

California Association of Health and Education Linked Professions  
Joint Powers Authority (CAHELP JPA)  
**DESERT/MOUNTAIN CHARTER SELPA STEERING and FINANCE COMMITTEE MEETING**  
*January 16, 2020 – 1:00 p.m.*  
Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley CA 92307

## **AGENDA**

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### **1.0 TELECONFERENCE LOCATIONS:**

Aveson Global Leadership Academy, 575 West Altadena Drive, Altadena, CA 91001  
Aveson School of Leaders, 1919 Pinecrest Drive, Altadena, CA 91001  
Elite Academic Academy, 43414 Business Park Drive, Temecula, CA 92590  
Julia Lee Performing Arts Academy, 19740 Grand Avenue, Lake Elsinore, CA 92530  
Leonardo Da Vinci Health Sciences Charter, 229 East Naples Street, Chula Vista, CA 91911

### **2.0 CALL TO ORDER**

### **3.0 ROLL CALL**

### **4.0 PUBLIC PARTICIPATION**

Citizens are encouraged to participate in the deliberation of the Desert/Mountain Charter SELPA Steering Committee. Several opportunities are available during the meeting for the Council to receive oral communication regarding the presentations of any items listed on the agenda. Please ask for recognition either before a presentation or after the presentation has been completed. Please complete and submit a “Registration Card to Address the Desert/Mountain Charter SELPA Steering Committee” to the Recording Secretary and adhere to the provisions described therein.

### **5.0 ADOPTION OF THE AGENDA**

5.1 **BE IT RESOLVED** that the January 16, 2020 Desert/Mountain Charter SELPA Steering and Finance Committee Meeting Agenda be approved as presented.

### **6.0 INFORMATION/ACTION**

#### 6.1 Revised CAHELP Strategic Plan for Web Accessibility (**ACTION**)

The CAHELP Strategic Plan for Web Accessibility ensures the CAHELP JPA websites have accessible content. The strategic plan is occasionally updated to reflect changes in the Web Content Accessibility Guidelines (WCAG).

6.1.1 **BE IT RESOLVED** that the Revised CAHELP Strategic Plan for Web Accessibility be approved as presented.

### **7.0 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

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discussion. Consent items may be called up by any Committee Member at the meeting for clarification, discussion, or change.

7.1 **BE IT RESOLVED** that the following Consent Items be approved as presented:

7.1.1 Approve the December 12, 2019 Desert/Mountain Charter SELPA Steering and Finance Committee Meeting Minutes.

**8.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS**

8.1 Legislative Updates

Kami Murphy will present the latest in State and Federal law related to students with disabilities and school law.

8.2 Upcoming Changes in the Web IEP program

Kami Murphy will provide information on upcoming changes in the Web IEP program.

8.3 Desert/Mountain Charter SELPA Local Plan Rewrite

Kami Murphy will present the timeline for the Desert/Mountain Charter SELPA Local Plan rewrite and the public hearings to support community input to the plan.

8.4 Desert/Mountain Children’s Center Client Services Reports

Linda Llamas will present the Desert/Mountain Children’s Center Client Services monthly reports.

8.5 Professional Learning Summary

Heidi Chavez will present the D/M Charter SELPA’s Professional Learning Summary.

8.6 Resolution Support Services Summary

Kathleen Peters will present the D/M Charter SELPA’s Resolution Support Services Summary.

8.7 Prevention and Intervention Updates

Kami Murphy will present Prevention and Intervention Updates.

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8.8 Compliance Update

Peggy Dunn will present an update on compliance items from the California Department of Education (CDE).

8.9 CAHELP Program for the Education and Enrichment of Relational Skills (PEERS)

Jennifer Rountree will present information regarding CAHELP PEERS.

8.10 Arts Integration: Leveraging the ART of Learning

Adrien Faamausili will present information on Arts Integration: Leveraging the ART of Learning.

8.11 California Assessment of Student Performance and Progress (CAASPP) Updates

Karina Quezada will provide California Assessment of Student Performance and Progress (CAASPP) Updates.

**9.0 FINANCE COMMITTEE REPORTS**

**10.0 INFORMATION ITEMS**

10.1 Monthly Occupational & Physical Therapy Services Reports

10.2 Upcoming Professional Learning Opportunities

**11.0 STEERING COMMITTEE MEMBERS COMMENTS / REPORTS**

**12.0 CEO COMMENTS**

**13.0 MATTERS BROUGHT BY CITIZENS**

This is the time during the agenda when the Desert/Mountain Charter SELPA Steering Committee is again prepared to receive the comments of the public regarding items on this agenda or any school related special education issue.

When coming to the podium, citizens are requested to give their name and limit their remarks to three minutes.

Persons wishing to make complaints against Desert/Mountain Charter SELPA Steering Committee personnel must have filed an appropriate complaint form prior to the meeting.

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When the Desert/Mountain Charter SELPA Steering Committee goes into Closed Session, there will be no further opportunity for citizens to address the Council on items under consideration.

**14.0 ADJOURNMENT**

The next regular meeting of the Desert/Mountain Charter SELPA Steering Committee will be held on Thursday, February 20, 2020, 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.*

## STRATEGIC PLAN FOR WEB ACCESSIBILITY

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### 1.0 ORGANIZATIONAL STATEMENT

The California Association of Health and Education Linked Professions, a Joint Powers Authority (CAHELP JPA), values diverse experiences and perspectives and strives to fully include everyone who engages with the organization. Therefore, CAHELP is committed to ensuring that individuals with disabilities have an opportunity equal to that of nondisabled peers accessing CAHELP programs, benefits, and services, including those delivered through information technology (IT). The CAHELP Strategic Plan for Web Accessibility, hereinafter referred to as “SPWA” establishes a foundation for equality of opportunity and provides guidance to ensure equal access to IT the CAHELP purchases, creates, and uses, such as websites, software, hardware, and media in accordance with applicable state and federal laws including, but not limited to, Sections 504 and 508 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act as amended (ADA).

The SPWA shall apply to all new, updated, and existing online web content and functionality. All CAHELP web content shall meet WCAG 2.0 Level AA conformance and shall be updated according to changes in WCAG standards, as best practice, and in accordance to federal and state law. WCAG 2.1 was published on June 5, 2018 by the Worldwide Web Consortium (W3C) and establishes 17 new success criteria that have been included in this policy. By conforming to WCAG 2.1, CAHELP also conforms to WCAG 2.0.

### 2.0 DEFINITIONS

*Accessible:* Refers to the concept that individuals with disabilities are able to access and use a product or system, including with the help of assistive technologies. For example, an “accessible” web site may be designed so that the text can be enlarged by the user, rather than having a fixed font size, or may be designed so that it can be interpreted and “read out loud” by screen reader software used by blind or low-vision individuals.

*Accessible Information Technology:* Information technology that has been designed, developed, or procured to be usable by, and therefore accessible to individuals with disabilities, including those who use assistive technologies.

*Assistive Technologies:* Adaptive, rehabilitative devices that promote greater independence for individuals with disabilities by changing how these individuals interact with technology. Examples include special input devices (e.g., head or foot mouse, speech recognition), screen reading software, and screen magnifiers.

*Usability:* Refers to how easily, effectively, and efficiently users can use a product or system to achieve their goals, and how satisfied they are with the experience.

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## 3.0 REGULATORY REQUIREMENTS (SECTIONS 504/508; TITLE II ADA, CALIFORNIA UNRUH CIVIL RIGHTS ACT)

Accessibility awareness is an important aspect of the CAHELP's underlying legal obligation to ensure that individuals with disabilities have equal access to programs, services, and information within the same timeframe as nondisabled peers. No individual shall be excluded from participation in, deny the benefits of, or otherwise be subjected to discrimination from any of the CAHELP programs, services, and activities, including those delivered through information technology. The regulatory requirements in Sections 504 and 508 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act (ADA), as amended in 1990, provide the basis for equal access and governs the overall responsibility of CAHELP **content developers and approvers**, webmasters, procurement officials, and all others responsible for content management, to ensure that online content and functionality are equally accessible to all.

Section 504 and Title II of the ADA are implicit and require public agencies to make web pages accessible. **The ADA prohibits discrimination against individuals with disabilities by any state or local government and any of its department, agencies, or other instrumentalities. Section 504 prevents intentional or unintentional discrimination based on an individual's disability and applies to employers and organizations that receive federal financial assistance. Section 508 is limited to federal agencies but is extremely influential because its compliance standards require federal agencies to provide software and website accessibility to individuals with disabilities. The California Unruh Civil Rights Act (UCRA) is a California statute providing that all persons within the jurisdiction of this state are free and equal, and no matter what their disability are entitled to full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever. The UCRA specifies that "[a] violation of the right of any individual under the Americans with Disabilities Act of 1990...shall also constitute a violation of this section."**

*Title II Americans with Disabilities Act (ADA). "...Protect qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all State and local governments. It additionally extends the prohibition of discrimination on the basis of disability established by section 504 of the Rehabilitation Act of 1973, as amended, to all activities of State and local governments, including those that do not receive Federal financial assistance. By law, the Department of Justice's Title II regulation adopts the general prohibitions of discrimination established under section 504 and incorporates specific prohibitions of discrimination from the ADA.*

*Section 504, Title 29 of the United States Code § 794. "No otherwise qualified individual with a disability in the United States...shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."*

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Section 508, Title 29 of the United States Code § 1194.1. “...Section 508 also requires that individuals with disabilities, who are members of the public seeking information or services from a Federal agency, have access to and use of information and data that is comparable to that provided to the public who are not individuals with disabilities, unless an undue burden would be imposed on the agency.”

*California Unruh Civil Rights Act (UCRA), Cal Civ. Code § 51. (a) This section shall be known, and may be cited, as the Unruh Civil Rights Act.*

*(b) All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever... ”*

Refer to Appendix D for **WCAG 2** Checklist produced by Web Accessibility in Mind (WebAIM).

## 3.1 Legal Guidance:

- Department of Justice (DOJ) Guidance (June 2003)
- ADA/504 “generally require” equal access unless fundamental alteration or undue burden
- OCR Dear Colleague Letter (June 2010)  
Colleges and universities must make book readers and other educational technologies equally accessible
- OCR FAQs (May 11)
- Follow-up from June 2010 Dear Colleague letter – legal requirements articulated in letter apply to elementary and secondary schools
- DOJ Notice of Proposed Rulemaking (May 2016)
- Proposed rulemaking for state and local governments with regard to web accessibility

**NOTE:** Effective January 18, 2017, the U.S. Access Board published a final rule updating accessibility requirements for information and communication technology (ICT) covered by Section 508 of the Rehabilitation Act of 1973. Major changes in the revised Section 508 Standards include the incorporation of the web standards in WCAG 2.0 developed by the W3C and clarifies applicability to websites, electronic documents, and software. The final rule also requires all public-facing official agency business content, as well as specific categories of non-public-facing content that is official agency business, to be accessible, and that software and operating systems must interoperate with assistive technology.

## 4.0 COMPLIANCE/RESPONSIBILITIES

Under this strategic plan, CAHELP personnel shall:

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- Adhere to the CAHELP strategic plan for web accessibility;
- Develop, purchase and/or acquire, to the extent feasible, hardware and software products that are accessible to individuals with disabilities; and
- Promote awareness of this strategic plan to all members of the CAHELP community, particularly those in roles that are responsible for creating, selecting, or maintaining electronic content and applications.

## 4.1 Implementation of the Policy

CAHELP management in collaboration with the **CAHELP JPA Virtual Compliance Supervisor** is responsible for facilitating and ensuring implementation of this strategic plan for web accessibility with fidelity.

The CAHELP JPA Virtual Compliance Supervisor **in collaboration with the designated Accessibility Compliance Team (ACT)** is responsible for issuing and updating any requirements, standards or guidelines that support this strategic plan and shall facilitate regular communication among organizational departments to address consistent implementation of this strategic plan throughout CAHELP.

## 4.2 Revisions to the Strategic Plan

The **Chief Executive Officer (CEO) of CAHELP** is the approver of the strategic plan for web accessibility and has the authority to approve revisions upon recommendation by the CAHELP JPA Virtual Compliance Supervisor and **ACT**.

The CAHELP JPA Virtual Compliance Supervisor in collaboration with the **ACT** has the authority to initiate revisions to the strategic plan and is responsible for regular reviews and updates.

All revisions substantive in nature to the strategic plan will be presented for approval to the CEO and subsequently presented to the CAHELP Governance Council for review and **approval**.

## 4.3 Oversight and Responsibilities

The **CAHELP JPA Virtual Compliance Supervisor** is responsible for online web accessibility and functionality and is a member of the **ACT**. **He/she** is responsible for establishing systems of audit, accountability, corrective action of accessibility of all online content and functionality on an ongoing basis. **He/she** and **the ACT** shall work towards ensuring equal access and opportunity to organizational programs and services for all individuals, including those delivered online. The **ACT** shall be comprised of the following:

- Chief Operations Officer, CAHELP
- JPA Virtual Compliance Supervisor, CAHELP
- Representative from IT Department, as needed
- Representative from Web Programmer/Host, as needed



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- Representative from Desert/Mountain Children’s Center
- Representative from Desert/Mountain Special Education Local Plan Area
- JPA Virtual Compliance Program Technician, CAHELP

Membership of the ACT shall be at the discretion and determination of the CEO, CAHELP.

## 4.3.1 Responsibilities of Accessibility Compliance Team (ACT)

The ACT responsibilities shall include, but not be limited to, all of the following:

- ❖ Report accessibility issues and recommended solutions;
- ❖ Review and recommend changes and/or modifications to the strategic plan for web accessibility;
- ❖ Evaluate effectiveness of accessibility training(s) and provide recommendations for modifications to improve training and to ensure organizational compliance;
- ❖ Participate in audit of website, web developer meetings (contract renewal, web redesign, etc.); evaluate needs of compliance team; and
- ❖ Attend regularly scheduled team meetings, appropriate accessibility workshops, trainings, etc.

## 4.3.2 Responsibilities of the CAHELP JPA Virtual Compliance Supervisor

The CAHELP JPA Virtual Compliance Supervisor shall work in collaboration with the ACT in support of the organization’s accessibility requirements and shall:

- ❖ Create workflow and approval process for online content;
- ❖ Develop, coordinate, implement, and facilitate one-to-one and/or annual training regarding online content accessibility and functionality for content developers and approvers, and other staff as needed;
- ❖ Develop, review, revise, and implement strategic plan for web accessibility;
- ❖ Provide recommendations for implementation, or modification to establish compliance;
- ❖ Contract for services (i.e., auditor, web developer, training, etc.);
- ❖ Develop long range plan for addressing problems, taking into account identified priorities, with all proposed remedies to be completed within a reasonable timeframe;
- ❖ Set up systems of accountability and verify claims of accessibility by vendors, open sources;

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- ❖ Set up a system of testing and accountability to maintain the accessibility of all online content and functionality on an ongoing basis;
- ❖ Maintain appropriate records;
- ❖ Develop, implement, and manage CAHELP strategic plan for web accessibility;
- ❖ Develop long range content management and accessibility plans and priorities for CAHELP in conjunction with accessibility requirements under federal and state law, and best practices;
- ❖ Analyze, plan, and coordinate the needs for training and educational development in designing and creating accessible materials;
- ❖ Develop, implement, and maintain a process for public input and reporting on inaccessible virtual content;
- ❖ Investigate, research, analyze, and respond to inquiries and complaints of accessibility-related issues regarding the functionality of the website and virtual content;
- ❖ Perform regular accessibility audit of CAHELP website, applications, and external platforms hosting CAHELP content;
- ❖ Perform accessibility evaluations for website and applications under consideration for purchase and/or use;
- ❖ Manage, monitor, and evaluate budget and expenditure-related activities;
- ❖ Supervise, evaluate, and train personnel assigned to the JPA Virtual Compliance team; and
- ❖ Attend regularly scheduled team meetings, appropriate accessibility workshops, trainings, etc.

## 4.3.3 Responsibilities of CAHELP JPA Virtual Compliance Technician

The CAHELP JPA Virtual Compliance Technician performs specialized technical work in assisting, training, and advising CAHELP employees regarding virtual regulations, compliance, policies, and procedures. The CAHELP JPA Virtual Compliance Technician:

- ❖ Advises on virtual compliance issues, regulations and procedures;
- ❖ Resolves complex virtual compliance issues;
- ❖ Reviews and makes recommendations for the procurement of software programs to ensure virtual accessibility;
- ❖ Performs monthly audits of virtual compliance;
- ❖ Attends and conducts accessibility and compliance training workshops;

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- ❖ Prepares and disseminates virtual compliance reports, materials, forms, correspondence, and other written information; and
- ❖ Interprets and applies laws, regulations and procedures affecting virtual compliance.

## 4.3.4 Responsibilities of Designated Content Developers and Approvers, Webmaster, and Procurement Officials

The **CAHELP JPA** Virtual Compliance Supervisor in collaboration with the **ACT** shall provide and/or procure appropriate training necessary to ensure that individuals as defined below are knowledgeable and appropriately trained to create and/or develop accessible online content, maintain functionality, and procure appropriate IT software, hardware, and media.

- ❖ **CAHELP JPA Virtual Compliance Technician:** Primary support technician to the Virtual Compliance team responsible for assisting in resolving compliance issues, auditing of website and functionality, and providing accessibility support services and training to CAHELP staff;
- ❖ **Content Developers:** Individuals responsible for uploading, modifying, maintaining, and updating content on web pages;
- ❖ **Content Approvers:** Individuals responsible for review of online content and ensuring content meets principles of accessibility and WCAG guidelines;
- ❖ **Procurement Officials:** Individuals responsible for the research and procurement of IT equipment; and
- ❖ **Webmaster:** Individual(s) responsible for the overall accountability and compliance of online content and functionality.

An accessibility checklist (Appendix B) based on WCAG 2.0 Level AA is available to assist content developers and approvers, web designers, and purchasing agents in creating and procuring accessible IT. This checklist can also be used by procurement officials as a reference for vendors and contractors providing products and services to CAHELP. Many of the items in the checklist apply to web pages and web-based applications as well as electronic documents in Microsoft Word, Adobe PDF, and other formats, and other products and services that are not specifically web-based.

Refer to Appendix B for a checklist for implementing HTML-related principles and techniques for seeking WCAG 2.0 conformance produced by Web Accessibility in Mind (WebAIM).

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## 4.3.5 Workflow for Creating/Publishing Online Content

To ensure efficiency, accountability, and implementation, designated content developers and approvers shall upload content to the CAHELP website and/or web pages in the following manner:

### 4.3.5.1 Content Developers shall:

- Receive and review proposed online content;
- Log in to CAHELP website;
- Enable “design mode” feature to edit or add content to a page;
- Create and/or develop content per accessibility checklist (i.e., headings, subheadings, text, images, video, etc.);
- Save content (Note: Web system will automatically forward an e-mail notification to the content auditor to review saved content);
- Review returned content and complete revisions as needed; and
- Publish and maintain approved online content.

### 4.3.5.2 Content Approvers shall:

- Log in to CAHELP website;
- Receive and review all e-mail notifications of pending online content for review;
- Review proposed online content;
- Approve or reject propose online content based on accessibility checklist and accessibility standards; and
- Return content to content developer for modifications.

Content developers and approvers are responsible for ensuring accurate and up-to-date information are published on the website.

Questions regarding content development and management, and accessibility requirements shall be submitted to [accessibility@cahelp.org](mailto:accessibility@cahelp.org). Staff may also complete and submit a helpdesk ticket to the IT support desk. Requests for assistance shall be completed without unreasonable delay.

## 5.0 ACCESSIBILITY STANDARDS

The following is a set of accessibility standards provided by the W3C Web Accessibility Initiative (WAI) that are commonly recognized by governments and organizations:

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- *Web Content Accessibility Guidelines (WCAG) 2.0* (applicable to all web content and applications, including on mobile, television, and other delivery channels);
- *Authoring Tool Accessibility Guidelines (ATAG) 2.0* (applicable for websites that provide users the opportunity to generate content, such as adding comments, posting to forums, or uploading image or videos; also relevant if an organization provides tools, such as content management systems (CMS), for staff or customers to manage websites and content); and
- *User Agent Accessibility Guidelines (UAAG) 2.0* (applicable when additional plug-ins, such as media players, are provided to deliver content or when custom controls are developed to provide nonstandard functionality. UAAG may also be relevant where mobile applications deliver web content as part of the application, and to the procurement process if your organization provides browsers for staff).

Given the CAHELP's commitment to providing accessible opportunities and environments, it looks to the W3C WCAG 2.0 Level AA and Web Accessibility Initiative Accessible Rich Internet Applications (WAI-ARIA) 1.0 as a target for meeting these commitments. The WCAG 2.0 includes success criterion (WCAG guidelines) organized under four general principles, which provide the foundation of web accessibility. **The latest version, WCAG 2.1, extends WCAG 2.0 by adding 17 new success criteria. The W3C recommends that sites adopt WCAG 2.1 as the new conformance target to provide improved accessibility and to anticipate future policy changes.** The following four principles have been adopted by CAHELP.

## 5.1 Principles of Accessibility (P.O.U.R.)

- **Perceivable:** Information and user interface components must be presented to users in ways they can perceive;
- **Operable:** User interface components and navigation must be operable;
- **Understandable:** Information and the operation of user interface must be understandable; and
- **Robust:** Content must be robust enough that it can be interpreted reliably by a wide variety of user agents, including assistive technologies.

CAHELP online content shall be Perceivable, Operable, Understandable, and Robust. Content developers and approvers, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality shall implement the accessibility standards to ensure compliance with the CAHELP's underlying legal obligation to ensure individuals with disabilities are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any of the CAHELP's programs, services, and activities delivered online.

## 5.2 WCAG Guidelines

Under the four principles of accessibility there are 12 WCAG guidelines that provide the framework and overall objectives to help content developers and approvers, webmasters, procurement officials, and all others responsible for

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developing, loading, maintaining, or auditing web content and functionality, understand the success criteria and better implement the techniques to meet accessibility standards. In its adoption of the four principles of accessibility, the CAHELP ensures that online content and functionality shall be developed in accordance to the 12 WCAG guidelines in each principle of accessibility.

## 5.2.1 Perceivable

- ❖ *Guideline 1.1. Text Alternatives:* Provide text alternatives for any non-text content so that it can be changed into other forms people need, such as large print, braille, speech, symbols or simpler language;
- ❖ *Guideline 1.2. Time-based Media:* Provide alternatives for time-based media;
- ❖ *Guideline 1.3 – Adaptable:* Create content that can be presented in different ways (i.e., simpler layout) without losing information or structure; and
- ❖ *Guideline 1.4 – Distinguishable:* Make it easier for users to see and hear content including separating foreground from background.

