

California Association of Health and Education Linked Professions  
Joint Powers Authority (CAHELP JPA)  
**DESERT/MOUNTAIN SELPA STEERING and FINANCE COMMITTEE MEETING**  
*March 25, 2022 – 9:00 a.m.*  
Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley CA 92307

## **AGENDA**

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**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: 2461 456 4738

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 Steering and Finance Committee to the recording secretary via fax at 1-760-242-5363 or email [jamie.adkins@cahelp.org](mailto: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 SELPA Steering and Finance 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 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 25, 2022 Desert/Mountain 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.

### **6.0 INFORMATION/ACTION**

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

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

7.1.1 Approve the February 25, 2022 Desert/Mountain SELPA Steering and Finance Committee Meeting Minutes.

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

8.1 State SELPA Administrators Updates

Pam Bender will provide updates 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 Operations Update

Rich Frederick will present Desert Mountain Operations Update.

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

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

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8.5 Positive Trends During the COVID-19 Pandemic

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

8.6 Professional Learning Summary and Update

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

8.7 Resolution Support Services Summary and Update

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

8.8 Case Law Review

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

8.9 Prevention and Intervention Update

Kami Murphy will present a Prevention and Intervention Update

8.10 12<sup>th</sup> Annual Transition Resource Fair

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

8.11 Compliance Update

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

8.12 Nonpublic School/Nonpublic Agency Update including Services Provided

Peggy Dunn will provide a nonpublic school/nonpublic agency update including 1:1 services.

## **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

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Recovery Support Funding.

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 Audiological Services Reports

10.3 Monthly Occupational & Physical Therapy Services Reports

10.4 Monthly Nonpublic School Placement Report

10.5 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 SELPA Steering and Finance 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 SELPA Steering and Finance Committee personnel must have filed an appropriate complaint form prior to the meeting.

When the Desert/Mountain SELPA Steering and Finance 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 SELPA Steering and Finance Committee will be held on Friday, April 22, 2022, at 9:00 a.m., at the Desert Mountain Educational Service Center, Aster/Cactus Room, 17800 Highway 18, Apple Valley, CA 92307.

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



## 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 SELPA STEERING and FINANCE COMMITTEE MEETING**  
*February 25, 2022 – 9:00 a.m.*  
Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley CA 92307

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## **MINUTES**

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

Academy for Academic Excellence – Marcelo Congo, Samantha Gonzalez, Adelanto SD – Michael Baird, Apple Valley USD – Renee Castillo, David Wheeler, Barstow USD – Heather Reid, Bear Valley USD – Lucinda Newton, Desert/Mountain Operations (SBCSS) – Jennifer Alvarado, Rich Frederick, Grace Granados, Lorena Gutierrez, Excelsior Charter Schools – Marie Silva, Helendale SD – Michael Esposito, Hesperia USD – Eric Land, Teri McCollum, Elaine Nelson, Lucerne Valley SD – Vici Miller, Oro Grande SD – Scott Heitman, Silver Valley USD – Cheri Rigdon, Snowline JUSD – Lori Delgado, Trona JUSD – Jairo Arellano, Victor Elementary SD – Tanya Benitez, and Victor Valley UHSD – Margaret Akinnusi, Rama Bassham.

### **GUEST:**

Options for Youth – Christina Leal

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

Jamie Adkins, Pam Bender, Guille Burgos, Heidi Chavez, Craig Cleveland, Danielle Cote, Tara Deavitt, Peggy Dunn, Adrien Faamausili, Marina Gallegos, Bonnie Garcia, Renee Garcia, Colette Garland, Derek Hale, Linda Llamas, Kami Murphy, Lisa Nash, Sheila Parisian, Kathleen Peters, Karina Quezada, Linda Rodriguez, Jennifer Rountree, Veronica Rousseau, Adrienne Shepherd-Myles, 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 SELPA Steering and Finance Committee Meeting was called to order by Chairperson Pam Bender, at 9:02 a.m., at the Desert/Mountain Educational Service Center, Apple Valley.

### **2.0 ROLL CALL**

### **3.0 PUBLIC PARTICIPATION**

None.

### **4.0 ADOPTION OF THE AGENDA**

4.1 **BE IT RESOLVED** that a motion was made by Marie Silva, seconded by Cheri Rigdon, to approve the February 25, 2022 Desert/Mountain SELPA Steering and Finance Committee Meeting Agenda as presented. The motion carried on the following vote 16:0: Ayes: Akinnusi, Arellano, Baird, Benitez, Congo, Delgado, Esposito, Frederick, Heitman, Land, Miller, Newton, Reid, Rigdon, Silva, Wheeler, and Wiesner, Nays: None, Abstentions: None.

### **5.0 PRESENTATIONS**

5.1 2021-22 County Operated Special Education Fee-For-Service Program – 2nd Interim Update

California Association of Health and Education Linked Professions  
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## **MINUTES**

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Jennifer Alvarado presented the 2021-22 County Operated Special Education Fee-For-Service Program – 2<sup>nd</sup> Interim Update. She reported there is a projection of a slight reduction in revenue of just under \$200,000 which is the net difference between an increase in FFS revenue because of growth experienced in the number of students served and a decline in Average Daily Attendance (ADA) which reduced Local Control Funding Formula (LCFF) revenue transfer by just over \$726,000. There is also a projected decrease in expenses by \$1.3 million due to numerous paraeducator vacancies that result in reduced salary and benefit costs. Jennifer stated the estimated ending balance of just over \$1.1 million will be returned to districts at year-end closing.

### **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 a motion was made by Marie Silva, seconded by Lucinda Newton, to approve the Assembly Bill 361 Exemptions to Brown Act Virtual Meeting Requirements as presented. The motion carried on the following vote 16:0: Ayes: Akinnusi, Arellano, Baird, Benitez, Congo, Delgado, Esposito, Frederick, Heitman, Land, Miller, Newton, Reid, Rigdon, Silva, Wheeler, and Wiesner, Nays: None, Abstentions: None.

### **7.0 CONSENT ITEMS**

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

7.1 **BE IT RESOLVED** that a motion was made by Cheri Rigdon, seconded by Lucinda Newton, to approve the following Consent Item as presented. The motion carried on the following vote 16:0: Ayes: Akinnusi, Arellano, Baird, Benitez, Congo, Delgado, Esposito, Frederick, Heitman, Land, Miller, Newton, Reid, Rigdon, Silva, Wheeler, and Wiesner, Nays: None, Abstentions: None.

7.1.1 Approve the January 21, 2022 Desert/Mountain SELPA Steering and Finance Committee Meeting Minutes.

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



California Association of Health and Education Linked Professions  
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## **MINUTES**

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### 8.1 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 2<sup>nd</sup> grades as well as ensure that every student in 3<sup>rd</sup> grade is screened for dyslexia.

### 8.2 Potential Changes in Special Education Funding

Pam Bender presented information regarding potential changes in special education funding. She reported that Average Daily Attendance (ADA) is being increased from \$715 to \$820. Pam did say the governor is looking to increase transparency for LEAs by sending funds directly to LEAs so they know the exact amount they are receiving for students in special education. If funding continues to go through SELPAs, SELPAs will have 30 days to notify the LEAs of their portion of the funding.

### 8.3 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 added ERMHS funds are also used for residential mental health placements, assessments, and monitoring as well as being used to leverage grants with Department of Behavioral Health providing access to additional millions of dollars to provide services within DMCC. She said the hope is that if the changes are put in place that the LEAs would continue to subcontract with DMCC to continue to support those services.

Pam continued that until the May Revise, it cannot be considered final but it does look like it will move forward. She said State SELPA Administrators organization has been writing letters and working with CDE on the issue.

California Association of Health and Education Linked Professions  
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## MINUTES

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### 8.4 Desert Mountain Operations Update

Rich Frederick reported he has no updates to share at this time.

### 8.5 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.

### 8.6 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.

### 8.7 Professional Learning Summary and Update

Heidi Chavez presented the D/M 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 reminded the committee members of the Directors' Training following the February 25, 2022 D/M SELPA Steering and Finance Committee meeting at 11:00am. She said the topic is Legally Defensible IEP Meetings.

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.

Heidi stated the Community Advisory Committee (CAC) meeting was held the night prior with a training on supporting children's wellbeing and had 50 participants. Heidi reported the next CAC meeting is scheduled for April 21, 2022, with a presentation of *Occupational Therapy and Physical Therapy in the Schools: What We're all About*.

### 8.8 Resolution Support Services Summary and Updates

Kathleen Peters presented the D/M 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 reported *Breaking Through Contentious IEPs, Listening for Need* is being offered March

California Association of Health and Education Linked Professions  
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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 shared a memo from Lozano Smith that provided the responsibilities of LEAs as well as additional directive including a checklist for addressing no-show students in special education. Kathleen said the responsibility of attendance falls on the district of residence, not the district of attendance. She continued that LEAs must continue to track and process students until they are 22 years of age even if school attendance review board (SARB) laws cannot be filed on. Kathleen said the students that are not attending can be placed in a “ghost” classroom in the student information system so the LEA can track them and continue to send Prior Written Notice (PWN) annually with the IEP date. Kathleen added that when a child turns 18 years old, their compulsory education ends but stressed that Individuals with Disabilities Act (IDEA) reflects the age of 22. She confirmed that the term no-show applies to students that do not attend at the beginning of the year as well as to students that stop attending during the school year.

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.

### 8.9 Case Law Review

Kathleen Peters will provide case law review including a You Be the Judge scenario. Kathleen reported on a recent case in which a parent requested an IEP via email but the director did not immediately respond because the parent had previously stated they were no longer going to talk to the LEA and had obtained an attorney. Kathleen said this could still cause a timeline issue in the case.

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.

### 8.10 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.

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

Cheri Rigdon highly encouraged every director to have their special education teachers and principals attend ADR trainings like Key2Ed. She said the training was very helpful and will assist with putting practices into place.

### 8.11 Prevention and Intervention Update

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

### 8.12 Compliance Update

Peggy Dunn will present an update on compliance items from the California Department of Education (CDE). She shared there are no updates on newly identified LEAs for significant disproportionality. Adelanto SD, Barstow USD, and Hesperia USD are the three LEAs previously identified as being in significant disproportionality and have been working with their CDE approved facilitators. Peggy reminded those three special education directors that they are to continue submitting their quarterly documentation including proof that appropriate funds are being spent.

Marina Gallegos said there are two fiscal reports to be submitted by the three LEAs. One of the reports is being completed by the CAHELP business team to be submitted to the CDE. There is also a fiscal component of the quarterly progress report submitted by the LEA. She stated the two reports must match and are based on the LEA budget in Financial 2000. They reports are based on LEA actual expenditures for the specific reporting period. The LEA reports and the D/M SELPA reports must match including how much is to be set aside, how much has been spent year to date, and how much is available. Marina asked to be allowed to review the LEA reports before submission to ensure reports are not rejected.

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Peggy continued that for 2020-21 Disproportionality, all LEAs are approved by CDE. She continued that overdue initial eligibility determinations also known as Data Identified Noncompliance (DINCs) letters were supposed to be sent by CDE but they are behind schedule. Peggy is aware CDE will be looking at two categories this year: late initials and late annuals. She encouraged the committee members to continue to close IEP meetings. If the meetings are conducted virtually, close the meeting as “verbal” while processing through DocuSign.

Colette Garland reported that Fall 1 Pupil Count has been certified in CalPads for all LEAs. Colette said she is in the process of comparing numbers between CalPads and snapshot so there will be data available soon. She stated CalPads Reports 16.7 and 16.8 will assist LEAs with DINCs providing four categories to be reviewed that include student names. Colette directed the directors to their CalPads contact person for the reports.

Colette shared that a demonstration on Web IEP service logs has been scheduled during the March 2022 Steering and Finance Committee meetings. Colette reported the DM 175 Preschool Matriculation Form is in programming currently and should be ready by the end of March. She will notify everyone when it is available. 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.

### 8.13 Nonpublic School/Nonpublic Agency Update

Peggy Dunn provided a nonpublic school/nonpublic agency update. She stated Derek Hale is continuing to monitor and support Desert View School and Bright Futures Academy. Peggy reported there are 4-5 students in residential treatment centers at this time.

### 8.14 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.

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### **9.0 FINANCE COMMITTEE REPORTS**

Marina Gallegos reported that P1 AB 602 certified on February 18, 2022. There is a significant decline in ADA but it was expected. She said there is protection because funding is based on 2019-20 ADA however that will not be the case next year. Marina will email the schedule to the finance committee contact once Pupil Count is finalized for the most accurate allocation for federal funds. She stated there are additional columns on the schedule because there is supplemental funding for local assistance and federal preschool under resources 3305 and 3308.

### **10.0 INFORMATION ITEMS**

- 10.1 Monthly Audiological Services Reports
- 10.2 Monthly Occupational & Physical Therapy Services Reports
- 10.3 Monthly Nonpublic School Placement Report
- 10.4 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 2<sup>nd</sup> Edition Blended Learning.*

### **11.0 STEERING COMMITTEE MEMBERS COMMENTS / REPORTS**

Bonnie Garcia reported that she will be creating a survey for Orton-Gillingham training that will ask for the best days for teachers to attend a training. She said it can be weekends, during summer, or in June in the days following summer dismissal. Bonnie asked for the directors to email her the information.

Lucinda Newton asked for more training on independent study for students in special education for the upcoming school year. Kathleen said she will work with the attorneys to gain solid direction on the topic.

Danielle Cote is working to get the participants who completed Day 1 of CPI training but were not able to complete Day 2 due to covid-19 rescheduled. Those participants will be hearing from Danielle or Jennifer Holbrook. Danielle also confirmed that CPI will be returning to the in-person training model with a very limited amount of hybrid training.

### **12.0 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,

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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.

### **13.0 MATTERS BROUGHT BY THE PUBLIC**

None.

### **14.0 ADJOURNMENT**

Having no further business to discuss, a motion was made by Margaret Akinnusi, seconded by Rich Frederick, to adjourn the meeting. The motion carried on the following vote 16:0: Ayes: Akinnusi, Arellano, Baird, Benitez, Congo, Delgado, Esposito, Frederick, Heitman, Land, Miller, Newton, Reid, Rigdon, Silva, Wheeler, and Wiesner, Nays: None, Abstentions: None.

The next regular meeting of the Desert/Mountain SELPA Steering and Finance Committee will be held on Friday, March 25, 2022, at 9:00 a.m., at the Desert Mountain Educational Service Center, Aster/Cactus Room, 17800 Highway 18, Apple Valley, CA 92307.

