

California Association of Health and Education Linked Professions
Joint Powers Authority (CAHELP JPA)
DESERT/MOUNTAIN SELPA STEERING and FINANCE COMMITTEE MEETING
December 16, 2022 – 9:00 a.m.
Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley CA 92307

MINUTES

D/M SELPA MEMBERS PRESENT:

Academy for Academic Excellence – Marcelo Congo, Adelanto SD – Michael Baird, Apple Valley USD – David Wheeler, Baker Valley USD – Cecil Edwards, Barstow USD - Heather Reid, DMOPS/SBCSS – Rich Frederick, Health Sciences HS & Middle College – Kristen Kosaka, Hesperia USD – Shannon Garibay, Eric Land, Elaine Nelson, Lucerne Valley SD – Vici Miller, Needles USD – Jamie Wiesner, Oro Grande SD – Scott Heitman, Snowline JUSD – Pam DeRenard, Trona JUSD – Jairo Arellano, Victor Elementary SD – Melanie Arroyo, Tanya Benitez, and Victor Valley UHSD – Margaret Akinnusi, Rama Bassham.

CAHELP, SELPA, and DMCC STAFF PRESENT:

Jamie Adkins, Daniel Anchondo, Pam Bender, Guille Burgos, Ivan Campos, Heidi Chavez, Ariel Clark, Peggy Dunn, Adrien Faamausili, Marina Gallegos, Bonnie Garcia, Renee Garcia, Colette Garland, Derek Hale, Jennifer Harms, Linda Llamas, Robin McMullen, Angela Mgbekwe, Lisa Nash, Sheila Parisian, Kathleen Peters, Linda Rodriguez, Adrienne Shepherd-Myles, 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 9:04 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 Scott Heitman, seconded by Rich Frederick, to approve the December 16, 2022 Desert/Mountain SELPA Steering and Finance Committee Meeting Agenda as presented. The motion carried on the following vote 16:0: Ayes: Akinnusi, Arellano, Baird, Benitez, Congo, DeRenard, Edwards, Frederick, Heitman, Kosaka, Land, Miller, Reid, Rigdon, Wheeler, and Wiesner, 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.

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5.1.1 **BE IT RESOLVED** that a motion was made by Rich Frederick, seconded by Scott Heitman, to approve the Assembly Bill 361 Exemptions to Brown Act Virtual Meeting Requirements as presented. The motion carried on the following vote 16:0: Ayes: Akinnusi, Arellano, Baird, Benitez, Congo, DeRenard, Edwards, Frederick, Heitman, Kosaka, Land, Miller, Reid, Rigdon, Wheeler, and Wiesner, Nays: None, Abstentions: None.

5.2 Form D/M 68F (formerly 68L) Testing Matrix for California Assessment of Student Performance & Progress (CAASPP) (**ACTION**)

Forms used in the operations of special education programs within the Desert/Mountain 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 SELPA Steering Committee for consideration and approval.

5.2.1 **BE IT RESOLVED** that a motion was made by Rich Frederick, seconded by Cheri Rigdon, to approve the Form D/M 68F (formerly 68L) Testing Matrix for California Assessment of Student Performance & Progress (CAASPP) as presented. The motion carried on the following vote 16:0: Ayes: Akinnusi, Arellano, Baird, Benitez, Congo, DeRenard, Edwards, Frederick, Heitman, Kosaka, Land, Miller, Reid, Rigdon, Wheeler, and Wiesner, Nays: None, Abstentions: None.

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.

6.1 **BE IT RESOLVED** that a motion was made by Michael Baird, seconded by Jairo Arellano, to approve the following Consent Item as presented. The motion carried on the following vote 16:0: Ayes: Akinnusi, Arellano, Baird, Benitez, Congo, DeRenard, Edwards, Frederick, Heitman, Kosaka, Land, Miller, Reid, Rigdon, Wheeler, and Wiesner, Nays: None, Abstentions: None.

6.1.1 Approve the November 18, 2022 Desert/Mountain SELPA Steering and Finance Committee Meeting Minutes.

7.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS

7.1 Legislative Updates from State SELPA Administrators

Pam Bender provided legislative updates from State SELPA Administrators Meeting. She said

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there are no updates until new legislation is in effect on January 1, 2023. Pam reminded the committee that CALPADS certification deadline is December 16, 2022 with most of the LEAs having already submitted.