## 5.2.2 Operable

- ❖ *Guideline 2.1 – Keyboard Accessible:* Make all functionality available from a keyboard;
- ❖ *Guideline 2.2 – Enough Time:* Provide users with enough time to read and use content;
- ❖ *Guideline 2.3 – Seizures and Physical Reactions:* Do not design content in a way that is known to cause seizures or physical reactions;
- ❖ *Guideline 2.4 – Navigable:* Provide ways to help users navigate, find content, and determine where they are; and
- ❖ *Input Modalities:* Make it easier for users to operate functionality through various inputs beyond keyboard.

## 5.2.3 Understandable

- ❖ *Guideline 3.1 – Readable:* Make text content readable and understandable;
- ❖ *Guideline 3.2 – Predictable:* Make web pages appear and operate in predictable ways; and
- ❖ *Guideline 3.3 – Input Assistance:* Help users avoid and correct mistakes.

## 5.2.4 Robust

- ❖ *Guideline 4.1 – Compatible:* Maximize compatibility with current and future user agents, including assistive technologies.

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## 5.3 Levels of Conformance (Priority Levels)

W3C WAI guidelines provide three levels of conformance: Levels A, AA, and AAA:

1. *Level A*: Establishes a baseline level of conformance, and covers a basic set of core accessibility issues (such as alternate text on images and captions and videos);
2. *Level AA*: Includes additional success criteria such as providing a visible focus indicator for keyboard users, and ensuring sufficient color contrast; or
3. *Level AAA*: The highest level of conformance. Conforming to WCAG 2.0 at Level AAA would mean all success criteria have been met.

Level AA is the designated benchmark for measuring accessibility of CAHELP online content and functionality. Conformance to Level AA requires that CAHELP meet all Levels A and AA success criterion. Levels of conformance are based on impact on individuals with disabilities, feasibility, and other factors. Each of the success criteria under each principle of accessibility is identified with a conformance level. CAHELP shall ensure that **all public-facing official agency business content, as well as specific categories of non-public-facing content that is official agency business**, conform to all Level AA success criterion.

Example of conformance Level AA required:

Principle: <b>UNDERSTANDABLE</b>	
Guideline 3.2 - Predictable: Make web pages appear and operate in predictable ways.	
Success Criteria	Recommendation
3.2.3 <i>Consistent Navigation</i>	<i>Navigation links that are repeated on web pages do not change order when navigating through the site.</i>
<b>Level AA</b>	

With the new added success criteria under WCAG 2.1, the following lists requirements for conformance to WCAG 2.1, as well as information about how to make conformance claims, which are optional. This information also describes what it means to be accessibility supported, since only accessibility-supported ways of using technologies can be relied upon for conformance.

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5.3.1 Interpreting Normative Requirements: The main content of WCAG 2.1 is normative and defines requirements that impact conformance claims. Introductory material, appendices, sections marked as “non-nomative” diagrams, examples, and notes are informative (non-normative). Non-normative material provides advisory information to help interpret the guidelines but does not create requirements that impact a conformance claim.

5.3.2 Conformance Requirements: In order for a web page to conform to WCAG 2.1, all of the following conformance requirements must be satisfied:

5.3.2.1 *One of the following levels of conformance is met in full:*

- For Level A conformance (the minimum level of conformance), the web page satisfies all the Level A success criteria, or a conforming alternate version is provided.
- For Level AA conformance, the web page satisfies all the Level A and Level AA success criteria, or a Level AA conforming alternate version is provided.
- For Level AAA conformance, the web page satisfies all the Level AA and Level AAA success criteria, or a Level AAA conforming alternate version is provided.

5.3.3 Conformance (and conformance levels) is for full web page(s) only and cannot be achieved if part of a web page is excluded.

NOTE: For the purpose of determining conformance, alternatives to part of a page’s content are considered part of the page when the alternatives can be obtained directly from the page, e.g., a long description or an alternative presentation of a video. Authors of web pages that cannot conform due to content outside of the author’s control may consider a Statement of Partial Conformance. A full page includes each variation of the page that is automatically presented by the page for various screen sizes (e.g., variations in a responsive web page). Each of these variations needs to conform (or needs to have a conforming alternate version) in order for the entire page to conform.

5.3.4 Complete Processes

When a web page is one of a series of web pages presenting a process (i.e., a sequence of steps that need to be completed in order to accomplish an activity), all web pages in the process conforms at the specified level or better. (Conformance is not possible at a particular level if any page in the process does not conform at that level or better).



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## 5.3.5 Only Accessibility-Supported Ways of Using Technologies

Only accessibility-supported ways of using technologies are relied upon to satisfy the success criteria. Any information or functionality that is provided in a way that is not accessibility supported is also available in a way that is accessibility supported.

## 5.3.6 Non-Interference

If technologies are used in a way that is not accessibility supported, or if they are used in a non-conforming way, then they do not block the ability of users to access the rest of the page. In addition, the web page as a whole continues to meet the conformance requirements under each of the following conditions:

1. When any technology that is not relied upon is turned on in a user agent;
2. When any technology that is not relied upon is turned off in a user agent; and
3. When any technology that is not relied upon is not supported by a user agent.

In addition, the following success criteria apply to all content on the page, including content that is not otherwise relied upon to meet conformance, because failure to meet them could interfere with any use of the page:

- ❖ 1.4.2 – Audio Control;
- ❖ 2.1.2 – No Keyboard Trap;
- ❖ 2.3.1 – Three Flashes or Below Threshold; and
- ❖ 2.2.2 – Pause, Stop, Hide.

## 5.3.7 Conformance Claims (Optional)

Conformance is defined only for web pages. However, a conformance claim may be made to cover one page, a series of pages, or multiple related web pages.

### 5.3.7.1 *Required Components of a Conformance Claim*

Conformance claims are not required. Authors can conform to WCAG 2.1 without making a claim. However, if a conformance claim is made, then the conformance claim must include the following information:

1. Date of claim;

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2. Guidelines title, version and URI “Web Content Accessibility Guidelines 2.1”;
3. Conformance level satisfied (Level A, AA, AAA);
4. A concise description of the web pages, such as a list of URIs for which the claim is made, including whether subdomains are included in the claim; and
5. A list of web content technologies relied upon.

## 5.3.7.2 *Optional Components of a Conformance Claim*

In addition to the required components of a conformance claim, consider providing additional information to assist users. Recommended additional information includes:

- A list of success criteria beyond the level of conformance claimed that have been met. This information should be provided in a form that users can use, preferably machine-readable metadata.
- A list of the specific technologies that are “used but not relied upon.”
- A list of user agents, including assistive technologies that were used to test the content.
- A list of specific accessibility characteristics of the content, provided in machine-readable metadata.
- Information about any additional steps taken that go beyond the success criteria to enhance accessibility.
- A machine-readable metadata version of the list of specific technologies that are relied upon.
- A machine-readable metadata version of the conformance claim.

Refer to Appendix B for WCAG 2.0 Checklist produced by Web Accessibility in Mind (WebAIM) for list of success criteria at Level A and Level AA.

## 5.3.8 *Statement of Partial Conformance* - Third Party Content

Sometimes, web pages are created that will later have additional content added to them. For example, an email program, a blog, an article that allows users to add comments, or applications supporting user-

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contributed content. Another example would be a page, such as a portal or news site, composed of content aggregated from multiple contributors, or sites that automatically insert content from other sources over time, such as when advertisements are inserted dynamically.

In these cases, it is not possible to know at the time of original posting what the uncontrolled content of the pages will be. It is important to note that the uncontrolled content can affect the accessibility of controlled content as well. Two options are available:

1. A determination of conformance can be made based on best knowledge. If a page of this type is monitored and repaired (non-conforming content is removed or brought into conformance) within two business days, then a determination or claim of conformance can be made since, except for errors in externally contributed content which are corrected or removed when encountered, the page conforms. No conformance claim can be made if it is not possible to monitor or correct non-conforming content; OR
2. A “statement of **partial** conformance” may be made that the page does not conform but could conform if certain parts were removed. The form of that statement would be, “This page does not conform, but would conform to WCAG 2.0 at Level X if the following parts from uncontrolled sources were removed.” In addition, the following would also be true of uncontrolled content that is described in the statement of partial conformance:
  - a. It is not content that is under the author’s control.
  - b. It is described in a way that users can identify (e.g., they cannot be described as “all parts that we do not control” unless they are clearly marked as such).

A “statement of partial conformance due to language” may be made when the page does not conform but would conform if accessibility support existed for (all of) the language(s) used on the page. The form of that statement would be, “This page does not conform, but would conform to WCAG 2.0 at level X if accessibility support existed for the following language(s).”

## 5.3.9 Authoring Tool Accessibility Guidelines (ATAG) 2.0

Authoring Tools Accessibility Guidelines (ATAG) 2.0 provides guidelines for designing web content authoring tools that are both more accessible to authors with disabilities, and designed to enable, support, and promote the production of more accessible web content by all authors. Authors are individuals who use authoring tools to create or

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modify content. Authors include roles such as content authors, designers, programmers, publishers, testers, etc. ATAG is primarily for developers of authoring tools. An authoring tool is any web-based or non-web-based application(s) that can be used by authors (alone or collaboratively) to create or modify web content for use by other authors or end users.

Examples of software that are generally considered authoring tools under ATAG 2.0:

- ❖ What-you-see-is-what-you-get (WYSIWYG) HTML editor;
- ❖ Software for directly editing source code; software for converting to web technologies (e.g., “Save as HTML” features in office document applications);
- ❖ Integrated development environments (e.g., for web application development);
- ❖ Software that generates web content on the basis of templates, scripts, command-line input or “wizard” type processes;
- ❖ Software for rapidly updating portions of web pages (e.g., blogging, wikis, online forums);
- ❖ Software for generating/managing entire websites (e.g., content management systems, courseware tools, content aggregators);
- ❖ Email clients that send messages using web content technologies;
- ❖ Multimedia authoring tools; and
- ❖ Software for creating mobile web applications.

CAHELP shall consider authoring tools that web developers, designers, writers use to produce CAHELP web content (i.e., static web pages, dynamic web applications, etc.) based on their accessibility conformance claims and ATAG 2.0 accessibility standards.

Refer to the following for additional information:

- ❖ ATAG <http://www.w3.org/TR/ATAG/>
- ❖ WCAG <http://www.w3.org/TR/WCAG/>
- ❖ WAI-ARIA <http://www.w3.org/TR/wai-aria/>

## 5.3.10 User Agent Accessibility Guidelines (UAAG)

User Agent Accessibility Guidelines (UAAG) 2.0 is part of a series of accessibility guidelines. The core target audience of UAAG are the developers of the authoring tools, but policy makers and procurement decision makers within CAHELP can equally use UAAG criteria to determine whether the user agent technologies are accessible, or UAAG can be given to other developers to use to enhance the accessibility features of the tools. User agents are defined as any software that

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retrieves, renders and facilitates end user interaction with web content. UAAG 2.0 identifies the following user agent architectures:

- ❖ *Platform-based user agent, native user agent.* User agents that run on non-web platforms (operating systems and cross-OS platforms, such as Java) and perform content retrieval, rendering and end-user interaction facilitation themselves (e.g., Firefox, Internet Explorer, Chrome, Opera, Windows Media Player, QuickTime Pro, RealPlayer);
- ❖ *Embedded user agent, plug-in.* User agents that “plug-in” to other agents or applications (e.g., media player plug-in for a web browser, web view component). Embedded user agents can establish direct connections with the platform (e.g., communication via platform accessibility services);
- ❖ *Web-based user agent.* User agents that have user interfaces that are implemented using web content technologies and are accessed by users via a user agent. Web-based user agents transform content into web content technologies that the host user agent can render (e.g., web-based e-Pub reader, web-based video player).

UAAG provides guidance in designing user agents that make the web more accessible to individuals with disabilities. The goal of UAAG 2.0 is to ensure that all users, including users with disabilities, have equal control over the environment they use to access the web. A user agent that follows UAAG 2.0 will improve accessibility through its own user interface and its ability to communicate with other technologies, including assistive technologies (software that some individuals with disabilities use to meet their requirements). All users, not just users with disabilities, will benefit from user agents that follow UAAG 2.0.

Like WCAG, UAAG offers three layers of guidance: (1) principles, (2) guidelines; and (3) testable success criteria. Five principles provide a foundation for accessible user agents. Three of the five principles are parallel to WCAG 2.0, and two are specific to user agents. For each principle, there is a set of guidelines for making user agents more accessible to users with disabilities. These guidelines provide the framework to help individuals who use authoring tools to create or modify content, content authors, designers, programmers, publishers, testers, etc., understand the objectives for success criteria so they can better implement them. Under each guideline is also a set of testable success criteria that can be used wherever conformance testing is necessary, including design application, purchasing, regulation, and contractual agreements. Each success criterion is assigned a level of conformance, which are designed to meet the needs of different groups and different situations. The recommended conformance for UAAG is

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AA. Much of the value of the UAAG stems from the harmonious integration of the WCAG 2.0 and the ATAG 2.0.

CAHELP will recommend that developers of authoring tools, policy makers, and procurement officials ensure that user agents utilized to support CAHELP web content and web applications meet the W3C recommended UAAG 2.0 version Level AA conformance.

Refer to the following for additional information:

- ❖ UAAG <http://www.w3.org/TR/UAAG/>
- ❖ WCAG <http://www.w3.org/TR/WCAG/>
- ❖ WAI-ARIA <http://www.w3.org/TR/wai-aria/>

## 5.3.11 Accessibility Evaluation Tools (Testing Sites and Applications)

Evaluating the extent to which the CAHELP conforms to WCAG 2.0 Level AA is a process involving several steps. The activities carried out within these steps are influenced by many aspects such as the type of website (e.g., static, dynamic, responsive, mobile, etc.); its size; complexity; technologies used to create the website (e.g., HTML, WAI-ARIA, PDF, etc.); how much knowledge the auditors have about the process used to design and develop the website; and the main purpose for the audit (e.g., to issue an accessibility statement, to plan a redesign process, to perform research, etc.).

To ensure CAHELP meets established benchmarks for accessibility, it shall implement an audit of online content and functionality as specified herein to ensure compliance with W3C WCAG 2.0 Level AA and WAI-ARIA 1.0. Auditors shall utilize the [Techniques for WCAG 2.0](https://www.w3.org/TR/WCAG20-TECHS/) documented by W3C/WAI ([url: https://www.w3.org/TR/WCAG20-TECHS/](https://www.w3.org/TR/WCAG20-TECHS/)), and may also refer to the W3C Website Accessibility Conformance Evaluation Methodology (WCAG-EM) 1.0 to assist in providing a comprehensive evaluation of online content and functionality. The WCAG-EM highlights considerations for auditors to apply during the evaluation process but does not replace the need for quality assurance measures that are implemented throughout the design, development, and maintenance of the website and web applications to ensure their accessibility conformance. WCAG-EM does not in any way add to or change the requirements defined by the normative WCAG 2.0 standards and can be used in conjunction with techniques for meeting WCAG 2.0 success criteria. [Go to WCAG-EM 1.0 to access this information \(url: https://www.w3.org/TR/WCAG-EM/\)](https://www.w3.org/TR/WCAG-EM/).

Outside of the WCAG-EM, there are also a number of website evaluation tools available online to assist content developers and approvers, webmasters, procurement officials, and all others responsible

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for developing, loading, maintaining, or auditing web content and functionality, in determining whether or not the website meets accessibility standards. However, because these tools are limited in being able to uncover the majority of accessibility issues, the CAHELP shall procure the services of an external auditor in addition to conducting accessibility testing online, and internal auditing.

The CAHELP shall employ the following accessibility evaluation methods to audit all online content and functionality.

1. *Accessibility Audit:* An external accessibility auditor shall review the website, highlighting any accessibility issue(s) and provide recommendations to the **CAHELP JPA Virtual Compliance Supervisor**. The auditor shall utilize assistive software used by web users **who are disabled** (e.g., screen reader) to effectively carry out the audit, along with the free Web Accessibility Toolbar (WAT) developed by The Paciello Group. WAT aids manual examination of web pages for a variety of aspects of accessibility. **Go to WAT to download a copy (url: <https://developer.paciellogroup.com/resources/wat/>).**

The auditor can be a hired external accessibility consultancy, or an in-house member who is knowledgeable of the W3C accessibility guidelines who is appropriately trained in web accessibility.

2. *Accessibility Testing:* **The CAHELP JPA Virtual Compliance Technician, as designated by the CAHELP JPA Virtual Compliance Supervisor**, shall coordinate testing with real users with disabilities to complete common tasks on the website while a designated moderator notes all problems the user experiences. Regular usability testing will uncover more usability issues as users with disabilities may require additional time to complete tasks.

3. *Automated Accessibility Testing:* Both internal and external auditor may utilize automated programs to evaluate the website against accessibility guidelines.

For a list of online accessibility testing resources, see Appendix C (e.g., Useablenet, Web Accessibility Versatile Evaluator (WAVE), AChecker, **SiteImprove**, etc.).

The external auditor shall carry out the accessibility audit. After the findings from an accessibility audit has been implemented, the CAHELP shall initiate accessibility testing, as needed. The **CAHELP JPA Virtual Compliance Supervisor** shall further coordinate testing sessions with the assistance of county-operated programs and/or

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inviting a group of users living with visual, auditory, physical, and/or cognitive disabilities, to participate.

## 5.3.12 Qualifications of Accessibility Auditor

The external auditor shall have the requisite experience and knowledge to carry out an appropriate audit and to develop a proposed Corrective Action Plan. The external auditor shall meet the approved qualifications of an auditor as specified by the Office of Civil Rights (OCR) and shall:

- ❖ Audit all content and functionality of the CAHELP website to identify any online content or functionality that is inaccessible to individuals with disabilities, including online content and functionality developed by, maintained by, or offered through a third-party vendor or an open source;
- ❖ Use W3C WCAG 2.0 Level AA and WAI-ARIA 1.0 as the benchmarks for measuring accessibility, unless the CAHELP receives prior permission to use a different standard as a benchmark; and
- ❖ Develop a proposed Corrective Action Plan.

During the accessibility audit, the CAHELP may also seek input from members of the public with disabilities, including parents, students, employees, and others associated with the CAHELP, and other persons knowledgeable about website accessibility, regarding the accessibility of its online content and functionality.

The **Virtual Compliance Team** shall have overall responsibility for establishing systems of audit, accountability, corrective action of accessibility of all online content, and functionality on an ongoing basis (Section 4.0 Oversight and Responsibility).

Refer to Appendix C for list of Accessible Testing resources (e.g., Useablenet, Web Accessibility Versatile Evaluator (WAVE), AChecker, **SiteImprove**, etc.)

## 6.0 PROCEDURES

See Appendix A: Getting Started with Accessibility.

## 7.0 IT ACCESSIBILITY CHECKLIST

The following is a checklist for **content developers and approvers**, web designers and developers, and purchasing agents to consider when developing and/or procuring accessible information technology that the CAHELP purchases, creates, and uses, such as websites, software, hardware, and media. Many of the items in this checklist apply to web pages and web-based applications as well as electronic documents in Microsoft Word,



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Adobe PDF, and other formats, and other products and services that are not specifically web-based.

## 7.1 Make content and controls Perceivable by all users

- Do images have alternative text?
- Does video have captions and does audio have a transcript?
- Does the web page or document include headings, lists, ARIA landmarks, and other semantic elements to communicate document structure?
- Is the tab order and read order logical and intuitive?
- Do form fields within web pages and documents have appropriately coded labels and prompts?
- Have you avoided using visual characteristics to communicate information (e.g., “click the circle on the right” or “required fields are in red”)?
- Does the interface have sufficient contrast between text color and background color?
- Does the content scale well when text is enlarged up to 200 percent?

## 7.2 Make content and controls Operable by all users

- Can all menus, links, buttons, and other controls be operated by keyboard, to make them accessible to users who are unable to use a mouse?
- Does the web page include a visible focus indicator so all users, especially those using a keyboard, can easily track their current position?
- Do features that scroll or update automatically (e.g., slideshows, carousels) have prominent accessible controls that enable users to pause or advance these features on their own?
- Do pages that have time limits include mechanisms for adjusting those limits for users who need more time?
- Have you avoided using content that flashes or flickers?
- Does the web page or document have a title that describes its topic or purpose?
- Are mechanisms in place that allow users to bypass blocks of content (e.g., “skip to main content” link on a web page or bookmarks in a PDF)?
- Does the website include two or more ways of finding content, such as a navigation menu, search feature, or site map?
- Is link text meaningful, independent of context?

## 7.3 Make content and user interfaces Understandable to all users

- Has the language of the web page or document (or individual parts of a multilingual document) been defined?
- Have you avoided links, controls, or form fields that automatically trigger a change in context?
- Does the website include consistent navigation?
- Do online forms provide helpful, accessible error and verification messages?

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7.4 Make content Robust enough that it can be interpreted reliably by a wide variety of user agents, including assistive technologies

- Is the web page coded using valid HTML?
- Do rich, dynamic, web interfaces, such as modal windows, drop-down menus, slideshows, and carousels, include ARIA markup?

## 8.0 TRAINING

CAHELP shall provide and/or procure website accessibility training for all appropriate personnel, including, but not limited to content developers and approvers, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality. Training shall continue on a schedule designed to maintain website accessibility consistent with, or superior to, that which is required under federal law.

