing Arts Academy – Nika Hall, Rachel Thomas both via Web Ex, Odyssey Charter Schools – Chasityflame Price, Pasadena Rosebud Academy – Shawn Brown via Web Ex, Pathways to College – James Connell, and Taylion High Desert – Karen Ware.

**CAHELP, DMS SELPA, & DMCC STAFF PRESENT:**

Jamie Adkins, Pam Bender, Ivan Campos, Heidi Chavez, Danielle Cote, Peggy Dunn, Marina Gallegos, Colette Garland, Maurica Manibusan, Isaac Medina, Kathleen Peters, Karina Quezada, Linda Rodriguez, Veronica Rousseau, Deborah Sarkesian, Jennifer Sutton, and Bobbie Taylor.

**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 9:04 a.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 Jacque Williams, seconded by Madison Dennison, to approve the September 21, 2023 Desert Mountain Charter SELPA Steering and Finance Committee Meeting Agenda as presented. The motion carried on the following vote of 10:0:0: Ayes: Connell, Dennison, Edick, Hall, Jung, Lucey, Mendoza, Price, Ware, and Williams. Nays: None, Abstentions: None.

**5.0 PRESENTATION**

5.1 Senate Bill 114 Dyslexia Risk Screening

Karina Quezada, PsyD., presented an update on Senate Bill (SB) 114 Dyslexia Risk Screening and the implications for students in general education and special education. She said the purpose of the bill is to identify children that are struggling with reading so they can be provided with interventions that will hopefully change their educational trajectory. Karina reported that the State Board of Education will be appointing an independent panel of experts to create an approved list of screening instruments then she reviewed the timeline for implementation. Once the panel releases the approved list of

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screening instruments, LEAs serving students in kindergarten through second grade must adopt one or more screening instruments in the list via a public hearing board meeting. She said pupils in kindergarten through second grade are to be assessed under SB 114 and noted that, for the purpose of SB 114, kindergarten does not include transitional kindergarten. SB 114 allows for LEAs to determine for themselves when during the school year to administer the screenings. Karina said it is important to consider if the students have had enough instructional time, meaning the beginning of the school year is not likely the appropriate time. Karina reviewed the process for late enrollments and highlighted that LEAs are not restricted from providing additional screening or diagnostic evaluations as appropriate. The screening tool cannot be used solely to establish eligibility for special education and related services but can be used in addition to other assessments. Students who do not speak sufficient English are to be screened in their primary language. If that is not available, the student's risk for reading difficulties is to be evaluated through analysis of developmental history, educational history, literacy progress, home background, evolving English language abilities, and other components. Karina reported that LEAs are able to initiate exemptions with prior written consent of the parent or guardian as long as: a pupil has a current identification or diagnosis of a reading difficulty, reading disorder, or other disability, the pupil is eligible for special education and related services under IDEA or 504 Plan, and/or if the pupil is in the process of being assessed for eligibility for eligibility. Parents/guardians are to be provided with information about the screening, including dates of screenings and instructions for opting out on their child's behalf no later than 15 days prior to the screening being administered. Parents/guardians are also to be notified of the screening results no more than 45 calendar days from the date of assessment. Karina continued that assessment results are not to be used to evaluate teachers or other school staff, accountability, pupil grade promotion or retention, identification of gifted or talented education, reclassification of English learners, or for identification of an individual with exceptional needs. Karina said the assessment does not have to be administered only by certificated staff but who can administer is to be determined by the school board that will ensure the staff is properly trained. Karina reported the intent of the bill is to identify and provide early interventions because currently many children are not identified until third grade and then remediation takes longer with some children not getting caught up. Providing early interventions is a good teaching practice and it is not too early to begin training staff so they are aware. Karina confirmed that digital assessments will only be permitted if on the approved list.

Pam Bender said it often happens that a general education teacher wants to refer a student to special education but there are no specific interventions or supports being provided to the student. With SB 114 requiring that assessments be provided in the student's primary language, it can be determined if the child has a reading issue or a language issue. Pam continued it will be more work for teachers and staff to complete the assessments but exactly how much more cannot be determined at this time and will depend on how intensive the assessment is, if it can be done in a group setting or individually. Pam said if she hears that they are looking for people to participate in the panel, she will notify the special education directors.