Colette Garland referred to CALPADS Flash #244 that was released on November 30, 2022 and said there are existing and new “known issues” which were turned in to warnings so the certifications could move forward. Colette continued that on December 20, 2022, the “known issues” will revert to errors and the amendment window opens for updates and final certification.

Pam then reported on the implementation of tracking of provided service minutes. She said she will have more information as well as a PowerPoint to share at the January 2023 Steering and Finance Committee meeting. She said the federal government found California Department of Education (CDE) was not adequately collecting data regarding Individualized Education Plan (IEP) implementation. In response, CDE was ordered to develop an annual data collection plan speaking directly to the performance of providing all services promised on the IEP. Pam said starting in Spring 2023, CDE will randomly choose 10% of an LEA’s special education population to review 60 days of services. The LEA will compile the service minutes then calculate the total service minutes for each of the identified students. Pam stated the superintendent will sign off that the that the sample is accurate then forward it to Desert/Mountain Charter SELPA for the CEO’s signature who will return the document to the LEA to submit to CDE. This process could be added to the monitoring process. She continued that CDE will look at three separate areas: students who receive 95-100% of services, students that receive 90-94.9% of services, and those that receive less than 90% of their services. IEP service minutes can be documented several ways including service logs, sign-in sheets, documentation or notes on progress. For service providers working in Medi-Cal billing systems such as occupational and physical therapists using NetSmart, the services minutes from those systems can be used. Pam reported that attendance can be used for students that are in a self-contained classroom for specialized academic instruction (SAI) services. Each LEA is responsible to ensure they are providing the service minutes. If a student missed services due to absence including field trips or school function, those service minutes do not have to be provided. However, if the service provider is absent, the service minutes must be made up and that must also be monitored and documented. Pam stated there is a small workgroup at the State SELPA level looking at best practices as well as challenges and considerations for implementation that will be in communication with CDE. She continued that service tracking will be separate from CALPADS and will not be submitted to that system. CDE may request backup documentation that prove service minutes were provided. Pam reminded the committee members that LEAs should already be tracking the information. She again said she will present a PowerPoint at January Steering meetings that will be as up to date as possible.

Pam confirmed the data pull will be from the current school year, likely looking at a 60-day time period between March and May. She said SEIS does have a service tracker but it is using a calendar of 365 days instead of 180-182 days of student attendance causing the percentages to be inaccurate. Pam said the superintendent will sign off on the data then it will go to her to sign off on as well. At that point, the data will be sent back to the LEA for submission to CDE.

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Rich Frederick asked if Desert Mountain Operations (DMOPS) will be seen as their own LEA or if they will be reported with the district of attendance. Pam will follow up but assumed that DMOPS will be seen as a separate LEA as they are a service provider and not the district.

7.2 Alternative Diploma Update

Pam Bender provided an update on the alternative diploma. She said in January, she will be sharing a PowerPoint pertaining to Assembly Bill (AB) 181. AB 181 was passed and became effective in June 2022 and pertains to an alternative diploma for students with significant cognitive impairments which means the students who have or will be taking the California Alternate Assessments (CAA). Pam said the requirements are that the student must meet the state's minimum course requirements based on alternative achievement standards. She continued that LEA board policies will have to change moving forward because there will be different requirements from the standard high school diploma. Pam stated the alternative diploma will not end a student's right to free appropriate education (FAPE) and the student will continue to have the right to return to school for education through age 22. Before a student enters 10th grade, it needs to be determined if they are eligible to receive an alternative diploma under California Education Code 51225.3(1) which states it must be provided in the IEP that the student is taking or has taken the CAA in 11th grade and must be able to complete state standard aligned coursework although modified to the alternative achievement standards that are specified in California Education Code. Pam said it will be a narrow subgroup of students because CAA is for only 1% of the special education population. She continued that CDE has not provided direction even though it has been law since June 2022. The alternative diploma is for students who were commencing 10th, 11th, or 12th grades during the 2022-23 school year. An IEP meeting will be needed to discuss the alternative diploma requirements for a student. Pam also stated each LEA will need to review their graduation policies and decide how to make accommodations for those students with the most significant disabilities.

Rich Frederick shared he was told that CDE is planning to release guidelines in January 2023.