## 9.0 RELATED INFORMATION

9.1 Resources and Support for IT Accessibility

- Accessible Technology at the CAHELP
- IT Accessibility Checklist
- Access Technology Center
- World Wide Web Consortium (W3C) Web Content Accessibility Guidelines 2.0

9.2 Legal and Policy Requirements

- Section 504 of the Rehabilitation Act of 1973 (<http://www2.ed.gov/about/offices/list/ocr/504faq.html>)
- Americans with Disabilities Act as amended ([https://www.ada.gov/2010\\_regs.htm](https://www.ada.gov/2010_regs.htm))
- **California Unruh Civil Rights Act (UCRA), Cal Civ. Code § 51.**
- Department of Justice (DOJ) Guidance (June 2003)
  - ❖ ADA/504 “generally require” equal access unless fundamental alteration or undue burden
- OCR Dear Colleague Letter (June 2010)
  - ❖ Colleges and universities must make book readers and other educational technologies equally accessible
- OCR FAQs (May 11)
  - ❖ Follow-up from June 2010 Dear Colleague letter – legal requirements articulated in letter apply to elementary and secondary schools
- DOJ Notice of Proposed Rulemaking (May 2016)
  - ❖ Proposed rulemaking for state and local governments with regard to web accessibility

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## 10.0 REVISION HISTORY

<b>Version Number</b>	<b>Revised</b>	<b>Governance Approval</b>
1.0	10/27/16	4/7/2017
2.0	08/24/18	9/7/2018
<b>3.0</b>	<b>01/16/20</b>	<b>02/07/20</b>

## APPENDIX A

### A. GETTING STARTED WITH ACCESSIBILITY

To ensure accessibility standards are met, *content developers and approvers* must have an understanding of web accessibility, online content, and functionality, and an understanding of the terminology provided in Section 2.0 of this document. In designing web accessibility, *content developers and approvers* should consider these user characteristics in designing web accessibility:

#### A.1. Characteristics for Consideration

- (1) **Unable to see.** Individuals who are blind use either audible output (products called screen readers that read web content using synthesized speech) or tactile output (a refreshable Braille device).
- (2) **Has dyslexia.** Individuals with learning disabilities such as dyslexia may also use audible output, along with software that highlights words or phrases as they are read aloud using synthesized speech.
- (3) **Has low vision.** Individuals with low vision may use screen magnification software that allows them to zoom in all or a portion of the visual screen. Many others with less-than-perfect eyesight may enlarge the font on websites using standard browser functions, such as Ctrl + in Windows browsers or Command + in Mac browsers.
- (4) **Has a physical disability.** Individuals with physical disabilities that effect their use of hands may be unable to use a mouse, and instead may rely exclusively on keyboard or use assistive technologies such as speech recognition, head pointers, mouth sticks, or eye-gaze tracking systems.
- (5) **Unable to hear.** Individuals who are deaf or hard of hearing are unable to access audio content, so video needs to be captioned and audio needs to be transcribed.
- (6) **Using a mobile device.** Individuals who are accessing the web using a compact mobile device such as a phone, face accessibility barriers, just like individuals with disabilities do. They're using a small screen and may need to zoom in or increase the font size, and they are likely to be using a touch interface rather than a mouse. Also, Apple's iPhone and iPad do not support Adobe Flash.
- (7) **Limited bandwidth.** Individuals may be on slow internet connections if they are located in a rural area or lack the financial resources to access high-speed internet. These users benefit from pages that load quickly (use graphics sparingly) and transcripts for video.

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- (8) Limited time. Very busy individuals may have too little time to watch an entire video or audio recording but can quickly access its content if a transcript is available.**

Accessible technology works for all of these users, and countless others not mentioned.

### **A.2. Essential Components of Web Accessibility**

Web accessibility depends on several different components of web development and interactions working together and how improvements in specific components could substantially improve web accessibility. These components include:

- Content (information in a web page or web application, including (1) natural information such as text, images, and sounds, or (2) code or markup that defines structure, presentation etc.);
- Web browsers, media players, and other user agents;
- Assistive technology, in some cases, screen readers, alternative keyboards, switches, scanning software, etc.;
- User’s knowledge, experiences, and in some cases, adaptive strategies using the web;
- Developers, designers, coders, authors, etc., including developers with disabilities and users who contribute content;
- Authoring tools – software that creates web sites; and
- Evaluation tools – web accessibility evaluation tools, HTML validators, Cascading Style Sheets (CSS) validators, etc.

Authoring tools and evaluation tools are used by web developers to create web content. Individuals (“users”) use web browsers, media players, assistive technologies, or other means to get and interact with content. It’s important to note that there are significant interdependencies between the components. Components must work together in order for the web to be accessible. When accessibility features are effectively implemented in one component, the other components are more likely to implement them.

#### **A.2.1. Examples**

- When web browsers, media players, assistive technologies, and other user agents support an accessibility feature, users are more likely to demand it and developers are more likely to implement it in their content;

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- When developers want to implement an accessibility feature in their content, they are more likely to demand that their authoring tool make it easy to implement;
- When authoring tools make a feature easy to implement, developers are more likely to implement it in their content; or
- When an accessibility feature is implemented in most content, developers and users are more likely to demand that user agents support it.

If an accessibility feature is not implemented in one component, there is little motivation for the other components to implement it when it does not result in an accessible user experience. If one component has poor accessibility support, sometimes other components can compensate through “work-arounds” that require much more effort and are not good for accessibility overall.

#### A.3. Guidelines for Different Components:

The different components were briefly covered in Section 5.0 – Accessibility Standards: WCAG, ATAG, and UAAG. *Content Developers and Approvers*, web developers, and other individuals involved in the creation and maintenance of online content and functionality may refer to the following W3C WAI accessibility guidelines for additional information on the different components:

- [Authoring Tool Accessibility Guidelines](https://www.w3.org/WAI/intro/atag.php) (ATAG) addresses authoring tools (url: <https://www.w3.org/WAI/intro/atag.php>)
- [Web Content Accessibility Guidelines](https://www.w3.org/WAI/intro/wcag.php) (WCAG) addresses web content, and is used by developers, authoring tools, and accessibility evaluation tools (url: <https://www.w3.org/WAI/intro/wcag.php>)
- [User Agent Accessibility Guidelines](https://www.w3.org/WAI/intro/uaag.php) (UAAG) addresses web browsers and media players, including some aspects of assistive technologies (url: <https://www.w3.org/WAI/intro/uaag.php>)

## B. HOW TO MAKE TECHNOLOGY ACCESSIBLE

The following information will provide *content developers and approvers and webmasters* how-to-pages with step-by-step guides for making particular types of content accessible. For additional information about accessibility of particular technologies, please refer to the pages that are most relevant for the technologies to be used. *Webmasters* and *content developers and approvers* shall be familiar with:

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- (1) Creating Accessible Documents
- (2) Developing Accessible Websites
- (3) Creating Accessible Videos
- (4) Procuring Accessible IT
- (5) Managing Projects for Accessibility

*Content developers and approvers, and webmasters* shall consider accessibility throughout the design and creation process of online content. The following are tips for creating accessible content and conducting simple accessibility tests:

- **Useable without a mouse:** Ensure all links, buttons, menus, and controls in web pages and applications can be used without a mouse, but instead can be navigated using only the keyboard. Whether an interface is functional using a keyboard alone is often a reliable indicator of overall accessibility;
- **Document structure:** Create web pages, Word documents, and PDF files that have good structure, including the use of headings, sub-headings, and lists that make these documents easier for users to understand and navigate;
- **Accessible images:** Include alternative text for graphics and avoid images of text. Individuals who cannot see an image rely on alternate text to access its content; and
- **Test with accessibility checker tools:** As stated in **subsection 5.3.11**, CAHELP will employ accessibility testing using online accessibility checkers. *Webmasters* may use accessibility checkers and/or web browser plug-ins to identify common accessibility problems and report them to the **CAHELP JPA Virtual Compliance Supervisor and/or the Accessibility Compliance Team (ACT)**. A list of online accessibility checkers is available in *Appendix B* to assist with accessibility efforts.

Accessibility issues shall be reported to the **CAHELP JPA Virtual Compliance Supervisor and/or the ACT** for accountability. Issues that exceed the parameters and scope of responsibility of the **CAHELP JPA Virtual Compliance Supervisor and ACT** shall be referred to an accessibility expert for review and recommendation for corrective action.

**B.1. Creating Accessible Documents**

The core steps needed for accessibility are the same regardless of whether the document is developed in HTML (web), Microsoft Word, Adobe PDF, or another document format. The following are the required basic steps to assist *content developers and approvers* in creating accessible documents:

- Use headings;

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- Use lists;
- Add alternate text to images;
- Use tables wisely; and
- Understand how to export from one format to another.

### **B.1.1. Headings**

Identify headings and subheadings using the built-in heading features of the authoring tool. Headings (e.g., h1, h2, h3, etc.) form an outline of the page content and enable screen reader users to understand how the page is organized, and to quickly navigate to content of interest. Screen readers have features that enable users to jump quickly between headings with a single key stroke.

### **B.1.2. Use Lists**

Use the list controls provided in the document authoring software. Content that is organized as a list should be created using the list controls. Authoring software provides one or more controls for adding unordered lists (with bullets) and ordered lists (with numbers). When lists are explicitly created as lists, this helps screen readers to understand how the content is organized. When screen reader users enter a list, their screen reader informs them that they're on a list and may also inform them of how many items are in the list, which can be very helpful information when deciding whether to continue reading.

### **B.1.3. Add Alternate Text for Images**

Users who are unable to see images depend on content developers to supplement their images with alternate text, which is often abbreviated "alt text." The purpose of alt text is to communicate the content of an image to individuals who can't see the image. The alt text should be succinct, just enough text to communicate the idea without burdening the user with unnecessary detail. When screen readers encounter an image with alt text, they typically announce the image then read the alt text.

Authoring tools provide a means of adding alt text to images, usually in dialog that appears when an image is added, or later within an image properties dialog.

If images are purely decorative and contain no informative content, they do not require a description. However, they may still require specific markup, so screen readers know to skip them. Also, images that require a lengthier



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description, such as charts and graphs, may require additional steps beyond adding alt text.

### **B.1.4. Use Tables Wisely**

Tables should not be used to control content layout. Tables in documents are useful for communicating relationships between data, especially where those relationships can be best expressed in a matrix of rows and columns. Authoring tools have other means of doing this, including organizing content into columns.

If the data is best presented in a table, try to keep the table simple. If the table is complex, consider whether it could be divided into multiple simpler tables with a heading above each.

A key to making data tables accessible to screen reader users is to clearly identify column and row headers. Also, if there are nested in columns and rows with multiple headers for each cell, screen readers need to be explicitly informed as to which headers relate to which cells.

### **B.1.5. When Exporting to PDF, Understand How to Preserve Accessibility**

In order for an Adobe PDF document to be accessible, it must be a “tagged” PDF, with an underlying tagged structure that includes all of the features already described herein. There are right ways and wrong ways to export documents to PDF. Some authoring tools do not support tagged PDF at all, while others provide multiple ways of exporting to PDF, some that produce tagged PDF and some that do not. The CAHELP utilizes Adobe Acrobat **DC** which provides accessible tags.

### **B.1.6. Creating High Quality Scanned Documents**

When documents are in electronic form, they are easier to distribute and can be more accessible than print documents. However, in order to be fully accessible, certain steps must be followed to be sure a scanned document is of high quality. Even if a document is not needed for an individual with a disability, a poor scan often negatively impacts the end user’s experience.

### **B.1.7. Developing an Accessible Website**

In order to assure that the CAHELP website and web applications are accessible to and usable by everyone, web designers and developers must follow accessibility guidelines. The following topics address issues that are especially common on the website:

#### **Features of an Accessible Website:**

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- Good structure in web pages and documents;
- Good use of HTML headings;
- Accessible with keyboard;
- Accessible images;
- Accessible menus;
- Accessible forms;
- Accessible tables;
- Effective use of color;
- Meaningful link text;
- ARIA landmark roles;
- ARIA for web applications; and
- Avoiding reliance on visual characteristics.

**B.1.8. Structure in Web Pages and Documents**

In order to understand a document, everyone depends on understanding its structure. Screen reader users need to understand this structure and are dependent on *content developers* clearly identifying the headings, paragraphs, lists, tables, banners, menus, and other features as exactly what they are. In the world of web design this is called semantics, building a page using web elements that define the role of the object. For example, when adding a top-level heading to a web page, *content developers* shall use the built-in h1 feature that the authoring software provides. Simply making the text big and bold may look like a heading but it really is not a heading.

**B.1.9. HTML headings**

As discussed in Section 5.0, the core steps needed for accessibility are the same whether the document is developed in HTML (web), Microsoft Word, Adobe PDF, or another document format. The use of HTML headings is essential in developing an accessible website.

HTML headings service two purposes for non-sighted users:

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- They provide an outline of the page, so users can understand how the page is structured, and how all the sections relate to one another; and
- They provide a target so users can jump from heading to heading with a single keystroke, e.g., the letter “H” in some screen readers.

*Content developers* shall utilize built-in heading feature in authoring tools.

### **B.1.10. Accessible with Keyboard**

Because many users are physically unable to use a mouse and might be navigating through a web page using a keyboard alone, conducting a simple accessibility test using the keyboard will help determine whether users can (1) access all features, (2) operate all controls, and (3) easily tell where they are on the web page. *Content developers* test this feature by using the tab key to navigate between features, and other keys of doing so would seem to make sense (e.g., enter or space to “click” the element that currently has focus), arrow keys to move within a widget such as a menu or slider, and escape to close a pop-up window.

### **B.1.11. Testing HTML Web Pages**

*Content developers* should navigate through the web page using a keyboard alone. Using the tab key, *content developers* should be able to access all links and controls in a predictable order based on their visual position on the page. The success of this test can also be affected by whether there is sufficient visual indication of focus.

- WCAG 2.0 Success Criterion 1.3.2 Meaningful Sequence (Level A)
- WCAG 2.0 Success Criterion 2.4.3 Focus Order (Level A)

If users are unable to tell where they are on a web page when navigating with keyboard, *content developers and approvers*, and webmasters can typically fix this with some very simple cascading style sheets (CSS). *Content developers and approvers* should consult the webmaster and/or developer of authoring tools.

Movement through a web page or application should follow a logical order. It should mirror the visual order of navigation and controls on the page. Users who are navigating by keyboard (e.g., using the tab key) expect to move sequentially from left to right and top to bottom through the focusable elements on the page.

When creating web pages, be sure the order of items in the source code matches the visual order.

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### B.1.12. Accessible Images

If web pages include images, the content of those images is, by default, inaccessible to individuals who are unable to see the images. Whether and how to address this issue depends on the purpose of the image within the context of the web page.

- **Simple Informative Images.** If images are designed to communicate information to the user, they must be described. Images that convey simple information must be described with alternative text, or “alt text.” Alt text is a short description of the content of the image, added in such a way that is typically invisible to individuals who can see the image but is exposed to individuals who are using assistive technologies such as screen readers or Braille displays. Browsers also display alt text visibly if an image fails to load. Such simple images include logos, buttons, and photographs. The description should describe the content and functionality of the image as concisely as possible to provide access to the content of the image without burdening the user with superfluous details.
- **Adding Alt Text in Word Processing Programs or Rich Text Editors.** Word processing applications such as Microsoft Word and Google Docs; as well as online rich text editors such as those used for adding content to Canvas, WordPress, or Drupal; all include support for alt text on images. When adding an image to a web page or document, simply look for a tab or field labeled “alt text” or equivalent and enter a short description into the field. If you are not prompted for alt text when adding the image, right click on the image after it has been added and select “Image Properties” or equivalent, then look around in the image properties dialog for an “Alt text” prompt.
- **Complex Informative Images.** Complex images, such as graphs, charts, or diagrams, may contain too much information to be effectively described using alt text. Instead, these images must be described with a long description. Long description is a more detailed description that provides equivalent access to the information of the image. The question *content developers* should ask is: Given the current context, what information is this image intended to communicate? That same information must be provided to individuals who are unable to see the image. A long description can include any structure necessary to communicate the content of the image, including heading list and data tables.

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- **Adding Long Description in HTML.** In HTML, long description can be added either on a separate web page or on the same page in a <div> with id attribute. The latter can be hidden from sighted users, although *content developers* should consider whether it might be of value to some sighted users too, particularly individuals who have difficulty understanding visually symbolic content such as charts and graphs. Once the long description is in place, add a longdesc attribute to the <img> element, pointing to the URL of the long description.
- For assistance on providing accessible images and what constitutes alt text verses longdesc, consult the webmaster and/or developer of authoring tools.
- **Decorative Images.** If images are used solely for decorative purposes and does not convey meaning, they should be added to the page using CSS, not with the HTML <img> element. If for some reason an image needs to be added using HTML, the <img> element must have an empty alt attribute (alt=""). This is a standard technique for communicating to screen readers that the image should be ignored. The following are a few methods that *content developers* can tell screen readers to ignore the decorative image:
  - Avoid using the HTML <img> element for decorative images; instead present the image as a background image using cascading style sheets (CSS)
  - If using the HTML <img> element, add an empty alt attribute (alt="")
  - If using the HTML <img> element, add the following attribute: role="presentation"

### References:

- HTML5: Techniques for providing useful text alternatives
- National Center for Accessible Media (NCAM) guidelines for describing complex images: Effective Practices for Description of Science Content within Digital Talking Books
- National Center on Accessible Media (NCAM): Effective Practices for Describing STEM Images
- WCAG 2.0. Success Criterion 1.1.1 Non-text Content (Level A)

### B.1.13. Accessible Menus

Website navigation menus often include dropdown or fly-out menus, where submenus are hidden by default and appear visibly when mouse users hover

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over or click a top-level menu item. These types of menus can present major accessibility challenges for many groups of users unless they are coded properly.

For assistance and information on creating accessible menus, consult the webmaster and/or developer of authoring tools. The webmaster and/or developer shall explore this problem in depth and provide recommendations to the [CAHELP JPA Virtual Compliance Supervisor](#) and/or the [ACT](#).

### B.1.14. Accessible Forms

To create an accessible Online Form, *content developers* shall ensure that all form fields have accurate labels or prompts so screen reader users know what each field is asking for. Forms typically have labels or prompts that are obvious to sighted users, but their association with particular form fields is made based on visual cues, such as relative position and proximity to the field. Since screen reader users do not have access to these same visual cues, labels and prompts must be explicitly associated with form fields within the HTML (web).

The following should be used by *Content Developers* or form developers:

#### B.1.14.1. Use Label Element

The prompt “Last name” precedes the input field, but its relationship to the field is not explicitly defined. Therefore, some screen readers will simply announce this as an “edit” field but will not prompt the user to enter “Last name” into that field. Other screen readers will guess at the label, and in the example provided below, the user will probably guess accurately. However, as forms grow in complexity, screen readers that guess at labels are more likely to guess incorrectly, which means users are more likely to complete the form incorrectly. *Content developers* or form developers shall properly label form elements.

#### EXAMPLE OF INCORRECT FIELD:

```
<div>
```

Last name:

```
<input type="text" name="last_name" id="last_name">
```

```
</div>
```

#### CORRECT LABEL:

```
<div>
```

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```
<label for="last_name">Last name:</label>  
<input type="text" name="last_name" id="last_name">  
</div>
```

### *B.1.14.2. Use <fieldset> and <legend> Elements*

For groups of related fields such as radio buttons and checkboxes, each form field must have a label as described in the previous section. However, that prompt alone can be meaningless if the user does not know the question. *Content developers* or form developers shall address this problem by grouping these elements together using a <fieldset> element then use a <legend> element to markup the question.

#### **EXAMPLE:**