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

# 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

### 8.3 Desert Mountain Operations Update

Verbal report, no materials



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

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

## MEMORANDUM

DATE: March 16, 2022  
TO: Special Education Directors  
FROM: Linda Llamas, Director

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SUBJECT: Desert/Mountain Children's Center Client Reports

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

- Screening, Assessment, Referral and Treatment (SART)
- Early Identification Intervention Services (EIIS)
- School-Age Treatment Services (SATS)
- 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](mailto: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](http://www.dmchildrenscenter.org)

**March 25, 2022**

**From: D/M Children's Center: Linda Llamas, LMFT; [Linda.Llamas@cahelp.org](mailto:Linda.Llamas@cahelp.org)**

**To: 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."<sup>1</sup>
  - 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.<sup>2</sup>
  - 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.<sup>2</sup>
    - 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.<sup>3</sup>
  - 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.<sup>4</sup>
  - 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:

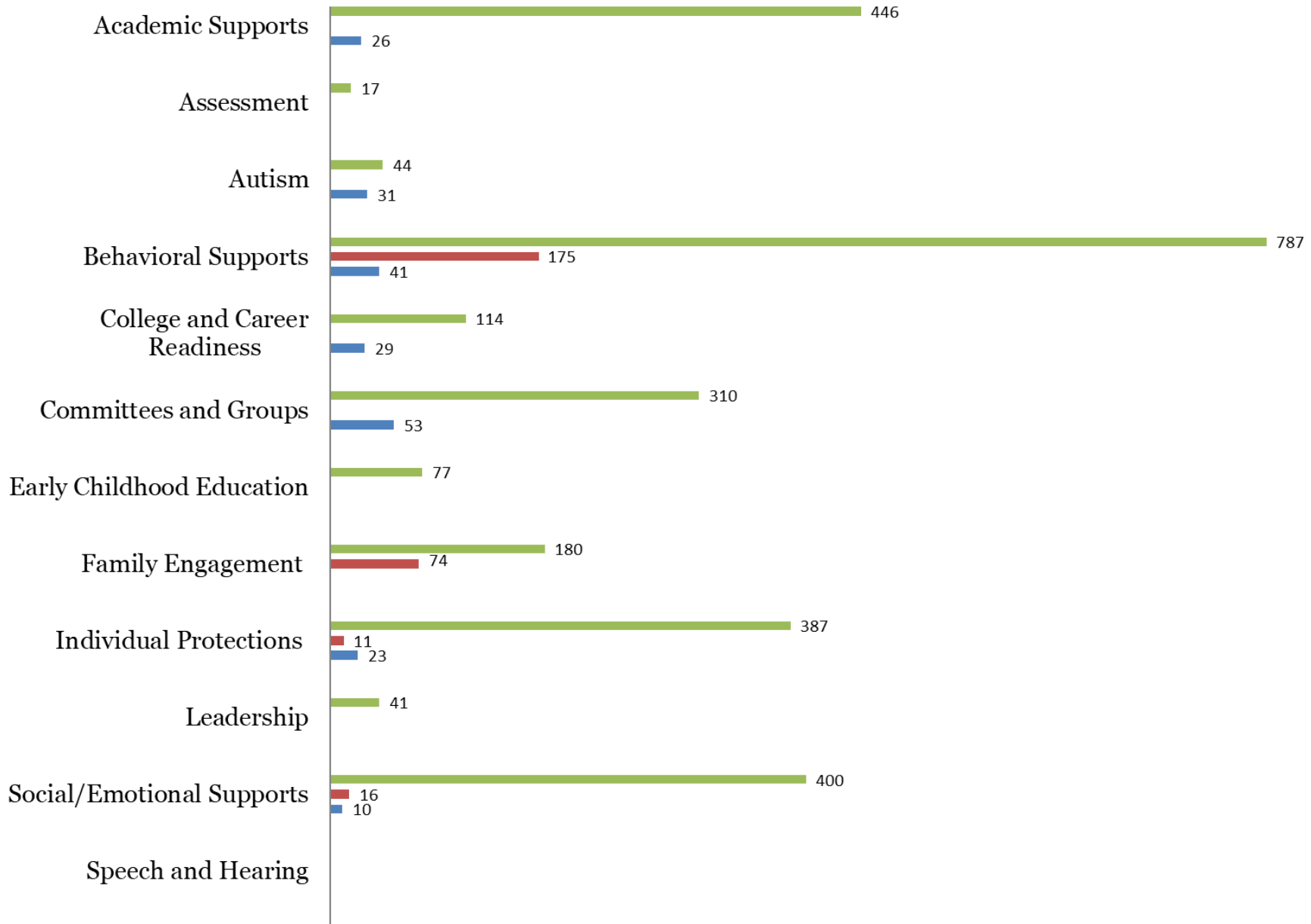
- [Why are some kids thriving during remote learning?](#)  
Fleming, N., Edutopia, 2020
- [Remote learning has been a disaster for many students. But some kids have thrived.](#)  
Gilman, A., *The Washington Post*, Oct. 3, 2020
- [Remote learning during COVID-19: Examining school practices, service continuation, 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 SELPA PROFESSIONAL LEARNING PARTICIPATION SUMMARY

FEBRUARY 2022 - 489 PARTICIPANTS

2,803 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**

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Teléfono: (760) 955-3552

**Desert/Mountain SELPA  
Due Process Summary  
July 1, 2021 - March 18, 2022**

DISTRICT													CASE ACTIVITY FOR CURRENT YEAR					Filed on Parent
	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21-22	Total	D /W	Resolution	Mediation	Settled	Hearing	
Adelanto SD	0	3	6	5.5	2.5	5	3	3.5	3	3.5	2	37	0	1	1	0	0	0
Apple Valley USD	0	0	2	1	1.5	1.5	0	3.5	10	5	1	25.5	1	0	0	0	0	0
Baker USD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Barstow USD	0	0	0	0	1	3.5	0	2	0	1	0	7.5	0	0	0	0	0	0
Bear Valley USD	1	0	0	0	0	1	2	0	0	1	1	6	0	0	0	1	0	0
Helendale SD	0	0	0	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0
Hesperia USD	5.5	4	3	5	7.5	7	6	7	17.5	7	11	80.5	1	4	2	4	0	0
Lucerne Valley USD	0	1	2	1	1	2	0	1.5	0	0	0	8.5	0	0	0	0	0	0
Needles USD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Oro Grande SD	0	0	0	0	0	0	0	0	2	0	1	3	0	0	0	1	0	0
Silver Valley USD	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
Snowline USD	2	1	1	5	4.5	6.5	2	8.5	7	2	1	40.5	0	0	0	1	0	0
Trona USD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Victor Elementary SD	1	1	4.33	3.33	1.83	2.5	6.5	0	7	1	4	32.49	0	0	1	3	0	0
Victor Valley Union High SD	2	4	3.33	4.3	7.83	4	4	8.5	6.5	10	4	58.46	0	0	1	3	0	0
Academy for Academic Excellenc	0	0	4	2	0	1	2	1	1	1	0	12	0	0	0	0	0	0
CA Charter Academy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Desert/Mountain OPS	0.5	1	1.33	0.83	4.33	3	1.5	3	2	1	0	18.49	0	0	0	0	0	0
Excelsior Education Center	0	0	0	0	0	0	0	0.5	2	0	0	2.5	0	0	0	0	0	0
Health Sciences HS & MS	0	0	0	0	0	0	0	1	1	0	0	2	0	0	0	0	0	0
<b>SELPA-WIDE TOTALS</b>	<b>13</b>	<b>15</b>	<b>26.99</b>	<b>27.96</b>	<b>31.99</b>	<b>37</b>	<b>28</b>	<b>40</b>	<b>59</b>	<b>32.5</b>	<b>25</b>	<b>336.44</b>	<b>2</b>	<b>5</b>	<b>5</b>	<b>13</b>	<b>0</b>	<b>0</b>

Districts showing a value of .50 above indicates that the district is a co-respondent with another district.

\*Number accounts for High Tech High but has exited from CAHELP. Actual count for 2019-20 is 67.

Desert/Mountain SELPA  
 Due Process Activity Summary  
 July 1, 2021–March 18, 2022

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Due Process Hearing	Status
1. Victor Valley USD Case No. 2021070206	LEA filed on parent for permission to assess, pursuant to assessment plan of 3-19-21	7/7/2021	7/26/2021		<del>08/03–05/21</del> 9/21-23/21	Filing was necessary because the parent filing of 10/20 was withdrawn and left with open IEP's and lack of student attendance. 7/26/21 Continuance granted for parent to obtain attorney. 9/21/21 - Parent unrepresented at hearing; did not present his case. Written closing statement submitted. Awaiting judgement. 10/21/21 - Ruling-permission to assess. <b>CLOSED</b>
2. Victor El. Case No. 2021070710	Failure to provide FAPE 1. Program 2. Speech/Lang. 3. Appropriate Assessment	7/21/2021	8/6/2021	<del>9/7/2021</del>	<del>9/14-16/21</del>	<b>Mediation - Settlement Agreement</b> 1. IEE - (Sp & Lang and Psycho ed). 2. SP & Lang (2W x 20 min) individual therapy added to IEP. 3. Comp Ed (academic, SP/Lang, OT contingent on results) 4. 1:1 until assessments completed not stay put. <b>Settlement Agreement</b> <b>CLOSED</b>



Desert/Mountain SELPA  
 Due Process Activity Summary  
 July 1, 2021–March 18, 2022

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Due Process Hearing	Status
3. Hesperia USD Case No. 2021070965	Failure to provide FAPE 1. Communication 2. Academics 3. Behavioral management	7/29/2021	8/5/2021		<del>9/21-23/21</del>	<b>Full execution of settlement agreement on 8/11/2021 -</b> 1. Conduct Assessments: Supplemental Speech and Central Auditory Processing. 2. 1:1 instructional assistance through 12/17/2021 until TISA is reviewed. 3. Amend IEP: Speech 4M/30 min group and 4M/30 min individual. 4. Comp Ed (Speech and Lang). 5. Reimburse parents for intensive reading services. <b>Settlement Agreement CLOSED</b>
4. Hesperia USD Case No. 2021080484	Denial of FAPE 1. Student not making progress 2. Failed to provide appropriate program	8/17/2021	8/30/2021	10/19/2021	<del>10/12-10/14, 2021</del> 11/30- 12/02/2021	Resolution Negotiations in Progress. 9/23/21 IEP held to address EL needs, DMCC, SAI class. Settlement agreement: IEP EL updated goals, Sylvan comp ed. <b>CLOSED</b>
5. Apple Valley USD Case No. 2021090257	AVUSD filed to defend placement	9/9/2021				Parent moved and withdrew complaint. <b>CLOSED</b>

Desert/Mountain SELPA  
 Due Process Activity Summary  
 July 1, 2021–March 18, 2022

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Due Process Hearing	Status
6. Hesperia USD Case No. 2021090391	1. Failure to Implement 2. Unilaterally modified IEP & placement to home	9/10/2021	9/21/2021		<del>11/09-11/21</del> 12/14-16/2021	Neither parent nor counsel could elaborate on what assessments they were seeking. 10/26/21 - Opposing counsel not responsive, student graduated with diploma age 19. 11/21/21 - no movement. 12/10/21 - Case withdrawn by parent when OAH denied continuance. <b>CLOSED</b>
7. Oro Grande Case No. 2021090564	Denial of FAPE 1. Failure to implement. 2. Lack of progress 3. Lack of access to remote learning 4. Impeded parental participation 5. Anxiety related to bullying unaddressed	9/20/2021	10/13/2021	12/3/2021	<del>11/16-18/2021</del> 1/19-20/2022	9/28/21 - Opposing attorney seeking to extend 2 yr. statute; seeking "dialectical therapy" and other. 10/21 Mediation scheduled. 12/02/21 - Settlement agreement consent to IEP, comp. ed. Withdrawn from Riverside Prep Charter. <b>CLOSED</b>
8. Victor El. Case No. 2021100026	Denial of FAPE 1. Failure to conduct comprehensive psycho educational assessment. 2. Indadequate LAS service 3. Failure to provide SAI, LAS, insufficient reading, writing and math goals	10/1/2021	<del>10/06/2021</del> 10/18/2021		11/23-24/2021	10/22/21 - Settlement agreement completed, IEE. <b>CLOSED</b>

Desert/Mountain SELPA  
 Due Process Activity Summary  
 July 1, 2021–March 18, 2022

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Due Process Hearing	Status
9. Victor Valley USD Case No. 2021100113	Denial of FAPE 1. Academics 2. Social-Emotional and behavioral	10/5/2021	10/13/2021		11/30-12/02/2021	10/20/21 - Settlement agreement for comped IEE, increased ERMHS in IEP. <b>CLOSED</b>
10. Hesperia USD Case No. 2021100364	Child Find	10/13/2021	10/27/2021	3/11/2022	<del>12/21-23/2021</del> 4/26-28/2022	10/13/21 - Address verification challenged. 11/21- discovery investigation found student not in district. Disenrolled as a term of expulsion decision. Due Process still open. 12/21 - Awaiting AVUSD assessment. 02/21/22 - Student qualified. Comp services to be determined.
11. Hesperia USD Case No. 2021100499	Denial of FAPE 1. Independent Study 2. Lack of Services and SAI	10/19/2021	10/26/2021		12/14-16/2021	10/26/21 - Offer made: negotiations continue. 11/3/21- Settlement agreement: Provision of Instructional Assistance while on Independent Study. <b>CLOSED</b>

Desert/Mountain SELPA  
 Due Process Activity Summary  
 July 1, 2021–March 18, 2022

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Due Process Hearing	Status
12. Victor El. Case No. 2021100682	Denial of FAPE 1. Program failure 2. Lack of progress 3. School closure	10/19/2021	11/2/2021		12/14-16/2021	11/15/21 Settlement agreement: Return to in-person with 1:1 aide until further assessment. <b>CLOSED</b>
13. Bear Valley USD/SBCSS Case No. 2021100692	Denial of FAPE 1. Failure to assess a. Behavior b. OT c. APE d. AT e. Psycho-ed 2. Material Implementation 3. Placement, LRE 4. Goals not data driven 5. Procedural violations	10/26/2021	11/4/2021		12/21-23/2021	Settlement 11/30/21: PT, IEE, 1:1 aide, comp ed. <b>CLOSED</b>
14. Snowline JUSD Case No. 2021110015	Denial of FAPE 1. MD Determination 2. Failure to provide ERMHS 3. Failure to conduct Triennial. 4. Failure to provide 1:1 aide 5. Predetermined placement 6. Assessment timelines violated	10/29/2021	<del>11/5/2021</del> 11/4/2021	<del>11/16/2021</del> Expedited Withdrawn	11/30 - 12/2/2021 expedited 12/26 - 28/2021	10/29/21 - Expedited 11/18/21- Withdrawn 11/19/21- Settlement agreement: placement, behavior support. <b>CLOSED</b>



