

California Association of Health and Education Linked Professions,
Joint Powers Authority (CAHELP, JPA)
DESERT MOUNTAIN SELPA STEERING and FINANCE COMMITTEE MEETING
September 22, 2023 – 9:00 a.m.
Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley CA 92307

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DESERT MOUNTAIN SELPA (DMSELPA) STEERING AND FINANCE MEMBERS PRESENT:

Academy for Academic Excellence – Marcelo Congo, Adelanto SD – Kimberly Guthrie, Apple Valley USD – Priscilla Avila, David Wheeler, Barstow USD – Heather Reid, Bear Valley USD – Lucinda Newton, Desert Mountain Operations (SBCSS) – Jennifer Alvarado, Cristian Castellanos, Stephanie Hedberg, Excelsior Charter Schools – Amber Englehart, Health Sciences High School and Middle College – Bryan Dale via Web Ex, Helendale SD – Michael Esposito, Hesperia USD – Shannon Garibay, Elaine Nelson, Lucerne Valley SD – Vici Miller, Needles USD – Jamie Wiesner via Web Ex, Oro Grande SD – Scott Heitman, Snowline JUSD – Pam De Renard, Trona JUSD – Nicole Yeager via Web Ex, Victor Elementary SD – Tanya Benitez, and VVUHSD – Larry Brunson, Krystal Kerns.

GUESTS:

Georgeanne Kirkwood – Options for Youth.

CAHELP, DMSELPA, & DMCC STAFF PRESENT:

Jamie Adkins, Pam Bender, Guille Burgos, Ivan Campos, Heidi Chavez, Danielle Cote, Peggy Dunn, Marina Gallegos, Jennifer Harms, Linda Llamas, Maurica Manibusan, Isaac Medina, Lisa Nash, Kathleen Peters, Karina Quezada, Jennifer Rountree, Veronica Rousseau, Deborah Sarkesian, Jessica Soto, and Jennifer Sutton.

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 SELPA Steering and Finance Committee Meeting was called to order by Chairperson Pam Bender at 9:06 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 Michael Esposito, seconded by Kimberly Guthrie, to approve the September 22, 2023 Desert Mountain SELPA Steering and Finance Committee Meeting Agenda as presented. The motion carried on the following vote: 16:0:0: Ayes: Benitez, Brunson, Congo, Dale, De Renard, Englehart, Esposito, Guthrie, Hedberg, Heitman, Miller, Nelson, Reid, Wheeler, Wiesner, and Yeager. Nays: None, Abstentions: None.

5.0 PRESENTATIONS

5.1 SBCSS D/M Operations Final 2022-23 Local Control Funding Formula (LCFF) Revenue Transfer

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Jennifer Alvarado presented the SBCSS D/M Operations Fiscal Year 2022-23 LCFF Revenue Transfer. The transfer is done twice per year with the revenue being generated by Average Daily Attendance (ADA) for students attending county operated programs in the desert mountain region. Jennifer stated the transferred revenue offsets the cost of operating the special education program before fees are calculated in the spring following certification. She continued that the transfer will be processed after the amounts are presented to CAHELP JPA Governance Council.

5.2 SBCSS D/M Operations 2022-23 Fee-For-Service Year-End Actuals

Jennifer Alvarado presented the SBCSS D/M Operations Fiscal Year 2022-23 Fee-For-Service (FFS) Year-End Actuals. She reported the budgeted amounts were presented in the spring when FFS amounts were developed. The increase in revenue was due to considerable growth in the number of students being served in the desert mountain region.

5.3 SBCSS D/M Operations 2022-23 Fee-for-Service Return

Jennifer Alvarado presented the SBCSS D/M Operations 2022-23 Fee-For-Service Return. She explained any funds remaining at the end of the school year are returned to the districts in proportionate share to which they were billed after withholding the 3% reserve.

5.4 Academy for the Advancement of Children with Autism (AACA)

Pam Bender reported staff from the Academy for the Advancement of Children with Autism were scheduled to present information on their programs and services but due to COVID-19 exposure, they needed to reschedule. Pam shared they currently have an operational location in Lancaster and have a building in Apple Valley. The Apple Valley site does not have CDE clearance but they have reported all documents have been submitted. Pam said AACA does not know how many students they will have so they do not know how many teachers they will need. Because of this, they offered to provide services to students if DMCS/DMSELPA pays for transportation to the Lancaster site so they would know what their attendance would be locally. Lancaster is a long trip by bus and raises questions about safety.

*Note: Lucinda Newton joined the meeting at 9:23 a.m.

5.5 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 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

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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. Karina concluded that the decisions made should consider the entire child and their trajectory utilizing multiple sources of information.

Pam Bender confirmed that the screening can trigger Child Find if progress is not seen once interventions are provided to a student. She added that different students could need different interventions and for LEAs to keep that in mind. Pam said it could cause concerns with the teachers since it could add to their work load.