### **6.0 CONSENT ITEMS**

It is recommended that the Desert Mountain Charter SELPA Steering and Finance Committee consider approving several Agenda items as a Consent list. Consent Items are routine in nature and can be enacted in

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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 Jacque Williams, seconded by Madison Dennison, to approve the following Consent Item as presented. The motion carried on the following vote of 10:0:0: Ayes: Connell, Dennison, Edick, Hall, Jung, Lucey, Mendoza, Price, Ware, and Williams. Nays: None, Abstentions: None

6.1.1 Approve the August 17, 2023 Desert Mountain Charter SELPA Steering and Finance Committee Meeting Minutes.

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

#### 7.1 Legislative Update

Pam Bender presented a legislative update stating she is providing updates on legislation that is pertinent to special education.

- Assembly Bill (AB) 87 – Pupils: Section 504 Plans: Meetings and Team Meetings has passed. This bill allows parents the option of recording Section 504 Plan meetings.
- AB 248 – Individuals with Disabilities: The Dignity for All Act has been ordered to a third reading.
- AB 438 – Pupils with Exceptional Needs: Individualized Education Programs: Postsecondary Goals and Transition Services is ordered to a second reading.
- AB 447 – Public Postsecondary Education: Students with Disabilities: Inclusive College Programs has been ordered to a second reading.
- AB 611 – Special Education: Nonpublic, Nonsectarian Schools or Agencies: Change in Certification Status: Parental Notification Update received since release. This bill requires notification of changes be sent to the district of residence instead of the SELPA.
- AB 723 – Pupil Placement: Special Education: Foster Children: Nonpublic, Nonsectarian Schools or Agencies: School of Origin is ordered to a second reading.
- AB 1466 – Pupil Discipline: Restraining and Seclusion: Reporting has been ordered to a second reading.
- AB 1517 – Special Education: Special Education Local Plan Areas: Local Plans has been ordered to a second reading and is supported by State SELPA Administrators.
- SB 88 – Pupil Transportation: Driver Qualifications has been ordered to a second reading. There has been an update stating effective July 1, 2025, there is an exemption for parents who are paid by the LEA to transport their child to school.
- SB 323 – Comprehensive School Safety Plans: Individualized Safety Plans has been ordered to a second reading.
- SB 354 – Special Education: Inclusive Education: Universal Design for Learning is ordered for a second reading. It did not move forward last year due to funding issues but it is being reviewed again this year.
- SB 483 – Pupil Rights: Prone Restraint has failed but it is likely to come back.

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- SB 499 – School Facilities: School Extreme Heat Activation Plan Act of 2023 is included so LEAs are aware and it is not exclusive to special education.
- SB 509 – School Employee and Pupil Training: youth mental and Behavioral Health: Mental Health Education is in a second reading. If LEAs need posters providing mental health resources, DMSELPA can provide those.
- SB 691 – Dyslexia Risk Screening has passed and is now SB 114. This bill has many parts including places where students in workability programs are employed to have full staff fingerprinting. It has been changed to require at least one adult to be fingerprinted and on site during the hours a student is working as well as requiring SELPA staff to visit the location at least once every three weeks. Because of the impact this has on students in the transition program, it is an urgency bill.

Danielle Cote said for clarification of bill AB 1466, seclusion can be blocking doors when there is a need to limit one's movement psychologically or physically. When seclusion is administered, it must be documented in a Behavioral Emergency Report (BER).

Pam agreed and said for those that do not understand what seclusion means to see the information posted on an LEA website could cause issues.

\*Note: Shawn Brown joined the meeting at 10:00 a.m.

### 7.2 SEIS Transition Update

Pam Bender provided a SEIS transition update. She said the weekly email updates will continue and stressed that CAHELP JPA staff are available to support the LEAs however needed. There have been online trainings provided to LEAs that have requested refreshers. Pam continued additional staff have been hired to attach the most recent IEP and supporting documents from Web IEP to SEIS without waiting for the student to be affirmed. Teachers will have to affirm to ensure they can see their students and the services. Pam said in the transfer from Web IEP to SEIS there are some duplicate services and for those that are identical, one is deleted. She is however confirming in Web IEP because that is the legal copy. Pam said there are approximately 10 staff constantly working in SEIS with others working when their schedule allows. She continued that the next step is to provide the fillable forms that have been completed since July 1, 2023 to DMSELPA so staff can input the details in SEIS and upload the signature. Pam said the process is being decided on and once it is in place, the LEAs will be notified. She said it is likely an email address will be created solely to receive PDFs of the fillable forms. Once that process and plan are in place, an email will be sent to the LEAs with further direction. Pam said if teachers have affirmed their students, the fillable forms are no longer needed as SEIS is ready to be used.

