

California Association of Health and Education Linked Professions
Joint Powers Authority (CAHELP JPA)
DESERT/MOUNTAIN CHARTER SELPA STEERING and FINANCE COMMITTEE MEETING
March 24, 2022 – 1:00 p.m.
Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley CA 92307

AGENDA

NOTICE: This meeting will be held as a hybrid committee meeting with some committee members participating in person and others participating via Web Ex. If members of the public wish to participate in the meeting and/or make public comment, please follow the instructions below to participate telephonically:

PARTICIPATE BY PHONE:

Dial Access Number: 1-415-655-0003

When prompted - enter Meeting Number: 2459 516 2414

Follow directions as a Participant; an Attendee I.D. is not required to participate.

If you wish to make a public comment at this meeting, prior to the meeting please submit a request to address the Charter Steering and Finance Committee to the recording secretary via fax at 1-760-242-5363 or email jamie.adkins@cahelp.org. Please include your name, contact information and which item you want to address.

Reasonable Accommodation: If you wish to request reasonable accommodation to participate in the meeting telephonically, please contact the recording secretary (via contact information noted above) at least 48 hours prior to the meeting.

1.0 CALL TO ORDER

2.0 ROLL CALL

3.0 PUBLIC PARTICIPATION

The public is 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.

4.0 ADOPTION OF THE AGENDA

4.1 **BE IT RESOLVED** that the March 24, 2022 Desert/Mountain Charter SELPA Steering and Finance Committee Meeting Agenda be approved as presented.

5.0 PRESENTATIONS

5.1 Web IEP Service Logs

Doug Faucette with Faucette Micro Systems will provide a demonstration on Web IEP Service Logs.

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6.0 INFORMATION/ACTION

6.1 Assembly Bill 361 Exemptions to Brown Act Virtual Meeting Requirements

Assembly Bill (AB) 361 requires local agencies to consider the circumstances of the state of emergency and make the following findings by a majority vote: 1) the state of emergency continues to directly impact the ability of the members to meet safely in person; or 2) state or local officials continue to impose or recommend measures to promote social distancing.

6.1.1 **BE IT RESOLVED** that the Assembly Bill 361 Exemptions to Brown Act Virtual Meeting Requirements 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 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 February 24, 2022 Desert/Mountain Charter SELPA Steering and Finance Committee Meeting Minutes.

8.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS

8.1 State SELPA Administrators Update

Pam Bender will provide an update from State SELPA Administrators including legislative information.

8.2 State Special Education Mental Health Services

Pam Bender will provide information regarding changes in State Special Education Mental Health Services.

8.3 Desert/Mountain Children's Center Client Services Reports and Updates

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

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8.4 Positive Trends During the COVID-19 Pandemic

Linda Llamas will present research studied on positive trends during the COVID-19 pandemic.

8.5 Professional Learning Summary and Update

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

8.6 Resolution Support Services Summary and Updates

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

8.7 Case Law Review

Kathleen Peters will provide case law review including a You Be the Judge scenario.

8.8 Prevention and Intervention Update

Kami Murphy will present a Prevention and Intervention Update

8.9 12th Annual Transition Resource Fair

Adrienne Shepherd-Myles will present information on the upcoming 12th Annual Transition Resource Fair.

8.10 Compliance Update

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

9.0 FINANCE COMMITTEE REPORTS

9.1 P-1 Certification

Marina Gallegos will provide information regarding the P-1 Certification.

9.2 Dispute Prevention/Resolution and Learning Recovery Support Funding

Marina Gallegos will provide an update on Dispute Prevention/Resolution and Learning Recovery Support Funding.

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9.3 One-Time Federal and State Funding Summary

Marina Gallegos will provide a summary of one-time federal and state funding.

10.0 INFORMATION ITEMS

10.1 Personnel Data Reports

10.2 Monthly Occupational & Physical Therapy Services Reports

10.3 Upcoming Professional Learning Opportunities

11.0 STEERING COMMITTEE MEMBERS COMMENTS / REPORTS

12.0 CEO COMMENTS

13.0 MATTERS BROUGHT BY THE PUBLIC

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. Speakers are requested to give their name and limit their remarks to five 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.

When the Desert/Mountain Charter SELPA Steering Committee goes into Closed Session, there will be no further opportunity for general public 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, April 21, 2022, at 1:00 p.m., at the Desert Mountain Educational Service Center, Aster/Cactus Room, 17800 Highway 18, Apple Valley, CA 92307.

Individuals requiring special accommodations for disabilities are requested to contact Jamie Adkins at (760) 955-3555, at least seven days prior to the date of this meeting.

5.1 Web IEP Service Logs

Verbal presentation, no materials



AB-361 Open meetings: state and local agencies: teleconferences. (2021-2022)

SHARE THIS:



Date Published: 09/17/2021 09:00 PM

Assembly Bill No. 361

CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held

for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 89305.6 is added to the Education Code, to read:

89305.6. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each

teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the

meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and

federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have

imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations

within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5. Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6. It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7. The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information

concerning the conduct of the people's business.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.

California Association of Health and Education Linked Professions
Joint Powers Authority (CAHELP JPA)
DESERT/MOUNTAIN CHARTER SELPA STEERING and FINANCE COMMITTEE MEETING
February 24, 2022 – 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/Aveson School of Leaders – Kelly Jung, Desert Trails Preparatory Academy/Laverne Elementary Preparatory Academy – Chantal Mendoza, Debbie Tarver, Elite Academic Academy – Susana Waisman, Adam Woodard, Julia Lee Performing Arts Academy – Mika Klepper, Leonardo da Vinci Health Sciences Charter – Courtney Cox, Odyssey Charter School – Katrina Franklin, Chasityflame Price, Pasadena Rosebud Academy – Shawn Brown, Pathways to College – James Connell, Taylion High Desert Academy – Brenda Congo, and Virtual Preparatory Academy-Lucerne – Malia Lovell.

CAHELP, SELPA, & DMCC STAFF PRESENT:

Jamie Adkins, Codi Andersen, Pam Bender, Guille Burgos, Heidi Chavez, Ariel Clark, Craig Cleveland, Tara Deavitt, Peggy Dunn, Adrien Faamausili, Thomas Flores, Marina Gallegos, Renee Garcia, Colette Garland, Linda Llamas, Kami Murphy, Lisa Nash, Sheila Parisian, Kathleen Peters, Karina Quezada, Linda Rodriguez, Veronica Rousseau, Adrienne Shepherd-Myles, Jessica Soto, Jennifer Sutton, Stephanie Sweem, and Amy Thompson.

1.0 CALL TO ORDER

The regular meeting of the California Association of Health and Education Linked Professions Joint Powers Authority (CAHELP JPA) Desert/Mountain Charter SELPA Steering Committee Meeting was called to order by Chairperson Pam Bender at 1:04 p.m., at the Desert/Mountain Educational Service Center, Apple Valley.

2.0 ROLL CALL

3.0 PUBLIC PARTICIPATION

None.

4.0 ADOPTION OF THE AGENDA

4.1 **BE IT RESOLVED** that a motion was made by Susana Waisman, seconded by Courtney Cox, to approve the February 24, 2022 Desert/Mountain Charter SELPA Steering and Finance Committee Meeting Agenda as presented. The motion carried on the following vote 10:0: Ayes: Brown, Congo, Connell, Cox, Jung, Klepper, Lovell, Moreno, Price, and Tarver, Nays: None, Abstentions: None.

5.0 INFORMATION/ACTION

5.1 Assembly Bill 361 Exemptions to Brown Act Virtual Meeting Requirements

Assembly Bill (AB) 361 requires local agencies to consider the circumstances of the state of emergency and make the following findings by a majority vote: 1) the state of emergency continues to directly impact the ability of the members to meet safely in person; or 2) state or local officials

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continue to impose or recommend measures to promote social distancing.

- 5.1.1 **BE IT RESOLVED** that a motion was made by Mika Klepper, seconded by Debbie Tarver, to approve the Assembly Bill 361 Exemptions to Brown Act Virtual Meeting Requirements as presented. The motion carried on the following vote 10:0: Ayes: Brown, Congo, Connell, Cox, Jung, Klepper, Lovell, Moreno, Price, and Tarver, Nays: None, Abstentions: None.

6.0 CONSENT ITEMS

It is recommended that the Charter Steering Committee consider approving several Agenda items as a Consent list. Consent Items are routine in nature and can be enacted in one motion without further discussion. Consent items may be called up by any Committee Member at the meeting for clarification, discussion, or change.

- 6.1 **BE IT RESOLVED** that a motion was made by Shawn Brown, seconded by Debbie Tarver, to approve the following Consent Item as presented. The motion carried on the following vote 10:0: Ayes: Brown, Congo, Connell, Cox, Jung, Klepper, Lovell, Moreno, Price, and Tarver, Nays: None, Abstentions: None.

- 6.1.1 Approve the January 20, 2022 Desert/Mountain Charter SELPA Steering and Finance Committee Meeting Minutes.

7.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS

7.1 Legislative Updates

Pam Bender provided legislative updates. She reported Senate Bill (SB) 387: Pupil Health: School Employee and Pupil Training: Youth Mental and Behavioral Health provides that by January 2025, 75% of certificated and classified staff are to be trained to provide resources for students who need mental or behavioral support. The training will not be a condition of employment. Pam continued that SB 871: Public Health: Immunizations is an attempt to require covid-19 vaccinations are part of the school entry requirement. SB 866: Minors: Vaccine Consent is attempting to allow students 12 and older to consent to vaccines without parent consent. Pam shared that Assembly Bill (AB) 586: Pupil Health: Health and Mental Health Services: School Health Demonstration Project will ensure access for all to mental health services. She also reported SB 237: Special Education: Dyslexia Risk Screening would provide a list of evidence-based screening tools by June 2022 for kindergarten through 2nd grades as well as ensure that every student in 3rd grade is screened for dyslexia.

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7.2 Potential Changes in Special Education Funding

Pam Bender presented information regarding potential changes in special education funding. She reported the Governor's Budget is proposing Average Daily Attendance (ADA) be increased from \$715 to \$820 based on LEA reported attendance. Pam said the governor wants to increase transparency for districts and is expecting LEA reported ADA to be more accurate even though SELPAs report the numbers provided by the LEAs. Pam also reported that AB 602 Funding, which is special education funding, will continue to be transferred through SELPAs for 2022-23. If funding continues to go through SELPAs, SELPAs will have 30 days to notify the LEAs of their portion of the funding.

Marina Gallegos added when AB 602 is certified, SELPA receives a lump sum number that is not broken down by district but there is a supplemental file that does provide a break down by school is also included. It is not clear how this change will affect funding as it is done by ADA and not pupil count.

7.3 Educationally Related Mental Health Services (ERMHS) Funding Changes

Pam Bender provided information regarding changes in Educationally Related Mental Health Services (ERMHS) Funding. She reported the current governor's budget is proposing all ERMHS funding be dispersed directly to LEAs which will cause transfers between SELPA and districts. Pam continued that currently ERMHS funding assists in supporting DMCC services. There will be discussion at the March 4, 2022 Governance Council Meeting because if the funding does change, there will be changes to the allocation plan as well as if the DMCC can continue to provide services.

Marina Gallegos reported if a charter LEA is in the high desert region, mental health services are provided by Desert/Mountain Children's Center (DMCC). Up until two years ago, ERMHS funding was only for students in special education so a provider had to be a certified nonpublic agency or on staff. Marina shared there were two schools that were able to hire or contract staff and be reimbursed for the cost. She reported it will be proposed to the Governance Council that schools in the high desert region and that are virtual only continue to be served by DMCC while schools outside of region can be reimbursed up to a set amount for services they contract for or have staff provide. Marina continued that if the funding is distributed directly to the districts, CAHELP JPA policy will change.

7.4 Desert/Mountain Children's Center Client Services Reports and Updates

Linda Llamas presented the Desert/Mountain Children's Center Client Services monthly reports. Linda asked to be contacted if there is a change in the LEA contact person for these reports so that she can ensure data is being received. She reminded the committee members to contact her if a student is no longer attending school within their LEA so reports can be up to date.

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7.5 Self-Care Strategies to Promote Emotional Wellness

Linda Llamas provided a document containing strategies to promote self-care for committee members, LEA staff, children, and families. Linda said the document can be shared with others.

7.6 Professional Learning Summary

Heidi Chavez presented the D/M Charter SELPA's Professional Learning Summary. Heidi reported that many trainings have been rescheduled to afternoon hours to accommodate staff who are in the classroom.

Heidi stated Community Advisory Committee (CAC) meeting is being held later the same date. She shared the next meeting will be held on April 21, 2022, with a presentation of *Occupational Therapy and Physical Therapy in the Schools: What We're all About*.

Heidi reported the CAHELP I-MTSS Symposium is now free for virtual and in-person attendance. In-person participants will receive lunch and all member LEA participants will receive a book from each presenter.

7.7 Resolution Support Services Summary and Updates

Kathleen Peters presented the D/M Charter SELPA's Resolution Support Services Summary and updates, including addressing absences of students in special education. She said the number of cases is a little high with the cases being complex and not easy to settle. Kathleen pointed out that on the summary, she added a column to reflect cases filed on parents

Kathleen shared a memo from Lozano Smith that provided the responsibilities of LEA as well as additional directive including a checklist for addressing no-show students in special education. She said this is an ongoing issue because of the virtual education environment.

Kathleen reported *Breaking Through Contentious IEPs, Listening for Need* is being offered March 8, 2022, 1:00pm-2:30pm with presenter Jason Harper. She said it is a virtual training and there is no charge to attend. Kathleen said registration is required to receive the event link.

Kathleen then reported Directors' Training is being held on February 24, 2022 following D/M SELPA Steering and Finance Committee with E.B Bell on presenting on Legally Defensible IEP Meetings. The training is virtual only and attendees must register to receive the link.

Kathleen shared she has reinstated the monthly Zoom meeting for directors to ask questions of the Resolution Support Services team. She said there will be monthly topics if questions are not asked by the directors. It is an opportunity for open discussion on resolution support services.

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7.8 Case Law Review

Kathleen Peters provided case law review including a You Be the Judge scenario. She reported that transportation was addressed in a recent charter LEA case. Kathleen said that though charter LEAs do not typically transport students via bus, there is a requirement through Individual with Disabilities Act (IDEA) to offer transportation to students who may qualify for it. She stated charter LEAs are not relieved of that requirement. Kathleen continued that if a parent does accept an offer of transportation, the charter LEA would work with a transportation company to provide the service. She asked to be contacted if transportation is needed so she can assist.

Kathleen called on Lisa Nash to present the You Be the Judge Scenario. After allowing the committee members a few moments of contemplation, Lisa announced the answer as C. She said the LEAs must provide the same type of investigation into a disability discrimination complaint accusation that the Office of Civil Rights (OCR) would provide. In the scenario, the investigative questions were not designed to obtain information about the conduct that was alleged to have been harassment.

7.9 Alternative Dispute Resolution (ADR) Request Form and Brochure

Kathleen Peters called on Karina Quezada to present the Alternative Dispute Resolution (ADR) Request Form and brochure as well as the electronic submission link (<https://forms.office.com/r/2LJe9iXrpq>). Karina reported the form can be completed by the LEA or by a parent/guardian. She said the form is a type of intake that will help the Resolution Support Services team determine which of the services are needed. Karina shared the form is also available on the CAHELP website as well as in the Educator Portal.

Kathleen added if a parent requests to submit a form, they are to be assisted by school staff or D/M Charter SELPA staff.