```
<fieldset>  
<legend>What is your favorite color?</legend>  
<div>  
<input type="radio" name="color" value="Red" id="color_red">  
<label for="color_red">Red</label>  
</div>  
<div>  
    <input type="radio" name="color" value="green"  
id="color_green">  
</div>  
<div>  
    <input type="radio" name="color" value="blue"  
id="color_blue">  
    <label for="color_blue">Blue</label>  
</div>  
</fieldset>
```

For additional assistance regarding appropriate use of labels, field sets, and legend elements, consult the webmaster and/or developer of authoring tools.

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### *B.1.14.3. Making PDF Forms Accessible*

Interactive forms in Adobe PDF have many of the same issues as those described in developing online forms (HTML). Labels and prompts must all be created in a way that explicitly associates them with their corresponding form fields. It is also important to note that PDF form fields have a tendency to be out of order, so *content developers* or form developers must be sure to test the tab order of the PDF form, to be sure that users will move through the form in a logical sequence when jumping between fields using the keyboard.

**Testing PDF Documents.** In Adobe Acrobat, go to View > Tools > Accessibility, and select “Touch Up Reading Order.” This feature provides a visual indication of the approximate order in which content will appear if automatically re-purposed for display on a small screen.

To test an interactive PDF form, open the form in any desktop PDF reader and move through the form fields by pressing the tab key. Fields will be highlighted as they receive focus. If fields are not arranged in the expected sequence, this can be fixed in Adobe Acrobat. Go to View > Tools > Forms > Edit. All form fields will be listed in tab order in a sidebar panel. Simply drag fields to their correct position in the tab order.

#### **References:**

- WCAG 2.0 Success Criterion 1.3.1 Info and Relationships (Level A)
- WCAG 2.0 Success Criterion 1.3.2 Meaningful Sequence (Level A)
- WCAG 2.0 Success Criterion 2.4.3 Focus Order (Level A)

### *B.1.14.4. Avoiding CAPTCHA*

CAPTCHA (an acronym that stands for “Completely Automated Public Turing Test to tell Computers and Humans Apart”) is a type of form field that is sometimes used to determine whether a user is human, in an effort to prevent computers from automatically submitting online forms. Often CAPTCHAs assume the form of distorted characters.



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CAPTCHA is inaccessible to many groups of users, including individuals who are blind or dyslexic. If audio CAPTCHA is provided as an alternative for these users, that still is not a solution for individuals who are deaf-blind. Also, CAPTCHAs are burdensome for everyone, and increase the likelihood that individuals will fail to submit the form or complete the task. *Content developers* should consider other creative alternative solutions that do not burden the user.

**B.1.15. Accessible Tables**

Data tables should not be used to force content into visible columns. Multi-column layouts can now be attained using CSS to handle layout and positioning. Data tables are useful for presenting data in rows and columns. A few specific HTML tags are required in order to ensure that data tables are accessible to screen readers. Without these tags, users who are unable to see the table can find it very difficult or impossible to understand the relationship between table headers and the cells within their scope.

*Content developers* should determine whether the table will be simple or complex and apply the specific tags as noted below.

***B.1.15.1. Simple Table***

A simple table has a single header at the top of each column, and optionally a single header in the first column of each row. It has no nested columns or rows. To make a simple table accessible, apply the following techniques:

- Markup all column headers or row headers as table headers using the <th> element.
- Define the scope of each <th> using the scope attribute (the value of scope can be either “col” or “row”)

***B.1.15.2. Complex Table***

A complex table is any table that is not a simple table, as defined in the preceding section. There might be nested rows or columns, or headers might be located in places other than the first row or column. These sorts of tables can be very challenging for screen reader users to understand. To ensure their accessibility, apply the following techniques:

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- Markup all column headers or row headers as table headers using the <th> element
- Add a unique id attribute to each <th> element
- For every table data cell (<td>), add a headers attribute that lists the ids of all headers that apply to that particular cell. If more than one header applies to a cell, separate ids with a space

For additional assistance and guidance regarding the use and development of accessible tables, consult the webmaster and/or developer of authoring tool.

### **B.1.16. Effective Use of Color**

There are two accessibility issues related to choice of color:

#### *B.1.16.1. Avoid Using Color to Communicate Information*

Because some users are unable to perceive color differences or may not perceive color the same way others do, it is important to avoid using color alone to communicate information. For example, if link text is blue, *content developers* should also enable underline feature so users who are unable to perceive color differences can distinguish links from surrounding text.

#### *B.1.16.2. Choose Colors with Ample Contrast*

Because some users have difficulty perceiving text if there is too little contrast between foreground and background, *content developers* must use color combinations that meet clearly defined contrast ratios per W3C WCAG 2.0. CAHELP applies Level AA for contrast success criteria. In order to meet Level AA, *content developers* must ensure that text or images of text must have a contrast ratio of at least 4.5:1 (or 3:1 for large text). In order to meet the guidelines at the stricter Level AAA, the contrast ratio must be at least 7:1 (or 4.5:1 for large text).

Several free tools have been developed that make it easy to check color combinations for WCAG 2.0 compliance. *Content developers* may utilize the following resources to determine Level AA compliance for color contrast:

- [Colour Contrast Analyser by the Paciello Group](#) (for Windows or Mac) ([url](#):

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<https://www.paciellogroup.com/resources/contrastanalyser>



- [WebAIM Color Contrast Checker \(url: https://webaim.org/resources/contrastchecker/\)](https://webaim.org/resources/contrastchecker/)

### B.1.17. Meaningful Link Text

Screen reader users navigate websites using a variety of techniques. One of those is to pull up a list of links (a feature on most screen readers) and navigate through that list. Given this, link text should be able to stand alone independently of its context. For example, links like “click here” and “more” are meaningless out of context. Also, speech recognition users can click links with a voice command like “click” followed by the link text. Therefore, *content developers* should keep link text short and easy to say.

For both of these reasons long URLs should be avoided as link text (short URLs like cahelp.org) are okay since they are easy to say and stand-alone independently of context.

### B.1.18. ARIA Landmark Roles

ARIA is a new W3C specification that stands for “Accessible Rich Internet Applications.” It consists of markup that can be added to HTML in order to clearly communicate the roles, states, and properties of user interface elements. User interface includes both the “user agent user interface,” i.e., the controls (e.g., menus, buttons, prompts, etc.) and mechanisms (e.g., selection and focus) provided by the user agent that are not created by content; and the “content user interface,” i.e., the enabled elements that are part of content, such as form elements, links, applets, etc. This information helps screen readers and other assistive technologies to better understand the elements on a web page, and to provide a user interface that enables their users to effectively interact with those elements.

One of the easiest ARIA features to implement, and one that provides significant immediate benefits to screen reader users, is landmark roles. There are eight of these roles, each representing a block of content that occurs commonly on web pages. To use them, webmasters and/or developers of authoring tools simply add a relevant role attribute to an appropriate container within the HTML. Then, screen reader users can quickly jump to that section of the page. The eight ARIA landmark roles are:

- Role=”banner”
- Role”navigation” (e.g., a menu)

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- Role="main" (the main content of the page)
- Role="complementary" (e.g., a sidebar)
- Role="contentinfo" (meta data about the page, e.g., a copyright statement)
- Role="search"
- Role="form"
- Role="application" (a web application with its own keyboard interface)

If a role is used more than once on a page, the aria-label attribute should also be used in order to distinguish between the two regions. For example, a web page might have the following two navigation regions:

- `<div role="navigation" aria-label="Main-menu">`
- `<div role="navigation" aria-label="User_menu">`

When role="application" is used, there is an exception that the application has its own model for navigating and operating all controls by keyboard, and help text is easily available so users can learn the keystrokes. When assistive technologies encounter content that's marked up with role="application", they stop listening for users' keystrokes and hand off all functionality to the application. This can be problematic as it defies users' expectations. Keys that normally perform certain functions when using their assistive technology suddenly stop providing that functionality.

Therefore, webmasters and/or developers of authoring tools should use role="application" only when an application has been carefully developed with accessibility in mind, and steps have been taken to inform users of what to expect.

For additional clarification and guidance on Aria landmark roles, consult the webmaster and/or developer of authoring tool.

#### **B.1.19. ARIA for Web Application**

Like ARIA for Landmark Roles, ARIA for web applications is W3C specification that consists of markup that can be added to HTML in order to clearly communicate the roles, states, and properties of user interface elements. This information helps screen readers and other assistive technologies to better understand the elements on a web page, and to provide

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a user interface that enables their users to effectively interact with those elements.

For example, imagine a web page where a user is able to click a button to trigger some action on the page. When the user clicks the button, a message appears at the top of the page informing the user of their success or failure. Using HTML alone, screen reader users would have no idea that this message has appeared, and even if they suspected it had appeared, they might not be able to easily find it. With ARIA, webmasters and/or developers of authoring tools could simply add `role="alert"` to the container where the message will appear. Then, when the content of that container changes, screen readers will interrupt the user by announcing the message content. The user's focus will remain in their original location so they can resume their work.

Webmasters and/or developers of authoring tools creating dynamic, rich, interactive user interface elements for web pages must include ARIA markup or there is very little possibility of their being accessible.

#### Testing ARIA:

- Use the W3C Markup Validation Service to check HTML against current web standards. This tool includes checks for valid use of ARIA markup.
- Test website or web application with multiple browser/screen reader combinations. Support for ARIA is a moving target, and even if the code is valid, there might be problems in the way its rendered with assistive technologies. There is no substitute for testing, especially if the website has rich, interactive content.

For additional assistance and guidance, consult the webmaster and/or developer of authoring tool. For help with testing with assistive technologies, please contact [accessibility@cahelp.org](mailto:accessibility@cahelp.org).

#### References:

- WCAG 2.0 Success Criterion 4.1.2 Name, Role, Value (Level A)

#### **B.1.20. Avoiding Reliance on Visual Characteristics**

Content that flashes or flickers can trigger seizures in susceptible individuals. Therefore, flashing or flickering content should be avoided.

The best technique for addressing this issue is to avoid using content that flashes or flickers. Not only can it cause seizures, but it is likely to be annoying or distracting for users in general. If *content developers* must use content that flashes or flickers, test the content using methods described below to be sure the content flashes or flickers at a safe level.

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### Testing:

The W3C WCAG 2.0 includes specific technical requirements for determining whether content flashes or flickers at an unsafe level. In general, if content flashes more than three times per second, it is unsafe. However, the W3C provides a more precise technical formula for calculating general flash and red flash thresholds. The Trace Center at the University of Wisconsin has developed a Photosensitive Epilepsy Analysis Tools (PEAT) for measuring whether web or computer applications are likely to cause seizures.

### References:

- WCAG 2.0 Success Criterion 2.3.1 Three Flashes or Below Threshold (Level A)

### B.1.21. Creating Accessible Videos

Videos and audio content can help make web pages and course curriculum provided by the CAHELP Professional Learning more engaging. However, they can also erect barriers unless delivered with accessibility in mind. Videos should be produced and delivered in ways that ensure that all members of the audience can access their content. An accessible video includes captions, a transcript, audio description, and is delivered in an accessible media player. When delivering video content, the following accessibility issues must be considered by *content developers and approvers*, and other designated staff producing or delivering video:

- **Some people are unable to hear audio.** Audio content such as audio-recorded lectures or podcasts must be accompanied by a transcript, and videos must be provided with closed captions.
- **Some people are unable to see video.** Video must be carefully scripted or edited in a way that ensures all important content is accessible through the audio track. If this is not the case, any important information that is presented visually must be described in a separate narration track using a technique called audio description.
- **Some people are unable to operate a mouse.** Multimedia content should be delivered in a player that can be operated with keyboard alone, has controls that are properly labeled so that they are announced properly to screen reader users, and can be operated effectively by speech input users.

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***B.1.21.1. Captions***

Captions are text versions of the audio content, synchronized with the video. They are essential for ensuring a video is accessible to members of the public who are deaf or hard of hearing. Captions also help non-native English speakers to understand the video, make it possible to search for content within the video, help with the spelling of technical terms spoken in the video, and make it possible to generate an interactive transcript where users can click anywhere in the transcript to watch the video where the text is spoken.

There are two general approaches to captioning video that *content developers and approvers*, and other appropriate staff producing or delivering video can consider:

- **Outsource.** Companies such as Automatic Sync Technologies, 3PlayMedia, cielo24, and many other captioning service providers will caption videos for a fee. Consult **CAHELP JPA Virtual Compliance Team** prior to contacting these companies for additional information.
- **Do it Yourself.** There are free tools available online that make it possible and easy to caption video. See captioning your own video for free (*See Appendix D*).

The end product generated by the above two options is a caption file. Most caption files are plain text files with time codes indicating the start and stop times. However, there are various types of caption files with slight variations in their syntax. Once a caption file has been created, the final step is to add this file to the video. How *content developers and approvers* accomplish this depends on where the video is hosted. For specific instructions, select one of the following options:

- Adding captions to YouTube videos ([link to...](#))
- Adding captions to videos on web pages ([link to...](#))
- Adding captions to videos in Panopto ([link to...](#))
- Adding captions to videos in Canvas ([link to...](#))
- Adding captions to videos in MediaAMP ([link to...](#))

**References:**

- WCAG 2.0 Success Criterion 1.2.1 Audio=only and Video=only (Prerecorded) (Level A)

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- WCAG 2.0 Success Criterion 1.2.2 Cations (Prerecorded) (Level A)
- WCAG 2.0 Success Criterion 1.2.3 Audio Description or Media Alternative (Prerecorded) (Level A)
- WCAG 2.0 Success Criterion 1.4.2 Audio Control (Level AA)
- WCAG 2.0 Success Criterion 1.2.4 Captions (Live) (Level AA)
- WCAG 2.0 Success Criterion 1.2.5 Audio Description (Prerecorded) (Level AA)

***B.1.21.2. Audio Description***

Audio description is a separate narrative audio track that describes important visual content, making it accessible to individuals who are unable to see the video. Individuals who are blind can understand much of a video’s content by listening to its audio. However, if a video includes content that is only presented visually (e.g., on-screen text or key actions that are not obvious from the audio), this visual information must be described in order to be accessible to individuals who are unable to see it.

Like captions, there are two general approaches to producing audio description for video that *content developers and approvers*, and other appropriate staff producing or delivering audio shall consider:

- **Outsource.** The American Council of the Blind has compiled a comprehensive list of commercial services for producing audio description. If the video contains a lot of visual information, this may be the best option since describing visual content effectively requires specialized skills. Typically, service providers will produce a new video that has the descriptive narration mixed in with the program audio. *Content developers and approvers*, and other appropriate staff producing or delivering audio can then provide a video in two formats: one with audio description and one without.
- **Do it Yourself.** For videos that have very little visual information, the same free online tools that are used for creating closed caption tracks can be used for creating description tracks. Description tracks are essentially the same as caption tracks—short blocks of text with timestamps that synchronize the text with the video—but their function



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is different. They are intended to be read aloud by screen readers, rather than voiced by a human narrator. Playing video with text-based audio description requires a media player that supports this feature, such as Able Player, the open source media player developed at the University of Washington.

***B.1.21.3. Live Captioning and Description.***

If live events are simulcast over the web, live captioning is needed in order to provide access to the audio content for audience members who are deaf or hard of hearing. Similarly, live description may be needed if key visual content is not otherwise verbalized, such as in a dramatic production. At the CAHELP, these services are coordinated through the Professional Learning team with the assistance of *content developers* and *approvers*, and the **CAHELP JPA Virtual team and/or the ACT**.

***B.1.21.4. Transcript***

A transcript is a text version of the media content. A transcript should capture all the spoken audio, plus on-screen text and descriptions of key visual information that wouldn't otherwise be accessible without seeing the video. Transcripts make video content accessible to everyone, including individuals who are unable to view the video due to accessibility problems or technical limitations. They are also helpful for individuals who want to quickly scan or search a video's content but do not have the time to watch the entire video.

If *content authors* have captioned the video, a transcript is available as one of the optional output formats produced by the closed captioning process. This is true of both the free online tools and the commercial service providers. To make the transcript available simply link to it from the web page, wherever it is linked to or display the associated video.

*Content developers and approvers*, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality, may consider using Able Player, the accessible open source media player developed at the University of Washington, which

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generates an interactive transcript automatically using the caption and/or description tracks.

### *B.1.21.5. Choosing an Accessible Media Player*

When choosing how to deliver video, it is important that *content developers and approvers*, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality, consider options that are fully accessible. Whether selecting a media player plugin or module for the CAHELP website or selecting a service to host videos, the following questions should be answered about the available options:

- Does the media player support close captions?
- Does the media player support audio description in a way that enables users to toggle the narration on and off?
- Can the media player's buttons and controls be operated without a mouse?
- Are the media player's buttons and controls properly labeled so they can be operated by a blind person using a screen reader?
- Is the media player fully functional, including all of its accessibility features, across platforms and in all major browsers?

Able Player, the accessible open source media player developed at the University of Washington satisfies all of the above criteria. It is a free, open-source media player developed with accessibility in mind. For additional information on Able Player, [go to Able Player on Github \(url: \*https://ableplayer.github.io/ableplayer/\*\)](https://ableplayer.github.io/ableplayer/).

### **B.1.22. Procuring Accessible IT**

The CAHELP strives to ensure that IT products developed at, purchased by, or used at the CAHELP are accessible to all individuals. To reach this aspirational goal, the **ACT** shall be responsible for making decisions about which products to procure and must consider accessibility as one of the criteria for acquisition. This is especially critical for enterprise-level systems and other technologies that affect a large number of students, teachers, and/or staff. The following three steps provide an example of how accessibility can be considered in the procurement process.

*Revised 01/16/2020*

## APPENDIX A

For additional information and guidance on procurement of products accessible to all, consult IT services or the **ACT** with any of these steps.

### *B.1.22.1. Ask vendors to provide information about the accessibility of their products.*

The following is an example of accessibility language that could be used in requests for proposals (RFPs):

#### **Mandatory Scored Requirement:**

- Bidder must describe how their IT products or services are accessible to users in accordance with CAHELP guidelines;
- CAHELP refers to the WCAG 2.0 developed by W3C Level AA for guidance in meeting its IT accessibility commitments.

If there are issues that prevent a bidder's IT product or service from meeting these requirements, the bidder must describe efforts underway to address these issues, including anticipated timelines for completion.

### *B.1.22.2. Validate information provided by bidders and evaluate the product for accessibility*

Consult **the ACT** for assistance. Vendors should provide detailed information about the accessibility of their product or services. One common method is by providing a Voluntary Product Accessibility Template (VPAT). This is a standard form developed to assist federal agencies in fulfilling their Section 508 requirements. VPATs can sometimes be informative, but they have limitations since they are self-reports completed by the vendors. Some vendors do not have adequate technical expertise to accurately assess their products' accessibility. Others skillfully complete their VPATs in ways that trivialize the significance of accessibility shortcomings. Therefore, VPAT claims should be independently verified and not accepted at face value. A VPAT could provide a good starting point, but ultimately vendors, particularly those whose products are selected as finalists, should be engaged in a thorough discussion about accessibility of their products.

Few IT products are fully accessible. However, vendors should at a minimum be willing to make a commitment to address their

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*Revised 01/16/2020*

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accessibility problems. Without this commitment, using the product may place the CAHELP at risk for discriminating against some of its users and/or employees.

The CAHELP procured and/or contracted web host shall provide detailed information about the accessibility of their web product or services and may provide a Voluntary Product Accessibility Template (VPAT) for consideration.

**B.1.23. Include Accessibility Assurances in Contracts with Vendors**

If ultimately the best product for meeting a particular need is one that fails to fully meet accessibility requirements, vendors should be asked to make a commitment to improving accessibility over a specified timeline, perhaps working with the **CAHELP JPA Virtual Compliance Team** and **the ACT**.

After procurement officials discuss accessibility issues with a vendor, the procurement contract should include language that specifically documents the agreement between vendor and procurer as to how satisfactory progress on accessibility will be measured. The vendor might provide a roadmap as an addendum to the contract with a prioritized list of accessibility issues and a timeline for addressing each issue. Contract extensions might be contingent upon satisfactory progress toward resolving the issues identified in the roadmap.

Even if the product is currently accessible, the contract should include language that assures continued accessibility as the product is updated. This is especially important for products that are developed on an ongoing rapid release cycle.

**B.1.24. Managing Projects for Accessibility**

It shall be the responsibility of the CAHELP JPA Virtual Compliance Supervisor to ensure that all projects related to accessibility be prioritized. All areas of the CAHELP website will be reviewed annually using the processes described at WCAG 2.0. Reviews are the responsibility of the **CAHELP JPA Virtual Compliance Supervisor** in collaboration with the **ACT**. Accessibility checks will be incorporated into the publishing workflow for all new content.

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

*December 12, 2019 – 1:00 p.m.*