Adrienne Shepherd-Myles reported California Transitional Alliance has a PowerPoint that includes some information on the alternative diploma as well.

7.3 Desert Mountain Operations Update

Rich Frederick provided a Desert Mountain Operations Update. Rich said Dale Folkens is the principal that oversees the Deaf and Hard of Hearing (DHH) program. He said Dale has been working to coordinate audiological assessments that are done by Pacific Hearing twice a year along with his Office Specialist I, Mecca Denson. Rich continued that if there are issues, he or Dale are the people to contact and they will ensure students are receiving the services they need.

Rich stated that DMOPS does Part C to Part B assessments for children that are turning three years of age for some desert region districts. DMOPS also does full assessments and First-Class speech

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only assessments. Rich said that when a family comes to a district requesting a special education assessment, the district of residence must enroll the child in the student information system and apply a student identification number (SSID) before requesting a DMOPS assessment. When this is not done, it causes a CALPADS error because DMOPS is not an LEA but a service provider. Rich reported DMOPS is working with individual LEAs to coordinate the process with Colette Garland being a tremendous help. He continued saying the Form DM 85 is being revised to add a place to indicate the student is in enrollment status with the district reflecting the district has applied for the SSID. DMOPS will work with the district to obtain the SSID to open an IEP whether or not the student is eligible. Rich stated the SSID is required to open an IEP so that the findings of the assessment can be recorded.

Rich confirmed that once a child has an SSID and has been assessed, the district of residence is responsible for the Individuals with Disabilities Education Act (IDEA) rights of the preschool family. He said once the offer of FAPE is made by the assessment team and the LEA, the parent can choose whether to accept or decline the offer in its entirety. If they decline, an LEA can file to defend.

Pam Bender added it is the same for preschool age children as it does for school age children in that the child receives all services or none because it is an IDEA issue.

7.4 Early Start Individualized Family Service Plan (IFSP)

Rich Frederick provided information on an update to the Early Start Individualized Family Service Plan (IFSP) form. He said the LEAs agreed to fee for service for the Early Start program and so the Early Start Individualized Family Service Plan (IFSP) was added to Web IEP. Rich then provided a summary of modifications that will be made to the IFSP due to changes in state laws and regulations. Rich reported the state has opened eligibility for Early Start where it used to be 33% disability and it is now 25% disability for students that are dually eligible in the infant program. This will allow different developmental delays to be looked at. Rich wants to ensure the LEAs are up to date on their students that are receiving services through the Early Start program including infants that are transitioning from Part C to Part B, who are also served by other agencies in the high desert.

7.5 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 with changes to the reports and/or questions.

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

Linda Llamas shared the Desert/Mountain Children's Center Mental Health Research Article that pertained to Adverse Childhood Experiences (ACE). She said the article can be shared with anyone who would benefit from having the information.

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7.7 Professional Learning Summary and Update

Heidi Chavez presented the D/M SELPA's Professional Learning Summary and update. Heidi reported the IMTSS Symposium is scheduled for March 8, 2023 as a full day event held at Double Tree Hotel in San Bernardino, CA. It will be titled *See Me Understand Me* and will focus on LGBTQ+ youth in schools.

Heidi continued the next Community Advisory Committee (CAC) meeting is scheduled for February 23, 2023. At that meeting, representatives will be selected for chairperson and vice chairperson. Heidi asked for nominations to be emailed to her.

Heidi added there will be a Special Education Directors Training on February 24, 2023. The topic will be overidentification and overrepresentation in special education. The training will be provided by the D/M SELPA Equity Disproportionality and Design team.

Heidi asked to be contacted regarding the Learning Recovery Support and Dispute Prevention and Resolution Funding so she can help in reviewing what activities can be claimed and to see what other LEAs are using the funds for. She added that unused funds will be returned to CDE.

7.8 Resolution Support Services Summary and Update

Kathleen Peters presented the D/M SELPA's Resolution Support Services Summary and update. She reported the number of cases is slightly lower than last year which she would like to attribute to the offered trainings and facilitated IEPs.

Kathleen then shared an article from The Special Educator titled *Decisions & Guidance*. The article addresses when students are unsuccessful in controlling or changing behaviors, offering a minimum day is not appropriate as a means of Free Appropriate Public Education (FAPE). Kathleen asked the directors to read the article in detail if they have not already done so.