Karina then presented the ADR Services Brochure stating it explains to the parents/guardians that ADR is a service that is available when they feel they have reached a point where outside help is needed to assist with the IEP decisions. The goal is for parents/guardians to know they can ask for assistance before reaching out to an attorney or advocate. Karina reported the brochure is in the process of being added to the website as well.

Kathleen stated ADR funds will be used by CAHELP JPA to print 50 copies of the brochure in English and Spanish for each of the LEAs. She said the brochures should be provided at special education meetings.

7.10 Prevention and Intervention Update

Kami Murphy presented the Prevention and Intervention Update. She provided the Prevention

MINUTES

and Intervention Supports Mid-Year Report that highlighted the trainings and supports provided this school year. Kami then reported California PBIS 2022 Recognition Applications are now being accepted and provided the recognition timeline. Lastly, Kami shared the Association for Positive Behavior Support is holding their international conference April 13-16, 2022, in San Diego, California.

7.11 Compliance Update

Peggy Dunn presented an update on compliance items from the California Department of Education (CDE). She shared CDE has not provided updates pertaining to Significant Disproportionality at this time but they will be monitoring late initial and annual IEPs. Peggy reiterated the importance of closing IEPs. She said if meetings are done virtually, they can be closed as “verbal” while processing through DocuSign.

Colette Garland reported that Fall 1 Pupil Count has been certified in CalPads for all LEAs. She shared CALPADS Reports 16.7 and 16.8 will provide LEAs with the student names and the categories being reviewed for Data Identified Noncompliance (DINCs). Colette also shared that a demonstration on Web IEP service logs has been scheduled during the March 2022 Steering and Finance Committee meetings. She continued that the Personnel Data Reports and Annual Service Plans are expected in early March and will be emailed to LEAs when received. Colette concluded that there will be an MIS/CALPADS workshop tentatively on March 15, 2022, at 9:00 am-11:00am. This workshop is open to all staff who are interested, not only MIS contacts.

7.12 California State Testing Updates

Karina Quezada provided California state testing updates. She reported that for students participating in independent study and attending school remotely, CDE has approved remote administration of both California Assessment of Student Performance and Progress (CAASPP) and English Language Proficiency Assessments for California (ELPAC) for 2021-22. Karina said students receiving in person instruction are to be tested in person. She continued that CDE is permitting student teachers to administer both CAASP and ELPAC if they are employed by or contracted with the LEA. Karina told the committee members to confirm employment status of student teachers with their Human Resources Department for compliance. Karina stated alternate assessments cannot be administered remotely due to the high level of individualization that needs to occur for the students. She shared the ELPAC testing window has been extended until May 31, 2022.

8.0 FINANCE COMMITTEE REPORTS

Marina Gallegos reported P1 certified on February 18, 2022, and she will be emailing the revised distribution schedule to the financial contacts. Marina stated there is some supplemental 611 funding for local assistance entitlements and D/M Charter SELPA was granted \$238,756 and it will be allocated to

California Association of Health and Education Linked Professions
Joint Powers Authority (CAHELP JPA)
DESERT/MOUNTAIN CHARTER SELPA STEERING and FINANCE COMMITTEE MEETING
February 24, 2022 – 1:00 p.m.
Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley CA 92307

MINUTES

the member LEAs based on pupil count. She will be emailing information on that as well.

9.0 INFORMATION ITEMS

9.1 Monthly Occupational & Physical Therapy Services Reports

9.2 Upcoming Professional Learning Opportunities

The following trainings were highlighted: *The What, Why, and How of IEP Meeting Notes, Understanding Accessibility Resources within the California Assessment of Student Performance and Progress (CAASPP), Speech-Language Pathologists Collaborative Group: Assessing Social Communication Skills Part 1, and Crisis Prevention Institute (CPI) Training 2nd Edition Blended Learning.*

10.0 STEERING COMMITTEE MEMBERS COMMENTS / REPORTS

11.0 CEO COMMENTS

Pam Bender shared that she is continuing to schedule visits with member LEAs. In her time with CAHELP and meeting staff, Pam's biggest observation is the amazing culture of care, capacity building, customer service, and celebrating others. Pam continued that she has seen the departments assisting the LEAs in training their staff with collective advocacy, planning, strategizing, and synchronizing to provide the best services and supports to the LEAs. She reminded the committee members to reach out if there is something missing so help can be provided. Pam quoted Roy T Bennett "Do what is right, not what is easy nor popular". She said when you do that, you are doing what is right for the students and children.

12.0 MATTERS BROUGHT BY THE PUBLIC

None.

13.0 ADJOURNMENT

Having no further business to discuss, a motion was made by Brenda Congo, seconded by Mika Klepper, to adjourn the meeting. The motion carried on the following vote 10:0: Ayes: Brown, Congo, Connell, Cox, Jung, Klepper, Lovell, Moreno, Price, and Tarver, Nays: None, Abstentions: None.

The next regular meeting of the Desert/Mountain Charter SELPA Steering Committee will be held on Thursday, March 24, 2022, at 1:00 p.m., at the Desert Mountain Educational Service Center, Aster/Cactus Room, 17800 Highway 18, Apple Valley, CA 92307.

Individuals requiring special accommodations for disabilities are requested to contact Jamie Adkins at (760) 955-3555, at least seven days prior to the date of this meeting.

Noteworthy New Bills Introduced

- [SB 579](#) (Allen) – ADA Loss
- [SB 830](#) ([Portantino](#)) – Supplemental Education Funding
- [AB 1607](#) ([Muratsuchi](#)) – LCFF
- [AB 1609](#) [Muratsuchi](#) – LCFF
- [AB 1614](#) ([Muratsuchi](#)) – LCFF Base Grants
- [SB 387](#) ([Portantino](#)) – Youth Mental and Behavioral Health
- [SB 817](#) ([Pan](#)) - Public health: Immunizations
- [SB 866](#) ([Weiner](#)) - Vaccines: Minor Consent

Special Education: Mental Health Services (State)

1 | Where we are now

Currently received \$7.1 Million

- Residential Mental Health Services
 - Derek Hale and Kathleen Lewis
 - Residential assessments, IEPs and Monitoring
- Remaining Funds - MOU
 - To DMCC - serving students with ERMHS services
 - Match DBH contract

2 | Beginning 2022-2023

Funding to go directly to LEAs July 1, 2022

- LEAs will need to hire their own employees or contract for services
- Impact to small districts will be significant if they get a residential student or have high needs student move in
- Could fall under Program Transfer and CAHELP will need to send out March 15 notifications to staff

3 | Moving Forward

Currently have allocation plan

- Will need to amend/update the plan

Options:

- Develop MOU for funding to pass through to SELPA with no changes in services
- LEAs can sub-contract with SELPA for services and LEA will be invoiced



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

MEMORANDUM

DATE: March 16, 2022

TO: Special Education Directors

FROM: Linda Llamas, Director

SUBJECT: Desert/Mountain Children's Center Client Reports

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)
- Student Assistance Program (SAP)
- 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



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

March 24, 2022

From: D/M Children's Center: Linda Llamas, LMFT; Linda.Llamas@cahelp.org

To: Charter Steering Committee Members

Re: Positive Impact Trends Researched During Pandemic

The negative impacts of the COVID-19 pandemic on our clients/students have been discussed in depth over the past two years. When researching the negative impacts, DMCC wondered if there were any positive impacts that have been studied. DMCC found that there were some benefits that have been noted:

- Possibly the most significant impact of the past two years is the spotlight it has put on the importance of prioritizing the mental health of children
 - This heightened focus on children's mental health has the potential to improve students' well-being in profound ways.
 - Good mental health is a prerequisite for learning.
 - This knowledge can assist schools and teachers in understanding the importance of embedding social-emotional learning components into the classroom and curriculum.
 - The pandemic has led to improved access to mental health resources.
 - Especially useful has been the expansion of tele-mental health services.
 - "Online scheduling and remote appointments make it easier for students to access mental health resources, and some students even enjoy virtual appointments more, as they can attend therapy in their own spaces rather than showing up in the counselor's office. For older students, ... that level of comfort often leads to more productive, open conversations."¹
 - This spotlight also made it clear that more investment in mental health programs and resources for children are needed.
- Remote learning has allowed some populations of students to find new ways to be more engaged in learning

- Some students thrived when the distractions and difficulties they faced in the classroom were removed.
 - Some students benefitted from the autonomy provided by remote learning and this turned out to be a key to motivation.
 - Because students had the opportunity to learn at their own pace, their learning outcomes improved – especially in older students.
 - A survey of more than 600 parents, researchers found the second-most-valued benefit of distance learning was flexibility – not only in schedule but in method of learning.²
 - This survey also showed that 18% of parents pointed to greater flexibility in a child’s schedule or way of learning as the biggest benefit or positive outcome related to remote learning.
 - When students are allowed to participate in individualized learning it allows them to conduct their learning at a time they are most likely to succeed and also helps them carve out free time for other activities and interests.
 - Students could take advantage of AP classes, foreign language, or vocational electives that may not be available at their own schools. They may pursue employment or other activities that they would not otherwise have time for.
 - This knowledge should inform schools and teachers to create as many access points as they can for kids to engage with learning.
- Another significant benefit is the better understanding parents now have of their children’s needs
 - During the pandemic, many parents had the opportunity to observe their kids in school and, as a result, help them learn. Parents reported that the pandemic allowed them a better understanding of their child’s learning style and needs, as well as learning about the curriculum being taught and teachers’ expectations.²
 - For some parents, this first-hand opportunity to observe their children’s behavior or learning needs, prompted them to consider assessment and Individualized Education Program (IEP) services.
 - Not only did parents gain insight into their children’s learning styles and how to better support them, but they also gained insight into the mental health needs of their children and how to better support them in managing their behaviors/symptoms.
 - Along with parents gaining a deeper understanding of their kids’ needs, the pandemic also prompted greater parent participation in school. Many parents reported comprehending how they can be better partners with schools to ensure their kids’ well-being and academic success.

- One district reported the use of an app that translates parent communication into 150 languages, thus allowing culturally and linguistically diverse families to benefit from streamlined opportunities to communicate with administrators and teachers.
- Decreased bullying
 - One study found that during stay-at-home orders, kids with neurodevelopmental disorders experienced less bullying than pre-pandemic.³
 - We know that students with emotional, behavioral, and physical health needs experience increased rates of bullying victimization and since data from the U.S. Department of Education suggests that the majority of bullying takes place in person and in unsupervised areas, remote learning offers students with special needs an opportunity to learn in a safer environment.
 - Reducing bullying is not just beneficial for students' long-term mental health, but less bullying while in school results in less stress. This can improve students' mood and self-esteem, both of which impact their ability to learn.
- More opportunities for students with special needs
 - For some students with special learning needs, including those with IEPs and 504 plans, the at-home learning environment proved to be one where they thrived.⁴
 - For some students with disabilities that impact attention in a group setting, the reduced distractions of remote learning may improve learning outcomes.
 - For students with different learning needs, the use of videos and graphics may lead to improved academic outcomes as they are able to access and utilize these resources more than once.
 - For learners with anxiety, the option to not be in the classroom alleviates the social pressures of being surrounded by peers, which can make it hard for them to focus on academics.

While the COVID-19 pandemic has certainly disrupted how and where kids learn and how we provide services and supports, it is important to reflect and consider all the things we have learned in order to continue to provide the best possible educational experience for all children. It is important for us to remain flexible and creative about how we move forward together in supporting the children in our communities.

References:

1. <https://www.apa.org/monitor/2021/09/cover-remote-learning>
2. [A preliminary examination of key strategies, challenges, and benefits of remote learning expressed by parents during the COVID-19 pandemic](#)
Roy, A., et al., *School Psychology*, in press
3. <https://psycnet.apa.org/record/2021-39068-002>
4. <https://www.nytimes.com/2021/04/11/technology/remote-learning-online-school.html>

Additional References/Resources:

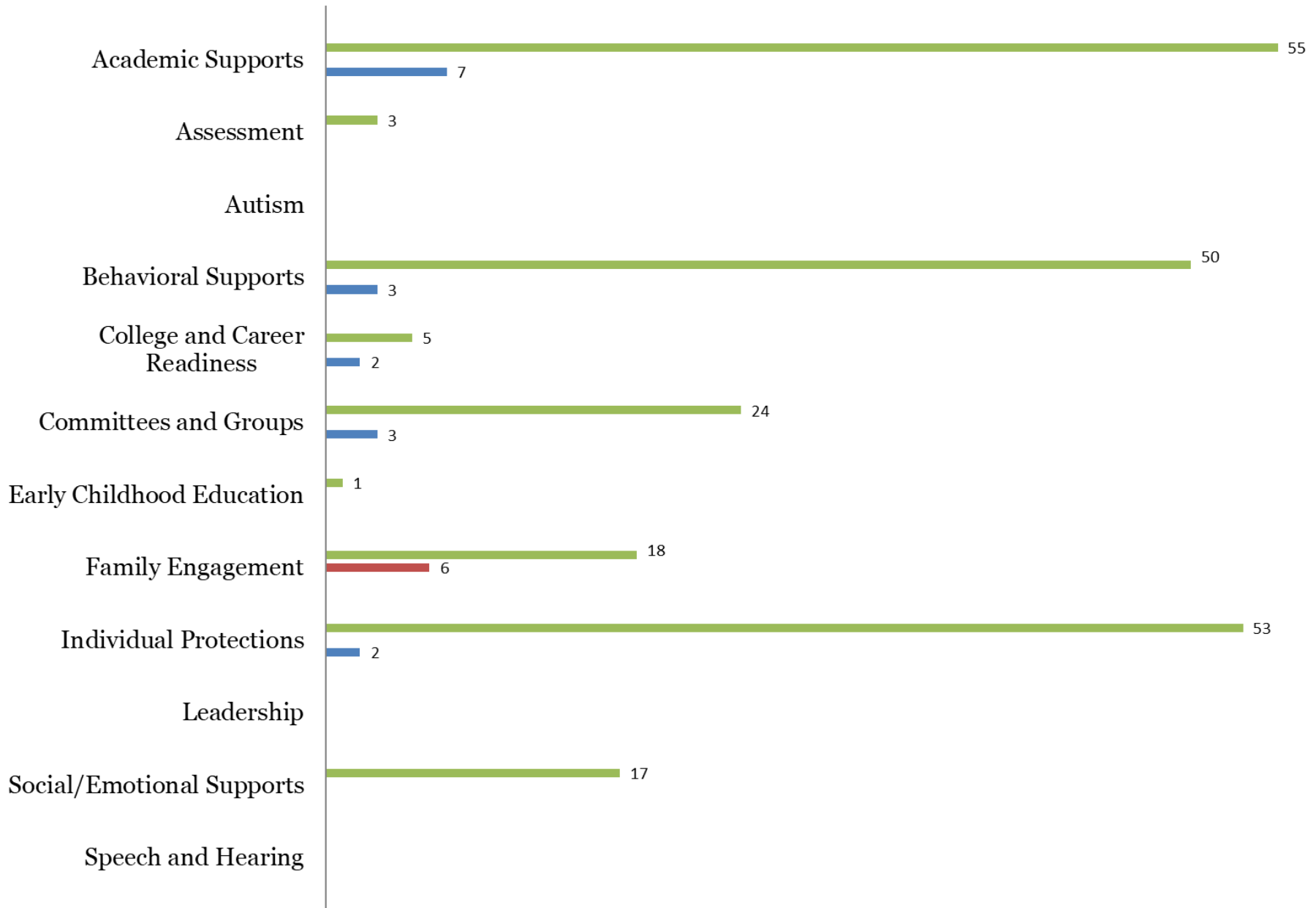
- [Why are some kids thriving during remote learning?](#)
Fleming, N., Edutopia, 2020
- [Remote learning has been a disaster for many students. But some kids have thrived.](#)
Gilman, A., *The Washington Post*, Oct. 3, 2020
- [Remote learning during COVID-19: Examining school practices, service continuation, and difficulties for adolescents with and without attention-deficit/hyperactivity disorder](#)
Becker S. P., et al., *Journal of Adolescent Health*, 2020
- <https://www.apa.org/monitor/2022/01/special-emerging-trends>
- <https://www.apa.org/monitor/2022/01/special-childrens-mental-health>
- <https://childmind.org/awareness-campaigns/childrens-mental-health-report/2021-childrens-mental-health-report/>
- <https://www.childtrends.org/blog/school-bullying-has-decreased-during-the-covid-19-pandemic-but-schools-must-be-prepared-for-its-return>
- <https://www.nber.org/papers/w29590>

D/M CHARTER SELPA PROFESSIONAL LEARNING PARTICIPATION SUMMARY

FEBRUARY 2022- 23 PARTICIPANTS

226 YEAR-TO-DATE PARTICIPANTS

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





Occupational and Physical Therapy in the Schools: What We're All About

Occupational and physical therapists will be presenting information about their profession and how it helps students in the school setting. Tips for improving fine and gross motor skills, visual motor skills, and sensory regulation will all be defined and reviewed.