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

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**D/M CHARTER SELPA MEMBERS PRESENT:**

Allegiance STEAM – Callie Moreno, Aveson Global Leadership Academy – Kelly Jung (via Web Ex), Aveson School of Leadership – Paula Giraldo (via Web Ex), Elite Academic Academy – Teresa Schaeffer (via Web Ex), Susana Waisman (via Web Ex), Encore Jr/Sr High – Eric Buries, Julia Dolf, Cynthia Roach, Julia Lee Performing Arts Academy – Tanya Taylor (via web Ex), Pasadena Rosebud Academy – Shawn Brumfield (via Web Ex), Pathways to College – Kasey Finerty, Victor Valdez, and Taylion High Desert – Brenda Congo.

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

Jamie Adkins, Heidi Chavez, Peggy Dunn, Adrien Faamausili, Marina Gallegos, Colette Garland, Jenae Holtz, Linda Llamas, Lisa Nash, Karina Quezada, Daria Raines, Jennifer Rountree, Veronica Rousseau, Jennifer Sutton, and Theresa Vaughan.

**1.0 TELECONFERENCE LOCATIONS:**

Aveson Global Leadership Academy, 575 W Alta Dena Drive, Altadena, CA 91001

Aveson School of Leaders, 1919 Pinecrest Drive, Altadena, CA 91001

Elite Academic Academy, 43414 Business Park Drive, Temecula, CA 92590

Julia Lee Performing Arts Academy, 19740 Grand Avenue, Lake Elsinore, CA 92530

Pasadena Rosebud Academy, 3544 North Canon, Altadena, CA 91001

**2.0 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 Committee Meeting was called to order by Chairperson Jenae Holtz, at 1:00 p.m., at the Desert/Mountain Educational Service Center, Apple Valley.

**3.0 ROLL CALL**

**4.0 PUBLIC PARTICIPATION**

None.

**5.0 ADOPTION OF THE AGENDA**

5.1 **BE IT RESOLVED** that a motion was made by Kasey Finerty, seconded by Paula Giraldo, to approve the December 12, 2019 Desert/Mountain Charter SELPA Steering and Finance Committee Meeting Agenda as presented. A vote was taken and the following carried: 9:0: Ayes: Brumfield, Buries, Congo, Finerty, Giraldo, Jung, Moreno, Taylor, and Waisman. Nays: None, Abstentions: None.

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### **6.0 INFORMATION/ACTION**

#### **6.1 IEP Addendum to Add Desert/Mountain Children’s Center Children’s Intensive Services (CIS) (ACTION)**

Desert/Mountain Children’s Center (DMCC) Director seeks approval for an addendum to be used to add Children’s Intensive Services (CIS) services to a child’s IEP.

6.1.1 **BE IT RESOLVED** that a motion was made by Kasey Finerty, seconded by Susana Waisman, to approve that an IEP addendum can be used to add Desert/Mountain Children’s Center Children’s Intensive Services (CIS) to a child’s IEP as presented. A vote was taken and the following carried: 9:0: Ayes: Brumfield, Buries, Congo, Finerty, Giraldo, Jung, Moreno, Taylor, and Waisman. Nays: None, Abstentions: None.

### **7.0 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.

7.1 **BE IT RESOLVED** that a motion was made by Kasey Finerty, seconded by Susana Waisman, to approve the following Consent Items as presented. A vote was taken and the following carried: 9:0: Ayes: Brumfield, Buries, Congo, Finerty, Giraldo, Jung, Moreno, Taylor, and Waisman. Nays: None, Abstentions: None.

7.1.1 Approve the November 7, 2019 Desert/Mountain Charter SELPA Steering and Finance Committee Meeting Minutes.

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

#### **8.1 Legislative Updates**

Jenae Holtz presented the latest in State and Federal law related to students with disabilities and school law. Jenae shared a news brief pertaining to Senate Bill (SB) 75. She stated the news brief is clearly written about charters being careful to not improperly recruit or counsel people out of attending a charter school, especially students in protected classes. Jenae reiterated that it is not acceptable to disenroll a student for not completing homework. She encouraged the directors to return to the IEP process to have a meeting around the interventions that would help the student. Jenae said it is important for charter schools to work with their local school districts in order to provide a free appropriate public education (FAPE). There could be a cost to the charter school

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for the student to receive services from the local LEA but the charter school cannot refuse a student. She also said schools are required to post a notice of complaint system.

Jenae shared the State SELPA PowerPoint for the reference of the committee. She highlighted that State SELPA is watching Assembly Bill (AB) 216 – Pupil Discipline: restraint and seclusion as there is some concern about the language.

Jenae also highlighted the following potential legislation for 2020:

- Fetal alcohol syndrome disorder as “Other Health Impairment” as part of criteria for a qualifying reason for special education,
- Autism transition planning changing from age 16 to age 14,
- AB 5 exemption for Speech-Language-Hearing therapists to allow those allowed in school to provide services.

Jenae concluded that she will continue to share legislative information as she receives it.

### 8.2 California Department of Education (CDE) Updates

Jenae Holtz presented new developments within the California Department of Education (CDE) in regard to compliance monitoring. At State SELPA last week, Jenae learned that there have been changes made that will affect the CAHELP Compliance Monitoring Guide. She said a federal lawsuit was filed against CDE many years ago causing CDE to continually answer to the court on how things are being changed statewide. Jenae stated the transition to CALPADS has been smoother than CDE anticipated. There is no extension to the December 20, 2019 certification due date.

Colette Garland said she and support staff Terri Nelson have done the data entry for the applicable LEAs. Colette said the LEA CALPADS contact is to complete the certification level 1 so she knows where in the process the LEAs are. Colette and Jenae now have access to CALPADS and will begin the SELPA side certification which is level 2. Colette said changes can be made in the amendment window but the initial certifications must be done by December 20, 2019.

Jenae continued that there are issues in CALPADS such as the drop out on the special education record. She said they have also found when one issue is corrected, others arise. The program is being adjusted and data entry is continuing.

Jenae shared the CDE’s clear directions regarding students with disabilities transferring from another LEA from a different SELPA or out of state. She said it is about the creation of the record at the district of residence, documenting that a child is being served.

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Colette said programming adjustments will be made in Web IEP so records can be created as soon as a student transfers to our SELPA. It will not be much of a change for the end user but a change in how the information is submitted to CALPADS.

Jenae said the lawsuit addressed smaller LEAs being put in noncompliance because of a miniscule amount of errors. She said that LEAs with less than 100 students with disabilities were not included in the monitoring selection and that LEAs with less than 30 were not reflected on the California dashboard. To rectify this, CDE is considering grouping the small LEAs and charters to bring them up to 100 children with disabilities. As a charter SELPA, CDE could look at all member LEAs to determine where assistance is needed. Jenae continued the CDE could also group by county or a hybrid of county and SELPA.

Jenae also said the court order gave CDE clear directives on how to select for the comprehensive review selection because they did not think enough LEAs were selected. She reported that preschools will be part of comprehensive review as well. The court said the targets were not ambitious or detailed enough and that mediation is to be improved with documentation. Jenae said that comprehensive review will be more about performance instead of compliance. She said that CDE proposed to the federal court to overhaul the comprehensive review process. Jenae reported compliance monitoring will be called Universal Monitoring for all LEAs. She said Intensive Monitoring will replace Comprehensive Review. CDE will look at the lowest 10% of all LEAs and with the new scoring methodology, a LEA's score cannot be more than 10. Jenae said there will be more than 200 schools in intensive monitoring with the new calculation. She stated intensive monitoring will be completed February through July 2020. Jenae said the CDE has not added staff to cover the additional LEAs. They said it will not be SELPA's responsibility to complete monitoring but they will have a part in it. Jenae anticipates that many D/M SELPA LEAs will be part of intensive monitoring based on the new methodology. Jenae said in January 2020, D/M SELPA should be notified of which LEA's are in intensive monitoring and at that time, the LEAs will be notified.

Jenae reported a mega-letter will be released in January 2020 to all superintendents describing how compliance concerns are being combined and what it means if the LEA is identified as in need of intensive monitoring. Jenae said there will be one plan for all compliance issues including Performance Indicator Review (PIR), Data Identified Noncompliance (DINC), Intensive Monitoring so the same issues are not being addressed multiple times. D/M Charter SELPA should receive the mega letter preview before the LEAs and will be forwarding the information to assist with the process.

### 8.3 Desert/Mountain Children's Center Client Services Reports

Linda Llamas presented the Children's Center monthly reports. She asked to be advised of any changes.



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### 8.4 Professional Learning Summary

Heidi Chavez presented the D/M Charter SELPA's Professional Learning Summary. Heidi highlighted the following trainings:

- Hola Language Services – Interpreting IEP Meetings scheduled for January 6-7, 2020.
- Teaching Students with Moderate to Severe Intellectual Disabilities scheduled for January 14, 2020 for \$10 at DMESC. The training is presented by Diagnostic Center South and will provide behavioral and instructional strategies.
- Evidence Based Interventions for Classroom Management scheduled for January 8, 2020. It will be presented by Dr. Laura Riffel at Courtyard Marriott in Hesperia, CA.
- Classroom Management: Tier Two Strategies scheduled for April 7, 2020. It will also be presented by Dr. Laura Riffel at the Courtyard Marriott in Hesperia, CA.
- I-MTSS Symposium – Fostering Resilient Learners: Creating a Safety Nest to Thrive and Soar scheduled for February 26, 2020. Dave Pelzer is the keynote speaker and will be followed by Kristin Souers. Registration fee of \$200.00 includes continental breakfast, lunch, and one book at National Orange Show Events Center in San Bernardino, CA.
- IMSE Intermediate Orton-Gillingham Training scheduled for March 2, 3, 4, 26, 27, 2020. The registration fee is \$1,650.00 per attendee.
- The Real Life Skills of Executive Function: A Growth Mindset Approach scheduled for March 9, 2020. It will be presented by Sasha Long at DMESC. It will be presented at the Desert Mountain Educational Service Center (DMESC).
- Directors' Training – Understanding Students from Adverse Backgrounds scheduled for January 17, 2020 at the end of D/M SELPA Steering Committee meeting.

### 8.5 Resolution Support Services Summary

Jenae Holtz presented the D/M Charter SELPA's Resolution Support Services Summary and update. She stated due process timelines start as soon as the filing is received regardless if school is in session. Jenae concluded this is important to remember with the holidays fast approaching.

### 8.6 Prevention and Intervention Updates

Athena Vernon presented Prevention and Intervention Updates. She stated PBIS and Mental Health: Implementation and Integration across the Tiers is scheduled for February 19, 2020. Susan Barrett will be presenting at Apple Valley USD multi-purpose room. This workshop will help school teams work more effectively to address social emotional behaviors of students.

### 8.7 Compliance Update

Peggy Dunn presented the following update on compliance items from the California Department of Education (CDE):

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- Performance Indicator Review (PIR) – approvals have been received for Aveson Global Leadership Academy, Aveson School of Leaders, Ballington Academy for the Arts & Sciences, Encore High School-Riverside, Encore Jr/Sr High School, Odyssey Charter, and Taylion High Desert Academy,
- 2017-18 Disproportionality – approvals have been received for Aveson School of Leaders, Encore High School – Riverside, and Odyssey Charter,
- 2018-19 Disproportionality – pending response from CDE. PIN numbers will be sent from Susan Olsen once reviews begin.

Colette Garland provided an update on CASEMIS to CALPADS. She stated the certifications must be completed by the extended due date of December 20, 2019. She and Jenae have access now and can see which LEAs have certified. Colette shared that as of December 11, 2019, Aveson School of Leaders, Aveson Global Academy, Desert Trails Prep Academy, Elite Academic Academy-AWFI, Elite Academic Academy-Lucerne, Laverne Elementary Prep Academy, Leonardo da Vinci Health Sciences Charter, Odyssey Charter School, and Taylion High Desert Academy have certified.

Jenae Holtz shared that emails from CALPADS have been filtered to spam folders so she and Colette were receiving them late. Now that they are aware of that issue, they are regularly checking their spam mail to retrieve those messages.

### 8.8 Temporary Intensive Supports Assessment (TISA) Follow-Up Discussion

Karina Quezada lead a Temporary Intensive Supports Assessment (TISA) follow-up discussion. She asked members to review pamphlets to be used when a 1:1 aide is requested. The pamphlet will help in discussing the process of the evaluation request with the parents/guardians. Karina said the pamphlet can be reproduced and distributed at the discretion of each LEA.

### 8.9 Crisis Prevention Institute (CPI) Flex/Blended Learning

Heidi Chavez provided information on Crisis Prevention Institute (CPI) Flex/Blended Learning. She said the face-to-face training for two days is most beneficial to participants. Heidi said there is concern with administrators and district office personnel being offsite for two days for some LEAs. Because of this, flex/blended training will be offered to administrators that have previously been CPI certified. Heidi said 19 training spots have been purchased with 4 being for flex/blended training with 2-4 hours being online. The online training must be completed and the certificate must be brought to the second day of training which is the hands-on portion. Teachers, paraprofessionals, counselors, psychologists must attend both days in person. Heidi said this option will start in March 2020. She reiterated that there will be only 4 flex/blended training slots

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per training and the cost will be slightly higher for those slots. Heidi asked for questions to be directed to Program Specialist Danielle Cote or support person Jennifer Holbrook.

**9.0 FINANCE COMMITTEE REPORTS**

None.

**10.0 INFORMATION ITEMS**

10.1 Monthly Occupational & Physical Therapy Services Reports

10.2 Upcoming Professional Learning Opportunities

**11.0 STEERING COMMITTEE MEMBERS COMMENTS / REPORTS**

None.

**12.0 CEO COMMENTS**

Jenae Holtz shared cookies with the attendees stating they are a small token of appreciation for what the members do for children and for being part of our SELPA. She wished the members the nicest of breaks with time to rest and rejuvenate. Jenae said amazing children receive great services from the D/M Charter SELPA members.

**13.0 MATTERS BROUGHT BY CITIZENS**

None.

**14.0 ADJOURNMENT**

Having no further business to discuss, a motion was made by Kasey Finerty, seconded by Paula Giraldo, to adjourn the meeting at 1:51 p.m. A vote was taken and the following carried: 9:0: Ayes: Brumfield, Buries, Congo, Finerty, Giraldo, Jung, Moreno, Taylor, and Waisman. Nays: None, Abstentions: None.

The next regular meeting of the Desert/Mountain Charter SELPA Steering and Finance Committee will be held on Thursday, January 16, 2020, 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.*

**To:** Jenae Holtz <[Jenae.Holtz@cahelp.org](mailto:Jenae.Holtz@cahelp.org)>

**Subject:** Correction to "State Laws Related to Special Education Going Into Effect on January 1, 2020"

**Date:** January 9, 2020

**Subject:** Official Message from the State Director of Special Education

The January 6, 2020, memo summarizing Assembly Bill (AB) 1172 incorrectly reported that the new statute "**requires** the CDE, if an investigation conducted by the CDE results in a finding that student health or safety has been compromised, to immediately suspend or revoke the school's certification."

In fact, the new statute reads as follows: "If an investigation conducted by the department results in a finding that pupil health or safety has been compromised or is in danger of being compromised at a nonpublic, nonsectarian school or agency, the department **may** immediately suspend or revoke the certification of the nonpublic, nonsectarian school or agency."

The Special Education Division regrets this error and wishes to publish this correction.

**Sent:** Monday, January 6, 2020 4:15 PM

**To:** Jenae Holtz <[Jenae.Holtz@cahelp.org](mailto:Jenae.Holtz@cahelp.org)>

**Subject:** State Laws Related to Special Education Going Into Effect on January 1, 2020

**Date:** January 6, 2020

**Subject:** Official Message from the State Director of Special Education

## **State Laws Related to Special Education Going Into Effect on January 1, 2020**

During the 2019 legislative year, several bills related to special education will become law on January 1, 2020. Three bills make changes specifically to special education statute. They are Assembly Bills (ABs) 1172, 605, and 947. Several other bills do not change special education statute but could have implications for students with disabilities.

### **Changes to Special Education Statutes**

The AB 1172 amends several sections of Education Code pertaining to nonpublic, nonsectarian schools and agencies. The new law requires that local educational agencies (LEAs) that send students to nonpublic, nonsectarian schools (NPSs) conduct onsite monitoring visits; requires that NPSs notify the California Department of Education (CDE) of any student-involved incident in which law enforcement is contacted; requires the CDE, if an investigation conducted by the CDE results in a finding that student health or safety has been compromised, to immediately suspend or revoke the school's certification; requires that an NPS serving students with significant behavioral needs to have a person onsite who is qualified to implement behavior interventions; requires that administrators of NPSs hold or be working toward specified credentials or licenses; and requires that NPSs train specified staff in evidence-based practices and interventions specific to students' unique behavioral needs. Further, the new law requires NPSs to submit documentation as a part of their application for certification by the CDE that the NPS will train staff who will have contact or interaction with students during the school day in the use of specified evidence-based practices and interventions specific to the unique behavioral needs of the students it serves and require LEAs to verify compliance with this requirement. The full text of AB 1172 is available at

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB1172](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1172).

The AB 605 adds Section 56040.3 to the Education Code pertaining to the use of assistive technology devices. The new law makes LEAs, including charter schools, responsible for providing a student with disabilities who requires the use of an assistive technology device with continued access to that device, or to a comparable device, when the student, because of enrollment in another LEA, ceases to be enrolled in that LEA. This responsibility is in force until alternative arrangements for providing the student with continuous access to the assistive technology device, or to a comparable

device, can be made or until two months have elapsed from the date that the student ceased to be enrolled in that LEA, whichever occurs first. The full text of AB 605 can be found at

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB605](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB605).

The AB 947 adds Education Code sections 56353 and 56354 to law. The new law authorizes school districts, county offices of education (COEs), and charter schools to consider elements of the expanded core curriculum, as defined, when developing individualized education programs (IEPs) for students who are blind, have low vision, or are visually impaired. If an orientation and mobility evaluation is needed for a student who is blind, has low vision, or is visually impaired, the new law would require that these evaluations be conducted by appropriately certified specialists and occur in familiar and unfamiliar environments, in varying lighting conditions, and in the home, school, and community, as appropriate to ensure that students receive necessary related services. The full text of AB 947 is available at

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB947](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB947).

## **Statutory Changes Having Implications for Students with Disabilities**

The AB 34 amends the Education Code by requiring each LEA to ensure that specified information on bullying and harassment prevention is readily accessible in a prominent location on the LEA's existing Internet web site in a manner that is easily accessible to parents or guardians and pupils. The full text of AB 34 can be found at

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB34](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB34).

The AB 189 amends the Penal Code by adding qualified autism service providers, qualified autism service professionals, and qualified autism service paraprofessionals, as defined, to the list of individuals who are mandated reporters of child abuse or neglect. The full text of AB 189 can be found at

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB189](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB189).

The AB 413 amends both Education Code and Penal Code by deleting references to "at-risk" and replacing that term with the term "at-promise." The full text of AB 413 can be found at

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB413](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB413).

The AB 988 amends the Education Code by authorizing the Commission on Teacher Credentialing to allow applicants for an education specialist credential to demonstrate their area of concentration based on two years of experience in California, while the candidates hold the preliminary credential. The full text of AB 988 can be found at

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB988](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB988).

The AB 1354 amends the Education Code by requiring a COE, as part of the joint transition planning policy, to assign transition oversight responsibilities to existing COE personnel who will work with the county probation department, as needed, and relevant LEAs to ensure that specified transition activities are completed for a student and to facilitate the transfer of complete and accurate education records and a student's IEP

when a student enters the juvenile court school. In addition, AB 1354 would require a student detained for more than 20 consecutive schooldays to have an individualized transition plan to be developed by the COE in collaboration with the county probation department, as needed, and to have specified items accessible to the holder of the educational rights of the student on the student's release. The AB 1354 also requires the COE, in collaboration, as needed, with the county probation department, to establish procedures for the timely, accurate, complete, and confidential transfer of educational records, as specified. The full text of AB 1354 can be found at [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB1354](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1354).

Senate Bill (SB) 223 amends Education Code by authorizing the governing board of a school district, a county board of education, or the governing body of a charter school maintaining kindergarten or any of grades one to twelve, inclusive, to adopt, at a regularly scheduled meeting of the governing board or body, a policy that allows a parent or guardian of a student to possess and administer medicinal cannabis at a school site to the student who is a qualified patient entitled to the protections of the Compassionate Use Act of 1996, excluding cannabis in a smokeable or vapeable form. The full text of SB 223 can be found at [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200SB223](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB223).

The SB 419 amends Education Code by extending the permanent prohibition against suspending students enrolled in kindergarten through grade three for disruption or willful defiance to include students in grades four and five. This prohibition is also being expanded to include student in grades six through eight, until July 1, 2025. The new law also applies these prohibitions to charter schools. Please note that this law will go into effect July 1, 2020. The full text of SB 419 can be found at [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200SB419](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB419).

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**Assembly Bill No. 5****CHAPTER 296**

An act to amend Section 3351 of, and to add Section 2750.3 to, the Labor Code, and to amend Sections 606.5 and 621 of the Unemployment Insurance Code, relating to employment, and making an appropriation therefor.

[ Approved by Governor September 18, 2019. Filed with Secretary of State September 18, 2019. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 5, Gonzalez. Worker status: employees and independent contractors.

Existing law, as established in the case of *Dynamex Operations West, Inc. v. Superior Court of Los Angeles* (2018) 4 Cal.5th 903 (*Dynamex*), creates a presumption that a worker who performs services for a hirer is an employee for purposes of claims for wages and benefits arising under wage orders issued by the Industrial Welfare Commission. Existing law requires a 3-part test, commonly known as the "ABC" test, to establish that a worker is an independent contractor for those purposes.

Existing law, for purposes of unemployment insurance provisions, requires employers to make contributions with respect to unemployment insurance and disability insurance from the wages paid to their employees. Existing law defines "employee" for those purposes to include, among other individuals, any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee.

This bill would state the intent of the Legislature to codify the decision in the *Dynamex* case and clarify its application. The bill would provide that for purposes of the provisions of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration shall be considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity's business, and the person is customarily engaged in an independently established trade, occupation, or business. The bill, notwithstanding this provision, would provide that any statutory exception from employment status or any extension of employer status or liability remains in effect, and that if a court rules that the 3-part test cannot be applied, then the determination of employee or independent contractor status shall be governed by the test adopted in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341 (*Borello*). The bill would exempt specified occupations from the application of *Dynamex*, and would instead provide that these occupations are governed by *Borello*. These exempt occupations would include, among others, licensed insurance agents, certain licensed health care professionals, registered securities broker-dealers or investment advisers, direct sales salespersons, real estate licensees, commercial fishermen, workers providing licensed barber or cosmetology services, and others performing work under a contract for professional services, with another business entity, or pursuant to a subcontract in the construction industry.