Kathleen highlighted *Core Communication Skills* training on February 2, 2023 presented by David P. Dowling that will be held in-person. She also shared *Conflict Prevention and Resolution Through IEP Meeting Facilitation* is scheduled for March 13-14, 2023 with Key2Ed presenting. Kathleen said this is an excellent training for teams.

Kathleen then reported the Council of Administrators of Special Education (CASE) is offering a virtual winter workshop February 8-10, 2023 titled *Deciphering Dyslexia Through a Special Education Lens*.

Kathleen then reviewed a recent case filed against Stockton USD with two issues. The first was the IEP meeting being held without a parent. The parent gave verbal permission on the phone to hold the meeting without them then signed a letter stating the same. However, the school had no

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documentation that they had attempted to accommodate the parent with meetings via phone, Zoom, and/or in-person with different dates and times. It is not until all alternatives have been exhausted that the meeting can go forward without a parent or representative. Kathleen said the second issue was that goals were not written in such a way to show meaningful growth on the part of the student and present levels did not match the goals. Kathleen stressed that goals need to connect directly so progress can in fact be measured.

Kathleen concluded by reminding the committee that there are trainings available locally and on sites so that the needs of the LEAs can be met.

7.9 Compliance Update

Peggy Dunn presented an update on compliance items from the California Department of Education (CDE). She said that CDE is providing ongoing check-ins with LEAs identified as being in targeted or intensive monitoring. Peggy continued that Small LEA monitoring is continuing with first phase of policy and procedure review being completed. The second phase has begun with educational benefit review with a January 30, 2023 deadline for submission.

7.10 Nonpublic School/Nonpublic Agency Update

Peggy Dunn provided a nonpublic school/nonpublic agency update. She shared that Desert View School was recently reviewed by CDE with minimal findings. Peggy said that Bright Futures was also reviewed by CDE and it went well.

Peggy reported nonpublic agencies are having issues with staff working overtime and billing D/M SELPA overtime and double-time. She said it is important for NPA staff that are supporting students to take their breaks. Peggy acknowledged it is sometimes unavoidable due to riding the bus with students and being with students during the full school day but breaks must be honored.

8.0 FINANCE COMMITTEE REPORTS

8.1 Learning Recovery Support, Dispute Prevention and Resolution Claim Status

Marina Gallegos reminded the committee members that Learning Recovery Support and Dispute Prevention and Resolution Funding is one time funding from the state to help reduce the impact of COVID-19. Marina provided the current balances for each LEA and reviewed the instructions for submitting activities and expenditure reports. She encouraged the committee members to review the plans and told them if they have activities that have already posted to their financial reports, they can go back and claim the expenditures as well. Marina concluded that if the funding is not spent, it must be returned to CDE.

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9.0 INFORMATION ITEMS

- 9.1 Monthly Audiological Services Reports
- 9.2 Monthly Occupational & Physical Therapy Services Reports
- 9.3 Monthly Nonpublic School Placement Report
- 9.4 Upcoming Professional Learning Opportunities

10.0 STEERING COMMITTEE MEMBERS COMMENTS / REPORTS

None.

11.0 CEO COMMENTS

Pam Bender reported Governance Council approved the move to SEIS beginning 2023-24 school year. Colette Garland is in the process of moving forward with trainings and moving files over. Pam said that Faucette Micro Systems has also been notified of the change.

Pam Bender wished everyone happy holidays with time for themselves, family, and friends. She encouraged the committee to reflect over the past year to see what they are grateful for now that they have been back in person for over a year. Pam read quote from Rita Pierson “I Am Somebody” then encouraged the committee to be sure their students feel worthy and deserving.

12.0 MATTERS BROUGHT BY THE PUBLIC

None.

13.0 ADJOURNMENT

Having no further business to discuss, a motion was made by Rich Frederick, seconded by Vici Miller, to adjourn the meeting at 10:22am. The motion carried on the following vote 16:0: Ayes: Akinnusi, Arellano, Baird, Benitez, Congo, DeRenard, Edwards, Frederick, Heitman, Kosaka, Land, Miller, Reid, Rigdon, Wheeler, and Wiesner, Nays: None, Abstentions: None.

The next regular meeting of the Desert/Mountain SELPA Steering and Finance Committee will be held on Friday, January 27, 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.