Desert/Mountain SELPA  
 Due Process Activity Summary  
 July 1, 2021–March 18, 2022

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Due Process Hearing	Status
15. Hesperia USD Case No. 2021110034	Child Find	11/1/2021	11/29/2021	2/22/2022	<del>1/4-6/2022</del> 4/5-7/2022	11/2/21 Assessment begun. Awaiting results. 12/21 -Mediation scheduled to be held post assessment -agreement to await IEE. 1/25/2022 - IEP with IEE to be held after this date. 02/21 SAI support increased, DMCC, medical release of information. 03/01/22 - Settelement Agreement. <b>CLOSED</b>
16. Hesperia USD Case No. 2021110032	Denial of FAPE: 1. More restrictive placement 2. Comprehensive Assessment 3. Lack of Educational Benefit 4. Goals not reasonably calculated	11/1/2021	11/29/2021	2/15/2022	<del>12/28-30/2021</del> 3/29-30/2022	11/2/21 Seeking reimbursement for private school placement; parent to visit HUSD class; seeking prospective placement, IEE. 12/21 - Agreement to await IEE. 02/21 - Placement and private school reimbursement still at issue.
17. Victor Valley USD Case No. 2021118403	Denial of FAPE: 1. Inadequate speech services 2. Deficient academic goals	11/12/2021	12/6/2021		1/4-6/2022	12/7/21 - Settlement agreement SPL increase in IEP, comp. ed. <b>CLOSED</b>

Desert/Mountain SELPA  
 Due Process Activity Summary  
 July 1, 2021–March 18, 2022

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Due Process Hearing	Status
18. Victor El. Case No. 2022010453	Denial of FAPE: Failure to provide an appropriate educational program. 1. Academics 2. Fine Motor 3. Behavior 4. Communication	1/18/2022	2/1/2022	2/24/2022	3/8-10/2022	02/01/22 - District asked for TISA, FBA, AP signed. 02/24/22 - Placement and 1:1 still at issue.
19. Hesperia USD Case No. 202201449	Denial of FAPE: 1. Unilaterally modifying IEP 2. Program location to home 3. Altered service delivery	1/18/2022	1/31/2022	2/16/2022	3/08-10/2022	This is the second filing of this nature by a graduated student seeking COVID 19 compensation. 11/31/22 - Unable to clarify services and assessments being sought. 02/16/22 - District offer declined, 10 day offer letter sent preparing for hearing.
20. Victor Valley USD Case No. 2022010560	Denial of FAPE: 1. Failure to assess fully 2. Failure to consider communication needs 3. Failure to adhere to IEP Timelines 4. Failure to seek parent input 5. Failure to assess student progress 6. Failure to include transition goals 7. Other substantive and procedural claims	1/20/2022	Waived	Expedited 2/3/2022	<del>Expedited 2/15-17/2022</del> Regular 3/08-10/2022	02/03/22 - LEA seeking transition on back to school; Parent seeking 6 hours a day tutoring. 02/14/22 - parent dismissed expedited.

Desert/Mountain SELPA  
 Due Process Activity Summary  
 July 1, 2021–March 18, 2022

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Due Process Hearing	Status
21. Adelanto Elementary SD Case No. 2022010641	Denial of FAPE: 1. Failure to implement 2. Lack of progress 3. Failure to communicate emergency behaviors 4. Unilaterally changing placement without parent consent	1/24/2022	2/8/2022	3/15/2022	3/22-24/2022	Main issue- Transportation to NPS, LEA struggling to obtain.
22. Hesperia USD Case No. 2022020170	Child Find	2/4/2022	2/17/2022		03/22-24/2022	LEA agrees to expedite assessments.
23. Hesperia USD Case No. 2022020199	Child Find	2/4/2022	2/17/2022		03/29-30/2022	LEA agrees to expedite assessments.
24. Hesperia USD Case No. 202202189	Child Find	2/7/2022	2/24/2022		03/22-24/2022	LEA agrees to expedite assessments.
25. Adelanto Elementary SD Case No. 2022020510	Denial of FAPE: 1. Failure to provide appropriate program 2. Failure to conduct appropriate assessments	2/15/2022	3/1/2022		04/05-07-2022	

Desert /Mountain SELPA  
Legal Expense Summary  
As Reported at Steering March 18, 2021

2000-2001	\$39,301.51
2001-2002	\$97,094.90
2002-2003	\$37,695.13
2003-2004	\$100,013.02
2004-2005	\$136,514.09
2005-2006	\$191,605.08
2006-2007	\$140,793.00
2007-2008	\$171,614.04
2008-2009	\$263,390.71
2009-2010	\$114,076.96
2010-2011	\$293,578.50
2011-2012	\$567,958.10
2012-2013	\$321,646.04
2013-2014	\$250,372.65
2014-2015	\$297,277.76
2015-2016	\$204,756.26
2016-2017	\$233,130.03
2017-2018	\$247,459.52
2018-2019	\$314,479.71
2019-2020	\$475,930.79
2020-2021	\$354,582.16
2021-2022	\$157,035.51



## LEGAL ALERT

March 18, 2022

RE: E.E. v. State of California, 22-15374

### **Overview of Independent Study Injunction**

You may be aware that 15 students have filed a civil case against CDE for discrimination against students with disabilities related to Independent Study (AB130) and virtual instruction. This case concerns student access, it is not a FAPE complaint; not Due Process/OAH. The 9<sup>th</sup> Circuit Court ordered a preliminary injunction which would require the terms of the settlement to apply beyond the original 15 students, to include all affected students in special education. State Defendants have appealed the Preliminary Injunction order, and the 9<sup>th</sup> Circuit Court agreed to *stay* or delay its implementation pending hearing in June 2022.

Should the injunction go forward, LEAs would be required to provide all students on Independent Study (AB130) version that would meet all terms of their IEP; such terms provide student access to the general curriculum. It would look more like Distance Learning requiring live virtual instruction, SAI minutes, supports and services, and behavioral and instructional assistants. It would also nullify all ADR agreements that waive parents' due process rights for the statutory time-period.

### **Recommended Course of Immediate Action**

While we await CDE direction, it is important for you to prepare now to act immediately once the court decision comes down.

D/M SELPA advises you to take the following action without delay:

1. Compile lists of all students in special education who would be affected by the injunction. This applies to all students who:
  - a. requested virtual learning or independent study for or during the 2021-2022 school year and were denied that request
  - b. requested virtual learning or independent study for or during the 2021-2022 school year and were granted that request

- c. requested home and hospital instruction during the 2021-2022 school year and were denied that request
  - d. requested home and hospital instruction during the 2021-2022 school year and were granted that request
  - e. have been absent more than 14 days during the 2021-2022 year
2. Head this document or electronic file with the following: **CONFIDENTIAL ATTORNEY WORK PRODUCT or CONFIDENTIAL ATTORNEY CLIENT COMMUNICATION**
  - a. Documents and correspondence labeled this way are confidential
  - b. Such lists are protected from being submitted for records request
  - c. You must protect the lists of student names from attorneys attempting to obtain them to file cases for individual students
3. Title all related emails and correspondence: **CONFIDENTIAL ATTORNEY WORK PRODUCT or CONFIDENTIAL ATTORNEY CLIENT COMMUNICATION**
  - a. Student Services Directors
  - b. Special Education Coordinators
  - c. Case carriers
  - d. Principals
  - e. Anyone who will be gathering the names as related to their duties
  - f. Anyone receiving information or briefing related to this injunction

One final point of information and request, the 9<sup>th</sup> Circuit Court relied on Plaintiffs' representation that only 100-200 students state-wide would be affected by this order. We know the numbers are much higher. Our attorneys at Lozano Smith (Lauri Arrowsmith) are working with other defense attorneys to prepare a defense against the injunction. The numbers you collect as described above, will assist them in presenting more accurate numbers.

As soon as possible, send your preliminary count of students in each category to [kathleen.peters@cahelp.org](mailto:kathleen.peters@cahelp.org). This will inform our office and assist our attorneys in providing more accurate information as they push back on your behalf.

Do not send your lists or student names, just numbers of affected students from each category in #1.

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

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CASE NO. 2022010223

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ODYSSEY CHARTER SCHOOL,

v.

PARENTS ON BEHALF OF STUDENT.

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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.

## 8.9 Prevention and Intervention Updates

Verbal report, no materials



# 12<sup>th</sup> 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](mailto:adrienne.shepherd@cahelp.org)  
(760) 843-3982, ext. 216



[www.cahelp.org/](http://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](http://www.caltan.info)  
East County ITSA: [www.sdcoe.net/EastCountySELPA](http://www.sdcoe.net/EastCountySELPA)

8.12 Nonpublic School/Nonpublic Agency Update

Verbal report, no materials

Desert Mountain SELPA  
2019-20 AB602 Certified Funding

Local Education Agency	Annual R-1 6/18/21		Annual R-2 2/18/2022		Difference Annual R-2 Less Annual R-1	
	ADA Certified	Resource 6500	ADA Certified	Resource 6500	ADA Certified	Resource 6500
1 County Operated Programs	83.89	36,697,568	83.89	36,697,560	-	(8)
2 Academy for Academic Excellence	1,378.42	733,099	1,378.42	733,072	-	(27)
3 Norton Science & Language Academy	781.05	291,182	781.05	291,166	-	(16)
4 Adelanto Elementary	7,734.03	(1,612,531)	7,734.03	(1,612,682)	-	(151)
5 Apple Valley Unified	12,607.66	(435,653)	12,610.07	(434,194)	2.41	1,459
6 Baker Valley Unified	118.22	71,041	120.65	72,820	2.43	1,779
7 Barstow Unified	6,043.54	(792,449)	6,043.54	(792,567)	-	(118)
8 Bear Valley Unified	2,222.54	268,814	2,222.54	268,770	-	(44)
9 Excelsior Education Center	1,892.32	953,167	1,892.32	953,130	-	(37)
10 Excelsior Charter School Corona-Norco	94.67	54,050	94.67	54,048	-	(2)
11 Health Sciences High and Middle College	569.45	228,706	569.45	228,657	-	(49)
12 Health Sciences Middle	59.57	5,479	59.57	5,474	-	(5)
13 Helendale Elementary	1,080.81	186,031	1,080.81	185,938	-	(93)
14 Hesperia Unified	21,014.11	3,220,237	21,014.11	3,219,825	-	(412)
15 HT - High Tech Elementary Explorer	350.17	180,322	350.17	180,315	-	(7)
16 HT - High Tech High	470.87	230,995	470.87	230,986	-	(9)
17 HT - High Tech Middle	323.18	145,347	323.18	145,341	-	(6)
18 HT - High Tech High International	367.74	175,282	367.74	175,275	-	(7)
19 HT - High Tech High Media Arts	372.34	183,039	372.34	183,032	-	(7)
20 HT - High Tech Middle Media Arts	314.25	161,120	314.25	161,114	-	(6)
21 HT - High Tech Elementary	401.29	203,364	401.29	203,356	-	(8)
22 HT - SBC (All Locations)	2,901.73	1,430,049	2,901.73	1,429,992	-	(57)
23 Lucerne Valley Unified	786.54	236,711	786.54	236,711	-	-
24 Needles Unified	1,060.73	309,340	1,069.67	309,340	8.94	-
25 Oro Grande Elementary	4,721.14	2,632,182	4,721.14	2,632,089	-	(93)
26 Silver Valley Unified	2,039.44	1,025,287	2,039.44	1,025,247	-	(40)
27 Snowline Joint Unified	7,169.81	(449,961)	7,169.81	(450,101)	-	(140)
28 Trona Joint Unified	235.31	88,287	268.78	112,915	33.47	24,628
29 Victor Elementary	12,341.95	(3,153,874)	12,341.95	(3,154,116)	-	(242)
30 Victor Valley Union High	11,342.62	(974,890)	11,342.62	(975,113)	-	(223)
31 SELPA Low Incidence Entitlement (0296)	-	344,042	-	344,042	-	-
32 SELPA Related Services (0297)	-	6,874,296	-	6,874,296	-	-
33 Intensive Therapeutic Services	-	1,278,537	-	1,278,537	-	-
34 SELPA PS/RS (0293)	-	2,286,028	-	2,286,944	-	916
35 SELPA Out-of-Home (298B)	-	2,761,226	-	2,761,226	-	-
36 SELPA X-Pot (0292)	-	-	-	-	-	-

Desert Mountain SELPA  
2019-20 AB602 Certified Funding

	Annual R-1 6/18/21		Annual R-2 2/18/2022		Difference Annual R-2 Less Annual R-1	
	ADA Certified	Resource 6500	ADA Certified	Resource 6500	ADA Certified	Resource 6500
Local Education Agency						
37 SELPA Revenue Pool (029C)	-	338,895	-	338,895	-	-
38 SELPA Residential & Residential MHS	-	-	-	-	-	-
39 DMCC MHS	-	-	-	-	-	-
40 Total	100,879.39	56,174,365	100,926.64	56,201,340	47.25	26,975