Presenters

Codi Anderson, Physical Therapist
Suzan Raymond, Occupational Therapist
Lisa Sutton, Occupational Therapist

Registration

<https://sbcss.k12oms.org/52-203131> or scan QR code for registration.

Special Accommodations

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

When

Thursday, April 21, 2022
CAC Reps Business Meeting: 5:00 - 5:30 p.m.
Presentation 5:30 - 6:30 p.m.

Location

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

Cost

Free to attend.



REGISTER
HERE

Get in Touch

Email : Marysol.Hurtado@cahelp.org
Phone : (760) 955-3552



Terapia Ocupacional y Física en las Escuelas: De qué se Trata.

Los terapeutas ocupacionales y físicos presentarán información sobre su profesión y sobre la manera en que ellos pueden ayudar a los estudiantes en el ambiente escolar. Se definirán y revisarán consejos para mejorar las habilidades motoras finas y gruesas, las habilidades motoras visuales y la regulación sensorial.

Ponentes

Codi Anderson, Fisioterapeuta
Suzan Raymond, Terapeuta Ocupacional
Lisa Sutton, Terapeuta Ocupacional

Inscripción

<https://sbcscs.k12oms.org/52-203131> o
Escanee el código QR para inscribirse.

Adaptaciones Especiales

Por favor, envíe cualquier solicitud de adaptación especial al menos quince días laborables antes de la capacitación, indicando su solicitud al inscribirse.

Cuando

Jueves 13 de Abril de 2022
Reunión de Trabajo de Reps: 5:00 - 5:30 p.m.
Presentación 5:30 - 6:30 p.m.

Lugar

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

Costo

Gratis para asistir.



REGISTRESE
AQUI

Contáctenos

Correo electrónico : Marysol.Hurtado@cahelp.org

Teléfono: (760) 955-3552

**Desert/Mountain Charter SELPA
Due Process Summary
July 1, 2021 - March 17, 2022**

D = Complaint Dismissed W = Complaint Withdrawn

DISTRICT										CASE ACTIVITY FOR CURRENT YEAR					
	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22	Total	D/W	Resolution	Mediation	Settled	Hearing	Filed on Parent
Allegiance STEAM Acad - Thrive	N/A	N/A	N/A	N/A	0	0	0	0	0	0	0	0	0	0	0
Aveson Global Leadership Acad	N/A	2	1	5	1.5	0	0	2	11.5	0	0	0	2	0	1
Aveson School of Leaders	N/A	0	3	1	1.5	0	0	5	10.5	0	0	1	4	0	0
Ballington Acad for Arts & Sci	N/A	N/A	N/A	0	2	0	0	0	2	0	0	0	0	0	0
Desert Trails Prep Academy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Elite Academic Acad - Lucerne	N/A	N/A	N/A	N/A	0	0	4	0	4	0	0	0	0	0	0
Encore Junior/Senior High School	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Julia Lee Performing Arts Acad	N/A	N/A	N/A	N/A	0	0	0	0	0	0	0	0	0	0	0
LaVerne Elem Preparatory	0	0	0	0	0.5	0	0	0	0.5	0	0	0	0	0	0
Leonardo da Vinci Health Sci	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Odyssey Charter School (Altadena)	N/A	0	0	0	0	0	0	2	2	0	0	0	1	1	1
Odyssey Charter School -South (Pasadena)	N/A	N/A	N/A	N/A	0	0	0	0	0	0	0	0	0	0	0
Pasadena Rosebud Academy	N/A	N/A	N/A	N/A	1	0	0	0	1	0	0	0	0	0	0
Pathways to College	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Taylion High Desert Academy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Virtual Prep Academy at Lucerne	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0	0	0	0	0	0	0
SELPA-WIDE TOTALS	0	2	4	6	6.5	0	4	9		0	0	1	7	1	2

Desert/Mountain Charter SELPA
Due Process Activity Summary
July 1, 2021–March 17, 2022

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Due Process Hearing	Status
1. Odyssey Charter Case No. 2021070313	Child Find and Denial of FAPE: 1. Failed to appropriately assess in all areas of suspected need (AT, OT) 2. Failure to qualify for SPED 3. Lack of parental participation 4. Substantively deny FAPE	7/19/21	7/28/21		9/14 – 9/16/2021	Effective upon full execution of the settlement agreement on 8/23/2021: Reimburse Parents for educational and counseling expenses. Settlement Agreement CLOSED
2. Aveson Case No. 2021080796	Denial of FAPE: 1. Failure to provide appropriate program and adequate support. 2. Denial of parental participation. 3. Lack of educational benefit	8/25/2021	9/9/2021	11/19/2021	10/19 – 10/21/2021 1/25-27/2021	Parent unrepresented at Resolution. No settlement. 10/2021 - mediation scheduled 12/2021 - Statutory offer made and refused. 01/18/22 - Settlement agreement reached. CLOSED
3. Aveson Case No. 2021090088	Denial of FAPE: 1. Failure to assess in all areas of suspected need / TRI 2. Failure to provide appropriate program and adequate support 3. Inappropriate placement and services 4. Failure to offer a BIP	9/2/2021	9/14/2021 9/20/2021		10/26-27/2021	Parent seeking private school placement and reimbursement for unilateral placement. No settlement. 10/19/21 - settlement agreement, partial placement. CLOSED

Desert/Mountain Charter SELPA
 Due Process Activity Summary
 July 1, 2021–March 17, 2022

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Due Process Hearing	Status
4. Aveson Case No. 2021090785 Aveson cross filed Case No. 2021100682	Child Find and Denial of FAPE: 1. Impeded participation 2. Assessment not thorough 3. Lack of Ed benefit 4. Discrimination 1. Defend assessment 2. Defend IEP of 4/12/2021	9/23/2021 10/25/2021	10/5/2021 Not required	12/2/2021 12/2/2021	11/16-18/2021 2/01-3/2022	No settlement, expecting to go to mediation. 10/25/21 - Aveson filed to defend. Mediation scheduled. 12/02/21 - Settled with greatly reduced provisions. CLOSED
5. Aveson Case No. 2021100051	Denial of FAPE: 1. Inadequate assessments, PLOPS/goals, services program and placement. 2. Failed to implement IEP during distance learning. 3. Failed to provide prior written notice 4. Unclear offer of FAPE. 5. Predetermination 4. Impede parent participation	10/1/2021	10/7/2021 10/28/21		11/23-24/2021	11/10/21 Settlement agreement Private school reimbursement. Charter withdrawal. CLOSED

Desert/Mountain Charter SELPA
 Due Process Activity Summary
 July 1, 2021–March 17, 2022

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Due Process Hearing	Status
6. Odyssey 20220100223	Expedited: Odyssey filed on parent for change of placement for safety. Regular: To implement IEP in full	1/7/2022	Not Required	Expedited 1/20/22	Expedited 2/2-3/2022 Regular 3/29-31/2022	1/20/2022 - Parent refused change of placement. Prefers to go to hearing. 02/23/2022 - OAH decision on expedited - change of placement - 45 days; Parent agreement with IEP and placement; May drop the remainder of the case.

Desert /Mountain Charter SELPA
Legal Expense Summary
As Reported at Steering March 17, 2022

2000-2001	0.00
2001-2002	0.00
2002-2003	0.00
2003-2004	0.00
2004-2005	0.00
2005-2006	0.00
2006-2007	0.00
2007-2008	0.00
2008-2009	0.00
2009-2010	0.00
2010-2011	0.00
2011-2012	0.00
2012-2013	0.00
2013-2014	0.00
2014-2015	0.00
2015-2016	7,378.00
2016-2017	33,886.61
2017-2018	70,994.67
2018-2019	113,834.81
2019-2020	58,033.90
2020-2021	43,640.20
2021-2022	143,586.27

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

CASE NO. 2022010223

ODYSSEY CHARTER SCHOOL,

v.

PARENTS ON BEHALF OF STUDENT.

EXPEDITED DECISION

FEBRUARY 23, 2022

On January 7, 2022, Odyssey Charter School filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming Parents on behalf of Student. Odyssey Charter's complaint contained expedited and non-expedited hearing claims. OAH set the expedited and non-expedited matters for separate hearings. The expedited claims proceeded to hearing with no continuances. This Decision resolves only the expedited claims.

Administrative Law Judge Paul H. Kamoroff heard this matter by videoconference on February 2, 3, 8, and 9, 2022.

Attorney Ernest L. Bell represented Odyssey Charter School. Chasityflame Price, Odyssey's Co-Director of Special Education, attended all hearing days. Kathleen Peters, Director, Desert Mountain Special Education Local Plan Area, also attended all hearing days.

Attorneys Melissa J. Amster and Andrea M. Valdez represented Parents and Student. Parents attended all hearing days. Student did not attend the hearing.

On February 9, 2022, the record was closed and the matter was submitted for decision. The ALJ granted the parties' joint request to submit written closing briefs during the submittal time. The parties each timely submitted closing briefs on February 10, 2022.

EXPEDITED ISSUES

1. May Odyssey Charter School remove Student from Odyssey Charter's North Campus, sometimes called Altadena Campus, because Student's behavior on campus is substantially likely to result in injury to Student or to others?
2. May Odyssey Charter School place Student at Odyssey Charter's South Campus as an appropriate interim alternative educational setting, following Student's removal from Odyssey Charter's North Campus?

JURISDICTION

This hearing was held under the Individuals with Disabilities Education Act, called IDEA, its regulations, and California statutes and regulations. (20 U.S.C. § 1400 et. seq.; 34 C.F.R. § 300.1 (2006) et seq.; Ed. Code, § 56000 et seq.; Cal. Code Regs., tit. 5, § 3000 et seq.) The main purposes of the IDEA are to ensure:

- all children with disabilities have available to them a free appropriate public education, called FAPE, that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living, and
- the rights of children with disabilities and their parents are protected. (20 U.S.C. § 1400(d)(1); See Ed. Code, § 56000, subd. (a).)

Title 20 United States Code section 1415(k) and title 34 Code of Federal Regulations, part 300.530, et seq., govern the discipline of special education students. (Ed. Code, § 48915.5.) A student receiving special education services may be suspended or expelled from school as provided by federal law. (20 U.S.C. §1412(a)(1)(A); Ed. Code, § 48915.5, subd. (a).) If a special education student violates a code of student conduct, school personnel may remove the student from his or her educational placement without providing services for a period not to exceed 10 days per school year, provided typical children are not provided services during disciplinary removal. (20 U.S.C. § 1415(k)(1)(B); 34 C.F.R. § 300.530(b)(1) & (d)(3).)

The law also provides that school personnel may remove a student to an interim alternative educational setting for not more than 45 school days, regardless of whether the student's behavior is determined to be a manifestation of the student's disability, under certain circumstances. (20 U.S.C. § 1415(k)(1)(G); 34 C.F.R. § 300.530(g).)

A school district may request a due process hearing to authorize a change of placement if the district "believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others." (20 U.S.C. § 1415(k)(3)(A); 34 C.F.R. § 300.532(a).) The hearing must be conducted within 20 school days of the date an expedited due process hearing request is filed and a decision must be rendered

within 10 school days after the hearing ends. (20 U.S.C. § 1415(k)(4)(B); 34 C.F.R. 300.532(c)(2).)

At the hearing, the party filing the complaint has the burden of persuasion by a preponderance of the evidence. (*Schaffer v. Weast* (2005) 546 U.S. 49, 56-62 [126 S.Ct. 528, 163 L.Ed.2d 387]; see 20 U.S.C. § 1415(i)(2)(C)(iii) [standard of review for IDEA administrative hearing decision is preponderance of the evidence].) Here, Odyssey Charter filed the complaint and has the burden of proof. The factual statements in this Decision constitute the written findings of fact required by the IDEA and state law. (20 U.S.C. § 1415(h)(4); Ed. Code, § 56505, subd. (e)(5).)

Student was five years and six months old and in kindergarten at the time of hearing. Student was eligible for special education under autism and speech and language impairment. Student resided within the Pasadena Unified School District and, based upon Parents' choice, attended Odyssey Charter. Odyssey Charter was an independent charter school with two school locations, a North Campus, sometimes called Altadena Campus, and a South Campus. Student attended a general education classroom at the North campus.

ISSUE 1: MAY ODYSSEY CHARTER SCHOOL REMOVE STUDENT FROM ODYSSEY'S NORTH CAMPUS, BECAUSE STUDENT'S BEHAVIOR ON CAMPUS IS SUBSTANTIALLY LIKELY TO RESULT IN INJURY TO STUDENT OR OTHERS?

Odyssey Charter contends Student engaged in a consistent pattern of elopement from the classroom and physical aggression that placed Student, classmates and school staff in substantial danger of injury. Odyssey Charter seeks permission to make an interim change of Student's placement from Odyssey Charter's North Campus to its

South Campus, pending the outcome of a due process hearing on Odyssey Charter's individualized education program, called IEP, offer of placement at the South Campus.

Student contends that Odyssey Charter is barred from removing Student from the North Campus because this matter is not the result of a disciplinary action. Student also contends that maintaining Student's placement at Odyssey Charter's North Campus is not substantially likely to result in injury to Student or others.

A school district may request a due process hearing to authorize a change of placement if the district "believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others...." (20 U.S.C. § 1415(k)(3)(A); 34 C.F.R. § 300.532(a).) Conduct that has been found substantially likely to result in injury includes hitting, kicking, shoving, biting, climbing on classroom furniture and cabinets, shouting obscenities, throwing objects at people, running out of the classroom, and banging on the doors of other classrooms. (*Long Beach Unified Sch. Dist. v. Student* (2008) OAH Case No. 2008030017.) Behaviors that have been found likely to result in injury also include: hitting an adult in the back, lunging at the teacher and trying to punch and hit her, yelling at and threatening people (*Fort Bragg Unified Sch. Dist. v. Parent on behalf of Student* (2008) OAH Case No. 2008100507); throwing desks, knocking over a computer, yelling and screaming, hitting, kicking, punching, and biting adults (*Fullerton Joint Union High Sch. Dist. v. Student* (2007) OAH Case No. 2007040584); and throwing objects, kicking other children, punching and kicking school staff, eloping from school and running into the street, knocking over another child, screaming, and destroying property (*Lancaster Elementary Sch. Dist. v. Student* (2006) OAH Case No. 2006030771).