Colette Garland thanked committee members for their patience. She said there will be updates with SEIS and in preparation for upcoming Pupil Count, there will be a mass bulk "Do Not Report" because the records that are currently being worked on were reported in the June Pupil Count so there will be a hold on sending records to CALPADS. Also, CALPADS has some issues with their recent redesign

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which is another reason to not send records. Colette asked to be contacted with any issues pertaining to caseloads or user access so adjustments can be made.

Pam continued that beginning on September 26, 2023, on Tuesdays 2:30-4:00 p.m. and Thursdays 8:30-10:00 a.m., there will be SEIS Open Forum Zoom meetings until at least October 21, 2023. This will be a time to voice questions and concerns or hear what other SEIS users are saying. Colette Garland and Terri Nelson will be the primary DMSELPA staff in the meetings but program specialists and program managers will also attend as they can. The link will be the same throughout the series. Colette and Terri are working to schedule trainings on recording progress for teachers because it will be a little different than in Web IEP. Colette will be meeting with translators as well. Pam said to email her, Colette Garland or Terri Nelson with any issues or concerns. Pam expressed her appreciation to the committee members for their willingness to work with DMSELPA and walk through this challenge.

### 7.3 Desert Mountain Children's Center Client Services Reports and Update

Pam Bender presented the Desert Mountain Children's Center Client Services monthly reports and updates. Students who have ERMHS services on their IEPs are being reviewed to ensure they are assigned to the correct LEA in SEIS to ensure the Fee-for-Service (FFS) correctly billed.

### 7.4 Professional Learning Summary and Update

Heidi Chavez presented the Desert Mountain Charter SELPA's Professional Learning Summary and updates. She said in the first two months of the school year, participation is more than all of last year. CAHELP JPA currently has four vacant program specialist positions and the remaining five program specialists have taken on the extra work. Heidi reviewed the topics of the Special Education Directors' Trainings for the year with October 20, 2023 topic of Solid Gold Goals. Heidi continued that Community Advisory Committee meeting is scheduled for September 21, 2023 about neurodiversity. The November 16, 2023 meeting topic is #ActNow – Fentanyl Awareness presented by San Bernardino County District Attorney's Office and will be held virtually. Heidi continued that Hola Language Services-Interpreting IEP Meetings will be offered November 29-30, 2023. Heidi concluded by sharing the 2024 CAHELP IMTSS Symposium has been scheduled for a full day on February 21, 2024 and will likely be held in Ontario. The keynote speaker will be Dr. Rebecca Branstetter who will speak on reversing educator burnout. The closing keynote speaker is being finalized and there will also be breakout sessions.

### 7.5 Resolution Support Services Summary and Update

Kathleen Peters presented the Desert Mountain Charter SELPA's Resolution Support Services Summary and update. She shared that there is currently an open case involving unilateral placement. The best way to protect an LEA is to have airtight assessments and IEPs. Another charter case filed in September 2023 involves an advocate and a request for vision therapy that mirrored a case filed against an LEA in DMSELPA. The DMSELPA case was for identification of a student that was found not eligible for special education or a 504 Plan after assessment and Independent Educational Evaluations

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(IEE) but compensatory education was provided to close the case before it went to hearing. Kathleen asked to be contacted if vision therapy is requested in an IEP.

Kathleen commented on a case that went to the 9<sup>th</sup> circuit for a student with attention deficit hyperactivity disorder (ADHD) who did not qualify for special education because the IEP team found the student to be “capable but not trying”. The judge found the student did qualify as the described behaviors were characteristic of ADHD.

Kathleen then provided information on a California OAH case in which the judge found the district did not include the parent in meaningful discussion. It was documented in the school student information system that that the child’s native language was Spanish but the parent spoke English when communicating with the school, not bringing an interpreter. The judge found the district should have provided the parent with a translator at all meetings as it was a documented need of the parent. Also, in the IEP notes, the general education teacher was excluded but the excusal form was not provided to the parent or included in the IEP.

Kathleen continued by reviewing a case involving disruptive behavior of advocates in IEP meetings preventing services from being provided. The referred to a previous 9<sup>th</sup> circuit case that provided the school had a right to implement a communication plan for dealing with disruptive advocates and parents. The school had documented the level of disruption created as well as the efforts that had been put in place by the district to take other avenues in dealing with the disruptions. Kathleen is working on Prior Written Notice (PWN) language with an attorney to assist member LEAs if it is needed. She said LEAs have policy language and education code language to assist in working with parents and disruptions that must be tried and followed before limiting the communication with a parent. Kathleen asked to be contacted before an LEA considers limiting communication with a parent to ensure the LEA is working within the confines of the law.