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

A	B	C	Adjustments						J	Revenue Distribution			
			D	E	F	G	H	I		K	L	M	N
	ADA Schedule C	AB602 & Federal Local Assistance Apportionment 6500 & 3310  Per ADA 736.438031	Purchased Services Schedule D	Small District Shortfall / Protection Schedule E	AB602 Out-of-Home Funding for 100% LCI Schedule F	DM SELPA Charter NPS/NPA Schedule F	DM SELPA Charter NPS/NPA Indemnity Offset Schedule F	DM SELPA Charter X-Pot Contribution Schedule G	Adjusted Apportionment	County Property Tax Resource 6500	Local Assistance Resource 3310	AB602 Apportionment Resource 6500	Adjusted Apportionment
1 Local Education Agency	83.89	61,780	43,173,523						43,235,303	4,963,817	1,573,926	36,697,560	43,235,303
2 County Operated Programs	1,378.42	1,015,121	(58,270)	(39,171)				(26,880)	890,800		157,728	733,072	890,800
3 Academy for Academic Excellence	781.05	575,195	(120,493)	(22,195)				(20,580)	411,927		120,760	291,166	411,927
4 Norton Science and Language Academy	7,734.03	5,695,634	(5,614,684)	(219,779)					(138,829)		1,473,853	(1,612,682)	(138,829)
5 Adelanto Elementary	12,610.07	9,286,535	(7,595,174)	(358,343)	269,381				1,602,399		2,036,593	(434,194)	1,602,399
6 Apple Valley Unified	120.65	88,851							88,851		16,031	72,820	88,851
7 Baker Valley Unified	6,043.54	4,450,693	(3,852,766)	(171,740)					426,186		1,218,754	(792,567)	426,186
8 Barstow Unified	2,222.54	1,636,763	(926,401)	(63,158)					647,204		378,433	268,770	647,204
9 Bear Valley Unified	1,892.32	1,393,576	(41,975)	(53,774)				(50,190)	1,247,637		294,507	953,130	1,247,637
10 Excelsior Education Center	94.67	69,719		(2,690)				(1,890)	65,138		11,090	54,048	65,138
11 Excelsior Charter School Corona-Norco	569.45	419,365				(79,104)	23,967	(19,740)	344,488		115,831	228,657	344,488
12 Health Sciences High and Middle College	59.57	43,870				(19,910)	6,033	(3,570)	26,422		20,948	5,474	26,422
13 Health Sciences Middle	1,080.81	795,950	(548,641)	104,983					352,291		166,353	185,938	352,291
14 Helendale Elementary	21,014.11	15,475,590	(8,057,308)	(597,162)					6,821,120		3,601,296	3,219,825	6,821,120
15 Hesperia Unified	350.17	257,879		(9,951)			4,500	(10,500)	241,928		61,612	180,315	241,928
16 HT - High Tech Elementary Explorer	470.87	346,767		(13,381)				(14,910)	318,476		87,490	230,986	318,476
17 HT - High Tech High	323.18	238,002		(9,184)			4,500	(12,810)	220,508		75,167	145,341	220,508
18 HT - High Tech Middle	367.74	270,818		(10,450)				(12,390)	247,978		72,703	175,275	247,978
19 HT - High Tech High International	372.34	274,205		(10,581)			4,500	(12,390)	255,735		72,703	183,032	255,735
20 HT - High Tech High Media Arts	314.25	231,426		(8,930)			16,500	(11,340)	227,656		66,541	161,114	227,656
21 HT - High Tech Middle Media Arts	401.29	295,525		(11,404)				(11,760)	272,362		69,006	203,356	272,362
22 HT - High Tech Elementary	2,901.73	2,136,944		(82,459)				(90,930)	1,963,555		533,563	1,429,992	1,963,555
23 HT - SBC (All Locations)	786.54	579,238	(1,302,321)	1,111,397					388,314		151,603	236,711	388,314
24 Lucerne Valley Unified	1,069.67	787,746	(1,474,506)	1,139,042					452,281		142,941	309,340	452,281
25 Needles Unified	4,721.14	3,476,827	(211,516)	(134,161)					3,131,150		499,060	2,632,089	3,131,150
26 Oro Grande Elementary	2,039.44	1,501,921	69,699	(57,955)					1,513,665		488,418	1,025,247	1,513,665
27 Silver Valley Unified	7,169.81	5,280,121	(4,169,239)	(203,746)					907,136		1,357,237	(450,101)	907,136
28 Snowline Joint Unified	268.78	197,940	(397,841)	397,841					197,940		85,025	112,915	197,940
29 Trona Joint Unified	12,341.95	9,089,081	(10,084,243)	(350,723)					(1,345,885)		1,808,231	(3,154,116)	(1,345,885)
30 Victor Elementary	11,342.62	8,353,137	(6,940,677)	(322,325)					1,090,135		2,065,247	(975,113)	1,090,135
31 Victor Valley Union High		344,042							344,042			344,042	344,042
32 SELPA Low Incidence Entitlement (0296)			6,874,296						6,874,296			6,874,296	6,874,296
33 SELPA Related Services (0297)			1,278,537						1,278,537			1,278,537	1,278,537
34 Intensive Therapeutic Services (029P)									2,286,943			2,286,944	2,286,944
35 SELPA PS/RS (0293)		2,286,943											
36 SELPA Out-of-Home (298B)		3,030,607			(269,381)				2,761,226			2,761,226	2,761,226
37 SELPA X-Pot (0292)													
38 SELPA Revenue Pool (029C)						99,015	(60,000)	299,880	338,895			338,895	338,895
39 SELPA Residential & Mental Health													
40 DMCC MHS (483F)													
41 Total	100,926.64	79,987,807	(0)	0					79,987,807	4,963,817	18,822,650	56,201,340	79,987,807



**SELPA Special Education Funding Exhibit c**

SEL : 36-RR00 San Bernardin COE : erid: 2019-20 nnu al R2 c  
Desert/ untain  
Distri t: San Bernardin C .Offi e f Edu ati n c CDS C de: 36 10363

**SELPA Funded at the Statewide Target Rate c** YES

Greater f r r Year r r r r r Year SEL T tal D (a li able t  
new SEL s nly) A c -0 c 0.00

**ADA and STATEWIDE TARGET and COLA RATES**

SEL T tal D -1 100,926.64

r r Year SEL T tal D c -2 c 99,057.75

r r r r Year SEL T tal D c -3 c 102,460.33

SEL Funded D (Greater f -1 r -2) A -4 100,926.64

r r Year SEL Funded D (Greater f -2 r -3) A c -5 c 102,460.33

r r Year Statewide Target Rate (STR) A -6 \$ 539.6781000593

Current Year C st f Living djustment (COL ) Fa t r A c -7 1.0326

Current Year COL Rate ( -6 \* ( -7 - 1)) A c -8 \$ 17.5935060619

Current Year STR ( -6 + -8) A -9 \$ 557.2716061212

**FUNDING CALCULATION at SELPA's RATE [EC 56836.08(b)(3)(A)]**

**Base**

r r Year Base c B-1 \$ 50,275,479.11 c

r r Year COL -2 \$ 1,458,972.50

r r Year Gr with r De lining D djustment c B-3 \$ -462,117.50

r r Year T tal (Sum f B-1 thr ugh B-3) B-4 \$ 51,272,334.11 c

Base Rate (B-4 / -5) B-5 \$ 500.4115652370

Base Entitlement ( -5 \* B-5) c B-6 \$ 51,272,334.11

Base r rati n Fa t r B-7 0.9976697645

djusted Base Entitlement (B-6 \* B-7) c B-8 \$ 51,152,857.50

**COLA [56836.08(f)] c**

COL Funding (  $-5 * -8$  ) c B-9 \$ 1,802,636.44 c

**Growth/Declining ADA Adjustment [EC 56836.15]**

Gr wth D (If  $-4 > -5$ ,  $-4 - -5$ ; else 0) c B-10 0.00

Gr wth Entitlement (  $-9 * B-10$  ) B-11 \$ c 0.00

De line in Funded D (If  $-4 < -5$ ,  $-4 - -5$ ; else 0) c B-12 c -1,533.69

ri r Year SEL Base Rate c B-13 \$ 486.2421534418

De lining D djustment (B-12 \* B-13) c B-14 \$ -745,744.73

Gr wth r De lining D djustment (If B-11 > 0, B-11, else B-14) c B-15 \$ -745,744.73

**Total Funding at SELPA's Rate (B-8 + B-9 + B-15) c** B-16 \$ 52,209,749.21

**FUNDING CALCULATION at STATEWIDE TARGET RATE [EC 56836.08(b)(3)(B)]**

Funding at Statewide Target Rate (  $-4 * -9$  ) c C-1 \$ 56,243,550.77

Base Entitlement (  $-4 * B-5$  ) c C-2 \$ 50,504,857.90

Base r rati n Fa t r C-3 0.9976697645

djusted Base Entitlement (C-2 \* C-3) c C-4 \$ 50,387,169.68

Base Rate In rease munt (If C-1 > C-2, then C-1 - C-2, else 0) c C-5 \$ 5,738,692.87

Base Rate In rease r rati n Fa t r c C-6 c 1.0000000000

djusted Base Rate In rease munt (C-5 \* C-6) c C-7 \$ 5,738,692.87

**Total Funding at Statewide Target Rate (If C-1 > C-2, then C-4 + C-7, else C-1) c** C-8 c 56,125,862.55

**FUNDING ENTITLEMENT**

Funding Entitlement (Greater f B-16 r C-8) c D-1 \$ 56,125,862.55

L al S e ial Edu ati n r rerty Taxes [EC 2572] c D-2 \$ 4,963,817.00

li able Ex ess ER F D-3 \$ 0.00

T tal Dedu ti ns (D-2 + D-3) c D-4 \$ 4,963,817.00

Net Funding Entitlement (D-1 - D-4) c D-5 \$ 51,162,045.55

**PROGRAM SPECIALISTS/REGIONALIZED SERVICES (PS/RS) [EC 56836.24 & EC 56836.31]**

ri r Year Statewide verage S/RS Rate c E-1 \$ 15.9729049144

Current Year Statewide verage S/RS Rate (E-1 \* -7) c E-2 \$ 16.4936216146

c



**Necessary Small SELPA (NSS) PS/RS Apportionment c**

NSS D Thresh Id	E-3	<u>0.00</u>
Qualifying NSS D djustment (If E-3 > -4 , then E-3 - -4; else 0) c	E-4	<u>0.00</u>
NSS S/RS Entitlement (E-2 * E-4) c	E-5 \$	<u>0.00</u>
NSS S/RS r rati n Fa t r	E-6 c	<u>1.0000000000</u>
NSS S/RS rti nment (E-5 * E-6) c	E-7 \$ c	<u>0.00</u>

**PS/RS Apportionment**

S/RS Entitlement ( -4 * E-2) c	E-8 \$	<u>1,664,645.81</u>
S/RS r rati n Fa t r	E-9 c	<u>1.0000000000</u>
S/RS rti nment (E-8 * E-9)	E-10 \$	<u>1,664,645.81</u>
T tal S/RS rti nment (E-7 + E-10) c	E-11 \$	<u>1,664,645.81</u>

**LOW INCIDENCE [EC 56836.22] c**

L w In iden e Disabilities Y De mber u il C unt c	F-1 c	<u>738.00</u>
L w In iden e Rate c	F-2 \$	<u>466.1811131273 c</u>
L w In iden e rti nment (F-1 * F-2) c	F-3 \$	<u>344,041.66</u>

**OUT-OF-HOME CARE [EC 56836.165]**

Out- f-H me Care rti nment c	G-1 \$	<u>3,030,607</u>
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**EXTRAORDINARY COST POOL FOR NONPUBLIC NONSECTARIAN SCHOOLS (NPS) / LICENSED CHILDRENS INSTITUTIONS (LCI) & NSS MENTAL HEALTH SERVICES [EC 56836.21]**

N S/LCI Extra rdinary C st l rti nment	H-1 \$	<u>0</u>
NSS nta Health Servi es Extra rdinary C st l rti nment c	H-2 \$	<u>0</u>
T tal Extra rdinary C st l rti nment (H-1 + H-2) c	H-3 \$ c	<u>0</u>

**ADJUSTMENT FOR NSS WITH DECLINING ENROLLMENT [EC 56213]**

r r Year Funding, NSS with De lining D Only c	I-1 \$	<u>0.00</u>
Current Year Funding, NSS with De lining D Only (D-4 + D-5) c	I-2 \$	<u>0.00</u>
De line in Funded D (If -4 < -5 , -4 - -5; else 0) c	I-3 c	<u>0.00</u>
r r Year SEL Base Rate c	I-4 \$	<u>486.2421534418</u>
De line in Funded D djustment (If D-1 = B-16, then I-3 * I-4, else I-3 * -9)	I-5 \$ c	<u>0.00</u>
djustment f r NSS with De lining D Only (If I-1 > I-2 and I-3 < 0, redit c	I-6 \$ c	<u>0.00 c</u>

0% f l-5

**APPORIONMENT SUMMARY**

Net Funding Entitlement (D-5) c	J-1 \$	<u>51,162,045.55</u>
rogram Specialists/Regionalized Services (E-11) c	J-2 \$	<u>1,664,645.81</u>
Low Income (F-3)c	J-3 \$	<u>344,041.66</u>
Out-of-Home Care (G-1) c	J-4 \$	<u>3,030,607</u>
Extraordinary Cost (H-3, Annual Only) c	J-5 \$ c	<u>0</u>
Adjustment for NSS with Delisting Enrollment (I-6) c	J-6 \$ c	<u>0.00</u>
Total Apportionment (Sum of J-1 through J-6) c	J-7 \$	<u>56,201,340</u>

Ex rt t Ex el c

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

Web li y c

Desert Mountain SELPA  
2020-21 AB602 Certified Funding

Local Education Agency	P-2 6/18/2021		Annual 2/18/2022		Difference Annual Less P-2	
	ADA Certified	Resource 6500	ADA Certified	Resource 6500	ADA Certified	Resource 6500
1 County Operated Programs	83.89	41,383,519	83.89	41,170,949	-	(212,570)
2 Academy for Academic Excellence	1,393.60	867,950	1,393.60	867,797	-	(153)
3 Norton Science and Language Academy	789.20	417,970	789.20	417,883	-	(87)
4 Adelanto Elementary	7,734.03	(1,191,034)	7,734.03	(1,191,210)	-	(176)
5 Apple Valley Unified	12,607.66	521,452	12,610.07	523,103	2.41	1,651
6 Baker Valley Unified	118.22	77,923	120.65	79,949	2.43	2,026
7 Barstow Unified	6,043.54	(810,323)	6,043.54	(810,460)	-	(137)
8 Bear Valley Unified	2,222.54	270,824	2,222.54	270,579	-	(245)
9 Excelsior Education Center	1,892.32	1,098,629	1,892.32	1,098,421	-	(208)
10 Excelsior Charter School Corona-Norco	94.67	60,166	94.67	60,155	-	(11)
11 Health Sciences High and Middle College	578.00	308,456	578.00	308,392	-	(64)
12 Helendale Elementary	1,080.81	56,330	1,080.81	56,330	-	-
13 Hesperia Unified	21,014.11	4,374,386	21,014.11	4,373,906	-	(480)
14 Lucerne Valley Unified	877.50	239,947	877.50	239,947	-	-
15 Needles Unified	1,060.73	314,534	1,069.67	314,534	8.94	-
16 Oro Grande Elementary	4,721.14	2,998,597	4,721.14	2,998,489	-	(108)
17 Silver Valley Unified	2,039.44	1,214,838	2,039.44	1,214,614	-	(224)
18 Snowline Joint Unified	7,169.81	(580,926)	7,169.81	(581,090)	-	(164)
19 Trona Joint Unified	235.31	138,617	268.78	166,676	33.47	28,059
20 Victor Elementary	12,341.95	(1,947,592)	12,341.95	(1,947,873)	-	(281)
21 Victor Valley Union High	11,342.62	(794,416)	11,342.62	(794,675)	-	(259)
22 SELPA Low Incidence Entitlement (0296)	-	2,248,168	-	2,248,168	-	-
23 SELPA Related Services (0297)	-	7,131,773	-	7,131,773	-	-
24 Intensive Therapeutic Services	-	1,180,891	-	1,180,891	-	-
25 SELPA PS/RS (0293)	-	2,521,985	-	2,523,167	-	1,182
26 SELPA Out-of-Home (298B)	-	2,738,386	-	2,738,386	-	-
27 SELPA X-Pot (0292)	-	-	-	-	-	-
28 SELPA Revenue Pool (029C)	-	184,753	-	184,753	-	-
29 SELPA Residential & Residential MHS	-	-	-	-	-	-
30 DMCC MHS	-	-	-	-	-	-
31 Total	95,441.09	65,025,803	95,488.34	64,843,554	47.25	(182,249)