If the ALJ deciding the case determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, the ALJ may

order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days. (20 U.S.C. § 1415(k)(3)(B)(ii)(II); 34 C.F.R. § 300.532(b)(2)(ii).) The interim alternative educational setting must enable the child to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the child's IEP. (20 U.S.C. § 1415(k)(1)(D)(i); 34 C.F.R. § 300.530(d).) The interim alternative educational setting must also enable the child to receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications that are designed to address the behavior violation so that it does not recur. (34 C.F.R. § 300.530(d)(1)(ii).)

These due process procedures may be repeated after the initial 45 days if the district "believes that returning the child to the original placement is substantially likely to result in injury to the child or to others." (34 C.F.R. § 300.532(a)(3).)

Student began attending the Odyssey Charter on August 12, 2021, the beginning of the 2021-2022 school year. He was five years old and in kindergarten. Student last attended a school placement, a private parochial school, in 2020, when he was three years old. Although diagnosed with autism at three and a half years old, Student had not been previously assessed or found eligible for special education.

THE NORTH CAMPUS CLASSROOM

Based upon the normal enrollment process, Odyssey Charter placed Student in a general education classroom at the North Campus. The North Campus was an open campus, with unobstructed access from the classrooms to the school parking lot. Student's classroom had three entrances/exits, each which led to an outside area where Student could access the school parking lot.

There was a fence surrounding the school parking lot and a gate that could be closed to deny access to the parking lot during weekends and school closures. The gate was open during school days and it was normal for parents, staff, and others to drive vehicles in and out of the parking lot throughout the school day.

Student's classroom was taught by Laura Chavez. Chavez was qualified to teach general education. Her classroom had one instructional assistant and 20 students. Chavez's classroom had the environmental distractions commonly found in general education classrooms. It was noisy, bright, had blocks and toys, and desks and cabinets that could be climbed on. Student immediately began demonstrating serious behavior problems in the kindergarten classroom, including spitting, hitting, punching, climbing on furniture, and throwing items. Student had a short attention span and was easily distracted by toys and preferred items in the classroom. Student refused to wear his face mask, a COVID-19 pandemic related restriction, removed his shoes and socks, and sometimes urinated in the classroom. Student eloped several times a day from the classroom, running past the teacher and aide and through one of the three classroom doors to the open campus. Once outside, Student frequently ran to the school parking lot, running through parked and moving cars. Student was frequently at risk of serious injury by falling off classroom furniture or by getting hit by a car. Student frequently injured school staff by hitting spitting, punching, pushing, kicking, or biting, and risked injuring other students by throwing chairs, stools and other objects. Student demonstrated these dangerous behaviors each school day.

By September, Odyssey Charter assigned two full-time staff members to Student, in addition to Chavez and the classroom aide, to help deescalate Students behavior and to protect Student from himself and others. Nonetheless, Student continued to exhibit serious dangerous behaviors. Almost daily, Student hit, kicked, punched, or bit school

staff, including breaking through their skin. Even with the aides, Student was distracted by items, climbed and jumped off furniture, and eloped from the classroom. Student was fast, and ran past the aides to the parking lot. As a result, Student was in danger of serious injury each day.

In class, Student wantonly threw chairs, stools, and other items at staff and near other students. Chavez sometimes barricaded the other students from Student. Even with multiple adult aides, Chavez was overwhelmed and it was necessary for a special education teacher from a nearby classroom, Sara Westin, to help Chavez with Student.

Westin was an experienced special education teacher and inclusion specialist. During the hearing, Westin persuasively testified that a general education placement was woefully inappropriate for Student. Instead, Student required a small, structured special day class, with less students and less distractions. Student also required a placement in a closed campus, where he would be less likely to elope to a dangerous place like a school parking lot.

Westin was called to assist Chavez almost daily, resulting in a serious disruption to Westin's class along with Chavez's class. Westin was seriously injured by Student on several occasions. Student pushed, punched, kicked and bit Westin, puncturing her skin. At the time of the hearing, Westin had several bruises caused by Student.

During hearing, Chavez persuasively echoed Westin's testimony, calling for a smaller, structured special day class, with less distractions, to help prevent Student from injuring himself or others. Each day, Chavez observed Student injure, seriously injure, or attempt to injure himself or others.

As a result of Student's short attention span, Student became distracted after just a few minutes of starting in the classroom. Student was easily distracted by other

students, noise, lights, and preferred objects. And blocking student from elopement or a preferred item was a common trigger for aggressive behavior. Daily, Student quickly escalated to maladaptive behaviors and was removed to spend the majority of the school day on a bench outside the classroom with his two aides. Chavez persuasively described that Student was in constant risk for self-injury and, emotionally testified, that she worried Student would get hit by a car in the school parking lot.

THE IEP

Prior to the 2021-2022 school year, Student had not been assessed for special education or related services. Student had substantial academic and behavioral problems when he began Odyssey Charter, and it was clear to the school's staff and administration that Student required help beyond what was offered in general education. Accordingly, in August 2021, Odyssey Charter's Co-Director for Special Education, Chasityflame Price, provided Parents an assessment plan to evaluate Student for special education and related services. Parents agreed to the assessment plan and the school began assessing Student in Fall 2021.

On October 19, and 21, 2021, Odyssey Charter held initial IEP team meetings to review the assessments and develop Student's educational program. Student was significantly delayed and unable to, or refused, to complete standardized testing. Student could not read, count, or write, and was unable to follow one-step directions. Student had delayed school readiness and significant behavior problems in the classroom.

The school selected Savannah Phelan to conduct a functional behavior assessment. Phelan was an experienced behavior intervention developer and Board Certified Behavior Analyst. A functional behavior assessment is used to identify and

target maladaptive behaviors and develop interventions to reduce or eliminate those behaviors. Phelan's assessment targeted Student's aggression, elopement and protesting behaviors. Student could not remain in the classroom for more than five minutes and engaged in high rates of elopement. Beginning August 16, 2021, Parents were frequently called to the school to pick up Student because of his behaviors causing significant safety concerns. Triggers for maladaptive behavior included when Student was told to do something, denied access to a preferred item, or transitioned between activities.

From the functional behavior assessment, Phelan assisted the IEP team in formulating a behavior intervention plan, level two. A behavior intervention plan is a written plan developed to address individual behavioral needs of disabled students whose behavior interferes with his/her learning or that of others. The plan targets behavior problems and seeks to reduce or eliminate the behaviors using positive behavioral intervention strategies. A level two behavior plan is used for students with extreme behaviors. Student's behavior intervention plan was included on pages 31 through 35 of the IEP document, under the emboldened heading "Behavior Intervention Plan, Level II." The plan provided a careful and detailed process for targeting and reducing Student's problem behaviors, including aggression and elopement, through the introduction of positive replacement behaviors and strategies.

The October 2021 IEP team found Student eligible for special education and related services under the eligibility categories autism and speech and language impairment. The IEP team formulated 16 goals in the areas of speech and language, academics, and behavior. To meet those goals, the IEP offered various accommodations and the following services: specialized academic instruction, 945 minutes per week, speech and language services, two times weekly, individual and consultative

occupational therapy, intensive individual services, 1800 minutes per week, behavior intervention development services, 480 minutes per month, extended school year services, and the behavior intervention plan. The intensive individual services consisted of an individual behavior aide, assigned to Student throughout the entire school day. The behavior intervention development services consisted of direct and consultative services by a Board Certified Behavior Analyst.

The Odyssey Charter IEP team recommended placement in a special day class at Odyssey's Charter's South Campus. The South Campus was an enclosed campus, and the special day class had less students, less distractions and a single classroom door, which led to an inside hallway. Odyssey Charter IEP team members believed the campus change was necessary to reduce Student's substantial risk of injury to himself at the North Campus, caused by eloping to the school parking lot. Odyssey Charter IEP team members also believed the environmental change, from a general education classroom to a small, self-contained special day class with less students, noise, transitions, and distractions, would reduce Student's problem behaviors and risk of injury to others.

Parents did not consent to the October 2021 IEP. Odyssey Charter staff was concerned for Student's safety and attempted to obtain Parents' consent to the IEP following the meeting. For example, Odyssey Charter Director Lauren O'Neill contacted Parents by phone and email for several weeks following the IEP team meeting to obtain consent or to schedule a meeting. Parents were frustrated by the school's frequent communications regarding Student's behaviors and believed the school was trying to pressure them into agreeing to the IEP. On November 3, 2021, Mother emailed O'Neill, requesting for the school to stop contacting Parents regarding signing the IEP. Odyssey Charter attempted to respect Parents' wishes by decreasing their contacts to Parents.

Absent IEP consent, the school continued to provide Student two adult aides, along with the classroom aide and teacher.

On November 5, 2021, Parents consented only to the individual behavior aide and behavior intervention development services. While Parents disagreed with the majority of the IEP offer, Parents' consent to the special education behavior services served as consent to the school district's initial offer for special education eligibility.

Initially, Price mistakenly believed that Parents needed to consent to the IEP placement offer for Student to receive the behavior services. Price became aware of her mistake and Odyssey Charter began providing Student an individual behavior aide and behavior intervention development services in the general education classroom at the North Campus, within two weeks of Parents' consent to those services.

Odyssey Charter School reconvened an IEP team meeting for Student on November 18, 2021, to further discuss Student's needs and Parents' concerns. Along with school staff, Parents attended with their attorney. Following this meeting, Odyssey Charter offered materially the same educational program as the October 2021 IEP offer. Parents did not consent to the IEP.

On December 1, 2021, Parents consented to the speech and occupational therapy services. On January 7, 2022, Odyssey Charter filed the present case, in great part because Student's behaviors were a danger to himself and others. As of the hearing, Parents had not consented to the remainder of the IEP, including the behavior intervention plan, goals, or placement.

THE SUSPENSIONS

Odyssey Charter did not consistently suspend Student as a result of his problem behaviors or routine violations of school codes of conduct. Nor did the school track injuries to staff caused by Student. During the hearing, Price testified the school was reluctant to suspend Student because suspensions reinforced dangerous behaviors, as Student preferred being at home. Price also testified that it would be overwhelming to track staff injuries because Student injured staff every day, sometimes several times per day.

During hearing, Parents agreed with Price's analysis regarding the suspensions. Parents were dismayed that Odyssey Charter had suspended Student at all, believing that each suspension was perceived as a reward by Student, and a punishment to Parents. Student's aggressive behaviors increased following each suspension, as Student preferred being at home.

Nonetheless, Odyssey Charter did suspend Student on four occasions during Fall 2021, and recorded the cause for those suspensions in disciplinary reports. On September 13, 2021, Student was suspended for biting, hitting, and kicking staff members, and throwing blocks at other students in the kindergarten classroom. On October 29, 2021, Student was suspended for biting a staff member. On November 9, 2021, Student was suspended for eloping from his classroom, exposing himself, and urinating on a play structure in front of a seventh-grade class that was outside for a physical education class. On December 3, 2021, Student was suspended for destroying classroom materials, hitting and kicking staff, urinating in his classroom, urinating on the playground, taking off his clothes in the classroom, and defecating in the sand on the playground. Student's biting sometimes punctured the skin, causing serious injury.

Odyssey Charter informed Parents of each suspension and provided a written disciplinary record for each instance. School staff, including Ms. Price, frequently called Parents to inform them of Student's behaviors, in addition to the behavioral incidents that resulted in suspensions. Also, School staff frequently called Parents to request they pick up Student early from school, because of dangerous behaviors.

Parents were not receptive to these communications and requested for the school to stop contacting them. During hearing, Father testified that Parents were busy at work and frustrated by the negative contacts from school staff. Parents did not want to be contacted unless the school had positive information regarding Student. The school complied with Parents' request, and following December 2021, stopped contacting Parents regarding Student's behaviors.

THE SCHOOL'S WITNESSES

Several school witnesses testified in support of Odyssey Charter. Co-Director Price, Board Certified Behavior Analyst Savannah Phelan, School Psychologist Heather Anastasia, Inclusion Specialist and special day class teacher Sara Westin, School Principal Sylvia Corona, classroom teacher Laura Chavez, and Board Certified Behavior Analyst and Behavior Intervention Developer Carol Santacruz, each testified in support of removing Student from the North Campus and placing him at the South Campus. Each school witness was familiar with Student and his IEP. Each school witness was an experienced educator and qualified to testify in their area of testimony. Each witness had observed Student at school on many occasions. Some, like Anastasia and Phelan, had formally assessed Student. Each witness had observed Student punch, hit, kick, push or bite a staff member. Westin and Chavez observed Student throw chairs or stools at or near other students. Chavez described how Student would climb and jump off desks and cabinets, risking serious injury to himself.

Westin and Santacruz were seriously injured by Student. For example, during a 97-minute uncontrollable tantrum, Student tackled Santacruz to the ground and continued to push her while on the ground. Santacruz suffered serious physical injury, including a strained muscle. She filed a worker's compensation claim and requires ongoing physical therapy as a result of her injuries caused by Student. Westin was hit, bit, kicked, pushed and punched by Student. Every school witness expressed valid and persuasive concerns that there was a substantial risk that Student would again hurt a staff member, or seriously hurt himself or another student.

Finally, each school witness had observed Student elope to the school parking lot on many occasions, risking serious injury or death.

The school witnesses testified persuasively and in conformity that environmental factors endemic to the general education classroom, and the North Campus, were intertwined with Student's behaviors and risk of injury. The number of students and distractions in the general education classroom constantly triggered Student's behaviors. The open layout of the North Campus created a safety risk for Student that could not be alleviated by modifying Student's educational program. In sum, it was necessary to remove Student from his educational placement to prevent Student from injuring himself or others.

STUDENT'S WITNESSES

Student called Parents and Man Chi C. Dieu to support not removing him from the North Campus. Dieu was a Board Certified Behavior Analyst at Autism Learning Partners, a private agency, from September 2019, to December 2021. From February 2020, to December 2021, she supervised a behavior program at Student's home. The program was implemented daily by a behavior aide, under Dieu's weekly supervision.

Dieu described that Student had a history of behavior problems. Since he was three years old, Parents provided Student at-home behavior services, called applied behavior analysis, through Autism Learning Partners, to help curb those behaviors. The at-home therapy sought to reduce aggression and tantrums in the home and community. While Dieu testified that Student's aggressive behaviors had been extinguished in the home, she inconsistently stated that, as of December 2021, Student was physically aggressive, twice weekly, towards the at-home behavior aide. Dieu also inconsistently testified that Student was not easily distracted in the home, but later testified that Student was easily distracted by his sister, birds, and preferred items while at home.

Dieu observed Student at school on one occasion. This observation occurred at the beginning of the 2021-2022 school year, while Student attended the general education classroom at Odyssey Charter's North Campus. Dieu recalled that Student was resistant to prompting and redirection in the classroom. Student's in-class attention span was approximately one minute, before he began eloping. At one point during her 60-minute observation, Student ran outside the classroom and to the school parking lot, where he risked serious injury.

Notwithstanding her observation, Dieu testified the North Campus, general education classroom could be appropriate for Student, if substantial changes were made to Students' program and classroom. However, Dieu failed to testify that Student was not substantially at risk for injury in his educational placement. Student's closing brief relied heavily on Dieu's testimony to show that Student had improved behaviorally at home, along with her recommendation for continued placement in general education at the North Campus. Student asserts that because Student's behavior improved at home, it would also improve at school, if provided similar services. Student's argument

fails as this case is not about a hypothetical program with desired changes, but whether there was substantial risk of injury to Student or others in his present program.