The bill would also require the Employment Development Department, on or before March 1, 2021, and each



March 1 thereafter, to issue an annual report to the Legislature on the use of unemployment insurance in the commercial fishing industry. The bill would make the exemption for commercial fishermen applicable only until January 1, 2023, and the exemption for licensed manicurists applicable only until January 1, 2022. The bill would authorize an action for injunctive relief to prevent employee misclassification to be brought by the Attorney General and specified local prosecuting agencies.

This bill would also redefine the definition of "employee" described above, for purposes of unemployment insurance provisions, to include an individual providing labor or services for remuneration who has the status of an employee rather than an independent contractor, unless the hiring entity demonstrates that the individual meets all of specified conditions, including that the individual performs work that is outside the usual course of the hiring entity's business. Because this bill would increase the categories of individuals eligible to receive benefits from, and thus would result in additional moneys being deposited into, the Unemployment Fund, a continuously appropriated fund, the bill would make an appropriation. The bill would state that addition of the provision to the Labor Code does not constitute a change in, but is declaratory of, existing law with regard to violations of the Labor Code relating to wage orders of the Industrial Welfare Commission. The bill would also state that specified Labor Code provisions of the bill apply retroactively to existing claims and actions to the maximum extent permitted by law while other provisions apply to work performed on or after January 1, 2020. The bill would additionally provide that the bill's provisions do not permit an employer to reclassify an individual who was an employee on January 1, 2019, to an independent contractor due to the bill's enactment.

Existing provisions of the Labor Code make it a crime for an employer to violate specified provisions of law with regard to an employee. The Unemployment Insurance Code also makes it a crime to violate specified provisions of law with regard to benefits and payments.

By expanding the definition of an employee for purposes of these provisions, the bill would expand the definition of a crime, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### **SECTION 1.** The Legislature finds and declares all of the following:

(a) On April 30, 2018, the California Supreme Court issued a unanimous decision in *Dynamex Operations West, Inc. v. Superior Court of Los Angeles* (2018) 4 Cal.5th 903 (*Dynamex*).

(b) In its decision, the Court cited the harm to misclassified workers who lose significant workplace protections, the unfairness to employers who must compete with companies that misclassify, and the loss to the state of needed revenue from companies that use misclassification to avoid obligations such as payment of payroll taxes, payment of premiums for workers' compensation, Social Security, unemployment, and disability insurance.

(c) The misclassification of workers as independent contractors has been a significant factor in the erosion of the middle class and the rise in income inequality.

(d) It is the intent of the Legislature in enacting this act to include provisions that would codify the decision of the California Supreme Court in *Dynamex* and would clarify the decision's application in state law.

(e) It is also the intent of the Legislature in enacting this act to ensure workers who are currently exploited by being misclassified as independent contractors instead of recognized as employees have the basic rights and protections they deserve under the law, including a minimum wage, workers' compensation if they are injured on the job, unemployment insurance, paid sick leave, and paid family leave. By codifying the California Supreme Court's landmark, unanimous *Dynamex* decision, this act restores these important protections to potentially several million workers who have been denied these basic workplace rights that all employees are entitled to under the law.

(f) The *Dynamex* decision interpreted one of the three alternative definitions of "employ," the "suffer or permit" definition, from the wage orders of the Industrial Welfare Commission (IWC). Nothing in this act is intended to affect the application of alternative definitions from the IWC wage orders of the term "employ," which were not addressed by the holding of *Dynamex*.

(g) Nothing in this act is intended to diminish the flexibility of employees to work part-time or intermittent schedules or to work for multiple employers.

**SEC. 2.** Section 2750.3 is added to the Labor Code, to read:

**2750.3.** (a) (1) For purposes of the provisions of this code and the Unemployment Insurance Code, and for the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration shall be considered an employee rather than an independent contractor unless the hiring entity demonstrates that all of the following conditions are satisfied:

(A) The person is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact.

(B) The person performs work that is outside the usual course of the hiring entity's business.

(C) The person is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.

(2) Notwithstanding paragraph (1), any exceptions to the terms "employee," "employer," "employ," or "independent contractor," and any extensions of employer status or liability, that are expressly made by a provision of this code, the Unemployment Insurance Code, or in an applicable order of the Industrial Welfare Commission, including, but not limited to, the definition of "employee" in subdivision 2(E) of Wage Order No. 2, shall remain in effect for the purposes set forth therein.

(3) If a court of law rules that the three-part test in paragraph (1) cannot be applied to a particular context based on grounds other than an express exception to employment status as provided under paragraph (2), then the determination of employee or independent contractor status in that context shall instead be governed by the California Supreme Court's decision in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341 (Borello).

(b) Subdivision (a) and the holding in *Dynamex Operations West, Inc. v. Superior Court of Los Angeles* (2018) 4 Cal.5th 903 (Dynamex), do not apply to the following occupations as defined in the paragraphs below, and instead, the determination of employee or independent contractor status for individuals in those occupations shall be governed by Borello.

(1) A person or organization who is licensed by the Department of Insurance pursuant to Chapter 5 (commencing with Section 1621), Chapter 6 (commencing with Section 1760), or Chapter 8 (commencing with Section 1831) of Part 2 of Division 1 of the Insurance Code.

(2) A physician and surgeon, dentist, podiatrist, psychologist, or veterinarian licensed by the State of California pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code, performing professional or medical services provided to or by a health care entity, including an entity organized as a sole proprietorship, partnership, or professional corporation as defined in Section 13401 of the Corporations Code. Nothing in this subdivision shall apply to the employment settings currently or potentially governed by collective bargaining agreements for the licensees identified in this paragraph.

(3) An individual who holds an active license from the State of California and is practicing one of the following recognized professions: lawyer, architect, engineer, private investigator, or accountant.

(4) A securities broker-dealer or investment adviser or their agents and representatives that are registered with the Securities and Exchange Commission or the Financial Industry Regulatory Authority or licensed by the State of California under Chapter 2 (commencing with Section 25210) or Chapter 3 (commencing with Section 25230) of Division 1 of Part 3 of Title 4 of the Corporations Code.

(5) A direct sales salesperson as described in Section 650 of the Unemployment Insurance Code, so long as the conditions for exclusion from employment under that section are met.

(6) A commercial fisherman working on an American vessel as defined in subparagraph (A) below.

(A) For the purposes of this paragraph:

(i) "American vessel" has the same meaning as defined in Section 125.5 of the Unemployment Insurance Code.

(ii) "Commercial fisherman" means a person who has a valid, unrevoked commercial fishing license issued pursuant to Article 3 (commencing with Section 7850) of Chapter 1 of Part 3 of Division 6 of the Fish and Game

Code.

(iii) "Working on an American vessel" means the taking or the attempt to take fish, shellfish, or other fishery resources of the state by any means, and includes each individual aboard an American vessel operated for fishing purposes who participates directly or indirectly in the taking of these raw fishery products, including maintaining the vessel or equipment used aboard the vessel. However, "working on an American vessel" does not apply to anyone aboard a licensed commercial fishing vessel as a visitor or guest who does not directly or indirectly participate in the taking.

(B) For the purposes of this paragraph, a commercial fisherman working on an American vessel is eligible for unemployment insurance benefits if they meet the definition of "employment" in Section 609 of the Unemployment Insurance Code and are otherwise eligible for those benefits pursuant to the provisions of the Unemployment Insurance Code.

(C) On or before March 1, 2021, and each March 1 thereafter, the Employment Development Department shall issue an annual report to the Legislature on the use of unemployment insurance in the commercial fishing industry. This report shall include, but not be limited to, reporting the number of commercial fishermen who apply for unemployment insurance benefits, the number of commercial fishermen who have their claims disputed, the number of commercial fishermen who have their claims denied, and the number of commercial fishermen who receive unemployment insurance benefits. The report required by this subparagraph shall be submitted in compliance with Section 9795 of the Government Code.

(D) This paragraph shall become inoperative on January 1, 2023, unless extended by the Legislature.

(c) (1) Subdivision (a) and the holding in *Dynamex* do not apply to a contract for "professional services" as defined below, and instead the determination of whether the individual is an employee or independent contractor shall be governed by *Borello* if the hiring entity demonstrates that all of the following factors are satisfied:

(A) The individual maintains a business location, which may include the individual's residence, that is separate from the hiring entity. Nothing in this subdivision prohibits an individual from choosing to perform services at the location of the hiring entity.

(B) If work is performed more than six months after the effective date of this section, the individual has a business license, in addition to any required professional licenses or permits for the individual to practice in their profession.

(C) The individual has the ability to set or negotiate their own rates for the services performed.

(D) Outside of project completion dates and reasonable business hours, the individual has the ability to set the individual's own hours.

(E) The individual is customarily engaged in the same type of work performed under contract with another hiring entity or holds themselves out to other potential customers as available to perform the same type of work.

(F) The individual customarily and regularly exercises discretion and independent judgment in the performance of the services.

(2) For purposes of this subdivision:

(A) An "individual" includes an individual providing services through a sole proprietorship or other business entity.

(B) "Professional services" means services that meet any of the following:

(i) Marketing, provided that the contracted work is original and creative in character and the result of which depends primarily on the invention, imagination, or talent of the employee or work that is an essential part of or necessarily incident to any of the contracted work.

(ii) Administrator of human resources, provided that the contracted work is predominantly intellectual and varied in character and is of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time.

(iii) Travel agent services provided by either of the following: (I) a person regulated by the Attorney General under Article 2.6 (commencing with Section 17550) of Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, or (II) an individual who is a seller of travel within the meaning of subdivision (a) of Section 17550.1 of the Business and Professions Code and who is exempt from the registration under subdivision (g) of Section 17550.20 of the Business and Professions Code.

(iv) Graphic design.

(v) Grant writer.

(vi) Fine artist.

(vii) Services provided by an enrolled agent who is licensed by the United States Department of the Treasury to practice before the Internal Revenue Service pursuant to Part 10 of Subtitle A of Title 31 of the Code of Federal Regulations.

(viii) Payment processing agent through an independent sales organization.

(ix) Services provided by a still photographer or photojournalist who do not license content submissions to the putative employer more than 35 times per year. This clause is not applicable to an individual who works on motion pictures, which includes, but is not limited to, projects produced for theatrical, television, internet streaming for any device, commercial productions, broadcast news, music videos, and live shows, whether distributed live or recorded for later broadcast, regardless of the distribution platform. For purposes of this clause a "submission" is one or more items or forms of content produced by a still photographer or photojournalist that: (I) pertains to a specific event or specific subject; (II) is provided for in a contract that defines the scope of the work; and (III) is accepted by and licensed to the publication or stock photography company and published or posted. Nothing in this section shall prevent a photographer or artist from displaying their work product for sale.

(x) Services provided by a freelance writer, editor, or newspaper cartoonist who does not provide content submissions to the putative employer more than 35 times per year. Items of content produced on a recurring basis related to a general topic shall be considered separate submissions for purposes of calculating the 35 times per year. For purposes of this clause, a "submission" is one or more items or forms of content by a freelance journalist that: (I) pertains to a specific event or topic; (II) is provided for in a contract that defines the scope of the work; (III) is accepted by the publication or company and published or posted for sale.

(xi) Services provided by a licensed esthetician, licensed electrologist, licensed manicurist, licensed barber, or licensed cosmetologist provided that the individual:

(I) Sets their own rates, processes their own payments, and is paid directly by clients.

(II) Sets their own hours of work and has sole discretion to decide the number of clients and which clients for whom they will provide services.

(III) Has their own book of business and schedules their own appointments.

(IV) Maintains their own business license for the services offered to clients.

(V) If the individual is performing services at the location of the hiring entity, then the individual issues a Form 1099 to the salon or business owner from which they rent their business space.

(VI) This subdivision shall become inoperative, with respect to licensed manicurists, on January 1, 2022.

(d) Subdivision (a) and the holding in Dynamex do not apply to the following, which are subject to the Business and Professions Code:

(1) A real estate licensee licensed by the State of California pursuant to Division 4 (commencing with Section 10000) of the Business and Professions Code, for whom the determination of employee or independent contractor status shall be governed by subdivision (b) of Section 10032 of the Business and Professions Code. If that section is not applicable, then this determination shall be governed as follows: (A) for purposes of unemployment insurance by Section 650 of the Unemployment Insurance Code; (B) for purposes of workers compensation by Section 3200 et seq.; and (C) for all other purposes in the Labor Code by Borello. The statutorily imposed duties of a responsible broker under Section 10015.1 of the Business and Professions Code are not factors to be considered under the Borello test.

(2) A repossession agency licensed pursuant to Section 7500.2 of the Business and Professions Code, for whom the determination of employee or independent contractor status shall be governed by Section 7500.2 of the Business and Professions Code, if the repossession agency is free from the control and direction of the hiring person or entity in connection with the performance of the work, both under the contract for the performance of the work and in fact.

(e) Subdivision (a) and the holding in Dynamex do not apply to a bona fide business-to-business contracting relationship, as defined below, under the following conditions:

(1) If a business entity formed as a sole proprietorship, partnership, limited liability company, limited liability partnership, or corporation ("business service provider") contracts to provide services to another such business ("contracting business"), the determination of employee or independent contractor status of the business services provider shall be governed by Borello, if the contracting business demonstrates that all of the following criteria are satisfied:

(A) The business service provider is free from the control and direction of the contracting business entity in connection with the performance of the work, both under the contract for the performance of the work and in fact.

(B) The business service provider is providing services directly to the contracting business rather than to customers of the contracting business.

(C) The contract with the business service provider is in writing.

(D) If the work is performed in a jurisdiction that requires the business service provider to have a business license or business tax registration, the business service provider has the required business license or business tax registration.

(E) The business service provider maintains a business location that is separate from the business or work location of the contracting business.

(F) The business service provider is customarily engaged in an independently established business of the same nature as that involved in the work performed.

(G) The business service provider actually contracts with other businesses to provide the same or similar services and maintains a clientele without restrictions from the hiring entity.

(H) The business service provider advertises and holds itself out to the public as available to provide the same or similar services.

(I) The business service provider provides its own tools, vehicles, and equipment to perform the services.

(J) The business service provider can negotiate its own rates.

(K) Consistent with the nature of the work, the business service provider can set its own hours and location of work.

(L) The business service provider is not performing the type of work for which a license from the Contractor's State License Board is required, pursuant to Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code.

(2) This subdivision does not apply to an individual worker, as opposed to a business entity, who performs labor or services for a contracting business.

(3) The determination of whether an individual working for a business service provider is an employee or independent contractor of the business service provider is governed by paragraph (1) of subdivision (a).

(4) This subdivision does not alter or supersede any existing rights under Section 2810.3.

(f) Subdivision (a) and the holding in *Dynamex* do not apply to the relationship between a contractor and an individual performing work pursuant to a subcontract in the construction industry, and instead the determination of whether the individual is an employee of the contractor shall be governed by Section 2750.5 and by Borello, if the contractor demonstrates that all the following criteria are satisfied:

(1) The subcontract is in writing.

(2) The subcontractor is licensed by the Contractors State License Board and the work is within the scope of that license.

(3) If the subcontractor is domiciled in a jurisdiction that requires the subcontractor to have a business license or business tax registration, the subcontractor has the required business license or business tax registration.

(4) The subcontractor maintains a business location that is separate from the business or work location of the contractor.

(5) The subcontractor has the authority to hire and to fire other persons to provide or to assist in providing the

services.

(6) The subcontractor assumes financial responsibility for errors or omissions in labor or services as evidenced by insurance, legally authorized indemnity obligations, performance bonds, or warranties relating to the labor or services being provided.

(7) The subcontractor is customarily engaged in an independently established business of the same nature as that involved in the work performed.

(8) (A) Paragraph (2) shall not apply to a subcontractor providing construction trucking services for which a contractor's license is not required by Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, provided that all of the following criteria are satisfied:

(i) The subcontractor is a business entity formed as a sole proprietorship, partnership, limited liability company, limited liability partnership, or corporation.

(ii) For work performed after January 1, 2020, the subcontractor is registered with the Department of Industrial Relations as a public works contractor pursuant to Section 1725.5, regardless of whether the subcontract involves public work.

(iii) The subcontractor utilizes its own employees to perform the construction trucking services, unless the subcontractor is a sole proprietor who operates their own truck to perform the entire subcontract and holds a valid motor carrier permit issued by the Department of Motor Vehicles.

(iv) The subcontractor negotiates and contracts with, and is compensated directly by, the licensed contractor.

(B) For work performed after January 1, 2020, any business entity that provides construction trucking services to a licensed contractor utilizing more than one truck shall be deemed the employer for all drivers of those trucks.

(C) For purposes of this paragraph, "construction trucking services" mean hauling and trucking services provided in the construction industry pursuant to a contract with a licensed contractor utilizing vehicles that require a commercial driver's license to operate or have a gross vehicle weight rating of 26,001 or more pounds.

(D) This paragraph shall only apply to work performed before January 1, 2022.

(E) Nothing in this paragraph prohibits an individual who owns their truck from working as an employee of a trucking company and utilizing that truck in the scope of that employment. An individual employee providing their own truck for use by an employer trucking company shall be reimbursed by the trucking company for the reasonable expense incurred for the use of the employee owned truck.

(g) Subdivision (a) and the holding in *Dynamex* do not apply to the relationship between a referral agency and a service provider, as defined below, under the following conditions:

(1) If a business entity formed as a sole proprietor, partnership, limited liability company, limited liability partnership, or corporation ("service provider") provides services to clients through a referral agency, the determination whether the service provider is an employee of the referral agency shall be governed by *Borello*, if the referral agency demonstrates that all of the following criteria are satisfied:

(A) The service provider is free from the control and direction of the referral agency in connection with the performance of the work for the client, both as a matter of contract and in fact.

(B) If the work for the client is performed in a jurisdiction that requires the service provider to have a business license or business tax registration, the service provider has the required business license or business tax registration.

(C) If the work for the client requires the service provider to hold a state contractor's license pursuant to Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, the service provider has the required contractor's license.

(D) The service provider delivers services to the client under service provider's name, rather than under the name of the referral agency.

(E) The service provider provides its own tools and supplies to perform the services.

(F) The service provider is customarily engaged in an independently established business of the same nature as that involved in the work performed for the client.

(G) The service provider maintains a clientele without any restrictions from the referral agency and the service provider is free to seek work elsewhere, including through a competing agency.

(H) The service provider sets its own hours and terms of work and is free to accept or reject clients and contracts.

(I) The service provider sets its own rates for services performed, without deduction by the referral agency.

(J) The service provider is not penalized in any form for rejecting clients or contracts. This subparagraph does not apply if the service provider accepts a client or contract and then fails to fulfill any of its contractual obligations.

(2) For purposes of this subdivision, the following definitions apply:

(A) "Animal services" means services related to daytime and nighttime pet care including pet boarding under Section 122380 of the Health and Safety Code.

(B) "Client" means a person or business that engages a service contractor through a referral agency.

(C) "Referral agency" is a business that connects clients with service providers that provide graphic design, photography, tutoring, event planning, minor home repair, moving, home cleaning, errands, furniture assembly, animal services, dog walking, dog grooming, web design, picture hanging, pool cleaning, or yard cleanup.

(D) "Referral agency contract" is the agency's contract with clients and service contractors governing the use of its intermediary services described in subparagraph (C).

(E) "Service provider" means a person or business who agrees to the referral agency's contract and uses the referral agency to connect with clients.

(F) "Tutor" means a person who develops and teaches their own curriculum. A "tutor" does not include a person who teaches a curriculum created by a public school or who contracts with a public school through a referral company for purposes of teaching students of a public school.