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

	A	B	Adjustments						I
			C	D	E	F	G	H	
	ADA Schedule C	AB602 & Federal Local Assistance Apportionment 6500 & 3310 Per ADA	Purchased Services Schedule D	Small District Shortfall / Protection Schedule E	AB602 Out-of-Home Funding for 100% LCI Schedule F	DM SELPA Charter NPS/NPA Schedule F	DM SELPA Charter NPS/NPA Indemnity Offset Schedule F	DM SELPA Charter X-Pot Contribution Schedule G	Adjusted Apportionment
1 Local Education Agency									
2 County Operated Programs	83.89	70,392	47,903,583	-	-	-	-	-	47,973,975
3 Academy for Academic Excellence	1,393.60	1,169,367	(83,533)	-	-	-	-	(33,957)	1,051,877
4 Norton Science and Language Academy	789.20	662,216	(84,142)	-	-	-	-	(24,948)	553,126
5 Adelanto Elementary	7,734.03	6,489,612	(6,064,414)	(266,302)	-	-	-	-	158,895
6 Apple Valley Unified	12,610.07	10,581,089	(7,900,138)	(434,197)	267,679	-	-	-	2,514,433
7 Baker Valley Unified	120.65	101,237	-	-	-	-	-	-	101,237
8 Barstow Unified	6,043.54	5,071,124	(4,451,042)	(208,095)	-	-	-	-	411,988
9 Bear Valley Unified	2,222.54	1,864,930	(1,232,500)	-	-	-	-	-	632,430
10 Excelsior Education Center	1,892.32	1,587,843	(94,877)	-	-	-	-	(61,446)	1,431,520
11 Excelsior Charter School Corona-Norco	94.67	79,437	-	-	-	-	-	(3,003)	76,434
12 Health Sciences High and Middle College	578.00	484,999	-	-	-	(70,147)	30,000	(21,252)	423,599
13 Helendale Elementary	1,080.81	906,906	(909,035)	222,504	-	-	-	-	220,374
14 Hesperia Unified	21,014.11	17,632,905	(8,782,752)	(723,569)	-	-	-	-	8,126,584
15 Lucerne Valley Unified	877.50	736,309	(1,352,485)	1,004,490	-	-	-	-	388,314
16 Needles Unified	1,069.67	897,558	(1,675,238)	1,229,961	-	-	-	-	452,281
17 Oro Grande Elementary	4,721.14	3,961,501	(253,217)	(162,561)	-	-	-	-	3,545,723
18 Silver Valley Unified	2,039.44	1,711,291	(33,043)	-	-	-	-	-	1,678,248
19 Snowline Joint Unified	7,169.81	6,016,176	(4,998,862)	(246,875)	-	-	-	-	770,439
20 Trona Joint Unified	268.78	225,533	(400,164)	400,164	-	-	-	-	225,533
21 Victor Elementary	12,341.95	10,356,110	(10,005,251)	(424,965)	-	-	-	-	(74,106)
22 Victor Valley Union High	11,342.62	9,517,574	(7,895,552)	(390,555)	-	-	-	-	1,231,466
23 SELPA Low Incidence Entitlement (0296)	-	2,248,168	-	-	-	-	-	-	2,248,168
24 SELPA Related Services (0297)	-	-	7,131,771	-	-	-	-	-	7,131,771
25 Intensive Therapeutic Services (029P)	-	-	1,180,891	-	-	-	-	-	1,180,891
26 SELPA PS/RS (0293)	-	2,523,166	-	-	-	-	-	-	2,523,166
27 SELPA Out-of-Home (298B)	-	3,006,065	-	-	(267,679)	-	-	-	2,738,386
28 SELPA X-Pot (0292)	-	-	-	-	-	-	-	-	-
29 SELPA Revenue Pool (029C)	-	-	-	-	-	70,147	(30,000)	144,606	184,753
30 SELPA Residential & Mental Health/Care Services	-	-	-	-	-	-	-	-	-
31 DMCC MHS (483F)	-	-	-	-	-	-	-	-	-
32 Total	95,488.34	87,901,508	-	(0)	-	-	-	-	87,901,508

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

	Revenue Distribution				Expenses			
	J	K	L	M	N	O	P	Q
	County Property Tax Resource 6500	Local Assistance Entitlement Resource 3310	AB602 Apportionment Resource 6500	Adjusted Apportionment	* Estimated District Funded NPS/NPA Object 5110 Schedule F	* District NPS/NPA Indemnity Object 8699 Schedule F	* District X-Pot Contribution Object 5810 Schedule G	Total District Expense
1 Local Education Agency								
2 County Operated Programs	5,154,475	1,648,551	41,170,949	47,973,975	-	-	324,324	324,324
3 Academy for Academic Excellence	-	184,081	867,797	1,051,877	-	-	-	-
4 Norton Science and Language Academy	-	135,243	417,883	553,126	-	-	-	-
5 Adelanto Elementary	-	1,350,105	(1,191,210)	158,895	397,673	(30,000)	242,319	609,992
6 Apple Valley Unified	-	1,991,330	523,103	2,514,433	2,927,336	(30,000)	366,366	3,263,702
7 Baker Valley Unified	-	21,288	79,949	101,237	16,557	(16,557)	3,927	3,927
8 Barstow Unified	-	1,222,448	(810,460)	411,988	2,435,337	(30,000)	221,067	2,626,404
9 Bear Valley Unified	-	361,850	270,579	632,430	5,468	(5,468)	66,528	66,528
10 Excelsior Education Center	-	333,099	1,098,421	1,431,520	-	-	-	-
11 Excelsior Charter School Corona-Norco	-	16,279	60,155	76,434	-	-	-	-
12 Health Sciences High and Middle College	-	115,207	308,392	423,599	-	-	-	-
13 Helendale Elementary	-	164,045	56,330	220,374	54,737	(30,000)	30,261	54,998
14 Hesperia Unified	-	3,752,677	4,373,906	8,126,584	2,304,780	(30,000)	683,529	2,958,309
15 Lucerne Valley Unified	-	148,367	239,947	388,314	351,899	(30,000)	27,258	349,157
16 Needles Unified	-	137,748	314,534	452,281	-	-	25,410	25,410
17 Oro Grande Elementary	-	547,234	2,998,489	3,545,723	72,936	(30,000)	100,947	143,883
18 Silver Valley Unified	-	463,634	1,214,614	1,678,248	3,736	(3,736)	84,777	84,777
19 Snowline Joint Unified	-	1,351,528	(581,090)	770,439	553,145	(30,000)	248,787	771,932
20 Trona Joint Unified	-	58,857	166,676	225,533	85,016	(30,000)	10,857	65,873
21 Victor Elementary	-	1,873,767	(1,947,873)	(74,106)	582,845	(30,000)	342,573	895,418
22 Victor Valley Union High	-	2,026,141	(794,675)	1,231,466	1,429,837	(30,000)	373,758	1,773,595
23 SELPA Low Incidence Entitlement (0296)	-	-	2,248,168	2,248,168	-	-	-	-
24 SELPA Related Services (0297)	-	-	7,131,773	7,131,773	-	-	-	-
25 Intensive Therapeutic Services (029P)	-	-	1,180,891	1,180,891	-	-	-	-
26 SELPA PS/RS (0293)	-	-	2,523,167	2,523,167	-	-	-	-
27 SELPA Out-of-Home (298B)	-	-	2,738,386	2,738,386	-	-	-	-
28 SELPA X-Pot (0292)	-	-	-	-	-	-	-	-
29 SELPA Revenue Pool (029C)	-	-	184,753	184,753	-	-	-	-
30 SELPA Residential & Mental Health/Care Sol	-	-	-	-	-	-	-	-
31 DMCC MHS (483F)	-	-	-	-	-	-	-	-
32 Total	5,154,475	17,903,479	64,843,554	87,901,508	11,221,300	(355,761)	3,152,688	14,018,229



**SELPA Special Education Funding Exhibit c**

SELPA : 36-RR00 San Bernardino COE : Period: 2020-21 Annual  
 Desert/ Mountain  
 District: San Bernardino County Office of Education CDS Code: 36 10363

**ADA [EC 56836.144] and COLA [EC 56836.14]**

Current Year SELPA Total Deductions	-1	<u>95,488.34</u>
Priority Year SELPA Total Deductions	-2 c	<u>100,926.64</u>
Second Priority Year SELPA Total Deductions	-3 c	<u>99,057.75</u>
SELPA Funded Deductions (Greater of -1, -2, or -3) Amount	-4 c	<u>100,926.64</u>
2019-20 SELPA Funded Deductions	-5 c	<u>100,926.64</u>
Cost-of-Living Adjustment (COLA) Factor Amount	-6 c	<u>1.0000</u>

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

Priority Year SELPA Base Rate Amount	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) Amount	B-3 \$ c	<u>625.0000000000</u>
Base Grant Entitlement (B-1 * B-3) Amount	B-4 \$	<u>63,079,150.00</u>
Base Rate Ratio Factor	B-5 c	<u>1.0000000000</u>
Adjusted Base Grant Entitlement (B-4 * B-5) Amount	B-6 \$	<u>63,079,150.00</u>

**GENERAL FUNDING [EC 56836.15]**

Local Special Education Property Taxes [EC 2572] Amount	C-1 \$	<u>5,154,475.00</u>
Eligible Excess ERF	C-2 \$	<u>0.00</u>
Total Deductions (C-1 + C-2) Amount	C-3 \$	<u>5,154,475.00</u>
Net Funding Entitlement (B-6 - C-3) Amount	C-4 \$ c	<u>57,924,675.00</u>

**PROGRAM SPECIALISTS/REGIONALIZED SERVICES (PS/RS) [EC 56836.24 & EC 56836.31]**

2019-20 Statewide Average PS/RS Rate Amount	D-1 \$	<u>16.4936216146</u>
Current Year Statewide Average PS/RS Rate (D-1 * -6) Amount	D-2 \$ c	<u>16.4936216146</u>

**Necessary Small SELPA (NSS) PS/RS Apportionment c**

NSS D Thresh ld	D-3	<u>0.00</u>
Qualifying NSS D djustment (If D-3 > -5 , then D-3 - -5; else 0) c	D-4	<u>0.00</u>
NSS S/RS Entitlement (D-2 * D-4) c	D-5 \$ c	<u>0.00</u>
NSS S/RS r rati n Fa t r c	D-6 c	<u>1.0000000000</u>
NSS S/RS rti nment (D-5 * D-6) c	D-7 \$ c	<u>0.00</u>

**PS/RS Apportionment**

S/RS Entitlement ( -5 * D-2) c	D-8 \$	<u>1,664,645.81</u>
S/RS r rati n Fa t r	D-9 c	<u>1.0000000000</u>
S/RS rti nment (D-8 * D-9)	D-10 \$	<u>1,664,645.81</u>
T tal S/RS rti nment (D-7 + D-10) c	D-11 \$	<u>1,664,645.81</u>

**LOW INCIDENCE [EC 56836.22]**

C L DS Fall 1 r r Year L w In iden e u il C unts c	E-1 c	<u>737</u>
L w In iden e Rate c	E-2 \$	<u>3,050.4314230522</u>
L w In iden e rti nment (E-1 * E-2) c	E-3 \$	<u>2,248,167.96</u>

**OUT-OF-HOME CARE [EC 56836.165]**

Out- f-H me Care rti nment c	F-1 \$	<u>3,006,065</u>
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**EXTRAORDINARY COST POOL FOR NONPUBLIC NONSECTARIAN SCHOOLS (NPS) / LICENSED CHILDRENS INSTITUTIONS (LCI) & NSS MENTAL HEALTH SERVICES [EC 56836.21]**

N S/LCI Extra rdinary C st l rti nment	G-1 \$	<u>0</u>
NSS nta Health Servi es Extra rdinary C st l rti nment c	G-2 \$	<u>0</u>
T tal Extra rdinary C st l rti nment (G-1 + G-2) c	G-3 \$ c	<u>0</u>

**ADJUSTMENT FOR NSS WITH DECLINING ENROLLMENT [EC 56214]**

2019-20 djustment f r NSS with De lining D Only c	H-1 \$	<u>0.00</u>
T tal 2019-20 Statewide djustment f r NSS c	H-2 \$ c	<u>0.00</u>
er entage f 2019-20 djustment f r NSS (If H-1 = 0, then 0, else H-1 / H-2) c	H-3 c	<u>0.00</u>
Current Year r rati n In rease c	H-4 \$ c	<u>0</u>
r rti nate Share (H-3 * H-4) c	H-5 \$	<u>0.00</u>
T tal djustment f r NSS with De lining Enr llment (H-1 + H-5) c	H-6 \$ c	<u>0.00</u> c