Student's argument is also flawed because, even if Student's behavior had improved at home after years of intensive, individual behavior therapy, there was no evidence that showed those skills had been generalized into the community or classroom.

Parents also testified in support of not removing Student from his educational placement. Neither persuasively supported this request. For example, Father admitted the testimony from the school witnesses was correct and that Student was substantially at risk of injury at the North Campus.

There were problems with Mother's testimony. For example, Mother testified she was unaware that Student had harmed any school staff prior to the hearing. Yet, Mother was familiar with the suspension records showing that Student had bit, hit, and kicked staff members. Moreover, school staff had contacted Parents on numerous occasions, outside of the suspensions, including to pick Student up early from school, because of his aggressive behaviors.

Mother complained the school failed to implement Student's behavior intervention plan with fidelity, while intermittently testifying she did not know the IEP included a behavior intervention plan. Mother also testified she did not know she had to consent to the behavior intervention plan for it to be fully implemented. Given that the behavior intervention plan was prominently included in Student's IEP, and that Parents' attorney accompanied them to the November 2021 IEP team meeting and reviewed the IEP document, it is unreasonable to believe that Mother was unaware of the behavior intervention plan or that it required consent.

Mother also complained that Odyssey Charter did not communicate with her enough, or at all, regarding Student's behaviors. Yet, a preponderance of evidence showed that Odyssey Charter staff frequently contacted Parents regarding Student's behaviors and Parents had expressed a desire for less communication from the school staff. Overall, Mother's testimony was inconsistent or contrary to a preponderance of evidence submitted for this matter. Therefore, diminished weight was given to her testimony.

Consequently, Student's witnesses did not persuasively dispute overwhelming evidence that showed there was a substantial risk of injury to Student or others if he remained in his educational placement.

In his closing brief, Student contends that Odyssey Charter is not permitted to remove Student from his present placement because this case was not an appeal from a manifestation determination review based upon a disciplinary action against Student. This identical argument was denied in OAH's January 27, 2022 Order Denying Motion to Dismiss. As noted in that Order and herein, an ALJ may authorize a change of placement to an interim alternative educational setting, regardless if Student's behavior was determined to be a manifestation of the student's disability, if maintaining the current placement of the child is substantially likely to result in injury to the child or to others. (20 U.S.C. § 1415(k)(3)(A); 34 C.F.R. § 300.532(a).) Consequently, Student errs in this argument.

Based upon the foregoing, Odyssey Charter showed by a preponderance of evidence that Student's behavior on campus is substantially likely to result in injury to Student or to others, thereby warranting lawful removal from that placement.

ISSUE 2: MAY ODYSSEY CHARTER SCHOOL PLACE STUDENT AT ODYSSEY'S SOUTH CAMPUS AS AN APPROPRIATE INTERIM ALTERNATIVE EDUCATIONAL SETTING, FOLLOWING STUDENT'S REMOVAL FROM ODYSSEY'S NORTH CAMPUS?

Odyssey Charter argues that placing Student at the South Campus will help prevent Student from injuring himself or others. Odyssey Charter therefore requests an order placing Student at the South Campus, as an interim alternative educational setting, pending a hearing regarding the appropriateness of its IEP offer for placement at the South Campus.

Parents contend that Student could be safe at the North Campus, if provided behavior services that mirror his home program, and therefore should not be removed to the South Campus.

If the ALJ deciding the case determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, the ALJ may order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days. (20 U.S.C. § 1415(k)(3)(B)(ii)(II); 34 C.F.R. § 300.532(b)(2)(ii).) As found in Issue One, this Decision has found that maintaining Student's placement at the North Campus is substantially likely to result in injury to Student or to others. It is therefore proper to order a change of Student's placement to an interim alternative educational setting for not more than 45 school days.

If ordered, the interim alternative educational setting must enable the child to continue to participate in the general education curriculum as appropriate, and to progress toward meeting the goals set out in the child's IEP. (20 U.S.C. § 1415(k)(1)(D)(i);

34 C.F.R. § 300.530(d).) The interim alternative educational setting must also enable the child to receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications that are designed to address the problem behavior so that it does not recur. (34 C.F.R. § 300.530(d)(1)(ii).)

The IDEA does not require parental consent to placement in the interim alternative educational setting, or that a district must place a student in the interim alternative educational setting that parents prefer. (*Adams v. State of Oregon* (9th Cir. 1999) 195 F.3d 1141, 1149.)

On October 19, 21, and November 18, 2021, Odyssey Charter held IEP team meetings for Student. The purpose of the meetings was to review initial assessments, determine special education eligibility, and formulate a FAPE offer. Along with Parents, qualified school staff attended the IEP team meetings. After reviewing Student's assessments, present levels of performance, and classroom observations, the Odyssey Charter IEP team members recommended placement in a special day class at Odyssey's Charter's South Campus.

During the hearing, school witnesses Price, Phelan, Anastasia, Westin, Corona, Chavez, Santacruz, and South Campus special education teacher Amanda Larranaga, persuasively testified in support of placing Student at the South Campus. Each school witness was familiar with Student, his IEP, and the South Campus. Each witness was an experienced educator, qualified to testify in their area of testimony, and provided credible recommendations.

Unlike the open North Campus, the South Campus was an enclosed campus. The special day class had a single classroom door, which led to an inside hallway. To exit the school, Student would have to go through one door, down a hallway, and through the

administrative office filled with adults, and then out another door. Logistically, it was a more difficult process to elope from the classroom to the school parking lot at the South Campus, than at the North Campus. Moreover, the special day class was self-contained with its own restroom. There were less transitions and opportunities for Student to escape to the school parking lot than at the North Campus. Odyssey Charter witnesses persuasively testified that placing Student at the South Campus would substantially reduce the risk of Student being seriously injured or killed by a moving car in the school parking lot.

Odyssey Charter IEP team members persuasively testified that the South Campus special day class had less distractions than Student's present placement, thereby reducing triggers for maladaptive behavior. Each school witness believed the environmental change, from a general education classroom to a small, self-contained special day class with less students, noise, transitions, and distractions, would reduce Student's problem behaviors and risk of injury to others.

Larranaga taught the requested alternative interim educational setting. She had a masters' in education and six years of teaching experience. Larranaga had experience implementing IEPs and behavior intervention plans. Larranaga was familiar with Student's IEP. She persuasively testified that Student's IEP, including accommodations, goals, behavior intervention plan, and services, could be implemented with fidelity in her classroom at the South Campus.

There was a maximum of nine students in Larranaga's classroom, with normally only five students present, because of students being pulled out for related services or inclusion in a general education class. There were four adults in the classroom, and more could be added as provided by Student's IEP.

It was normal for students in the special day class to receive general education curriculum, or to be pulled out to attend a general education classroom, per their IEPs. Larranaga persuasively described that Student could also access general education curriculum in her classroom, or be pulled out to a general education classroom, per his IEP.

Larranaga credibly described her classroom as a safe environment with minimal distractions. Larranaga had experience working with students with behavior problems and was aware that reducing classroom items and noises helped reduce a student's distractibility, which was often a trigger for aggressive behaviors. Larranaga also had experience implementing behavior intervention plans. In sum, Larranaga credibly described the special day class at the South Campus as an appropriate interim educational setting for Student.

Overall, Odyssey Charter showed that its requested interim alternative educational setting would enable Student to be safe from self-injury or injury to others, to participate in the general education curriculum as appropriate, and to progress toward meeting the goals set out in his IEP. The interim alternative educational setting would also enable Student to receive a functional behavioral assessment, behavioral intervention services, and modifications designed to address his behavior problems.

Student failed to impugn the testimony of Odyssey Charters' witnesses or present persuasive evidence against placing Student at the interim alternative educational setting.

Based upon the foregoing, Odyssey Charter showed by a preponderance of the evidence that Odyssey's South Campus was an appropriate interim alternative

educational setting for Student. Consequently, Odyssey Charter may place Student at the South Campus, following Student's removal from the North Campus.

CONCLUSIONS AND PREVAILING PARTY

As required by California Education Code section 56507, subdivision (d), the hearing decision must indicate the extent to which each party has prevailed on each issue heard and decided.

Issue 1: Odyssey Charter proved that it may remove Student from Odyssey Charter's North Campus, because Student's behavior on campus is substantially likely to result in injury to Student or to others. Odyssey Charter prevailed on this issue.

Issue 2: Odyssey Charter proved that it may place Student at Odyssey Charter's South Campus, as an appropriate interim alternative setting, following Student's removal from Odyssey Charter's North Campus. Odyssey Charter prevailed on this issue.

ORDER

1. Within fifteen days of this Decision, Odyssey Charter may remove Student from Odyssey Charter's North Campus, the Altadena Campus, and place Student in the special day class at Odyssey Charter's South Campus, as an interim alternative educational setting.
2. The interim alternative educational setting shall last a maximum of 45 school days, at which point Odyssey Charter shall return Student to his placement at the North Campus, unless otherwise ordered.
3. The non-expedited hearing shall proceed as set, unless otherwise ordered.

RIGHT TO APPEAL THIS DECISION

This is a final administrative decision, and all parties are bound by it. Pursuant to Education Code section 56505, subdivision (k), any party may appeal this Decision to a court of competent jurisdiction within 90 days of receipt.

Paul H. Kamoroff

Paul H. Kamoroff (Feb 23, 2022 08:28 PST)

Paul Kamoroff
Administrative Law Judge
Office of Administrative Hearings

YOU BE THE JUDGE: Do absences, unfinished RTI justify refusal to evaluate teen with failing grades?

The parent of an Ohio 11th-grader with ADHD and oppositional defiant disorder asked the principal to evaluate her son for special education and related services. The student had a history of disruptiveness and verbal altercations and unexcused absences. For example, he was absent for nine days and missed most of his classes. He had failed all his classes the prior school year.

The district issued prior written notice declining to evaluate. The notice explained that the district “did not suspect a disability due to lack of intervention and excessive absences.” The PWN also stated the district could not rule out lack of instruction due to attendance issues as the cause of the student’s struggles and that it needed to collect RTI data.

The parent filed a state complaint alleging the district violated its child find obligation under the IDEA. The law provides that a district must evaluate a student if it has reason to suspect the student has a disability and needs special education and related services to address the disability. 34 CFR 300.111.

Does the district’s decision not to evaluate violate the IDEA?

- A. **YES.** If the district suspects a student of having a disability that results in a need for special education and related services, it must cease providing interventions and evaluate the student under the IDEA.
- B. **NO.** Because the student was often absent, the district could not collect data to determine how he was responding to interventions.
- C. **YES.** The district’s decision not to evaluate was based on its inability to first complete the RTI process due to the student’s absences.

8.8 Prevention and Intervention Updates

Verbal report, no materials

12th Annual Transition Resource Fair

The Transition Resource Fair is an annual event co-sponsored by the Desert/Mountain SELPA Transition Partnership Program (TPP), WorkAbility I Program (WA1), Employment Network (EN), Paid Internship Program (PIP), California Career Innovations (CCi), and GenerationGo! program. This resource-rich opportunity will provide parents, students with disabilities, educators, and all who attend, with information regarding resources and services available to students in grades 9 through 12.

Participants will have an opportunity to network with agencies regarding resources available for students with disabilities and will have an opportunity to be motivated by a learning disabilities advocate.

Presented By

Adrienne Shepherd, Program Manager

Date

April 19, 2022

Time

Resource Fair 5:30 - 7:30 p.m.

Location

Virtual, via Zoom. A link to the event will be sent to all registrants prior to the date of the resource fair.



Audience

Parents, students, and educators grades: 9th - 12th

Cost

No cost

Students, Parents, and Educators

Please register online at:

<https://sbcss.k12oms.org/52-212019>

Special Accommodations

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



CAHELP
17800 Highway 18
Apple Valley, CA 92307



Adrienne Shepherd Myles
adrienne.shepherd@cahelp.org
(760) 843-3982, ext. 216



www.cahelp.org/
<https://sbcss.k12oms.org>



ANNUAL DETERMINATION LETTERS

CDE released the Annual Determination Letters on March 14, 2022. Based on the Performance and/or Compliance determination for each LEA, there may be some next steps for the LEA to take. In the area of Performance Monitoring, an LEA can be identified as Targeted, Intensive or Significantly Disproportionate. An LEA can be identified for Compliance Monitoring as: Any Late IEPs/Initials, Late IEPs/Initials or No Improvement, or Late IEPs/Initials and No Improvement.

At this time, it is believed that an LEA identified in the area of Performance Monitoring would also need to address Compliance Monitoring, if they are identified for Compliance Monitoring. Some LEAs may only be identified in the area of Compliance, and would only need to conduct the Compliance activities with their associated level.

TARGETED 2 (DISPRO YR 1)

Targeted 2 LEAs will engage in the Compliance Improvement Monitoring (CIM) process. Some activities will be conducted independently, some with assistance and guidance of TA provider, and some with CDE support. The goal at the end of the monitoring period to have a fully developed improvement plan that seeks to implement a high leverage activity that will improve outcomes for students with disabilities in the area of disproportionality.

The required TA provider is the ED & D project.



TARGETED 3 (DISPRO YR 2)



These are required to independently complete the Policies, Practices and Procedures Review. LEA may choose to complete some additional activities to develop a plan with a TA provider, but the development of an improvement plan is not required. You may contact ED&D to discuss their support in developing and addressing equity and disproportionality in the LEA.

INTENSIVE 1-3

LEAs identified for level 1 intensive monitoring and support that are in the bottom 8-10 percent of LEAs for outcomes in Assessment, Placement and Student Engagement (Suspension and Attendance). LEAs identified for Intensive Level 2 are in the bottom 4-7.99 percent of LEAs. A CIM is required and the required TA provider is SIL.



SIGNIFICANT DISPROPORTIONALITY

Once identified as significantly disproportionate, the LEA is required to take mandatory actions including, but not limited to reserving, 15 percent of IDEA funds to provide CCEIS. The LEA is required to develop a CCEIS plan. The required technical assistance provider is SPP-TAP.

COMPLIANCE

An LEA can be identified in one of three levels for Compliance: Any Late IEPs/Initials, Late IEPs/Initials or No Improvement, or Late IEPs/Initials and No Improvement. Those that are in the Late IEPs/Initials and No Improvement are required to receive technical assistance to develop a plan and reduce the number of overdue IEPs and Initials Assessments.