6.0 CONSENT ITEMS

It is recommended that the Steering and Finance 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.

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6.1 **BE IT RESOLVED** that a motion was made by Elaine Nelson, seconded by Tanya Benitez, to approve the following Consent Item as presented. The motion carried on the following vote: 17:0:0: Ayes: Benitez, Brunson, Congo, Dale, De Renard, Englehart, Esposito, Guthrie, Hedberg, Heitman, Miller, Nelson, Newton, Reid, Wheeler, Wiesner, and Yeager. Nays: None, Abstentions: None

6.1.1 Approve the August 18, 2023 Desert Mountain 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.
- SB 499 – School Facilities: School Extreme Heat Activation Plan Act of 2023 is included

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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.

7.2 SEIS Transition Update

Pam Bender provided a SEIS transition update. She said she has been emailing weekly updates on the transition. There are DMSELPA staff members assisting with entering LEA students along with additional hired staff attaching current IEP documents to SEIS student records. Pam reported teachers do not have to affirm students before documents can be attached to the student record. Pam stated the fillable IEP forms that have been completed and signed since July 1, 2023 do not have to be entered in to SEIS by LEA staff because DMSELPA staff will do it. Pam emailed the directors asking if they have a system in place for collecting the fillable IEP forms from their staff to let Pam know so she can decide the best way for the files to come to DMSELPA for SEIS entry. Pam said for the LEAs that do not have a system in place, one will be created by DMSELPA so it is not creating duplicate work for anyone. Pam shared that her goal is for SEIS to be smooth sailing by December since that is when CALPADS Certification takes place. Colette Garland and Terri Nelson have scheduled trainings with LEA MIS staff to address the recent CALPADS rollover. They will also be scheduling training for Report of Progress since it will be different than with Web IEP. Pam continued there will be SEIS Open Forum calls on Tuesday afternoons 2:30 p.m. – 4:00 p.m. and Thursday mornings 8:30 a.m.-10:00 a.m. via Zoom from September 26, 2023 through December 21, 2023 at the least. She said the open forums will provide opportunity to ask questions, get support, or hear what others have to say. The Zoom link can be shared with teachers and other staff that need support with SEIS. Pam continued that a SEIS Helpdesk email has been created and will be reviewed by three staff so issues are addressed as received. Pam confirmed that if an amendment was completed on fillable IEP forms, that has to be added to SEIS with the forms uploaded before the next annual or triennial can be completed in SEIS.

Stephanie Hedberg said DMOPS was taking referrals without Interim Placement forms through July. She said now LEAs need to accept the students in SEIS to take accountability so DMOPS can move forward with IEPs. Stephanie continued that DMOPS staff is completing their portion of affirmations as well, hoping to be done within a week.

Pam confirmed that if no IEP meetings have been held using fillable forms, SEIS is available for the students to be affirmed with demographics, present levels, services, and goals all transferred to SEIS and available for new IEP information to be added. After being advised that Spanish

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forms are not in SEIS, Pam said she will contact SEIS after the meeting she will contact SEIS and email the response to the committee members. Colette Garland confirmed the IEP forms can be printed in Spanish but the narratives do need to be translated.

Pam confirmed DMSELPA staff will assist LEAs with affirming their students but she needs the student list. DMSELPA providers are being entered in SEIS so they have one account log in instead of multiples. Pam will also confirm with SEIS how students at nonpublic agencies are assigned. An error will occur if the NPA name is not entered when affirming. If LEA staff does not have the correct access, Pam asked for DMSELPA to be notified so the changes can be made. In the instances that the most current IEP services, start dates, or end dates did not transfer over from Web IEP, Pam is working with SEIS on why and how to correct it. Pam said before affirming, teachers need to look at demographics, grade level, CALPADS (Student) for Plan Start Date and class type, and CALPADS (Services) to update case carrier and review services. Colette Garland added that Service End Date is required in SEIS but was not required in Web IEP.

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

Linda Llamas presented the Desert Mountain Children's Center Client Services monthly reports and update. She asked to be contacted if there are any discrepancies or questions about the reports so corrections can be made. Linda also asked to be contacted if the LEA point of contact has changed or if a committee member wants to be added to the list. She stated she will provide report example at the October meeting so directors of special education are familiar with the reports.

7.4 Professional Learning Summary and Update

Heidi Chavez presented the Desert Mountain SELPA's Professional Learning Summary and update. She said the participant number is already at 39% of last year. Heidi continued that her team is down program specialists with the current four working hard to support each other and the LEAs. Because of that, she asked the LEAs to be flexible on dates when requesting trainings. Heidi said DMSELPA is working with the administrative unit to get the vacant positions posted and filled.

Pam Bender said the delay is due to the job description because with changes to credentialing and Commission on Teacher Credentialing (CTC), SBCSS is struggling with it even though the language is written in the California Education Code. She said we are close to getting the job descriptions approved and posted.