**APPORTIONMENT SUMMARY c**

Net Funding Entitlement (C-4) c	I-1 \$	<u>57,924,675.00</u>
rogram Specialists/Regionalized Services (D-11) c	I-2 \$	<u>1,664,645.81</u>
Low Income (E-3)	I-3 \$	<u>2,248,167.96</u>
Out-of-Home Care (F-1) c	I-4 \$	<u>3,006,065</u>
Extraordinary Cost (G-3, Annual Only) cc	I-5 \$	<u>0</u>
Adjustment for NSS with Delisting Enrollment (H-6) c	I-6 \$	<u>0.00</u>
Total Entitlement (Sum of I-1 through I-6)	I-7 \$	<u>64,843,554</u>

Ex rt t Ex el c

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

Web li y c



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

	A	B	Adjustments							J
			C	D	E	F	G	H	I	
	ADA Schedule C	AB602 & Federal Local Assistance Apportionment 6500 & 3310 Per ADA	Purchased Services Schedule D	Preschool Assessments Schedule D	Small District Shortfall / Protection Schedule E	AB602 Out-of-Home Funding for 100% LCI Schedule F	DM SELPA Charter NPS/NPA Schedule F	DM SELPA Charter NPS/NPA Indemnity Offset Schedule F	DM SELPA Charter X-Pot Contribution Schedule G	Adjusted Apportionment
1 Local Education Agency		\$ 995,718,325								
2 County Operated Programs	74.22	73,902	46,292,770	120,096	-	-	-	-	-	46,486,768
3 Academy for Academic Excellence	1,322.34	1,316,678	(109,022)	-	-	-	-	-	(33,840)	1,173,816
4 Norton Science and Language Academy	969.40	965,249	(98,004)	-	-	-	-	-	(32,880)	834,365
5 Adelanto Elementary	6,848.85	6,819,525	(5,511,895)	(71,168)	(206,593)	-	-	-	-	1,029,869
6 Apple Valley Unified	11,544.55	11,495,120	(9,440,740)	-	(348,237)	208,446	-	-	-	1,914,589
7 Baker Valley Unified	112.55	112,068	-	-	57,888	-	-	-	-	169,956
8 Barstow Unified	5,323.83	5,301,035	(4,775,777)	(35,584)	(160,591)	-	-	-	-	329,083
9 Bear Valley Unified	1,841.64	1,833,755	(1,433,894)	-	-	-	-	-	-	399,861
10 Excelsior Education Center	1,933.79	1,925,510	(115,001)	-	-	-	-	-	(67,680)	1,742,829
11 Excelsior Charter School Corona-Norco	108.93	108,464	-	-	-	-	-	-	(4,320)	104,144
12 Health Sciences High and Middle College	552.86	550,493	-	-	-	-	(104,086)	30,000	(24,720)	451,687
13 Helendale Elementary	1,075.56	1,070,955	(870,245)	(8,896)	123,215	-	-	-	-	315,028
14 Hesperia Unified	19,845.92	19,760,946	(10,534,082)	-	(598,645)	-	-	-	-	8,628,219
15 Lucerne Valley Unified	885.32	881,529	(1,231,282)	-	738,067	-	-	-	-	388,314
16 Needles Unified	926.89	922,921	(1,579,308)	-	1,108,668	-	-	-	-	452,281
17 Oro Grande Elementary	5,065.79	5,044,100	(252,516)	-	(152,808)	-	-	-	-	4,638,776
18 Silver Valley Unified	1,809.01	1,801,264	(119,632)	(4,448)	-	-	-	-	-	1,677,184
19 Snowline Joint Unified	6,991.67	6,961,734	(5,864,341)	-	(210,901)	-	-	-	-	886,492
20 Trona Joint Unified	229.87	228,886	(322,903)	-	322,903	-	-	-	-	228,886
21 Victor Elementary	11,254.45	11,206,262	(11,235,138)	-	(339,487)	-	-	-	-	(368,362)
22 Victor Valley Union High	11,055.25	11,007,915	(8,019,002)	-	(333,478)	-	-	-	-	2,655,435
23 SELPA Low Incidence Entitlement (0296)	-	2,304,093	-	-	-	-	-	-	-	2,304,093
24 SELPA Related Services (0297)	-	-	7,787,834	-	-	-	-	-	-	7,787,834
25 Intensive Therapeutic Services (029P)	-	-	1,163,347	-	-	-	-	-	-	1,163,347
26 SELPA PS/RS (0293)	-	2,886,502	-	-	-	-	-	-	-	2,886,502
27 SELPA Out-of-Home (298B)	-	3,006,065	-	-	-	(208,446)	-	-	-	2,797,619
28 SELPA X-Pot (0292)	-	-	-	-	-	-	-	-	-	-
29 SELPA Revenue Pool (029C)	-	-	-	-	-	-	104,086	(30,000)	163,440	237,526
30 SELPA Residential & Mental Health/Care Services	-	-	-	-	-	-	-	-	-	-
31 DMCC MHS (483F)	-	-	6,268,831	-	-	-	-	-	-	6,268,831
32 Total	89,772.69	97,584,972	-	-	0	-	-	-	-	97,584,972

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

	Revenue Distribution				Expenses			
	K	L	M	N	O	P	Q	R
	County Property Tax Resource 6500	Local Assistance Resource 3310	AB602 Apportionment Resource 6500	Adjusted Apportionment	* Estimated District Funded NPS/NPA Object 5110 Schedule F	* District NPS/NPA Indemnity Object 8699 Schedule F	* District X-Pot Contribution Object 5810 Schedule G	Total District Expense
1 Local Education Agency								
2 County Operated Programs	4,976,536	1,550,214	39,960,018	46,486,768	-	-	283,200	283,200
3 Academy for Academic Excellence	-	177,168	996,648	1,173,816	-	-	-	-
4 Norton Science and Language Academy	-	172,142	662,223	834,365	-	-	-	-
5 Adelanto Elementary	-	1,277,872	(248,003)	1,029,869	800,972	(30,000)	244,080	1,015,052
6 Apple Valley Unified	-	2,165,207	(250,619)	1,914,589	3,922,202	(30,000)	398,400	4,290,602
7 Baker Valley Unified	-	17,591	152,365	169,956	87,888	(30,000)	3,360	61,248
8 Barstow Unified	-	1,238,920	(909,837)	329,083	4,216,542	(30,000)	236,640	4,423,182
9 Bear Valley Unified	-	379,500	20,360	399,861	2,691	(2,691)	70,320	70,320
10 Excelsior Education Center	-	354,336	1,388,493	1,742,829	-	-	-	-
11 Excelsior Charter School Corona-Norco	-	22,617	81,526	104,144	-	-	-	-
12 Health Sciences High and Middle College	-	129,421	322,266	451,687	-	-	-	-
13 Helendale Elementary	-	198,529	116,500	315,028	67,352	(30,000)	37,920	75,272
14 Hesperia Unified	-	3,817,483	4,810,736	8,628,219	5,049,682	(30,000)	710,160	5,729,842
15 Lucerne Valley Unified	-	146,244	242,070	388,314	499,860	(30,000)	27,600	497,460
16 Needles Unified	-	201,042	251,239	452,281	-	-	38,400	38,400
17 Oro Grande Elementary	-	649,616	3,989,160	4,638,776	112,450	(30,000)	124,080	206,530
18 Silver Valley Unified	-	423,861	1,253,323	1,677,184	4,070	(4,070)	78,960	78,960
19 Snowline Joint Unified	-	1,404,917	(518,425)	886,492	812,373	(30,000)	265,680	1,048,053
20 Trona Joint Unified	-	70,365	158,521	228,886	53,676	(30,000)	13,440	37,116
21 Victor Elementary	-	1,809,402	(2,177,764)	(368,362)	742,382	(30,000)	325,440	1,037,822
22 Victor Valley Union High	-	2,173,763	481,672	2,655,435	2,064,315	(30,000)	415,200	2,449,515
23 SELPA Low Incidence Entitlement (0296)	-	-	2,304,093	2,304,093	-	-	-	-
24 SELPA Related Services (0297)	-	-	7,787,831	7,787,831	-	-	-	-
25 Intensive Therapeutic Services (029P)	-	-	1,163,347	1,163,347	-	-	-	-
26 SELPA PS/RS (0293)	-	-	2,886,502	2,886,502	-	-	-	-
27 SELPA Out-of-Home (298B)	-	-	2,797,619	2,797,619	-	-	-	-
28 SELPA X-Pot (0292)	-	-	-	-	-	-	-	-
29 SELPA Revenue Pool (029C)	-	-	237,526	237,526	-	-	-	-
30 SELPA Residential & Mental Health/Care Sol	-	-	-	-	-	-	-	-
31 DMCC MHS (483F)	-	-	6,268,831	6,268,831	-	-	-	-
32 Total	4,976,536	18,380,215	74,228,221	97,584,972	18,436,455	(366,761)	3,272,880	21,342,574

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

	Other Grants/Entitlements									
	S	T	U	V	W	X	Y	Z	AA	AB
	Preschool Pupil Count	Infant Pupil Count	Federal Preschool Resource 3315	American Recovery Plan Supplemental Resource 3305	American Recovery Plan Supplemental Resource 3308	Preschool Staff Development Resource 3345	County Operated Federal Local Assistance Adjustment for 2017-18 Preschool Local Assistance	Part C Early Intervention Resource 3385	Infant Funding Resources 6510/6515	Mental Health ADA - Resource 3327 AB114 - Resource 6546
1 Local Education Agency	Schedule C									
2 County Operated Programs	99	15	71,191	341,234	75,939	-	412,411	32,210	909,293	-
3 Academy for Academic Excellence	-	-	-	41,300	-	-	-	-	-	-
4 Norton Science and Language Academy	-	-	-	40,128	-	-	-	-	-	-
5 Adelanto Elementary	-	-	-	297,884	-	-	-	-	-	-
6 Apple Valley Unified	91	-	65,437	486,221	69,803	-	-	-	-	-
7 Baker Valley Unified	-	-	-	4,101	-	-	-	-	-	-
8 Barstow Unified	-	-	-	288,804	-	-	-	-	-	-
9 Bear Valley Unified	13	-	9,348	85,821	9,972	-	-	-	-	-
10 Excelsior Education Center	-	-	-	82,599	-	-	-	-	-	-
11 Excelsior Charter School Corona-Norco	-	-	-	5,272	-	-	-	-	-	-
12 Health Sciences High and Middle College	-	-	-	30,169	-	-	-	-	-	-
13 Helendale Elementary	-	-	-	46,279	-	-	-	-	-	-
14 Hesperia Unified	114	-	81,976	866,704	87,445	-	-	-	-	-
15 Lucerne Valley Unified	2	-	1,438	33,684	1,534	-	-	-	-	-
16 Needles Unified	-	-	-	46,865	-	-	-	-	-	-
17 Oro Grande Elementary	-	-	-	151,432	-	-	-	-	-	-
18 Silver Valley Unified	12	-	8,629	96,366	9,205	-	-	-	-	-
19 Snowline Joint Unified	16	-	11,505	324,245	12,273	-	-	-	-	-
20 Trona Joint Unified	-	-	-	16,403	-	-	-	-	-	-
21 Victor Elementary	121	-	87,010	397,178	92,815	-	-	-	-	-
22 Victor Valley Union High	-	-	-	506,725	-	-	-	-	-	-
23 SELPA Low Incidence Entitlement (0296)	-	-	-	-	-	-	-	-	-	-
24 SELPA Related Services (0297)	-	-	-	-	-	-	-	-	-	-
25 Intensive Therapeutic Services (029P)	-	-	-	-	-	-	-	-	-	-
26 SELPA PS/RS (0293)	-	-	19,587	-	-	2,738	-	5,000	-	-
27 SELPA Out-of-Home (298B)	-	-	-	-	-	-	-	-	-	-
28 SELPA X-Pot (0292)	-	-	-	-	-	-	-	-	-	-
29 SELPA Revenue Pool (029C)	-	-	-	-	-	-	-	-	-	-
30 SELPA Residential & Mental Health/Care Services	-	-	-	-	-	-	-	-	-	830,000
31 DMCC MHS (483F)	-	-	-	-	-	-	-	-	-	7,187,527
32 Total	468	15	356,120	4,189,413	358,986	2,738	412,411	37,210	909,293	8,017,527

Desert/Mountain SELPA  
Schedule B - Funding Exhibit

<b>ADA AND COLA EC 56836.144</b>		
Current Year SELPA Total ADA	A-1	89,772.69
Prior Year SELPA Total ADA	A-2	95,488.34
Second Prior Year SELPA Total ADA	A-3	100,926.64
SELPA Funded ADA (Greater of A-1, A-2, or A-3)	A-4	100,926.64
2019-20 SELPA Funded ADA	A-5	100,926.64
Cost-of-Living Adjustment (COLA) Factor	A-6	1.0170
<b>BASE RATE EC 56836.146 &amp; BASE GRANT FUNDING EC 56836.148</b>		
Prior Year SELPA Base Rate	B-1	570.14
SELPA Base Rate (A-6 * B-1)	B-2	579.84
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	72,162,547.60
Base Proration Factor	B-6	1.00
Adjusted Base Grant Entitlement (B-5 * B-6)	B-7	72,162,547.60
<b>GENERAL FUND CALCULATION EC 56836.15</b>		
Local Special Education Property Taxes (E.C. 2572)	C-1	4,976,536.00
Applicable Excess ERAF	C-2	-
Total Deductions (C-1 + C-2)	C-3	4,976,536.00
Net Funding Entitlement (B-7 - C-3)	C-4	67,186,011.60
<b>PROGRAM SPECIALISTS/REGIONALIZED SERVICES (PS/RS) EC 56836.24 &amp; EC 56836.31</b>		
Prior Year Statewide Average PS/RS Rate	D-1	16.8746242739
Current Year Statewide Average PS/RS Rate (D-1 * A-6)	D-2	17.1614928866
Necessary Small SELPA (NSS) PS/RS Apportionment		
NSS ADA Threshold	D-3	-
Qualifying NSS ADA Adjustment (If D-3 > A-5, D-3 - A-5; else 0)	D-4	-
NSS PS/RS Entitlement (D-2 * D-4)	D-5	-
NSS PS/RS Proration Factor	D-6	1.00
NSS PS/RS Apportionment (D-5 * D-6)	D-7	-
PS/RS Apportionment		
PS/RS Entitlement (A-5 * D-2)	D-8	1,732,051.81
PS/RS Proration Factor	D-9	1.00
PS/RS Apportionment (D-8 * D-9)	D-10	1,732,051.81
Total PS/RS Apportionment (D-7 + D-10)	D-11	1,732,051.81
<b>LOW INCIDENCE EC 56836.22</b>		
Low Incidence Disabilities PY December Pupil Count	E-1	698
Low Incidence Materials and Services Rate	E-2	3,300.992755568
Low Incidence Materials and Services Apportionment (E-1 * E-2)	E-3	2,304,092.94
<b>OUT OF HOME CARE EC 56836.165</b>		
Out-of-Home Care Apportionment	F-1	3,006,065.00
<b>EXTRAORDINARY COST POOL FOR NONPUBLIC NONSECTARIAN SCHOOLS (NPS)/LICENSED CHILDRENS INSTITUTIONS (LCI) &amp; NSS MENTAL HEALTH SERVICES EC 56836.21</b>		
NPS Extraordinary Cost Pool Apportionment	G-1	-
NSS Mental Health Services Extraordinary Cost Pool Apportionment	G-2	-
Total Extraordinary Cost Pool Apportionment (G-1 + G-2)	G-3	-
<b>ADJUSTMENT FOR NSS WITH DECLINING ENROLLMENT EC 56214</b>		
2019-20 Adjustment for NSS with Declining ADA Only	H-1	-
Total 2019-20 Statewide Adjustment for NSS	H-2	-
Percentage of 2019-20 Adjustment for NSS (IF H-1 = 0 then 0, else H-1/H-2)	H-3	-
Current Year Appropriation Increase	H-4	-
Proportionate Share (H-3 * H-4)	H-5	-
Total Adjustment for NSS with Declining Enrollment (H-1 + H-5)	H-6	-