CDE MONITORING INFORMATION:

Targeted 2 <https://www.cde.ca.gov/sp/se/qa/targetedlevel2.asp>
Targeted 3 <https://www.cde.ca.gov/sp/se/qa/targetedlevel3.asp>
Intensive 1: <https://www.cde.ca.gov/sp/se/qa/intensivelevel1.asp>
Intensive 2: <https://www.cde.ca.gov/sp/se/qa/intensivelevel2.asp>
Intensive 3 <https://www.cde.ca.gov/sp/se/qa/intensivelevel3.asp>

TECHNICAL ASSISTANCE RESOURCES:

Significant Disproportionality: <https://www.cde.ca.gov/sp/se/qa/sigdisp.asp>
Equity, Disproportionality & Design <https://equityanddesign.com/>
System Improvement Leads <https://systemimprovement.org/>
SPP TAP <http://www.spptap.org/>
CAL-TAN: www.caltan.info
East County ITSA: www.sdcoe.net/EastCountySELPA

Desert Mountain Charter SELPA
2019-20 AB602 Certified Funding

Local Education Agency	Annual R-1 6/18/21		Annual R-2 2/18/22		Annual R-2 less Annual R-1	
	Resource 6500	ADA	Resource 6500	ADA	Resource 6500	ADA
1 Allegiance STEAM Academy	262,608	635.14	262,607	635.14	(1)	-
2 Aveson Global Leadership Academy	115,930	367.88	115,930	367.88	-	-
3 Aveson School of Leaders	184,551	413.31	184,550	413.31	(1)	-
4 Ballington Academy	119,294	259.41	119,294	259.41	-	-
5 Desert Trails Preparatory Academy	245,324	518.28	245,324	518.28	-	-
6 Elite Academic Academy	280,813	546.58	280,813	546.58	-	-
7 Elite Academic Academy Adult Work Force	35,380	62.28	35,380	62.28	-	-
8 Encore - Hesperia	365,534	899.27	365,533	899.27	(1)	-
9 Encore - Riverside	326,834	751.17	326,833	751.17	(1)	-
10 Julia Lee Performing Arts Academy	109,645	231.20	109,644	231.20	(1)	-
11 Laverne Elementary Preparatory Academy	217,483	444.22	217,483	444.22	-	-
12 Leonardo da Vinci Health Sciences Charter	111,107	236.68	111,107	236.68	-	-
13 Odyssey Charter School	188,157	463.54	188,157	463.54	-	-
14 Odyssey Charter School South	103,597	225.33	103,597	225.33	-	-
15 Pasadena Rosebud Academy	83,102	182.70	83,102	182.70	-	-
16 Pathways to College	132,300	338.61	132,300	338.61	-	-
17 Taylion High Desert Academy	64,181	177.30	64,181	177.30	-	-
18 SELPA Low Incidence Entitlement (DCLI)	8,391	-	8,391	-	-	-
19 SELPA Related Services (0297)	27,973	-	27,973	-	-	-
20 County Regional Services	5,004	-	5,004	-	-	-
21 SELPA Program Specialists and Allocated Costs (DCPS)	495,650	-	495,649	-	(1)	-
22 SELPA Risk Pool (DCRP)	250,093	-	250,093	-	-	-
23 SELPA Set-Aside	141,256	-	141,256	-	-	-
24 Total	3,874,207	6,752.90	3,874,201	6,752.90	(6)	-

Desert/Mountain Charter SELPA
Schedule A - Special Education Revenue At-A-Glance
2019-20 Annual R2 Certified 2/18/2022

A	B	C	D	E	F	Adjustments						M	Revenue Distribution		
						G	H	I	J	K	L		N	O	P
	DMCS LEA	12/1/2019	2019-20 ADA	% of Total ADA	AB602 & Federal Local Assistance Apportionment 6500 & 3310 \$ 697.26	Program Specialists (3.52663%)	Allocated Costs (7%)	* Risk Pool Level (Non-Add)	Risk Pool Adjustment	Set Aside Pool (3%)	Purchased Services	Adjusted Apportionment	Federal IDEA Local Assistance	AB602 Apportionment	Adjusted Apportionment by Revenue Source
1	Local Education Agency														
2	Allegiance STEAM Academy	7/2018	86	635.14	9.41%	442,858	(15,618)	(31,000)	1	(22,143)	(13,286)	360,811	98,204	262,607	360,811
3	Aveson Global Leadership Academy	7/2015	77	367.88	5.45%	256,508	(9,046)	(17,956)		(17,956)	(7,695)	203,856	87,926	115,930	203,856
4	Aveson School of Leaders	7/2015	44	413.31	6.12%	288,185	(10,163)	(20,173)		(14,409)	(8,646)	234,794	50,243	184,550	234,794
5	Ballington Academy	7/2017	23	259.41	3.84%	180,876	(6,379)	(12,661)		(10,853)	(5,426)	145,557	26,264	119,294	145,557
6	Desert Trails Preparatory Academy	7/2013	43	518.28	7.67%	361,376	(12,744)	(25,296)		(18,069)	(10,841)	294,425	49,101	245,324	294,425
7	Elite Academic Academy	10/2018	26	546.58	8.09%	381,108	(13,440)	(26,678)		(19,055)	(11,433)	310,502	29,689	280,813	310,502
8	Elite Academic Academy Adult Work Force	10/2018	0	62.28	0.92%	43,425	(1,531)	(3,040)	1	(2,171)	(1,303)	35,380	-	35,380	35,380
9	Encore - Hesperia	7/2013	121	899.27	13.32%	627,025	(22,113)	(43,892)		(31,351)	(18,811)	503,703	138,169	365,533	503,703
10	Encore - Riverside	7/2015	79	751.17	11.12%	523,761	(18,471)	(36,663)		(26,188)	(15,713)	417,043	90,210	326,833	417,043
11	Julia Lee Performing Arts Academy	7/2018	19	231.20	3.42%	161,207	(5,685)	(11,284)		(8,060)	(4,836)	131,340	21,696	109,644	131,340
12	Laverne Elementary Preparatory Academy	7/2013	23	444.22	6.58%	309,737	(10,923)	(21,682)		(15,487)	(9,292)	243,746	26,264	217,483	243,746
13	Leonardo da Vinci Health Sciences Charter	7/2019	19	236.68	3.50%	165,028	(5,820)	(11,552)		(9,902)	(4,951)	132,803	21,696	111,107	132,803
14	Odyssey Charter School	7/2015	63	463.54	6.86%	323,208	(11,398)	(22,625)		(19,392)	(9,696)	260,096	71,939	188,157	260,096
15	Odyssey Charter School South	7/2018	20	225.33	3.34%	157,114	(5,541)	(10,998)		(9,427)	(4,713)	126,435	22,838	103,597	126,435
16	Pasadena Rosebud Academy	7/2018	17	182.70	2.71%	127,389	(4,493)	(8,917)	2	(7,643)	(3,822)	102,515	19,412	83,102	102,515
17	Pathways to College	7/2016	46	338.61	5.01%	236,099	(8,326)	(16,527)		(11,805)	(7,083)	184,827	52,527	132,300	184,827
18	Taylton High Desert Academy	7/2013	32	177.30	2.63%	123,624	(4,360)	(8,654)	1	(6,181)	(3,709)	100,721	36,540	64,181	100,721
19	Low Incidence Materials/Services (DMLI)				8,391		2					8,391	-	8,391	8,391
20	SELPA Program Specialists (DCPS)				-	166,052						166,052	-	166,052	166,052
21	SELPA Allocated Costs (DCPS)				-		329,597					329,597	-	329,597	329,597
22	SELPA Risk Pool (DCRP)				-					250,093		250,093	-	250,093	250,093
23	SELPA Set Aside Pool (DCSA)				-						141,256	141,256	-	141,256	141,256
24	SELPA-Related Services (0297)				-							27,973	-	27,973	27,973
25	SELPA Mental Health				-							-	-	-	-
26	County Regional Services										5,004	5,004		5,004	5,004
27															
28															
29															
30															
31															
32	Total		738	6,752.90	100.00%	4,716,919	-	-		-	-	4,716,919	842,718	3,874,201	4,716,917

* Risk Pool

Level 1	5%
Level 2	6%
Level 3	7%
Level 4	8%



California Department of Education
School Fiscal Services Division

SELPA Special Education Funding Exhibit - Charter SELPA

SELPA: 36-SA00 San Bernardino COE: Desert
Mountain Charter
District: San Bernardino Co. Office of Education

Period: 2019-20 Annual R2
CDS Code: 36 10363

ADA and STATEWIDE TARGET and COLA RATES

SELPA Total ADA	A-1	<u>6,752.90</u>
Prior Year SELPA Total ADA	A-2	<u>6,161.81</u>
Prior Prior Year SELPA Total ADA	A-3	<u>4,860.26</u>
Prior Year Statewide Target Rate (STR)	A-4 \$	<u>539.6781000593</u>
Current Year Cost of Living Adjustment (COLA) Factor	A-5	<u>1.03260</u>
Current Year COLA Rate (A-4 * (A-5 - 1))	A-6 \$	<u>17.5935060619</u>
Current Year STR (A-4 + A-6)	A-7 \$	<u>557.2716061212</u>

BASE APPORTIONMENT [EC 47644]

Base Apportionment (A-1 * A-7)	B-1 \$	<u>3,763,199.43</u>
Base Proration Factor	B-2	<u>0.9976697645</u>
Adjusted Base Apportionment (B-1 * B-2)	B-3 \$	<u>3,754,430.29</u>
Local Special Education Property Taxes [EC 2572]	B-4 \$	<u>0.00</u>
Applicable Excess ERAF	B-5 \$	<u>0.00</u>
Total Deductions (B-4 + B-5)	B-6 \$	<u>0.00</u>
Net Funding Entitlement (B-3 - B-6)	B-7 \$	<u>3,754,430.29</u>

PROGRAM SPECIALISTS/REGIONALIZED SERVICES (PS/RS) [EC 56836.24]

Prior Year Statewide Average PS/RS Rate	C-1 \$	<u>15.9729049144</u>
Current Year Statewide Average PS/RS Rate (C-1 * A-5)	C-2 \$	<u>16.4936216146</u>
PS/RS Entitlement (A-1 * C-2)	C-3 \$	<u>111,379.78</u>
PS/RS Proration Factor	C-4	<u>1.0000000000</u>
PS/RS Apportionment (C-3 * C-4)	C-5 \$	<u>111,379.78</u>

LOW INCIDENCE [EC 56836.22]

Low Incidence Disabilities PY December Pupil Count	D-1	<u>18</u>
--	-----	-----------

Low Incidence Rate	D-2 \$	<u>466.1811131273</u>
Low Incidence Apportionment (D-1 * D-2)	D-3 \$	<u>8,391.26</u>

EXTRAORDINARY COST POOL FOR NONPUBLIC NONSECTARIAN SCHOOLS (NPS) / LICENSED CHILDRENS INSTITUTIONS (LCI) [EC 56836.21]

NPS/LCI Extraordinary Cost Pool Apportionment	E-1 \$	<u>0</u>
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APPORTIONMENT SUMMARY

Net Funding Entitlement (B-7)	F-1 \$	<u>3,754,430.29</u>
Program Specialists/Regionalized Services (C-5)	F-2 \$	<u>111,379.78</u>
Low Incidence (D-3)	F-3 \$	<u>8,391.26</u>
Extraordinary Cost Pool (E-1, Annual Only)	F-4 \$	<u>0</u>
Total Apportionment (Sum of F-1 through F-4)	F-5 \$	<u>3,874,201</u>

Export to Excel

Questions: Principal Apportionment Section | pase@cde.ca.gov | 916-324-4541

[Web Policy](#)

Desert Mountain Charter SELPA
2020-21 AB602 Certified Funding

Local Education Agency	P-2 6/18/21		Annual 2/18/22		Annual less P-2	
	Resource 6500	ADA	Resource 6500	ADA	Resource 6500	ADA
1 Allegiance STEAM Academy	413,085	773.60	413,085	773.60	-	-
2 Aveson Global Leadership Academy	172,786	367.88	172,786	367.88	-	-
3 Aveson School of Leaders	227,356	413.31	227,356	413.31	-	-
4 Ballington Academy	147,189	259.41	147,189	259.41	-	-
5 Desert Trails Preparatory Academy	301,259	518.28	301,259	518.28	-	-
6 Elite Academic Academy Lucerne	305,439	546.58	305,439	546.58	-	-
7 Elite Academic Academy Virtual Prep	36,144	62.28	36,144	62.28	-	-
8 Encore - Hesperia	463,683	899.27	463,683	899.27	-	-
9 Julia Lee Performing Arts Academy	150,843	299.90	150,843	299.90	-	-
10 Laverne Elementary Preparatory Academy	265,661	444.22	265,661	444.22	-	-
11 Leonardo da Vinci Health Sciences Charter	122,541	236.68	122,541	236.68	-	-
12 Odyssey Charter School	250,190	463.54	250,190	463.54	-	-
13 Odyssey Charter School South	140,481	254.10	140,481	254.10	-	-
14 Pasadena Rosebud Academy	107,795	182.70	107,795	182.70	-	-
15 Pathways to College	166,806	342.80	166,806	342.80	-	-
16 Taylion High Desert Academy	83,034	177.30	83,034	177.30	-	-
17 Low Incidence Materials/Services (DMLI)	57,958	-	57,958	-	-	-
18 SELPA Program Specialists (DCPS)	179,759	-	179,759	-	-	-
19 SELPA Allocated Costs (DCPS)	356,803	-	356,803	-	-	-
20 SELPA Risk Pool (DCRP)	265,002	-	265,002	-	-	-
21 SELPA Set Aside Pool (DCSA)	152,916	-	152,916	-	-	-
22 SELPA-Related Services (0297)	17,611	-	17,611	-	-	-
23 SELPA Mental Health	-	-	-	-	-	-
24 County Regional Services	5,559	-	5,559	-	-	-
25 Total	4,389,900	6,241.85	4,389,900	6,241.85	-	-

Desert/Mountain Charter SELPA
 Schedule A - Special Education Revenue At-A-Glance
 2020-21 Annual Certified 2/18/2022

A	B	C	D	E	F	Adjustments						M	Revenue Distribution		
						G	H	I	J	K	L		N	O	P
	DMCS LEA	Pupil Count	ADA	% of Total ADA	AB602 & Federal Local Assistance Apportionment 6500 & 3310 \$ 816.62	Program Specialists (3.52663%)	Allocated Costs (7%)	* Risk Pool Level (Non-Add)	Risk Pool Adjustment	Set Aside Pool (3%)	Purchased Services	Adjusted Apportionment	Federal IDEA Local Assistance	AB602 Apportionment	Adjusted Apportionment by Revenue Source
1	Local Education Agency														
2	Allegiance STEAM Academy	7/2018	96	773.60	12.39%	631,733	(22,279)	(44,221)	1	(31,587)	(18,952)	514,695	101,610	413,085	514,695
3	Aveson Global Leadership Academy	7/2015	68	367.88	5.89%	300,416	(10,595)	(21,029)		(15,021)	(9,012)	244,759	71,973	172,786	244,759
4	Aveson School of Leaders	7/2015	45	413.31	6.62%	337,515	(11,903)	(23,626)		(16,876)	(10,125)	274,985	47,629	227,356	274,985
5	Ballington Academy	7/2017	24	259.41	4.16%	211,838	(7,471)	(14,829)		(10,592)	(6,355)	172,592	25,402	147,189	172,592
6	Desert Trails Preparatory Academy	7/2013	37	518.28	8.30%	423,235	(14,926)	(29,626)		(21,162)	(12,697)	340,421	39,162	301,259	340,421
7	Elite Academic Academy Lucerne	10/2018	55	546.58	8.76%	446,346	(15,741)	(31,244)		(22,317)	(13,390)	363,653	58,214	305,439	363,653
8	Elite Academic Academy Virtual Prep	10/2018	5	62.28	1.00%	50,859	(1,794)	(1,560)	1	(2,543)	(1,526)	41,436	5,292	36,144	41,436
9	Encore - Hesperia	7/2013	115	899.27	14.41%	734,358	(25,898)	(51,405)		(44,061)	(22,031)	585,403	121,720	463,683	585,403
10	Julia Lee Performing Arts Academy	7/2018	46	299.90	4.80%	244,903	(8,637)	(17,143)		(12,245)	(7,347)	199,531	48,688	150,843	199,531
11	Laverne Elementary Preparatory Academy	7/2013	22	444.22	7.12%	362,757	(12,793)	(25,393)		(18,138)	(10,883)	288,946	23,286	265,661	288,946
12	Leonardo da Vinci Health Sciences Charter	7/2019	33	236.68	3.79%	193,276	(6,816)	(13,529)		(9,664)	(5,798)	157,469	34,928	122,541	157,469
13	Odyssey Charter School	7/2015	55	463.54	7.43%	378,534	(13,349)	(26,497)		(18,927)	(11,356)	308,404	58,214	250,190	308,404
14	Odyssey Charter School South	7/2018	27	254.10	4.07%	207,502	(7,318)	(14,525)		(10,375)	(6,225)	169,059	28,578	140,481	169,059
15	Pasadena Rosebud Academy	7/2018	13	182.70	2.93%	149,196	(5,262)	(10,444)		(7,460)	(4,476)	121,555	13,760	107,795	121,555
16	Pathways to College	7/2016	49	342.80	5.49%	279,936	(9,872)	(19,595)		(16,796)	(8,398)	218,670	51,863	166,806	218,670
17	Taylton High Desert Academy	7/2013	33	177.30	2.84%	144,786	(5,106)	(10,135)		(7,239)	(4,344)	117,962	34,928	83,034	117,962
18	Low Incidence Materials/Services (DMLI)					57,958		1				57,958	-	57,958	57,958
19	SELPA Program Specialists (DCPS)					-	179,759	1		-		179,759	-	179,759	179,759
20	SELPA Allocated Costs (DCPS)					-	356,803	1				356,803	-	356,803	356,803
21	SELPA Risk Pool (DCRP)					-		1		265,002		265,002	-	265,002	265,002
22	SELPA Set Aside Pool (DCSA)					-					152,916	152,916	-	152,916	152,916
23	SELPA-Related Services (0297)					-					17,611	17,611	-	17,611	17,611
24	SELPA Mental Health					-						-	-	-	-
25	County Regional Services										5,559	5,559		5,559	5,559
26															
27															
28															
29															
30															
31	Total		723	6,241.85	100.00%	5,155,147	-	-		-	-	5,155,147	765,247	4,389,900	5,155,148