Heidi continued by reviewing the Directors' Training Save the Date. She said "Solid Gold Goals" with Ernest L. Bell is scheduled for October 20, 2023. She shared that Community Advisory Committee (CAC) meetings will be virtual this year. The next meeting is scheduled for November 16, 2023 with presentation on fentanyl awareness by the San Bernardino County District Attorney's Office. Heidi reminded the committee that each member LEA has the obligation for one district representative and one parent representative present at the meetings. During the CAC

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meetings, parents are provided with resources and connections to DMSELPA and their community. Hola Language Services training will be offered on November 29-30, 2023 for staff who interpret at IEP meetings. It will assist them in understanding interpreting versus translating and it is word for word what is being said without personal opinion. The IMTSS Symposium is scheduled for February 21, 2024 and will likely be held at Ontario Doubletree as a full day event. Dr. Rebecca Branstetter will present on reversing educator burnout. The closing keynote speaker and break out sessions are still being decided.

7.5 Resolution Support Services Summary and Update

Kathleen Peters presented the Desert Mountain SELPA's Resolution Support Services Summary and update. She shared a DMSELPA case that was for identification of a student that was found not eligible for special education or a 504 Plan after assessment and Independent Educational Evaluations (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 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 which infringed on parent participation.

Kathleen continued by reviewing a case involving disruptive behavior of advocates in IEP meetings preventing services from being provided. The referred to a previous 9th 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 commented on a case that went to the 9th 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 stated the Alternative Dispute Resolution (ADR) Training Series will consist of three

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virtual training begins September 28, 2023. The series is available to teachers and administrators who are involved in IEPs.

Kathleen reported Victor Elementary School District prevailed in a case, allowing a student to be placed in a more restrictive environment at a different school. Before filing against a family, every option must be explored to have a successful case. The reward is seeing the student thrive with appropriate placement.

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 reviewed the Compliance and Improvement Monitoring due dates for LEAs in Significant Disproportionality, Intensive Monitoring Levels 1, 2, 3, and Targeted Monitoring Levels, 1, 2, 3. Peggy reported Cyclical Monitoring for Small Schools has changed from one-year cycles to two-year cycles changes which will delay Cycle B until approximately August or September 2024. She is waiting for a response from CDE regarding the status of LEAs that have submitted their information for Cycle A. Peggy said the number of late IEPs is not accurate because there are many IEPs that were completed on fillable forms since July 1, 2023 have not yet been entered in SEIS.

7.7 Nonpublic School/Nonpublic Agency Update

Peggy Dunn provided a nonpublic school/nonpublic agency update, reviewing how many students are at each of the nonpublic schools and nonpublic agencies. She confirmed AACAA has secured a building in Apple Valley. She said Beach Cities Learning will have a campus in the high desert with a Doing Business As (DBA). Peggy shared that ECE 4 Autism, Frostig School, and The Prentice School require long distance transportation for students. She reported that to bring nonpublic schools together, her team holds quarterly virtual nonpublic school meetings to keep them connected and address NPS concerns. Nonpublic agencies (NPA) provide primary services of nursing and behavioral support.

Pam Bender added that Peggy has been communicating with a remote NPA provider about the insurance that is required as part of the service contract. Pam said there is no exceptions to the insurance requirements, especially when one to one services are being provided. The NPA has been given a deadline to submit proof of insurance or services will not be able to continue. LEAs with students at the NPA will be notified.

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7.8 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 is based on SB 114 as well as the provided backup figures to assist the LEAs.

8.2 Early Intervention Preschool Grants

Marina Gallegos provided information on Early Intervention Preschool Grants. She shared an article from School Services of California Inc that provided information about what the funding can be used for.

9.0 INFORMATION ITEMS

9.1 Monthly Occupational & Physical Therapy Services Reports

9.2 Monthly Nonpublic School Placement Report

9.3 Upcoming Professional Learning Opportunities

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10.0 STEERING COMMITTEE MEMBERS COMMENTS / REPORTS

Michael Esposito expressed his appreciation of Colette Garland, Ivan Campos, Karina Quezada, and Danielle Cote as they have assisted him with trying times.

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 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 as well.

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 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.

*Note: Tanya Benitez left the meeting at 11:35 a.m.

12.0 MATTERS BROUGHT BY THE PUBLIC

None.

13.0 ADJOURNMENT

Having no further business to discuss, a motion was made by Michael Esposito, seconded by Lucinda Newton, to adjourn the meeting at 11:37 a.m. The motion carried on the following vote: 16:0:0: Ayes: Brunson, Congo, Dale, De Renard, Englehart, Esposito, Guthrie, Hedberg, Heitman, Miller, Nelson, Newton, Reid, Wheeler, Wiesner, and Yeager. Nays: None, Abstentions: None.

The next regular meeting of the Desert Mountain SELPA Steering and Finance Committee will be held on Friday, October 20, 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.