(3) This subdivision does not apply to an individual worker, as opposed to a business entity, who performs services for a client through a referral agency. The determination whether such an individual is an employee of a referral agency is governed by subdivision (a).

(h) Subdivision (a) and the holding in *Dynamex* do not apply to the relationship between a motor club holding a certificate of authority issued pursuant to Chapter 2 (commencing with Section 12160) of Part 5 of Division 2 of the Insurance Code and an individual performing services pursuant to a contract between the motor club and a third party to provide motor club services utilizing the employees and vehicles of the third party and, instead, the determination whether such an individual is an employee of the motor club shall be governed by *Borello*, if the motor club demonstrates that the third party is a separate and independent business from the motor club.

(i) (1) The addition of subdivision (a) to this section of the Labor Code by this act does not constitute a change in, but is declaratory of, existing law with regard to wage orders of the Industrial Welfare Commission and violations of the Labor Code relating to wage orders.

(2) Insofar as the application of subdivisions (b), (c), (d), (e), (f), (g), and (h) of this section would relieve an employer from liability, those subdivisions shall apply retroactively to existing claims and actions to the maximum extent permitted by law.

(3) Except as provided in paragraphs (1) and (2) of this subdivision, the provisions of this section of the Labor Code shall apply to work performed on or after January 1, 2020.

(j) In addition to any other remedies available, an action for injunctive relief to prevent the continued misclassification of employees as independent contractors may be prosecuted against the putative employer in a court of competent jurisdiction by the Attorney General or by a city attorney of a city having a population in excess of 750,000, or by a city attorney in a city and county or, with the consent of the district attorney, by a city prosecutor in a city having a full-time city prosecutor in the name of the people of the State of California upon their own complaint or upon the complaint of a board, officer, person, corporation, or association.

**SEC. 3.** Section 3351 of the Labor Code, as amended by Section 33 of Chapter 38 of the Statutes of 2019, is amended to read:

**3351.** "Employee" means every person in the service of an employer under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed, and includes:

(a) Aliens and minors.

(b) All elected and appointed paid public officers.

(c) All officers and members of boards of directors of quasi-public or private corporations while rendering actual service for the corporations for pay. An officer or member of a board of directors may elect to be excluded from coverage in accordance with paragraph (16), (18), or (19) of subdivision (a) of Section 3352.

(d) Except as provided in paragraph (8) of subdivision (a) of Section 3352, any person employed by the owner or occupant of a residential dwelling whose duties are incidental to the ownership, maintenance, or use of the dwelling, including the care and supervision of children, or whose duties are personal and not in the course of the trade, business, profession, or occupation of the owner or occupant.

(e) All persons incarcerated in a state penal or correctional institution while engaged in assigned work or employment as defined in paragraph (1) of subdivision (a) of Section 10021 of Title 8 of the California Code of Regulations, or engaged in work performed under contract.

(f) All working members of a partnership or limited liability company receiving wages irrespective of profits from the partnership or limited liability company. A general partner of a partnership or a managing member of a limited liability company may elect to be excluded from coverage in accordance with paragraph (17) of subdivision (a) of Section 3352.

(g) A person who holds the power to revoke a trust, with respect to shares of a private corporation held in trust or general partnership or limited liability company interests held in trust. To the extent that this person is deemed to be an employee described in subdivision (c) or (f), as applicable, the person may also elect to be excluded from coverage as described in subdivision (c) or (f), as applicable, if that person otherwise meets the criteria for exclusion, as described in Section 3352.

(h) A person committed to a state hospital facility under the State Department of State Hospitals, as defined in Section 4100 of the Welfare and Institutions Code, while engaged in and assigned work in a vocation rehabilitation program, including a sheltered workshop.

(i) Beginning on July 1, 2020, any individual who is an employee pursuant to Section 2750.3. This subdivision shall not apply retroactively.

**SEC. 4.** Section 606.5 of the Unemployment Insurance Code is amended to read:

**606.5.** (a) Whether an individual or entity is the employer of specific employees shall be determined pursuant to subdivision (b) of Section 621, except as provided in subdivisions (b) and (c).

(b) As used in this section, a "temporary services employer" and a "leasing employer" is an employing unit that contracts with clients or customers to supply workers to perform services for the client or customer and performs all of the following functions:

(1) Negotiates with clients or customers for such matters as time, place, type of work, working conditions, quality, and price of the services.

(2) Determines assignments or reassignments of workers, even though workers retain the right to refuse specific assignments.

(3) Retains the authority to assign or reassign a worker to other clients or customers when a worker is determined unacceptable by a specific client or customer.

(4) Assigns or reassigns the worker to perform services for a client or customer.

(5) Sets the rate of pay of the worker, whether or not through negotiation.

(6) Pays the worker from its own account or accounts.

(7) Retains the right to hire and terminate workers.

(c) If an individual or entity contracts to supply an employee to perform services for a customer or client, and is a leasing employer or a temporary services employer, the individual or entity is the employer of the employee who performs the services. If an individual or entity contracts to supply an employee to perform services for a client or customer and is not a leasing employer or a temporary services employer, the client or customer is the employer of the employee who performs the services. An individual or entity that contracts to supply an employee to



perform services for a customer or client and pays wages to the employee for the services, but is not a leasing employer or a temporary services employer, pays the wages as the agent of the employer.

(d) In circumstances which are in essence the loan of an employee from one employer to another employer wherein direction and control of the manner and means of performing the services changes to the employer to whom the employee is loaned, the loaning employer shall continue to be the employer of the employee if the loaning employer continues to pay remuneration to the employee, whether or not reimbursed by the other employer. If the employer to whom the employee is loaned pays remuneration to the employee for the services performed, that employer shall be considered the employer for the purposes of any remuneration paid to the employee by the employer, regardless of whether the loaning employer also pays remuneration to the employee.

**SEC. 5.** Section 621 of the Unemployment Insurance Code is amended to read:

**621.** "Employee" means all of the following:

(a) Any officer of a corporation.

(b) Any individual providing labor or services for remuneration has the status of an employee rather than an independent contractor unless the hiring entity demonstrates all of the following conditions:

(1) The individual is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact.

(2) The individual performs work that is outside the usual course of the hiring entity's business.

(3) The individual is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.

(c) (1) Any individual, other than an individual who is an employee under subdivision (a) or (b), who performs services for remuneration for any employing unit if the contract of service contemplates that substantially all of those services are to be performed personally by that individual either:

(A) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or drycleaning services, for their principal.

(B) As a traveling or city salesperson, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, their principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations.

(C) As a home worker performing work, according to specifications furnished by the person for whom the services are performed, on materials or goods furnished by that person that are required to be returned to that person or a designee thereof.

(2) An individual shall not be included in the term "employee" under the provisions of this subdivision if that individual has a substantial investment in facilities used in connection with the performance of those services, other than in facilities for transportation, or if the services are in the nature of a single transaction not part of a continuing relationship with the employing unit for whom the services are performed.

(d) Any individual who is an employee pursuant to Section 601.5 or 686.

(e) Any individual whose services are in subject employment pursuant to an election for coverage under any provision of Article 4 (commencing with Section 701) of this chapter.

(f) Any member of a limited liability company that is treated as a corporation for federal income tax purposes.

**SEC. 6.** No provision of this measure shall permit an employer to reclassify an individual who was an employee on January 1, 2019, to an independent contractor due to this measure's enactment.

**SEC. 7.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

# CLIENT NEWS BRIEF

## California Passes New Law To Increase Protection And Safety Of Special Education Students In Nonpublic Schools

Governor Gavin Newsom signed Assembly Bill (AB) 1172 this fall, which imposes additional requirements upon nonpublic schools (NPSs), as well as the local educational agencies (LEAs) that place students in NPSs, in order to increase the safety and protection of students in NPS placements. This legislation was passed following the high profile death of a 13-year-old special education student, who passed away after being placed in a prone restraint at an NPS.

AB 1172 places new monitoring requirements on LEAs that enter into contracts with NPSs, and places on NPSs, new documentation requirements related to administrator and staff training, as well as new notification requirements for any student-involved incident involving law enforcement. Most of the new requirements imposed by AB 1172 become effective beginning with the 2020-21 school year.

More specifically, AB 1172 amends Education Code section 51225.2 to include the following:

### **New requirements placed on LEAs**

Beginning with the 2020-21 school year:

- LEAs that enter into master contracts with NPSs must conduct an onsite visit at the NPS before placing a student there if the LEA does not have any students enrolled at the school at the time of placement.
- LEAs must conduct at least one onsite monitoring visit each school year at each NPS in which the LEA has a student attending and with which it maintains a master contract. The monitoring visit should include, but is not limited to: a review of services provided to the student through the individual service agreement between the LEA and the NPS; a review of the progress the student is making towards his/her goals as set forth in their individualized education program and behavioral intervention plan, if applicable; an observation of the student during instruction; and a walkthrough of the facility. Additionally, LEAs will need to report the findings resulting from their monitoring visits to the California Department of Education (CDE) within 60 calendar days of each onsite monitoring visit.

### **New requirements placed on NPS Sites**

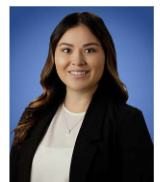
Beginning with the 2020-21 school year:

- Each NPS will need to provide documentation that it will train staff who will have contact or interaction with students during the school day in the use of evidence-based practices and interventions specific to the unique behavioral needs of the NPS's student population. The training will need to be provided within 30 days of employment to new staff, and annually to existing staff.

January 2020  
Number 3



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*As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.*

# CLIENT NEWS BRIEF

January 2020

Number 3

- For an NPS to be certified by the CDE, it will need to provide documentation that its administrator holds or is in the process of obtaining one of the special credentials or licenses specified in the law.
- NPSs serving students with significant behavioral needs or students on behavioral intervention plans, must certify in writing that they have an individual onsite during school hours who is qualified, and responsible for the design, planning, and implementation of behavioral interventions.
- NPSs must notify the CDE and the LEA of any student-involved incident in which law enforcement was contacted, in writing, no later than one business day after the incident occurred.

AB 1172 also allows the CDE to immediately suspend or revoke the certification of an NPS, if an investigation conducted by CDE results in a finding that student health or safety has been compromised, or is in danger of being compromised, at the NPS.

## Takeaways

According to the Legislature, AB 1172 could result in unknown but potentially significant costs to LEAs in conducting the onsite visits of NPSs and the reporting of findings resulting from those visits to the CDE within the specified timeline. School districts should consider identifying or creating a position to conduct the NPS onsite visits, report to the CDE on those visits, and ensure NPS certification when entering into a master contract with an NPS. Training responsible staff on AB 1172 and the requirements identified in Education Code section 51225.2 is also recommended. School districts are also encouraged to consult with counsel regarding these new requirements, if needed.

For additional information regarding AB 1172, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcast](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).

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# CLIENT NEWS BRIEF

## School District Cannot Avoid Responsibility For Residential Placement Despite Availability Of Financial Assistance From A Non-Educational Agency

In a significant special education case published earlier this year, the California Court of Appeal ruled that a school district was responsible for funding the costs of residential placement for an adopted former foster child, despite funding assistance provided for the placement by the Department of Children and Family Services (DCFS).

### Background

B.H., a former foster child with significant disabilities, lived with his adoptive parents within the boundaries of the Manhattan Beach Unified School District (MBUSD). B.H.'s parents arranged for his placement at a residential treatment facility and its affiliated nonpublic school in Sonoma County. MBUSD offered this placement to B.H. in an individualized education program (IEP) upon B.H. qualifying for special education. As adoptive parents of a child formerly under DCFS's supervision, B.H.'s parents applied for and received financial assistance for his residential placement through the Adoptive Assistance Program (AAP), administered through DCFS. Given this financial assistance from DCFS, MBUSD refused to fund the IEP placement. MBUSD's reasoning was two-fold: DCFS had placed the student—not the school district—and so MBUSD was not responsible for the costs of B.H.'s education; and, as DCFS was funding the placement, MBUSD had no need to do so.

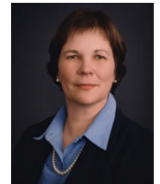
The parents initiated a due process hearing, with the sole issue being whether MBUSD was responsible for implementing B.H.'s IEP and paying the parents' travel expenses related to B.H.'s placement at the residential treatment center. The administrative law judge (ALJ) ruled in favor of MBUSD, finding that MBUSD was not responsible for the costs of B.H.'s education. In reaching this conclusion, the ALJ relied on Education Code sections 56155 and 56156.4, which provide that if a child with disabilities is placed in a licensed children's institution (LCI) . . . *by a public agency, other than an educational agency*, then the special education local plan area (SELPA) shall be responsible for providing special education to the child residing in the LCI, and not the district of parents' residence. (Ed. Code, § 56156.4, subd. (a); emphasis added.) The ALJ concluded that DCFS was a "public agency other than an educational agency" for purposes of Sections 56155 and that DCFS had placed B.H. in the residential treatment center.

On appeal, the trial court agreed with the ALJ's finding that MBUSD was not responsible for the costs of B.H.'s residential placement.

### Analysis

The Court of Appeal reversed the trial court's decision, holding that because DCFS is not a "public agency, other than an educational agency" under Education Code section 56155 and that because DCFS did not in fact "place" B.H. in the residential facility but rather only offered AAP funding assistance, Education Code section 56156.4, subdivision (a), did not provide MBUSD with an exception to the rule that the school district of the parents' residence is responsible for the costs of education for a student with disabilities.

December 2019  
Number 78



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# CLIENT NEWS BRIEF

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In reaching these conclusions, the court first pointed out that B.H.'s educational placement was to be determined under the Individuals with Disabilities Education Act (IDEA), which required MBUSD to provide a free appropriate public education (FAPE), including placement, to B.H. Further, regardless of any other agency involvement, the statutory schemes of the IDEA and related provisions of the California Education Code do not provide an exception to a school district's obligation to provide residential placement services solely on the basis that such services or placement may be available through another agency.

Next, the court explained that for purposes of Education Code sections 56155 and 56156.4, subdivision (a), a "public agency" is defined, in part, as "... any other public agency under the auspices of the state or any political subdivisions of the state providing special education or related services to individuals." (Ed. Code, § 56028.5.) Because DCFS did not provide "special education or related services" to B.H. it was not a "public agency, other than an educational agency," and thus the exception under Education Code section 56156.4, subdivision (a) did not apply.

The court found that the purpose of AAP funding is to ease financial burdens on adoptive families in addressing a child's serious mental health or emotional problems that pre-existed the child's adoption. The court emphasized that the law does not authorize DCFS to facilitate a residential placement for the purposes of providing special education, noting that such authority arises only when a student is a dependent of the juvenile court, and the court orders or permits DCFS to make educational decisions on behalf of the child.

## Takeaways

Under *B.H. v. Manhattan Beach Unified School District*, a residential placement financially facilitated by DCFS for a child no longer under DCFS's jurisdiction did not constitute "placement" by a non-educational public agency for purposes of determining the agency responsibility for funding the student's FAPE. As school districts take stock of the recent legislative season and evaluate their practices midway through the school year, they should bear the *B.H.* case in mind. Education Code provisions concerning residential placements and licensed children's institutions are nuanced, and legal counsel should be consulted when these issues arise.

For more information on this decision or to discuss any questions related to special education, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcast](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#). Over the next few weeks our housing experts will also be developing materials in response to the 2019 housing laws including sample checklists and preliminary applications to assist local governments in complying with SB 330. Keep an eye out for these resources.

8.2 Upcoming Changes in the Web IEP Program  
Verbal report, no materials

# CAHELP JPA Desert/Mountain SELPA & Charter SELPA 2020 Local Plans Rewrite Schedule

## Workgroup & Committees: Meetings & Approval Process

### Draft Local Plans

Date	Group	Task
October 2019 thru January 2020	CAHELP CEO	Review CDE rewrite guidelines and write drafts of Local Plans
January 2020	CAHELP CEO	Organize Workgroup & solicit input

### Committees' Readings

Date	Group(s)	Task
02/07/2020	Governance Council	Local Plans First Reading
02/20/2020	Community Advisory Committee (CAC)	Local Plans First Reading
02/20/2020 & 02/21/2020	Workgroup, Steering/Finance Committees, Charter SELPA Executive Council & CAHELP Program Team	Local Plans First Reading, Public Hearings, Workgroup Collaborative Meeting
03/19/2020 & 03/20/2020	Steering/Finance Committees & Charter SELPA Executive Council & CAHELP Program Team	Local Plans Second Reading, Public Hearings, Workgroup Collaboration and Approvals of Local Plans
03/20/2020 thru 03/27/2020	CAHELP CEO	Add input and recommendations to Local Plans from Workgroup & Committees
04/29/2020	Governance Council	Local Plans Second Reading, Public Hearing and Action to Approve Local Plans & Annual Service & Budget Plans
04/30/2020 thru 09/30/2020	CAHELP JPA Mngr. & Admin. Services Assistant	Send out and collect the LEA Governing Board approvals of Local Plans
June 2020	CEO & Admin. Services Assistant	Submit Local Plans to CDE for Approval

CAHELP's Log for Tracking Local Plans: Readings & Approvals

Committee	1 <sup>st</sup> Read Completed	2 <sup>nd</sup> Read Completed	Approval Date
CAHELP Program Team			
Community Advisory Committee (CAC)			
D/M SELPA Steering/Finance Committee			
D/M Charter SELPA Steering/Finance Committee			
D/M Charter SELPA Executive Council			
CAHELP Governance Council			



D/M SELPA – Dates of LEA Board Approval of Local Plan

LEA	Date Local Plan Approved by LEA's Board
Academy for Academic Excellence Charter School	
Adelanto Elementary School District	
Apple Valley Unified School District	
Baker Valley Unified School District	
Barstow Unified School District	
Bear Valley Unified School District	
Excelsior Charter School	
Excelsior Corona-Norco	
Health Sciences Middle	
Health Sciences High and Middle College Charter School	
Helendale Elementary School District	
Hesperia Unified School District	
High Tech Elementary Point Loma	
High Tech Explorer Elementary School	
High Tech High Media Arts	
High Tech High	
High Tech High International	
High Tech High Middle Media Arts	
High Tech High Middle School	
High Tech High Learning Statewide Benefit Charter School*	
Lucerne Valley Unified School District	
Needles Unified School District	
Norton Science and Language Academy Charter School	
Oro Grande Elementary School District	
San Bernardino County Superintendent of Schools	
Silver Valley Unified School District	
Snowline Joint Unified School District	
Trona Joint Unified School District	
Victor Elementary School District	
Victor Valley Union High School District	
*High Tech High Statewide Benefit Charter School sites:	
High Tech High Chula Vista High School	
High Tech High Chula Vista Elementary	
High Tech High Chula Vista Middle	
High Tech High North County High School	
High Tech High Middle North County	
High Tech High Elementary North County	
High Tech High Mesa	

D/M Charter SELPA – Dates of LEA Board Approval of Local Plan

LEA	Date Local Plan Approved by LEA's Board
Allegiance STEAM Academy- Thrive	
Aveson Global Leadership Academy	
Aveson School of Leaders	
Ballington Academy for the Arts and Sciences	
Desert Trails Preparatory Academy	
Elite Academic Academy – Lucerne	
Elite Academic Academy – Adult Work Force Investment	
Encore High School, Riverside	
Encore Junior/Senior High School	
Julia Lee Performing Arts Academy	
LaVerne Elementary Preparatory Academy	
Leonardo da Vinci Health Sciences Charter	
OCS - South	
Odyssey Charter School	
Pasadena Rosebud Academy	
Pathways to College	
Taylion High Desert Academy	



Desert / Mountain Children's Center  
17800 Highway 18  
Apple Valley, CA 92307-1219

P 760-552-6700  
F 760-946-0819  
W [www.dmchildrenscenter.org](http://www.dmchildrenscenter.org)

## MEMORANDUM

DATE: January 16, 2020

TO: Special Education Directors

FROM: Linda Llamas, Director *LL*,

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SUBJECT: Desert/Mountain Children's Center Client Reports

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Attached are the opened and closed cases for the following services:

- Screening, Assessment, Referral and Treatment (SART)
- Early Identification Intervention Services (EIIS)
- School-Age Treatment Services (SATS)
- Therapeutic Behavioral Services (TBS)
- Student Assistance Program (SAP)
- Children's Intensive Services (CIS)
- Speech and occupational therapy

If you should have any questions, please contact me at (760) 955-3606 or by email at [linda.llamas@cahelp.org](mailto:linda.llamas@cahelp.org)

# D/M CHARTER SELPA PROFESSIONAL LEARNING PARTICIPATION SUMMARY

DECEMBER 2019 - 48 PARTICIPANTS

289 YEAR-TO-DATE-PARTICIPANTS

■ Total Participants YTD by Content Area ■ On-Site Trainings ■ Regional Trainings



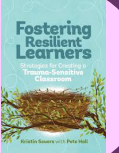
# Fostering Resilient Learners: Creating a Safety Nest to **THRIVE AND SOAR**



**Dave Pelzer**  
Keynote Speaker



**Kristin Souers**  
Event Speaker



As the opening keynote speaker, Dave Pelzer brings a rare heartfelt message about a man whose life was saved by a system that many have ridiculed as being useless and incompetent. This highly emotional presentation pays tribute to those who have dedicated their lives to making a difference in the life of a child, while at the same time educating the general public of the challenges faced by those in their chosen field.

Following Dave Pelzer's powerful keynote, Kristin Souers, an expert in the field of childhood trauma, will present an engaging, relevant, and practical session with proven strategies on Fostering Resilient Learners. Through her session, Kristin will bring an understanding of what trauma is and how it hinders the learning environment. She will help create a safe space for students to learn at high levels while using a strength-based approach to help educators of all settings work with children of trauma. Kristin Souers is the lead author of the best-selling book *Fostering Resilient Learners: Strategies for Creating a Trauma-Sensitive Classroom*.

### **Date**

February 26, 2020

### **Time**

Registration begins at 7:30 a.m.  
Training time is from 8:00 a.m. – 4:00 p.m.

### **Location**

National Orange Show Events Center  
689 South E Street  
San Bernardino, CA 92408

### **Cost**

\$200.00

Registration fee includes continental breakfast, lunch, and a book from one of the speakers.

### **Registration**

Please register on-line at:  
<https://sbcss.k12oms.org/52-179313>

### **Special Accommodations**

Please submit accommodation request at least fifteen (15) working days prior to the training by notating your request when registering.