* Risk Pool

Level 1	5%
Level 2	6%
Level 3	7%
Level 4	8%



California Department of Education
School Fiscal Services Division

SELPA Special Education Funding Exhibit - Charter SELPA

SELPA: 36-SA00 San Bernardino COE: Desert
Mountain Charter
District: San Bernardino Co. Office of Education

Period: 2020-21 Annual
CDS Code: 36 10363

ADA [EC 56836.144] and COLA [EC 56836.14]

Current Year SELPA Total ADA	A-1	<u>6,241.85</u>
Prior Year SELPA Total ADA	A-2	<u>6,752.90</u>
Second Prior Year SELPA Total ADA	A-3	<u>6,161.81</u>
SELPA Funded ADA (Greater of A-1, A-2, or A-3)	A-4	<u>6,752.90</u>
2019-20 SELPA Funded ADA	A-5	<u>6,752.90</u>
Cost-of-Living Adjustment (COLA) Factor	A-6	<u>1.0000</u>

BASE RATE [EC 56836.146] and BASE GRANT FUNDING [EC 56836.148]

Prior Year SELPA Base Rate	B-1 \$	<u>557.2716061212</u>
Minimum SELPA Base Rate	B-2 \$	<u>625.00</u>
SELPA Base Rate (Greater of B-1 or B-2)	B-3	<u>625.0000000000</u>
Base Grant Entitlement (A-4 * B-3)	B-4 \$	<u>4,220,562.50</u>
Base Proration Factor	B-5	<u>1.0000000000</u>
Adjusted Base Grant Entitlement (B-4 * B-5)	B-6 \$	<u>4,220,562.50</u>

GENERAL FUNDING [EC 56836.15]

Local Special Education Property Taxes [EC 2572]	C-1 \$	<u>0.00</u>
Applicable Excess ERAF	C-2 \$	<u>0.00</u>
Total Deductions (C-1 + C-2)	C-3 \$	<u>0.00</u>
Net Funding Entitlement (B-6 - C-3)	C-4 \$	<u>4,220,562.50</u>

PROGRAM SPECIALISTS/REGIONALIZED SERVICES (PS/RS) [EC 56836.24]

2019-20 Statewide Average PS/RS Rate	D-1 \$	<u>16.4936216146</u>
Current Year Statewide Average PS/RS Rate (D-1 * A-6)	D-2 \$	<u>16.4936216146</u>
PS/RS Entitlement (A-5 * D-2)	D-3 \$	<u>111,379.78</u>

PS/RS Proration Factor	D-4	<u>1.0000000000</u>
PS/RS Apportionment (D-3 * D-4)	D-5 \$	<u>111,379.78</u>

LOW INCIDENCE [EC 56836.22]

CALPADS Fall 1 Prior Year Low Incidence Pupil Counts	E-1	<u>19</u>
Low Incidence Rate	E-2 \$	<u>3,050.4314230522</u>
Low Incidence Apportionment (E-1 * E-2)	E-3 \$	<u>57,958.20</u>

EXTRAORDINARY COST POOL FOR NONPUBLIC NONSECTARIAN SCHOOLS (NPS) / LICENSED CHILDRENS INSTITUTIONS (LCI) [EC 56836.21]

NPS/LCI Extraordinary Cost Pool Apportionment	F-1 \$	<u>0</u>
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APPORTIONMENT SUMMARY

Net Funding Entitlement (C-4)	G-1 \$	<u>4,220,562.50</u>
Program Specialists/Regionalized Services (D-5)	G-2 \$	<u>111,379.78</u>
Low Incidence (E-3)	G-3 \$	<u>57,958.20</u>
Extraordinary Cost Pool (F-1, Annual Only)	G-4 \$	<u>0</u>
Total Apportionment (Sum of G-1 through G-4)	G-5 \$	<u>4,389,900</u>

Export to Excel

Questions: Principal Apportionment Section | pase@cde.ca.gov | 916-324-4541

Web Policy

Desert/Mountain Charter SELPA
 Schedule A - Special Education Revenue At-A-Glance
 2021-22 P-1 Certified 2/18/2022

A	B	C	D	E	F	Adjustments						M	Revenue Distribution			
						G	H	I	J	K	L		N	O	P	
	DMCS LEA	Pupil Count Fall1 Draft	ADA	% of Total ADA	AB602 & Federal Local Assistance Apportionment 6500 & 3310 \$	Program Specialists (3.52663%)	Allocated Costs (7%)	* Risk Pool Level (Non-Add)	Risk Pool Adjustment	Set Aside Pool (3%)	Purchased Services	Adjusted Apportionment	Federal IDEA Local Assistance	AB602 Apportionment	Adjusted Apportionment by Revenue Source	
1	Local Education Agency				885.16											
2	Allegiance STEAM Academy	7/2018	109	839.79	12.91%	743,350	(26,215)	(52,035)	1	(37,168)	(22,301)		605,632	105,303	500,330	605,632
3	ASA Charter	7/2021	20	196.33	3.02%	173,784	(6,129)	(12,165)	2	(10,427)	(5,214)		139,850	19,322	120,528	139,850
4	Aveson Global Leadership Academy	7/2015	56	240.61	3.70%	212,979	(7,511)	(14,909)	1	(10,649)	(6,389)		173,521	54,100	119,421	173,521
5	Aveson School of Leaders	7/2015	50	336.70	5.18%	298,034	(10,511)	(20,862)	1	(14,902)	(8,941)	-	242,818	48,304	194,514	242,818
6	Ballington Academy	7/2017	25	182.22	2.80%	161,294	(5,688)	(11,291)		(8,065)	(4,839)	-	131,412	24,152	107,260	131,412
7	Desert Trails Preparatory Academy	7/2013	35	482.72	7.42%	427,285	(15,069)	(29,910)		(21,364)	(12,819)	(6,858)	341,266	33,813	307,453	341,266
8	Elite Academic Academy - Lucerne (0136960)	10/2018	71	682.03	10.49%	603,707	(21,291)	(42,259)		(30,185)	(18,111)	-	491,860	68,592	423,269	491,860
9	Encore - Hesperia	7/2013	106	659.90	10.15%	584,118	(20,600)	(40,888)		(29,206)	(17,524)	(3,587)	472,314	102,404	369,909	472,314
10	Julia Lee Performing Arts Academy	7/2018	51	336.16	5.17%	297,556	(10,494)	(20,829)		(14,878)	(8,927)	-	242,429	49,270	193,159	242,429
11	Laverne Elementary Preparatory Academy	7/2013	26	486.65	7.48%	430,764	(15,191)	(30,153)		(21,538)	(12,923)	(2,858)	348,100	25,118	322,982	348,100
12	Leonardo da Vinci Health Sciences Charter	7/2019	25	222.41	3.42%	196,869	(6,943)	(13,781)		(9,843)	(5,906)	-	160,396	24,152	136,244	160,396
13	Odyssey Charter School	7/2015	56	440.08	6.77%	389,542	(13,738)	(27,268)		(19,477)	(11,686)		317,373	54,100	263,273	317,373
14	Odyssey Charter School South	7/2018	36	299.25	4.60%	264,885	(9,342)	(18,542)		(13,244)	(7,947)	-	215,810	34,779	181,032	215,810
15	Pasadena Rosebud Academy	7/2018	12	154.69	2.38%	136,926	(4,829)	(9,585)	1	(6,846)	(4,108)	-	111,558	11,593	99,965	111,558
16	Pathways to College	7/2016	45	314.38	4.83%	278,277	(9,814)	(19,479)		(13,914)	(8,348)	(7,430)	219,292	43,474	175,818	219,292
17	Taylton High Desert Academy	7/2013	39	232.52	3.58%	205,818	(7,258)	(14,407)		(10,291)	(6,175)	-	167,687	37,677	130,010	167,687
18	Virtual Prep Academy Lucerne - EAA (0138107)	10/2018	78	396.01	6.09%	350,533	(12,362)	(24,537)		(17,527)	(10,516)		285,591	75,354	210,237	285,591
20	Low Incidence Materials/Services (DMLI)				59,418								59,418	-	59,418	59,418
21	SELPA Program Specialists (DCPS)				-	202,983	1						202,983	-	202,983	202,983
22	SELPA Allocated Costs (DCPS)				-		402,900						402,900	-	402,900	402,900
23	SELPA Risk Pool (DCRP)				-		1			289,524			289,524	-	289,521	289,521
24	SELPA Set Aside Pool (DCSA)				-						172,672		172,672	-	172,672	172,672
25	SELPA-Related Services (0297)				-							17,146	17,146	-	17,146	17,146
26	SELPA Mental Health												-		-	-
27	County Regional Services											3,587	3,587		3,587	3,587
28																
29																
30																
31																
32																
33	Total		840	6,502.45	100.00%	5,815,138	-	-		-	-	-	5,815,138	811,507	5,003,631	5,815,134

* Risk Pool
 Level 1 5%
 Level 2 6%
 Level 3 7%
 Level 4 8%

Desert/Mountain Charter SELPA
Schedule A - Special Education Revenue At-A-Glance
2021-22 P-2 Projection

2021-22 SPED Funding Exhibit

ADA AND COLA EC 56836.144			
2021-22 SELPA Total K-12 ADA	A-1	\$	6,502.45
Prior Year SELPA Total ADA	A-2	\$	6,241.85
Prior Prior Year SELPA Total ADA	A-3	\$	6,752.90
SELPA Funded ADA (Greater of A-1, A-2, or A-3)	A-4	\$	6,752.90
2019-20 SELPA Funded ADA	A-5	\$	6,752.90
Cost-of-Living Adjustment (COLA) Factor	A-6		1.0170
BASE RATE EC 56836.146 & BASE GRANT FUNDING EC 56836.148			
Prior Year SELPA Base Rate	B-1	\$	570.1445802226
SELPA Base Rate (A-6 * B-1)	B-2	\$	579.8370380864
Minimum SELPA Base Rate	B-3	\$	715.00
Funded SELPA Base Rate (Greater of B-2 or B-3)	B-4	\$	715.00
Base Grant Entitlement (A-4 * B-4)	B-5	\$	4,828,323.50
Base Proration Factor	B-6	\$	1.00
Adjusted Base Grant Entitlement (B-5 * B-6)	B-7	\$	4,828,323.50
GENERAL FUNDING EC 56836.15			
Local Special Education Property Taxes (E.C. 2572)	C-1	\$	-
Applicable Excess ERAF	C-2	\$	-
Total Deductions (C-1 + C-2)	C-3	\$	-
Net Funding Entitlement (B-7- C-3)	C-4	\$	4,828,323.50
PROGRAM SPECIALISTS/REGIONALIZED SERVICES (PS/RS) EC 56836.24 & 56836.31			
Prior Year Statewide Average PS/RS Rate	D-1	\$	16.4936216146
Current Year Statewide Average PS/RS Rate (D-1 * A-6)	D-2	\$	17.1614928866
PS/RS Entitlement (A-5 * D-2)	D-3	\$	115,889.85
PS/RS Proration Factor	D-4	\$	1.0000000000
PS/RS Apportionment (D-3 * D-4)	D-5	\$	115,889.85
LOW INCIDENCE EC 56836.22			
CALPADS Fall 1 PY Low Incidence Pupil Counts	E-1	\$	18.00
Low Incidence Rate	E-2	\$	3,300.99275557
Low Incidence Apportionment (E-1 * E-2)	E-3	\$	59,417.87
EXTRAORDINARY COST POOL FOR NONPUBLIC NONSECTARIAN SCHOOLS (NPS) / LICENSED CHILDREN'S INSTITUTIONS (LCI) EC 56836.21			
NPS/LCI Extraordinary Cost Pool Apportionment	F-1	\$	-
APPORTIONMENT SUMMARY			
Net Funding Entitlement (C-4)	J-1	\$	4,828,323.50
PS/RS Apportionment (D-5)	J-2	\$	115,889.85
Low Incidence (E-3)	J-3	\$	59,417.87
Extraordinary Cost Pool Apportionment (F-1, Annual Only)	J-5	\$	-
Total Apportionment (Sum of J-1 through J-6)	J-7	\$	5,003,631
Federal Local Assistance Grant		\$	811,507
Total Funding with Local Assistance		\$	5,815,138

Desert/Mountain Charter SELPA
Schedule A - Special Education Revenue At-A-Glance
2021-22 P-2 Projection

	Local Education Agency	SELPA-Related Services	County Regional Services	Total Purchased Services
1				
2	Allegiance STEAM Academy	-	-	-
3	ASA Charter			
4	Aveson Global Leadership Academy	-	-	-
5	Aveson School of Leaders	-	-	-
6	Ballington Academy	-	-	-
7	Desert Trails Preparatory Academy	6,858	-	6,858
8	Elite Academic Academy - Lucerne (0136960)	-	-	-
9	Encore - Hesperia	-	3,587	3,587
10	Julia Lee Performing Arts Academy	-	-	-
11	Laverne Elementary Preparatory Academy	2,858	-	2,858
12	Leonardo da Vinci Health Sciences Charter	-	-	-
13	Odyssey Charter School	-	-	-
14	Odyssey Charter School South	-	-	-
15	Pasadena Rosebud Academy	-	-	-
16	Pathways to College	7,430	-	7,430
17	Taylion High Desert Academy	-	-	-
18	Virtual Prep Academy Lucerne - EAA (0138107)	-	-	-
19		-	-	-
20				
21				
22	Total Purchased Services	17,146	3,587	20,733