Desert/Mountain SELPA  
Schedule B - Funding Exhibit

<b>APPORTIONMENT SUMMARY</b>		
Net Funding Entitlement (C-4)	I-1	67,186,012
PS/RS Apportionment (D-11)	I-2	1,732,052
Low Incidence (E-3)	I-3	2,304,093
Out-of-Home Care Apportionment (F-1)	I-4	3,006,065
Extraordinary Cost Pool Apportionment (G-3, Annual Only; else 0)	I-5	-
Adjustment for NSS with Declining Enrollment (H-6)	I-6	-
<b>Total Apportionment (Sum of I-1 through I-6)</b>	<b>I-7</b>	<b>74,228,221</b>
Property Taxes and Excess ERAF		4,976,536
<b>Total AB 602 Funding</b>		<b>79,204,757</b>
Federal Local Assistance		18,380,215
<b>Total Funding with Local Assistance</b>		<b>97,584,972</b>
Less PS/RS		(1,732,052)
Less PS/RS Adjustment Allocation Methodology) Base + Property Tax * 4%	2,886,501.90	(1,154,450)
Less Low Incidence Materials & Equipment (K-8)		(2,304,093)
Less Out of Home Care (K-9)		(3,006,065)
<b>Total Funding (Equally Distributed per ADA)</b>		<b>89,388,313</b>
SELPA ADA for Allocation (A-1)		89,772.69
AB602 Funding per ADA		995.72

Desert/Mountain SELPA  
Schedule C - ADA Pupil Count

Average Daily Attendance 2021-22 P-1 Certified							Pupil Count (Preliminary)			
Local Education Agency	LEA ADA	ADA Reported by SBCSS	Out-of-State Tuition	Subtotal Allocated County ADA	Dependent Charter ADA	SELPA Total ADA	Infant	Preschool	K-12	Total Pupil Count
1 County Operated Programs	74.22	-	-	74.22	-	74.22	15	99	1,066	1,180
2 Academy for Academic Excellence	1,322.34	-	-	1,322.34	-	1,322.34	-	-	141	141
3 Norton Science and Language Academy	969.40	-	-	969.40	-	969.40	-	-	137	137
4 Adelanto Elementary	6,785.13	63.72	-	6,848.85	-	6,848.85	-	-	1,017	1,017
5 Apple Valley Unified	11,455.50	89.05	-	11,544.55	-	11,544.55	-	91	1,569	1,660
6 Baker Valley Unified	110.31	-	2.24	112.55	-	112.55	-	-	14	14
7 Barstow Unified	5,270.12	53.71	-	5,323.83	-	5,323.83	-	-	986	986
8 Bear Valley Unified	1,836.35	5.29	-	1,841.64	-	1,841.64	-	13	280	293
9 Excelsior Education Center	1,933.79	-	-	1,933.79	-	1,933.79	-	-	282	282
10 Excelsior Charter School Corona-Norco	108.93	-	-	108.93	-	108.93	-	-	18	18
11 Health Sciences High and Middle College	552.86	-	-	552.86	-	552.86	-	-	103	103
12 Helendale Elementary	588.97	7.57	-	596.54	479.02	1,075.56	-	-	158	158
13 Hesperia Unified	19,758.46	87.46	-	19,845.92	-	19,845.92	-	114	2,845	2,959
14 Lucerne Valley Unified	866.57	18.75	-	885.32	-	885.32	-	2	113	115
15 Needles Unified	795.30	25.74	105.85	926.89	-	926.89	-	-	160	160
16 Oro Grande Elementary	86.25	1.44	-	87.69	4,978.10	5,065.79	-	-	517	517
17 Silver Valley Unified	1,806.41	2.60	-	1,809.01	-	1,809.01	-	12	317	329
18 Snowline Joint Unified	6,915.61	76.06	-	6,991.67	-	6,991.67	-	16	1,091	1,107
19 Trona Joint Unified	225.65	4.22	-	229.87	-	229.87	-	-	56	56
20 Victor Elementary	10,651.65	165.51	-	10,817.16	437.29	11,254.45	-	121	1,235	1,356
21 Victor Valley Union High	10,276.56	91.07	-	10,367.63	687.62	11,055.25	-	-	1,730	1,730
22 SELPA AB602 Total ADA	82,390.38	692.19	108.09	83,190.66	6,582.03	89,772.69	15	468	13,835	14,318

Desert/Mountain SELPA  
Schedule D - Purchased Services

	A	B	C	D	E	F	G	H	I
		SELPA Related Services and Education Support	Intensive Therapeutic Services	D/M Children's Center Mental Health Services	County Regional Services	Served by Other Districts	Served for Other Districts	Total Purchased Services	Preschool Assessments
1	Local Education Agency								
2	County Operated Programs	-	-	-	46,292,770	-	-	46,292,770	120,096
3	Academy for Academic Excellence	(103,442)	-	-	(5,580)	-	-	(109,022)	-
4	Norton Science and Language Academy	(97,155)	-	-	(849)	-	-	(98,004)	-
5	Adelanto Elementary	(110,300)	(21,864)	(466,017)	(4,904,197)	(426,263)	416,746	(5,511,895)	(71,168)
6	Apple Valley Unified	(1,279,589)	(384,442)	(1,318,660)	(6,436,988)	(174,094)	153,033	(9,440,740)	-
7	Baker Valley Unified	-	-	-	-	-	-	-	-
8	Barstow Unified	(705,231)	(259,635)	(487,885)	(3,093,025)	(239,090)	9,089	(4,775,777)	(35,584)
9	Bear Valley Unified	(226,314)	(24,597)	-	(1,182,983)	-	-	(1,433,894)	-
10	Excelsior Education Center	(73,724)	-	-	(41,277)	-	-	(115,001)	-
11	Excelsior Charter School Corona-Norco	-	-	-	-	-	-	-	-
12	Health Sciences High and Middle College	-	-	-	-	-	-	-	-
13	Helendale Elementary	(36,576)	(9,110)	-	(811,633)	(12,926)	-	(870,245)	(8,896)
14	Hesperia Unified	(2,859,215)	(94,744)	(1,638,552)	(5,712,379)	(432,940)	251,068	(10,486,762)	-
15	Hesperia Unified (Joshua Circle Nurse-3Chords)	-	-	-	(47,320)	-	-	(47,320)	-
16	Lucerne Valley Unified	(144,018)	(9,110)	-	(1,060,160)	(17,994)	-	(1,231,282)	-
17	Needles Unified	-	-	-	(1,554,308)	-	-	(1,554,308)	-
18	Needles Unified (Nursing)	-	-	-	(25,000)	-	-	(25,000)	-
19	Oro Grande Elementary	(57,150)	-	(6,900)	(188,466)	-	-	(252,516)	(4,448)
20	Silver Valley Unified	(38,862)	(35,529)	-	(337,451)	-	292,210	(119,632)	-
21	Snowline Joint Unified	(721,805)	(66,503)	(588,569)	(4,405,376)	(233,569)	151,481	(5,864,341)	-
22	Trona Joint Unified	-	-	-	(322,903)	-	-	(322,903)	-
23	Victor Elementary	(1,004,697)	(122,074)	(456,239)	(9,979,232)	(226,953)	579,057	(11,210,138)	-
24	Victor Elementary (Del Rey Nurse)	-	-	-	(25,000)	-	-	(25,000)	-
25	Victor Valley Union High	(329,756)	(135,739)	(1,306,009)	(6,158,643)	(275,402)	186,547	(8,019,002)	-
26	SELPA Low Incidence Entitlement (0296)	-	-	-	-	-	-	-	-
27	DMCC MHS (483F)	-	-	6,268,831	-	-	-	6,268,831	-
28	SELPA Related Services (0297)	7,787,834	1,163,347	-	-	-	-	8,951,181	-
33	Total Purchased Services	-	-	-	-	(2,039,231)	2,039,231	-	-

Desert/Mountain SELPA  
Schedule E - Small District Protection

	A	B	C	C	D	E	F	G	H	I	J	K	L
	Local Education Agency	SPED Apportionment 6500/3310	Apportionment (Exclude LEAs < 2501 ADA)	% of Apportionment > 2500 LEA	Total Purchased Services	Revenue Less Purchased Services	Small District Shortfall	* Small District NPS/NPA (Includes Indemnity Offset)	Small District Transportation Costs	Small District Protection	Small District Guarantee - Green Highlight Guarantee > Apportionment	Less All Related - Itinerant - SELPA Services	Revised Small District Guarantee < 1500 ADA (Not to Exceed Apportionment)
1													
2	County Operated Programs	73,902	-	0	46,412,866	46,486,768	-	-	-	-	-	-	-
3	Academy for Academic Excellence	1,316,678	-	0	(109,022)	1,207,656	-	-	-	2,350,740	-	-	-
4	Norton Science and Language Academy	965,249	-	0	(98,004)	867,245	-	-	-	-	-	-	-
5	Adelanto Elementary	6,819,525	6,819,525	8.79%	(5,583,063)	1,236,462	-	-	-	(206,593)	-	-	-
6	Apple Valley Unified	11,495,120	11,495,120	14.81%	(9,440,740)	2,054,380	-	-	-	(348,237)	-	-	-
7	Baker Valley Unified	112,068	-	0	-	112,068	-	57,888	-	-	89,863	-	89,863
8	Barstow Unified	5,301,035	5,301,035	6.83%	(4,811,361)	489,674	-	-	-	(160,591)	-	-	-
9	Bear Valley Unified	1,833,755	-	0	(1,433,894)	399,861	-	-	-	-	-	-	-
10	Excelsior Education Center	1,925,510	-	0	(115,001)	1,810,509	-	-	-	-	-	-	-
11	Excelsior Charter School Corona-Norco	108,464	-	0	-	108,464	-	-	-	-	-	-	-
12	Health Sciences High and Middle College	550,493	-	0	-	550,493	-	-	-	-	-	-	-
13	Helendale Elementary	1,070,955	-	0	(879,141)	191,814	19,869	-	103,346	-	211,682	-	211,682
14	Hesperia Unified	19,760,946	19,760,946	25.47%	(10,486,762)	9,274,184	-	-	-	(598,645)	-	-	-
15	Lucerne Valley Unified	881,529	-	0	(1,231,282)	(349,753)	738,067	-	-	-	388,314	-	388,314
16	Needles Unified	922,921	-	0	(1,579,308)	(656,387)	1,108,668	-	-	-	452,281	-	452,281
17	Oro Grande Elementary	5,044,100	5,044,100	6.50%	(256,964)	4,787,136	-	-	-	(152,808)	-	-	-
18	Silver Valley Unified	1,801,264	-	0	(119,632)	1,681,632	-	-	-	-	-	-	-
19	Snowline Joint Unified	6,961,734	6,961,734	8.97%	(5,864,341)	1,097,393	-	-	-	(210,901)	-	-	-
20	Trona Joint Unified	228,886	-	0	(322,903)	(94,017)	322,903	-	-	-	253,535	-	228,886
21	Victor Elementary	11,206,262	11,206,262	14.44%	(11,210,138)	(3,876)	-	-	-	(339,487)	-	-	-
22	Victor Valley Union High	11,007,915	11,007,915	14.19%	(8,019,002)	2,988,913	-	-	-	(333,478)	-	-	-
23	SELPA Low Incidence Entitlement (0296)	2,304,093	-	0	-	2,304,093	-	-	-	-	-	-	-
24	SELPA Related Services (0297)	-	-	0	8,951,181	8,951,181	-	-	-	-	-	-	-
25	SELPA PS/RS (0293)	2,886,502	-	0	-	2,886,502	-	-	-	-	-	-	-
26	SELPA Out-of-Home (298B)	3,006,065	-	0	-	3,006,065	-	-	-	-	-	-	-
27	Total	97,584,972	77,596,638	100.00%	(6,196,511)	91,388,461	2,189,506	57,888	103,346	(2,350,740)	1,395,676	-	1,371,027



Desert/Mountain SELPA  
Schedule F - Non-Public Schools/Agencies

	A	B	C	D	E	F	G
		100% Funded NPS LCI	NPS ADA LCFF Offset for 100% LCI	Out-of-Home Funding for 100% LCI	LEA Paid NPS/NPA Non-LCI	Less Indemnity (Maximum \$30,000)	Net District Paid NPS/NPA Costs
1	Local Education Agency						
2	County Operated Programs	-	-	-	-	-	-
3	Academy for Academic Excellence	-	-	-	-	-	-
4	Norton Science and Language Academy	-	-	-	-	-	-
5	Adelanto Elementary	-	-	-	800,972	(30,000)	770,972
6	Apple Valley Unified	275,128	(66,682)	208,446	3,922,202	(30,000)	3,892,202
7	Baker Valley Unified	-	-	-	87,888	(30,000)	57,888
8	Barstow Unified	-	-	-	4,216,542	(30,000)	4,186,542
9	Bear Valley Unified	-	-	-	2,691	(2,691)	-
10	Excelsior Education Center	-	-	-	-	-	-
11	Excelsior Charter School Corona-Norco	-	-	-	-	-	-
12	Health Sciences High and Middle College	-	-	-	104,086	(30,000)	74,086
13	Helendale Elementary	-	-	-	67,352	(30,000)	37,352
14	Hesperia Unified	-	-	-	5,049,682	(30,000)	5,019,682
15	Lucerne Valley Unified	-	-	-	499,860	(30,000)	469,860
16	Needles Unified	-	-	-	-	-	-
17	Oro Grande Elementary	-	-	-	112,450	(30,000)	82,450
18	Silver Valley Unified	-	-	-	4,070	(4,070)	-
19	Snowline Joint Unified	-	-	-	812,373	(30,000)	782,373
20	Trona Joint Unified	-	-	-	53,676	(30,000)	23,676
21	Victor Elementary	-	-	-	742,382	(30,000)	712,382
22	Victor Valley Union High	-	-	-	2,064,315	(30,000)	2,034,315
23	Total	275,128	(66,682)	208,446	18,540,541	(396,761)	18,143,780