**SPACE IS LIMITED!  
SIGN UP EARLY!**

**#TRAUMAINVESTED**



**Desert/Mountain Charter SELPA  
Due Process Summary  
July 1, 2019 - January 16, 2020**

D = Complaint Dismissed    W = Complaint Withdrawn

DISTRICT										CASE ACTIVITY FOR CURRENT YEAR				
	13/14	14/15	15/16	16/17	17/18	18/19	19/20		Total	D/W	Resolution	Mediation	Settled	Hearing
Allegiance STEAM Acad - Thrive	N/A	N/A	N/A	N/A	N/A	0	0		0	0	0	0	0	0
Aveson Global Leadership Acad	N/A	N/A	2	1	5	1.5	2		11.5	2	0	0	0	0
Aveson School of Leaders	N/A	N/A	0	3	1	1.5	0		5.5	0	0	0	0	0
Ballington Acad for Arts & Sci	N/A	N/A	N/A	N/A	0	2	0		0	0	0	0	0	0
Desert Trails Prep Academy	0	0	0	0	0	0	0		0	0	0	0	0	0
Encore Junior/Senior High School	0	0	0	0	0	0	0		0	0	0	0	0	0
Encore High School, Riverside	N/A	N/A	0	0	0	1	1		2	0	0	0	1	0
Julia Lee Performing Arts Acad	N/A	N/A	N/A	N/A	N/A	0	0		0	0	0	0	0	0
LaVerne Elem Preparatory	0	0	0	0	0	0.5	0		0.5	0	0	0	0	0
Leonardo da Vinci Health Sci	0	0	0	0	0	0	0		0	0	0	0	0	0
Odyssey Charter School	N/A	N/A	0	0	0	0	0		0	0	0	0	0	0
Odyssey Charter School - South	N/A	N/A	N/A	N/A	N/A	0	0		0	0	0	0	0	0
Pasadena Rosebud Academy	N/A	N/A	N/A	N/A	N/A	1	0		1	0	0	0	0	0
Pathways to College	0	0	0	0	0	0	0		0	0	0	0	0	0
Taylison High Desert Academy	0	0	0	0	0	0	0		0	0	0	0	0	0
5														
<b>SELPA-WIDE TOTALS</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>4</b>	<b>6</b>	<b>7.5</b>	<b>3</b>		<b>20.5</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>

**Desert/Mountain Charter SELPA  
Due Process Activity Summary  
July 1, 2019 – January 16, 2020**

<b>LEA Case Number</b>	<b>Issue(s)</b>	<b>Date Filed</b>	<b>Resolution Scheduled</b>	<b>Mediation Scheduled</b>	<b>Pre-Hearing Conference</b>	<b>Due Process Hearing</b>	<b>Status</b>
1. Encore HS Case No. 2019061207	1. Vision Therapy 2. Compensatory education local education agency (LEA): 1. Lack of parent consent to speech 2. Lack of parent consent to specialized academic instruction (SAI)	07/09/19	0	08/23/19			Settled; agreed to compensatory education at school site; agreed to provide Independent Educational Evaluation (IEE); agreed to omit speech from the Individualized Education Plan (IEP); CLOSED 8/23/19
2. Aveson Global Case No. 2019100871	1. Enrollment 2. NPS placement	10/23/19	10/28/19		11/22/19	12/03- 12/05/19	Insufficient filing. Dates vacated. Order of insufficiency; dismissed/CLOSED
3. Aveson Global Case No. 2019120202	1. Enrollment	12/03/19	12/16/19		01/17/20	01/28- 01/30/20	Claims outside jurisdiction of OAH. Vacated for insufficiency. CLOSED

Desert /Mountain Charter SELPA  
Legal Expense Summary  
As of January 16, 2020

2000-2001	
2001-2002	
2002-2003	
2003-2004	
2004-2005	
2005-2006	
2006-2007	
2007-2008	
2008-2009	
2009-2010	
2010-2011	
2011-2012	
2012-2013	
2013-2014	
2014-2015	
2015-2016	\$ 7,378.00
2016-2017	\$ 33,886.61
2017-2018	\$ 70,994.67
2018-2019	\$ 113,834.81
2019-2020	\$ 39,884.35



8.7 Prevention and Intervention Updates  
Verbal report, no materials

## 8.8 Compliance Update

Verbal report, no materials

# CAHELP PEERS® Program

## Social Skills Group for Teens



### PEERS® (Program for the Education and Enrichment of Relational Skills)

is a 16 week evidence-based social skills intervention for **motivated teens** in middle and high school who are interested in learning ways to help them make and keep friends. During each group session, teens are taught important social skills and are given the opportunity to practice these skills in session during socialization activities. Parents attend separate sessions at the same time and are taught how to assist their teens in making and keeping friends by helping to expand their teen's social network and providing feedback through coaching during weekly socialization homework assignments. **Enrollment is limited. Parent participation is required.**

### Your Teen Will Learn

- How to use appropriate conversational skills
- How to find common interests by trading information
- How to appropriately use humor
- How to enter and exit conversations between peers
- How to handle rejection, teasing, and bullying
- How to handle rumors and gossip
- How to be a good host during get-togethers
- How to make phone calls to friends
- How to choose appropriate friends
- How to be a good sport
- How to handle arguments and disagreements
- How to change a bad reputation

### Enrollment and Group Information

PEERS may be appropriate for teens with:

- Autism Spectrum Disorder
- ADHD
- Depression
- Anxiety
- Other social or behavioral challenges



For enrollment information, please contact us at  
(760) 552-6700 or email:  
jennifer.rountree@cahelp.org  
keri.gomez@cahelp.org or julie.wheeler@cahelp.org

## New Training Available: Arts Integration: Leveraging the ART of Learning

Are you ready to provide an "optimal learning environment" for your student that allows them to be creative, and increase student achievement at the same time? If so, then allow me to introduce you to Arts Integration (AI). AI is an approach to teaching and learning through which content standards are taught and assessed equitably in and through the arts. As a participant of this training, you will have the opportunity to explore the defining characteristics of AI; learn behavioral and social strategies in enabling students to build skills necessary for establishing a sense of self-control, accountability, and camaraderie in the classroom; and learn how to integrate the basic elements and principles of dance/creative movement with the teaching of curriculum content associated with the study of different core content areas. Attending this foundational overview will enable participants to understand the many implication that AI has on student achievement, teacher success, and community and cultural awareness. Let us explore the various elements of Arts Integration-where teaching is an art form, and learning is meaningful and exciting.

### Presented By

Adrien Faamausili, Program Specialist



### Date

Currently available as an on-site training.

### Time

This training is an all day training.

### Audience

General and special education teachers, and site administrators.

### Special Accommodations

Please submit any special accommodation requests at least fifteen working days prior to the training by notating your request when registering.



# 2019–20 California Student Assessment Accessibility Graphic for English Language Arts/Literacy



California Assessment of  
Student Performance and Progress

Unless noted in parentheses, the listed resources may be used in all domains: Listening (L), Reading (R), and Writing (W).

## Available to All Students

### Universal Tools

Embedded		Non-Embedded
Breaks	Keyboard navigation	Breaks
Digital notepad	Line reader	English dictionary <sup>1</sup> (W)
English dictionary <sup>1</sup> (W)	Mark for review	Scratch paper
English glossary	Spellcheck (W)	Thesaurus <sup>1</sup> (W)
Expandable items	Strikethrough	
Expandable passages	Thesaurus <sup>1</sup> (W)	
Global notes <sup>1</sup> (W)	Writing tools (specific items)	
Highlighter	Zoom (in/out)	

### Designated Supports

Embedded	Non-Embedded	
Color contrast	Amplification	Noise buffers
Masking	Bilingual dictionary <sup>1</sup> (W)	Read aloud (not reading passages)
Mouse pointer (size and color)	Color contrast	Scribe (L, R)
Streamline	Color overlay	Separate setting
Text-to-speech <sup>2</sup> (not reading passages)	Magnification	Simplified test directions
Turn off any universal tool	Medical supports (restricted settings)	Translated test directions

## Available to Students with an Individualized Education Program (IEP) or Section 504 Plan

### Accommodations

Embedded	Non-Embedded
American sign language <sup>2</sup> (L)	Alternate response options
Audio transcript <sup>2</sup> (L) (includes braille transcript)	Braille (special form)
Braille <sup>2</sup>	Large-print special form (as available)
Closed captioning <sup>2</sup> (L)	Print on demand
Text-to-speech <sup>2</sup> (R) (reading passages)	Read aloud (R) (reading passages)
	Scribe (W)
	Speech-to-text
	Word prediction

### Resources for the California Alternate Assessment

All eligible students shall have any instructional supports and/or accommodations, including the language of instruction, used in their daily instruction in accordance with each student's IEP.

The administration of the California Alternate Assessments (CAAs) to eligible students shall be one-on-one (test examiner to student), according to the California Assessment of Student Performance and Progress (CAASPP) manual. Depending on the student's disability or needs, the CAAs may or may not include the student's independent use of the testing interface. Because the CAAs are given to students one-on-one by a test examiner, some embedded resources are not provided. For example, while a braille version of the test is not provided, the test may be presented using an embosser or a refreshable display.

<sup>1</sup> Available only for full-write performance tasks.

<sup>2</sup> Resource not available for the CAAs.

# 2019–20 California Student Assessment Accessibility Graphic for Mathematics

## Available to All Students

### Universal Tools

<b>Embedded</b>	Expandable passages	Strikethrough
Breaks	Highlighter	Writing tools (specific items)
Calculator <sup>1</sup> (grades 6–8 and 11)	Keyboard navigation	Zoom (in/out)
Digital notepad	Line reader	<b>Non-Embedded</b>
English glossary	Mark for review	Breaks
Expandable items	Math tools (i.e., embedded ruler, embedded protractor)	Scratch paper

### Designated Supports

<b>Embedded</b>	Translations <sup>1</sup> (Spanish stacked)	Noise buffers
Color contrast	Turn off any universal tool	Read aloud
Illustration glossaries	<b>Non-Embedded</b>	Read aloud for Spanish stacked translation
Masking	Amplification	Scribe
Mouse pointer (size and color)	Color contrast	Separate setting
Streamline	Color overlay	<b>Simplified test directions</b>
Text-to-speech <sup>1</sup>	Illustration glossaries	Translated test directions
Translated test directions <sup>1</sup> (Spanish stacked)	<b>Magnification</b>	Translations (glossary)
Translations <sup>1</sup> (glossary)	Medical supports (restricted settings)	

## Available to Students with an Individualized Education Program (IEP) or Section 504 Plan

### Accommodations

<b>Embedded</b>	Calculator (specific items, grades 6–8 and 11)
American sign language <sup>1</sup>	Large-print special form (as available)
Braille <sup>1</sup>	Multiplication table (grade 4 and up)
<b>Non-Embedded</b>	Print on demand
100s number table (grade 4 and up)	Speech-to-text
Abacus	Word prediction
Alternate response options	
Braille (special form)	

### Resources for the California Alternate Assessment

All eligible students shall have any instructional supports and/or accommodations, including the language of instruction, used in their daily instruction in accordance with each student's IEP.

The administration of the California Alternate Assessments (CAAs) to eligible students shall be one-on-one (test examiner to student), according to the California Assessment of Student Performance and Progress (CAASPP) manual. Depending on the student's disability or needs, the CAAs may or may not include the student's independent use of the testing interface. Because the CAAs are given to students one-on-one by a test examiner, some embedded resources are not provided. For example, while a braille version of the test is not provided, the test may be presented using an embosser or a refreshable display.

<sup>1</sup> Resource not available for the CAAs.

# 2019–20 California Student Assessment Accessibility Graphic for Science



## Available to All Students

### Universal Tools

Embedded		Non-Embedded
Breaks	Line reader	Breaks
Calculator <sup>1,2</sup>	Mark for review	Scratch paper
Digital notepad	Math tools (i.e., embedded ruler, embedded protractor)	
English glossary	Science charts	
Expandable items	Science tools	
Expandable passages	Strikethrough	
Highlighter	Writing tools	
Keyboard navigation	Zoom (in/out)	

### Designated Supports

Embedded	Non-Embedded	
Color contrast	100s number table	Noise buffers
Masking	Amplification	Read aloud
Mouse pointer (size and color)	Calculator <sup>1</sup>	Science charts (state-approved)
Streamline	Color contrast	Scribe
Text-to-speech <sup>2</sup>	Color overlay	Separate setting
Translations <sup>2</sup> (glossary)	Magnification	Simplified test directions
Translations <sup>2</sup> (Spanish stacked)	Medical supports (restricted settings)	Translated test directions
Turn off any universal tool	Multiplication table	

## Available to Students with an Individualized Education Program (IEP) or Section 504 Plan

### Accommodations

Embedded	Non-Embedded
American sign language <sup>2</sup>	Abacus
Audio transcript (includes braille transcript)	Alternate response options
Braille <sup>2</sup>	Large-print special form (as available)
Closed captioning <sup>2</sup>	Print on demand
	Speech-to-text
	Word prediction

### Resources for the California Alternate Assessment

All eligible students shall have any instructional supports and/or accommodations, including the language of instruction, used in their daily instruction in accordance with each student's IEP.

The administration of the California Alternate Assessments (CAAs) to eligible students shall be one-on-one (test examiner to student), according to the California Assessment of Student Performance and Progress (CAASPP) manual. Depending on the student's disability or needs, the CAAs may or may not include the student's independent use of the testing interface. Because the CAAs are given to students one-on-one by a test examiner, some embedded resources are not provided. For example, while a braille version of the test is not provided, the test may be presented using an embosser or a refreshable display.

<sup>1</sup> Basic calculator for grade five; scientific calculator for grade eight and high school.

<sup>2</sup> Resource not available for the CAAs.

Refer to the Matrix One web page at <https://www.cde.ca.gov/ta/tg/ai/caasppmatrix1.asp> for additional information.

# 2019–20 California Student Assessment Accessibility Graphic for the California Spanish Assessment



Unless noted in parentheses, the listed resources may be used in all domains: Listening (L), Reading (R), and Writing Mechanics (W).

## Resources Available to All Students

### Universal Tools

<b>Embedded</b>	Line reader
Breaks	Mark for review
Digital notepad	Strikethrough
Expandable items	Zoom (in/out)
Expandable passages	<b>Non-Embedded</b>
Highlighter	Breaks
Keyboard navigation	Scratch paper

### Designated Supports

<b>Embedded</b>	<b>Non-Embedded</b>	Read aloud (not reading passages)
Color contrast	Amplification	Scribe (L, R)
Masking	Color contrast	Separate setting
Mouse pointer (size and color)	Color overlay	<b>Simplified test directions</b>
Streamline	<b>Magnification</b>	
Text-to-speech (items only)	Medical supports (restricted settings)	
Turn off any universal tool(s)	Noise buffers	

## Resources Available to Students with an Active Individualized Education Program (IEP) or Section 504 Plan

### Accommodations

<b>Embedded</b>	<b>Non-Embedded</b>
Braille (embossed and refreshable)	Alternate response options
Closed captioning (L)	Print on demand
Spanish audio transcript (L) (including braille transcript)	Read aloud (R) (reading passages only)
Text-to-speech (R) (reading passages)	

### Unlisted Resources

To obtain approval to use an unlisted resource, an LEA may submit a request in the Test Operations Management System (TOMS) on behalf of a student with a disability, prior to test administration.

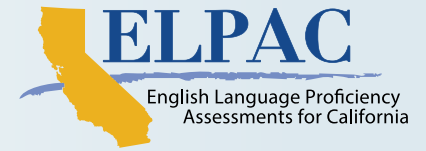
### Resources

All eligible students shall have any instructional supports and/or accommodations, including the language of instruction, used in their daily instruction in accordance with each student's IEP.



# ELPAC Administration

## Student Accessibility Checklist



All English Learner (EL) students, or potential EL students must be assessed on the English Language Proficiency Assessments for California (ELPAC). This checklist may be used to help teachers, Section 504 teams, and Individualized Education Program (IEP) teams determine which resources, testing conditions, or combination thereof will allow each student to take the test. A complete list of accessibility resources (universal tools, designated supports, and accommodations) can be found on Matrix 4 at <https://www.cde.ca.gov/ta/tg/ep/documents/elpacmatrix4.docx>. For more information, refer to *ELPAC Administration Guidance and Governing Definitions for Student Accessibility Discussions* at <https://www.cde.ca.gov/ta/tg/ep/documents/elpacadminguide.pdf>.

### Accessibility Resources

Can the student access and take the domain with or without using accessibility resources?

If yes, administer the ELPAC. Indicate in the boxes below which accessibility resources are needed to access each domain.

Listening	Speaking	Reading	Writing
Universal tools	Universal tools	Universal tools	Universal tools
Designated supports	Designated supports	Designated supports	Designated supports
Accommodations*	Accommodations*	Accommodations*	Accommodations*
Unlisted resources*	Unlisted resources*	Unlisted resources*	Unlisted resources*

If any domain cannot be accessed with these resources, please consider the domain exemptions listed below.

Local educational agencies (LEAs) should document the use of designated supports, accommodations, or unlisted resources to determine test settings. If an unlisted resource is required, the LEA must seek approval from the California Department of Education.

### Domain Exemption

If the student has an IEP or Section 504 Plan, and cannot access a domain with the use of accessibility resources listed above, should the student be exempted from the domain?

If yes, indicate for which domain(s) and document the exemption in the IEP or the Section 504 plan. Administer the domains of the ELPAC which are accessible to the student. If the student does not have an IEP or Section 504 plan, please review the accessibility resources listed above to determine which resource(s) will best allow access to the ELPAC. Administer the ELPAC with appropriate resources.

Domain Exemption\*

Listening	Reading
Speaking	Writing

For an Overall score to be generated, only one domain from the Oral Language score (Listening or Speaking) and one from the Written Language score (Reading or Writing) may be exempted.

### Alternate Assessment

Does the student have a significant cognitive disability and an IEP?

Yes                      No

If yes, the student is eligible to be administered an alternate assessment. If no, reevaluate the use of accessibility resources listed above. Federal law allows this option only for students with the most significant cognitive disabilities who have an IEP.

\*An IEP or Section 504 plan is required for the use of accommodations, unlisted resources, and domain exemptions.



Desert/Mountain Special Education Local Plan Area  
17800 Highway 18  
Apple Valley, CA 92307-1219

P 760-552-6700  
F 760-242-5363  
W [www.dmselpa.org](http://www.dmselpa.org)

## MEMORANDUM

Date January 17, 2020  
To: Directors of Special Education  
From: Kathleen Peters, Program Manager

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Subject: **Occupational and Physical Therapy Reports**

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Attached are the occupational and physical therapy Referral Status, and Current Students Direct Services reports by district.

If you have any questions concerning either report, please contact me at (760) 955-3568 at [kathleen.peters@cahelp.org](mailto:kathleen.peters@cahelp.org)

## Upcoming Trainings

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Date/Time	Event	Location
1/21/2020 8:00 AM - 4:00 PM	BASIC RESTORATIVE PRACTICES	DMESC
1/21/2020 10:00 A - 1:00 PM	STRATEGIES FOR POSITIVE PARENTING	DMESC
1/22/2020 8:00 AM - 4:00 PM	AUTISM SPECTRUM DISORDERS AND BEHAVIOR	DMESC
1/22/2020 1:00 PM - 4:00 PM	WEBIEP AFTERNOON SESSION	DMESC
1/22/2020 8:30 AM - 11:30 A	WEBIEP MORNING SESSION	DMESC
1/23/2020 8:30 AM - 11:00 A	THE WHAT, WHY, AND HOW OF IEP MEETING NOTES	DMESC
1/28/2020 8:30 AM - 12:30 PM	1:1 PARAPROFESSIONAL ASSISTANCE: DETERMINING THE NEED AND WORKING EFFECTIVELY WITH ONE	DMESC
1/28/2020 8:30 AM - 3:30 PM	THE PARAPROFESSIONAL SUPPORTING THE CLASSROOM	DMESC
1/29/2020 8:30 AM - 3:30 PM	CPI	DMESC
1/29/2020 1:00 PM - 4:00 PM	SLP COLLABORATION GROUP #2	DMESC

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For more information, visit the CAHELP Staff Development calendar ([url: www.cahelp.org/calendar](http://www.cahelp.org/calendar))  
17800 Highway 18, Apple Valley, California 92307  
(760) 552-6700 Office \* (760) 242-5363 Fax

## Upcoming Trainings

Date/Time	Event	Location
1/30/2020 8:30 AM - 3:30 PM	THE ROLE OF UNIVERSAL SCREENING IN TIERED SYSTEMS OF SUPPORT	DMESC
1/30/2020 1:00 PM - 4:00 PM	WEBIEP AFTERNOON SESSION	DMESC
1/30/2020 8:30 AM - 11:30 A	WEBIEP MORNING SESSION	DMESC
1/31/2020 1:30 PM - 3:30 PM	EARLY CHILDHOOD PROFESSIONAL LEARNING COLLABORATIVE GROUP	DMESC
2/4/2020 1:00 PM - 4:00 PM	ADMINISTERING THE CALIFORNIA ALTERNATE ASSESSMENT (CAA) AFTERNOON SESSION	DMESC
2/4/2020 8:30 AM - 11:30 A	ADMINISTERING THE CALIFORNIA ALTERNATE ASSESSMENT (CAA) MORNING SESSION	DMESC
2/5/2020 1:00 PM - 4:00 PM	WEBIEP AFTERNOON SESSION	DMESC
2/5/2020 8:30 AM - 11:30 A	WEBIEP MORNING SESSION	DMESC
2/6/2020 8:30 AM - 4:30 PM	MANAGING SCHOOL CRISIS: FROM THEORY TO APPLICATION	DMESC
2/6/2020 8:30 AM - 12:45 PM	SCHOOL PSYCHOLOGIST COMMITTEE MEETING	DMESC

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 (760) 552-6700 Office \* (760) 242-5363 Fax

## Upcoming Trainings

Date/Time	Event	Location
2/6/2020 12:30 PM - 3:30 PM	SOCIAL SKILLS TRAINING: AN EVIDENCE-BASED PRACTICE FOR INDIVIDUALS WITH AUTISM	
2/6/2020 8:30 AM - 12:45 PM	THE TRAUMA-INFORMED SCHOOL	DMESC
2/6/2020 8:00 AM - 3:30 PM	TRANSITION PLANNING FOR ALL STUDENTS	CITY OF VICTORVILLE
2/11/2020 8:30 AM - 3:30 PM	THE PARAPROFESSIONAL SUPPORTING BEHAVIOR	DMESC
2/11/2020 8:30 AM - 12:00 PM	UNDERSTANDING ACCESSIBILITY RESOURCES WITHIN THE CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE AND PROGRESS (CAASPP)	DMESC
2/12/2020 8:30 AM - 3:30 PM	DYSLEXIA: ASSESSMENTS AND ACADEMICS	DMESC
2/13/2020 8:30 AM - 2:30 PM	DISCOURAGING PROBLEM BEHAVIORS: MANAGING THOSE LITTLE RASCALS	DMESC
2/14/2020 8:30 AM - 3:30 PM	PBIS TEAM WORKGROUP K-12	DMESC
2/18/2020 8:30 AM - 3:30 PM	CO-TEACHING: THE POWER OF TWO	DMESC
2/19/2020 8:30 AM - 3:30 PM	EARLY CHILDHOOD TRAUMA INFORMED PBIS BOOTCAMP	DMESC

For more information, visit the CAHELP Staff Development calendar (url: [www.cahelp.org/calendar](http://www.cahelp.org/calendar))  
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## Upcoming Trainings

Date/Time	Event	Location
2/19/2020 8:30 AM - 3:30 PM	PBIS AND MENTAL HEALTH: IMPLEMENTATION AND INTEGRATION ACROSS THE TIERS	APPLE VALLEY UNIFIED SCHOOL DISTRICT
2/19/2020 1:30 PM - 3:30 PM	SUNSHINE CIRCLES	DMESC
2/19/2020 1:00 PM - 4:00 PM	WEBIEP AFTERNOON SESSION	DMESC
2/19/2020 8:30 AM - 11:30 A	WEBIEP MORNING SESSION	DMESC
2/20/2020 5:30 PM - 7:00 PM	COMMUNITY ADVISORY COMMITTEE (CAC) MEETING	DMESC
2/20/2020 8:30 AM - 11:30 A	IT'S A MATCH! APPLYING IN-VIVO SUPPORTS TO STUDENTS WITH MILD-SEVERE INTELLECTUAL DISABILITIES	DMESC
2/21/2020 2:00 PM - 4:00 PM	LEAST RESTRICTIVE ENVIRONMENT	DMESC
2/25/2020 8:30 PM - 3:30 AM	AUTISM FOR PARAPROFESSIONAL BEHAVIOR, COMMUNICATION, AND SOCIAL UNDERSTANDING	
2/25/2020 8:30 AM - 3:30 PM	CLASSROOM STRUCTURE AND MANAGEMENT	DMESC
2/26/2020 8:30 AM - 3:30 PM	CPI	DMESC

For more information, visit the CAHELP Staff Development calendar (url: [www.cahelp.org/calendar](http://www.cahelp.org/calendar))  
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## Upcoming Trainings

Date/Time	Event	Location
2/26/2020 8:30 AM - 3:30 PM	FORMS AND FACTS 101	DMESC
2/26/2020 8:00 AM - 4:00 PM	I-MTSS- FOSTERING RESILIENT LEARNERS: CREATING A SAFETY NEST TO THRIVE AND SOAR	NOS EVENT CENTER
2/28/2020 8:30 AM - 3:00 PM	EARLY CHILDHOOD CLASSROOM STRATEGIES FOR EFFECTIVE LARGE GROUP (CIRCLE TIME) INSTRUCTION	DMESC
2/28/2020 8:30 AM - 3:00 PM	EARLY CHILDHOOD CLASSROOM STRATEGIES FOR EFFECTIVE LARGE GROUP (CIRCLE TIME) INSTRUCTION	DMESC
2/28/2020 1:00 PM - 4:00 PM	MANAGING SCHOOL CRISIS: REFRESHER	DMESC
2/28/2020 8:30 AM - 3:30 PM	UNIVERSAL DESIGN FOR LEARNING: IMPLEMENTATION THROUGH INSTRUCTIONAL DESIGN AND INSTRUCTIONAL TECHNOLOGIES	DMESC
3/2/2020 8:30 AM - 4:00 PM	IMSE INTERMEDIATE ORTON-GILLINGHAM	DMESC
3/3/2020 8:30 AM - 3:30 PM	BEHAVIORAL SUPPORT PLAN (BSP), THROUGH THE PBIS LENS	DMESC
3/3/2020 10:00 A - 1:00 PM	STRATEGIES FOR POSITIVE PARENTING	DMESC
3/4/2020 1:00 PM - 4:00 PM	SLP COLLABORATION GROUP #3	DMESC

For more information, visit the CAHELP Staff Development calendar ([url: www.cahelp.org/calendar](http://www.cahelp.org/calendar))  
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## Upcoming Trainings

Date/Time	Event	Location
3/4/2020 1:00 PM - 4:00 PM	WEBIEP AFTERNOON SESSION	DMESC
3/4/2020 8:30 AM - 11:30 A	WEBIEP MORNING SESSION	DMESC
3/5/2020 8:00 AM - 4:00 PM	BASIC RESTORATIVE PRACTICES	DMESC
3/5/2020 8:30 AM - 12:30 PM	MEANINGFUL PARENT PARTICIPATION	DMESC
3/5/2020 2:30 PM - 4:00 PM	VIDEO MODELING: AN INSTRUCTIONAL STRATEGY FOR ALL	DMESC
3/6/2020 12:30 PM - 3:30 PM	BUILDING TEACHER RESILIENCE IN PRESCHOOL CLASSROOMS - HOW TO KEEP YOUR CUP FULL	DMESC
3/10/2020 1:30 PM - 2:30 PM	SPANISH WEBIEP	DMESC
3/11/2020 8:30 AM - 3:30 PM	CPI	DMESC
3/12/2020 8:30 AM - 3:30 PM	WHY TRY? THE ADVANCE COURSE LEVEL 2	DMESC
3/13/2020 12:30 PM - 4:00 PM	LDSIMS	DMESC

For more information, visit the CAHELP Staff Development calendar (url: [www.cahelp.org/calendar](http://www.cahelp.org/calendar))  
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## Upcoming Trainings

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Date/Time	Event	Location
3/13/2020 2:30 PM - 4:00 PM	SPANISH TRANSLATORS' WORKGROUP	DMESC
3/13/2020 8:30 AM - 3:30 PM	TRAUMA, TOXIC STRESS, BEHAVIOR, AND THE DEVELOPING BRAIN AND SUPPORTING AND UNDERSTANDING CHILDREN FROM ADVERSE	DMESC

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For more information, visit the CAHELP Staff Development calendar ([url: www.cahelp.org/calendar](http://www.cahelp.org/calendar))  
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Desert Mountain Educational Service Center  
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[www.cahelp.org](http://www.cahelp.org)  
[www.sbcss.k12oms.org](http://www.sbcss.k12oms.org)

California Association of Health and  
Education Linked Professions

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## Special Education Teacher Academy

This pathway is designed to provide teachers new to special education with the knowledge and skills they need to have a successful start. Courses will cover classroom management and IEP basics.

### Schedule

- Day 1: **February 26, 2020** | 8:30 a.m. - 3:30 p.m.  
*Forms and Facts 101*  
Presented by Sheila Parisian, Program Specialist and Colette Garland, MIS Support Analyst
- Day 2: **March 10, 2020** | 8:30 a.m. - 3:30 p.m.  
*High-Leverage Practices in Special Education/Classroom Structure and Management* Presented by Renee Garcia, Program Specialist and Linda Rodriguez, Program Specialist
- Day 3: **March 18, 2020** | 8:30 a.m. - 3:30 p.m.  
*Plops, Goals, and Educational Benefit*  
Presented by Sheila Parisian, Program Specialist
- Day 4: **Provided Monthly** | 3 hour sessions  
*WebIEP*- See [OMS](#) calendar on [cahelp.org](http://cahelp.org)  
Presented by Colette Garland, MIS Support Analyst

### Registration

Please register online at:  
<https://sbcss.k12oms.org/52-171071>

### Cost

\$100 per individual  
All materials included. Lunch will be provided on day two.

### Audience

Year 1 and year 2 special education teachers.

### Presenters

Renee Garcia, Program Specialist  
Sheila Parisian, Program Specialist  
Linda Rodriguez, Program Specialist  
Colette Garland, MIS Support Analyst

### Special Accommodations

Please submit any special accommodation requests at least fifteen working days prior to the training by notating your request when registering.