California Department of Education
School Fiscal Services Division

SELPA Special Education Funding Exhibit - Charter SELPA

SELPA: 36-SA00 San Bernardino COE: Desert
Mountain Charter
District: San Bernardino Co. Office of Education

Period: 2021-22 P-1
CDS Code: 36 10363

ADA [EC 56836.144] and COLA [EC 56836.14]

Current Year SELPA Total ADA	A-1	<u>6,502.45</u>
Prior Year SELPA Total ADA	A-2	<u>6,241.85</u>
Second Prior Year SELPA Total ADA	A-3	<u>6,752.90</u>
SELPA Funded ADA (Greater of A-1, A-2, or A-3)	A-4	<u>6,752.90</u>
2019-20 SELPA Funded ADA	A-5	<u>6,752.90</u>
Cost-of-Living Adjustment (COLA) Factor	A-6	<u>1.0170</u>

BASE RATE [EC 56836.146] and BASE GRANT FUNDING [EC 56836.148]

Prior Year SELPA Base Rate	B-1 \$	<u>570.1445802226</u>
SELPA Base Rate (A-6 * B-1)	B-2 \$	<u>579.8370380864</u>
Minimum SELPA Base Rate	B-3 \$	<u>715.00</u>
Funded SELPA Base Rate (Greater of B-2 or B-3)	B-4	<u>715.0000000000</u>
Base Grant Entitlement (A-4 * B-4)	B-5 \$	<u>4,828,323.50</u>
Base Proration Factor	B-6	<u>1.0000000000</u>
Adjusted Base Grant Entitlement (B-5 * B-6)	B-7 \$	<u>4,828,323.50</u>

GENERAL FUNDING [EC 56836.15]

Local Special Education Property Taxes [EC 2572]	C-1 \$	<u>0.00</u>
Applicable Excess ERAF	C-2 \$	<u>0.00</u>
Total Deductions (C-1 + C-2)	C-3 \$	<u>0.00</u>
Net Funding Entitlement (B-7 - C-3)	C-4 \$	<u>4,828,323.50</u>

PROGRAM SPECIALISTS/REGIONALIZED SERVICES (PS/RS) [EC 56836.24]

Prior Year Statewide Average PS/RS Rate	D-1 \$	<u>16.8746242739</u>
Current Year Statewide Average PS/RS Rate (D-1 * A-6)	D-2 \$	<u>17.1614928866</u>

PS/RS Entitlement (A-5 * D-2)	D-3 \$	<u>115,889.85</u>
PS/RS Proration Factor	D-4	<u>1.0000000000</u>
PS/RS Apportionment (D-3 * D-4)	D-5 \$	<u>115,889.85</u>
LOW INCIDENCE [EC 56836.22]		
CALPADS Fall 1 Prior Year Low Incidence Pupil Counts	E-1	<u>18</u>
Low Incidence Rate	E-2 \$	<u>3,300.9927555675</u>
Low Incidence Apportionment (E-1 * E-2)	E-3 \$	<u>59,417.87</u>
OUT-OF-HOME CARE [EC 56836.168]		
Out-of-Home Care Apportionment	F-1 \$	<u>0.00</u>
EXTRAORDINARY COST POOL FOR NONPUBLIC NONSECTARIAN SCHOOLS (NPS) / LICENSED CHILDRENS INSTITUTIONS (LCI) [EC 56836.21]		
NPS/LCI Extraordinary Cost Pool Apportionment	G-1 \$	<u>0</u>
APPORTIONMENT SUMMARY		
Net Funding Entitlement (C-4)	H-1 \$	<u>4,828,323.50</u>
Program Specialists/Regionalized Services (D-5)	H-2 \$	<u>115,889.85</u>
Low Incidence (E-3)	H-3 \$	<u>59,417.87</u>
Out-of-Home Care (F-1)	H-4 \$	<u>0</u>
Extraordinary Cost Pool (G-1, Annual Only)	H-5 \$	<u>0</u>
Total Apportionment (Sum of H-1 through H-5)	H-6 \$	<u>5,003,631</u>

[Export to Excel](#)

Questions: [Principal Apportionment Section](#) | pase@cde.ca.gov | 916-324-4541

[Web Policy](#)

Desert/Mountain Charter SELPA
 Dispute Prevention Dispute Resolution (Resource 6536)
 Claim Summary 3/15/2022

Total Apportionment	91,956
Desert/Mountain Charter SELPA	18,391
Charter Allocation	73,565

<u>LEA</u>	<u>Allocation by LEA</u>	<u>Amount Claimed</u>	<u>Balance</u>
Allegiance STEAM Academy	9,741	-	9,741.00
Aveson Global Leadership Academy	6,900	-	6,900.00
Aveson School of Leaders	4,668	-	4,668.00
Ballington Academy	2,537	-	2,537.00
Desert Trails Preparatory Academy	3,856	-	3,856.00
Elite Academic Academy Lucerne	5,682	5,682.00	-
Encore High School	11,567	-	11,567.00
Julia Lee Performing Arts Academy	4,465	-	4,465.00
Laverne Elementary Preparatory Academy	2,232	-	2,232.00
Leonardo da Vinci	3,450	-	3,450.00
Odyssey Charter School	5,581	-	5,581.00
Odyssey Charter School South	2,740	-	2,740.00
Pasadena Rosebud Academy	1,319	-	1,319.00
Pathways to College	4,972	-	4,972.00
Taylion High Desert Academy	3,348	-	3,348.00
Virtual Prep Lucerne	507	-	507.00
	73,565	5,682.00	67,883.00

Desert/Mountain Charter SELPA
 Learning Recovery Support (Resource 6537)
 Claim Summary 3/15/2022

Apportionment	413,801
Desert/Mountain Charter SELPA	82,760
Charter Allocation	331,041

<u>LEA</u>	<u>Allocation by LEA</u>	<u>Amount Claimed</u>	<u>Balance</u>
Allegiance STEAM Academy	43,834	-	43,834.00
Aveson Global Leadership Academy	31,049	-	31,049.00
Aveson School of Leaders	21,004	-	21,004.00
Ballington Academy	11,415	-	11,415.00
Desert Trails Preparatory Academy	17,351	-	17,351.00
Elite Academic Academy Lucerne	25,570	25,570.00	-
Encore High School	52,055	-	52,055.00
Julia Lee Performing Arts Academy	20,091	-	20,091.00
Laverne Elementary Preparatory Academy	10,045	-	10,045.00
Leonardo da Vinci	15,525	-	15,525.00
Odyssey Charter School	25,113	-	25,113.00
Odyssey Charter School South	12,328	-	12,328.00
Pasadena Rosebud Academy	5,936	-	5,936.00
Pathways to College	22,374	-	22,374.00
Taylion High Desert Academy	15,068	-	15,068.00
Virtual Prep Lucerne	2,283	-	2,283.00
	331,041	25,570.00	305,471.00

**Desert/Mountain Charter SELPA
One-Time Funding Summary - Federal and State**

LEA	ARP IDEA 611 Local Assistance Entitlements Resource 3305 (7/1/2021- 9/30/23)
Allegiance STEAM Academy	30,980
ASA Charter School	5,685
Aveson Global Leadership Academy	15,917
Aveson School of Leaders	14,212
Ballington Academy	7,106
Desert Trails Preparatory Academy	9,948
Elite Academic Academy Lucerne	20,181
Encore High School	30,129
Julia Lee Performing Arts Academy	14,496
Laverne Elementary Preparatory Academ	7,390
Leonardo da Vinci	7,106
Odyssey Charter School	15,917
Odyssey Charter School South	10,232
Pasadena Rosebud Academy	3,411
Pathways to College	12,791
Taylion High Desert Academy	11,085
Virtual Prep Lucerne	22,170
Total	238,756

LEA	Dispute Prevention/ Resolution Resource 6536 (Encumber by 6/30/2023)	Learning Recovery Support Resource 6537 (Encumber by 6/30/2023)	Total
Allegiance STEAM Academy	9,741	43,834	53,575
ASA Charter School	-	-	-
Aveson Global Leadership Academy	6,900	31,049	37,949
Aveson School of Leaders	4,668	21,004	25,672
Ballington Academy	2,537	11,415	13,952
Desert Trails Preparatory Academy	3,856	17,351	21,207
Elite Academic Academy Lucerne	5,682	25,570	31,252
Encore High School	11,567	52,055	63,622
Julia Lee Performing Arts Academy	4,465	20,091	24,556
Laverne Elementary Preparatory Academ	2,232	10,045	12,277
Leonardo da Vinci	3,450	15,525	18,975
Odyssey Charter School	5,581	25,113	30,694
Odyssey Charter School South	2,740	12,328	15,068
Pasadena Rosebud Academy	1,319	5,936	7,255
Pathways to College	4,972	22,374	27,346
Taylion High Desert Academy	3,348	15,068	18,416
Virtual Prep Lucerne	507	2,283	2,790
	73,565	331,041	404,606



California Association of Health & Education Linked
Professions
17800 Highway 18
Apple Valley, CA 92307-1219

760-552-6700
760-242-5363
www.dmselpa.org

MEMORANDUM

DATE: March 11, 2022

TO: Special Education Directors and Coordinators
MIS Contacts

FROM: Colette Garland, MIS Support Analyst
Desert/Mountain SELPA and Charter SELPA

SUBJECT: 2021 -2022 Personnel Data Report

Attached is a copy of the instructions and Excel worksheet for completing the Personnel Data Report. All information submitted must reflect personnel as of October 6, 2021 which was CALPADS census date and aligns with CALPADS Fall 1 reporting date. Please review this in its entirety and complete the attached Excel spreadsheet for your LEA. Return the completed worksheet it to Colette Garland, MIS Support Analyst by email at colette.garland@cahelp.org by **Friday, April 8th by 5:00 p.m.** Please DO NOT submit this information directly to the California Department of Education. The SELPA is responsible for collecting and consolidating all LEA reports with the SELPA level report and will submit data through the SEPDA website. Certification page will be signed at the SELPA level for completion of submission.

Your assistance in this process is greatly appreciated. Please do not hesitate to contact me at (760) 955-3565 or email at colette.garland@cahelp.org if you have questions and/or if I can be of further assistance.

Attachments:

- 2021 – 22 Technical Assistance Guide (TAG)
- 2021 – 22 Blank CDE Spreadsheet (to be returned to Colette Garland)
- 2020 – 21 Previous LEA Completed Spreadsheet for reference



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

MEMORANDUM

Date: March 17, 2022

To: Directors of Special Education

From: Codi Andersen, Occupational/Physical Therapy Supervisor

Subject: **Occupational and Physical Therapy Reports**

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) 955-3659 at Codi.Andersen@cahelp.org

California Association of Health and Education Linked Professions

Upcoming Trainings

Date/Time	Event	Location
3/31/2022 2:00 PM - 3:30 PM	WEBIEP PM QUESTION AND ANSWER SESSION	VIRTUAL
4/1/2022 -	STRUCTURED LITERACY - WHAT, WHY, WHO, AND HOW?	VIRTUAL
4/5/2022 8:30 AM - 4:00 PM	RESTORATIVE CONFERENCES	DMESC
4/5/2022 2:00 PM - 4:00 PM	THE ART OF FACILITATING IEP MEETINGS	VIRTUAL
4/6/2022 2:30 PM - 5:30 PM	PUTTING EBPS INTO PRACTICE - VIDEO MODELING	VIRTUAL
4/6/2022 2:30 PM - 4:30 PM	STRUCTURED LITERACY WITH ORTON-GILLINGHAM: FOUNDATIONAL	VIRTUAL
4/6/2022 9:00 AM - 10:30 A	WEBIEP AM QUESTION AND ANSWER SESSION	VIRTUAL
4/6/2022 2:00 PM - 3:30 PM	WEBIEP PM QUESTION AND ANSWER SESSION	VIRTUAL
4/7/2022 2:30 PM - 4:00 PM	CRISIS PREVENTION INSTITUTE (CPI) FLEX-BLENDED LEARNING	VIRTUAL
4/8/2022 8:30 AM - 3:30 PM	EARLY CHILDHOOD DAILY SCHEDULES AND VISUAL CUES TO SUPPORT SELF-REGULATION	DMESC

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
4/8/2022 8:30 AM - 12:30 PM	HUSD - MANAGING EMOTIONAL MAYHEM: THE FIVE STEPS FOR SELF-REGULATION	HUSD FAMILY RESOURCE CENTER
4/8/2022 12:30 PM - 3:30 PM	LEARNING DISABILITY SIMULATION WORKSHOP: DON'T WALK A MILE IN MY SHOES, JUST SIT AN HOUR IN MY SEAT	DMESC
4/13/2022 2:30 PM - 5:30 PM	PUTTING EBPS INTO PRACTICE - SOCIAL SKILLS	VIRTUAL
4/15/2022 2:00 PM - 3:00 PM	FAMILY FUN DAYS	VIRTUAL/DMESC
4/19/2022 5:30 PM - 7:30 PM	12TH ANNUAL TRANSITION RESOURCE FAIR- STUDENT AND FAMILY	VIRTUAL
4/19/2022 5:30 PM - 7:30 PM	12TH ANNUAL TRANSITION RESOURCE FAIR-VENDORS	VIRTUAL
4/20/2022 2:30 PM - 4:30 PM	STRUCTURED LITERACY WITH ORTON-GILLINGHAM: ADVANCED	VIRTUAL
4/20/2022 12:30 PM - 3:30 PM	UNDERSTANDING AND SUPPORTING STUDENTS WITH ADVERSE CHILDHOOD EXPERIENCES (ACES)	VIRTUAL
4/26/2022 2:00 PM - 4:00 PM	MEANINGFUL PARENT PARTICIPATION	VIRTUAL
4/27/2022 8:00 AM - 2:00 PM	YOUTH MENTAL HEALTH FIRST AID	VIRTUAL

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
4/28/2022 9:00 AM - 10:30 A	WEBIEP AM QUESTION AND ANSWER SESSION	VIRTUAL
4/28/2022 2:00 PM - 3:30 PM	WEBIEP PM QUESTION AND ANSWER SESSION	VIRTUAL
5/1/2022 -	PRIOR WRITTEN NOTICE (SELF-PACED)	VIRTUAL/SELF-PACED
5/1/2022 -	STRUCTURED LITERACY - WHAT, WHY, WHO, AND HOW?	VIRTUAL
5/4/2022 2:30 PM - 4:30 PM	ORTON-GILLINGHAM APPLICATION CHECK-IN	VIRTUAL
5/4/2022 2:30 PM - 5:30 PM	PUTTING EBPS INTO PRACTICE PEER-BASED INSTRUCTION AND INTERVENTION	VIRTUAL
5/10/2022 9:00 AM - 10:30 A	WEBIEP AM QUESTION AND ANSWER SESSION	VIRTUAL
5/18/2022 2:30 PM - 4:30 PM	BRING IT ALL TOGETHER	VIRTUAL
5/18/2022 2:30 PM - 5:30 PM	BRING IT ALL TOGETHER: AUTISM AND EBPS IN PRACTICE	DMESC
5/19/2022 2:00 PM - 3:30 PM	LIFE AND WORK BALANCE: BUILD YOUR SUMMER TOOLBOX TO THRIVE	VIRTUAL

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
5/19/2022 2:00 PM - 3:30 PM	WEBIEP PM QUESTION AND ANSWER SESSION	VIRTUAL
5/24/2022 5:00 PM - 7:00 PM	PEERS GRADUATION	VIRTUAL

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