Kathleen stated the Alternative Dispute Resolution (ADR) Training Series will consist of three virtual training begins September 28, 2023. The series is available to teachers and administrators who are involved in IEPs.

Karina Quezada pointed out that each of the ADR trainings in the series stand on their own and do not rely on the other trainings for understanding. She also said attendance at all three training courses is not required. Karina also shared the Annual ADR Conference is scheduled for March 14-15, 2024 in Riverside, CA with a cost of \$450.00 per participant.

### 7.6 Compliance Update

Peggy Dunn presented an update on compliance items from the California Department of Education (CDE). She said Compliance and Improvement Monitoring Process (CIM) is well underway with charters involved being in Targeted Monitoring only then reviewed the submission due dates. Peggy reported Cyclical Monitoring for Small Schools has changed from one-year cycles to two-year cycles changes, delaying Cycle B until approximately August or September 2024. She is waiting for a

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response from CDE regarding the status of LEAs that submitted their information in Cycle A. Peggy said the number of late IEPs is not accurate because there are many IEPs that were completed on fillable forms with the transition to SEIS.

**7.7 Prevention and Intervention Update**

Deborah Sarkesian presented the Prevention and Intervention update. She reported the PBIS Recognition Event is scheduled for October 4, 2023 at 5:00 p.m. at DMESC. The digital invites have been sent with the team also hand-delivering invites.

Deborah continued that she also oversees the Career Technical Education (CTE) Department. She shared there are two main programs: Workforce Innovation and Opportunity Act (WIOA) and Transition Partnership Program (TPP). WIOA is for special education students who are 16-24 years of age, are out of school and meet one or more barriers: no high school diploma or GED, a documented disability, low income, parenting youth, or foster youth. Isaac Medina is the project manager of WIOA. TPP is for high school juniors and seniors between the ages of 16-21 who have not received services from TPP, have an IEP or 504 Plan, and are referred by a TPP teacher. Bobbie Taylor is the project manager of TPP. The Beginning of the Year CTE meeting is scheduled for September 26, 2023 at DMESC.

**8.0 FINANCE COMMITTEE REPORTS**

**8.1 Senate Bill (SB) 114 and Special Education Funding**

Marina Gallegos provided SB 114 and Special Education Funding Information. She said effective 2023-24, the requirement is that allocated funding must equal the base rate of the prior year times the COLA and adjusted by a percentage change in ADA where applicable. Marina shared the preliminary calculation based on SB 114 as well as the provided back up figures to assist the LEAs.

**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 reported all sections of the Local Plan are to be submitted this year. A committee will be formed for that and an email will be sent to find out who is interested in participating. Pam continued that the

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Allocation Plan will also be reviewed with the changes of Educationally Related Mental Health Services (ERMHS) funding and 602 funding as well as deciding if the allocation plan is to be part of the Local Plan. Pam said DMSELPA will be creating a committee to work on the Alternative Diploma Pathway.

Pam said in the last five weeks of sending SEIS updates to the superintendents/CEOs and special education directors and working through the challenges and struggles, she shared three motivational quotes: “Resilience has been described as the capacity for positive outcomes despite challenging or threatening circumstances.” By Byron Egeland. “Persistence and resilience come from the opportunity to work through difficult problems.” By Gever Tully. “The extent of struggle determines the extent of the growth. The obstacle is an advantage, not adversity. The enemy is any perception that prevents us from seeing this.” by Ryan Holiday. Pam said her goal is for the transition to SEIS to be smooth December, SEIS is smooth sailing. Pam shared the SEIS helpdesk email has been established with two people managing it and the process for submitting fillable IEP forms will be coming soon. Pam thanked the membership for their patience and working with CAHELP through the transition process. Pam asked to be contacted by any LEA that is struggling so assistance can be provided.

### **12.0 MATTERS BROUGHT BY THE PUBLIC**

None.

### **13.0 ADJOURNMENT**

Having no further business to discuss, a motion was made by James Connell, seconded by Karen Ware, to adjourn the meeting at 10:56 a.m. The motion carried on the following vote of 11:0:0: Ayes: Brown, Connell, Dennison, Edick, Hall, Jung, Lucey, Mendoza, Price, Ware, and Williams. Nays: None, Abstentions: None.

The next regular meeting of the Desert Mountain Charter SELPA Steering Committee will be held on Thursday, October 19, 2023, at 9:00 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.*