Desert/Mountain SELPA  
Schedule G - X-Pot Contribution

X-Pot Rate 240.00

	Pupil Count	X-Pot Contribution
1 Local Education Agency		
2 County Operated Programs	1,180	283,200
3 Academy for Academic Excellence	141	33,840
4 Norton Science and Language Academy	137	32,880
5 Adelanto Elementary	1,017	244,080
6 Apple Valley Unified	1,660	398,400
7 Baker Valley Unified	14	3,360
8 Barstow Unified	986	236,640
9 Bear Valley Unified	293	70,320
10 Excelsior Education Center	282	67,680
11 Excelsior Charter School Corona-Norco	18	4,320
12 Health Sciences High and Middle College	103	24,720
13 Helendale Elementary	158	37,920
14 Hesperia Unified	2,959	710,160
15 Lucerne Valley Unified	115	27,600
16 Needles Unified	160	38,400
17 Oro Grande Elementary	517	124,080
18 Silver Valley Unified	329	78,960
19 Snowline Joint Unified	1,107	265,680
20 Trona Joint Unified	56	13,440
21 Victor Elementary	1,356	325,440
22 Victor Valley Union High	1,730	415,200
29 Total	14,318	3,436,320
30 Total District Transfers (0292 - 8677)	12,457	2,989,680
31 Total LEA Charter (0292 - 5748)	681	163,440
32 DM Operations (2900) (0292 - 5748)	1,066	255,840
33 DM Operations (0295 - Infant) (0292 - 5748)	15	3,600
34 DM Operations (0495 - Preschool) (0292 - 5748)	99	23,760
35 Total	14,318	3,436,320

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

Apportionment	1,816,998
Desert/Mountain SELPA	363,400
LEA Allocation	1,453,598

<u>LEA</u>	<u>Allocation</u>	<u>Amount Claimed</u>	<u>Balance</u>	<u>FAR Actuals as of 3/15/2022</u>
Academy for Academic Excellence	14,026	-	14,026.00	-
Adelanto Elementary	133,034	-	133,034.00	-
Apple Valley Unified	180,106	-	180,106.00	-
Baker Valley Unified	1,700	-	1,700.00	-
Barstow Unified	108,489	-	108,489.00	-
Bear Valley Unified	34,746	-	34,746.00	-
Excelsior Charter	25,077	-	25,077.00	-
Excelsior Charter School Corona-Norco	638	-	638.00	-
Health Sciences High and Middle College	10,413	-	10,413.00	-
Helendale Elementary	17,214	-	17,214.00	-
Hesperia Unified	320,364	-	320,364.00	-
Lucerne Valley Unified	16,470	-	16,470.00	-
Needles Unified	21,570	-	21,570.00	-
Norton Science and Language Academy	9,988	-	9,988.00	-
Oro Grande	37,296	-	37,296.00	-
Silver Valley Unified	41,547	-	41,547.00	-
Snowline Joint Unified	122,621	13,729.75	108,891.25	29,972.96
Trona Joint Unified	7,544	-	7,544.00	-
Victor Elementary	188,819	-	188,819.00	-
Victor Valley Union High	161,936	-	161,936.00	-
	1,453,598	13,729.75	1,439,868.25	29,972.96

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

Apportionment	8,176,491
DMS	1,635,298
Charter Allocation	6,541,193

<u>LEA</u>	<u>Allocation</u>	<u>Amount Claimed</u>	<u>Balance</u>	<u>FAR Actuals as of 3/15/2022</u>
Academy for Academic Excellence	63,117	-	63,117.00	-
Adelanto Elementary	598,653	-	598,653.00	82,223.41
Apple Valley Unified	810,477	-	810,477.00	-
Baker Valley Unified	7,651	-	7,651.00	-
Barstow Unified	488,199	-	488,199.00	-
Bear Valley Unified	156,357	-	156,357.00	-
Excelsior Charter	112,845	-	112,845.00	-
Excelsior Charter School Corona-Norco	2,869	-	2,869.00	-
Health Sciences High and Middle Colleg	46,859	-	46,859.00	-
Helendale Elementary	77,461	-	77,461.00	-
Hesperia Unified	1,441,644	-	1,441,644.00	-
Lucerne Valley Unified	74,114	-	74,114.00	-
Needles Unified	97,066	-	97,066.00	-
Norton Science and Language Academ	44,947	-	44,947.00	-
Oro Grande	167,833	-	167,833.00	-
Silver Valley Unified	186,960	-	186,960.00	-
Snowline Joint Unified	551,794	-	551,794.00	1,354.21
Trona Joint Unified	33,949	-	33,949.00	985.50
Victor Elementary	849,686	-	849,686.00	-
Victor Valley Union High	728,712	-	728,712.00	-
	6,541,193	-	6,541,193.00	84,563.12

**Desert/Mountain SELPA**

**One-Time Funding Summary - Federal and State**

LEA	ARP IDEA 611 Local Assistance Entitlements Resource 3305 <small>(7/1/2021-9/30/2023)</small>	ARP IDEA 619 Federal Preschool Resource 3308 <small>(7/1/2021-9/30/2023)</small>	Total
County Operated Programs	331,313	169,896	501,209
Academy for Academic Excellence	41,268	-	41,268
Norton Science and Language Academy	40,097	-	40,097
Adelanto Elementary	298,240	3,554	301,794
Apple Valley Unified	493,165	31,278	524,443
Baker Valley Unified	4,098	-	4,098
Barstow Unified	288,289	1,422	289,711
Bear Valley Unified	85,755	3,554	89,309
Excelsior Education Center	82,536	-	82,536
Excelsior Education Center - Corona Nord	5,268	-	5,268
Health Sciences High and Middle College	30,146	-	30,146
Helendale Elementary	46,243	1,422	47,665
Hesperia Unified	866,038	73,219	939,257
Lucerne Valley Unified	34,536	1,422	35,958
Needles Unified	46,536	-	46,536
Oro Grande Elementary	151,315	-	151,315
Silver Valley Unified	96,292	9,952	106,244
Snowline Joint Unified	325,752	2,133	327,885
Trona Joint Unified	16,683	711	17,394
Victor Elementary	397,166	60,423	457,589
Victor Valley Union High	508,677	-	508,677
Desert/Mountain SELPA	-	-	-
<b>Total</b>	<b>4,189,413</b>	<b>358,986</b>	<b>4,548,399</b>

LEA	Dispute Prevention/ Resolution Resource 6536 <small>(Encumber by 6/30/2023)</small>	Learning Recovery Support Resource 6537 <small>(Encumber by 6/30/2023)</small>	Total
County Operated Programs	-	-	-
Academy for Academic Excellence	14,026	63,117	77,143
Norton Science and Language Academy	9,988	44,947	54,935
Adelanto Elementary	133,034	598,653	731,687
Apple Valley Unified	180,106	810,477	990,583
Baker Valley Unified	1,700	7,651	9,351
Barstow Unified	108,489	488,199	596,688
Bear Valley Unified	34,746	156,357	191,103
Excelsior Education Center	25,077	112,845	137,922
Excelsior Education Center - Corona Nord	638	2,869	3,507
Health Sciences High and Middle College	10,413	46,859	57,272
Helendale Elementary	17,214	77,461	94,675
Hesperia Unified	320,364	1,441,644	1,762,008
Lucerne Valley Unified	16,470	74,114	90,584
Needles Unified	21,570	97,066	118,636
Oro Grande Elementary	37,296	167,833	205,129
Silver Valley Unified	41,547	186,960	228,507
Snowline Joint Unified	122,621	551,794	674,415
Trona Joint Unified	7,544	33,949	41,493
Victor Elementary	188,819	849,686	1,038,505
Victor Valley Union High	161,936	728,712	890,648
Desert/Mountain SELPA	-	-	-
<b>Total</b>	<b>1,453,598</b>	<b>6,541,193</b>	<b>7,994,791</b>



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

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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

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SUBJECT: 2021 -2022 Personnel Data Report

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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](mailto: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](mailto: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



## MEMORANDUM

Date: March 9, 2022  
To: Directors of Special Education  
From: Richard Frederick, Area Director *RF*  

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**Subject: Audiological Service Reports**

Attached are the Audiological Service Reports for the month of February 2022 by district.

If you have any questions concerning these reports, please contact Dale Folkens, Ed. D. Principal at (760) 244-6131 ext. 247 or via email at [dale.folkens@sbcss.net](mailto:dale.folkens@sbcss.net).



Desert/Mountain Special Education Local Plan Area  
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## MEMORANDUM

Date: March 18, 2022

To: Directors of Special Education

From: Codi Andersen, Occupational/Physical Therapy Supervisor

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Subject: **Occupational and Physical Therapy Reports**

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

If you have any questions concerning either report, please contact me at (760) 955-3659 at [Codi.Andersen@cahelp.org](mailto:Codi.Andersen@cahelp.org)



Desert Mountain SELPA  
2021-2022 Non-Public School Placement Report

	January				February				March				April				May				June			
	District Placed	Residential Placed	LCI/Foster Placed	TOTAL	District Placed	Residential Placed	LCI/Foster Placed	TOTAL	District Placed	Residential Placed	LCI/Foster Placed	TOTAL	District Placed	Residential Placed	LCI/Foster Placed	TOTAL	District Placed	Residential Placed	LCI/Foster Placed	TOTAL	District Placed	Residential Placed	LCI/Foster Placed	TOTAL
Adelanto	3			3	3			3	3			3												
Apple Valley	19	1	8	28	17	1	9	27	18	1	7	26												
Baker																								
Barstow	4	2	1	7	3	2		5	3	2		5												
Bear Valley																								
Helendale																								
Hesperia	15			15	16			16	16			16												
High Tech High																								
Lucerne Valley	1			1	1			1																
Needles																								
Oro Grande																								
Silver Valley						1		1		1		1												
Snowline	9	1		10	10			10	9			9												
Trona																								
Victor Elem	6		1	7	6		1	7	6		1	7												
VVUHSD	20		1	21	21		1	22	20		1	21												
<b>TOTALS</b>	<b>77</b>	<b>4</b>	<b>11</b>	<b>92</b>	<b>77</b>	<b>4</b>	<b>11</b>	<b>92</b>	<b>75</b>	<b>4</b>	<b>9</b>	<b>88</b>												
2020-21 Totals	82	7	16	104	83	3	18	104	82	3	18	103	83	5	17	105	82	5	13	101	82	5	13	101
2019-20 Totals	76	7	18	101	76	8	15	99	78	7	16	101	78	7	15	100	77	7	16	100	75	6	16	97
2018-19 Totals	56	18	10	84	63	15	10	88	66	15	13	94	76	13	15	103	81	12	17	110	82	12	17	111
2017-18 Totals	32	17	5	54	30	16	5	51	33	16	6	55	30	17	5	51	21	17	6	44	23	17	5	45
2016-17 Totals	88	21	15	124	79	20	13	112	79	17	14	110	87	17	14	118	90	19	14	123	90	21	14	125

Desert Mountain SELPA  
2021-2022 Non-Public School Placement Report

	July				August				September				October				November				December			
	District Placed	Residential Placed	LCI/Foster Placed	TOTAL	District Placed	Residential Placed	LCI/Foster Placed	TOTAL	District Placed	Residential Placed	LCI/Foster Placed	TOTAL	District Placed	Residential Placed	LCI/Foster Placed	TOTAL	District Placed	Residential Placed	LCI/Foster Placed	TOTAL	District Placed	Residential Placed	LCI/Foster Placed	TOTAL
Adelanto	3			3	3			3	2			2	2			2	2			2	2			2
Apple Valley	17	1	5	23	17	1	5	23	20	1	7	28	21	1	6	28	21	1	6	28	20	1	6	27
Baker																								
Barstow	5	1		6	5	1		6	5	1		6	5	1		6	5	1		6	4	2	1	7
Bear Valley																								
Helendale																								
Hesperia	17			17	17			17	15			15	16			16	15			15	17			17
High Tech High																								
Lucerne Valley									1			1	1			1	1			1	1			1
Needles																								
Oro Grande																								
Silver Valley																								
Snowline	11	1		12	11	1		12	11			11	9			10	9			10	9			9
Trona																								
Victor Elem	8		1	9	8		1	9	6		1	7	6		1	7	6		1	7	5		1	6
VVUHSD	22	1	2	25	21	1	2	24	20	2	2	24	20	2	2	23	21	2	2	24	20	2	2	24
<b>TOTALS</b>	<b>83</b>	<b>4</b>	<b>8</b>	<b>95</b>	<b>82</b>	<b>4</b>	<b>8</b>	<b>94</b>	<b>80</b>	<b>4</b>	<b>10</b>	<b>94</b>	<b>80</b>	<b>4</b>	<b>9</b>	<b>93</b>	<b>80</b>	<b>4</b>	<b>9</b>	<b>93</b>	<b>78</b>	<b>5</b>	<b>10</b>	<b>93</b>
2020-21 Totals	78	6	16	100	69	6	15	90	81	4	18	103	80	4	18	102	80	4	17	101	83	4	17	104
2019-20 Totals	80	11	19	110	74	11	16	101	73	8	17	98	74	8	19	101	75	8	19	102	75	8	19	102
2018-19 Totals	56	18	10	84	63	15	10	88	66	15	13	94	76	13	15	103	81	12	17	110	82	12	17	111
2017-18 Totals	32	17	5	54	30	16	5	51	33	16	6	55	30	17	5	51	21	17	6	44	23	17	5	45
2016-17 Totals	88	21	15	124	79	20	13	112	79	17	14	110	87	17	14	118	90	19	14	123	90	21	14	125

## 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

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## 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

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## Upcoming Trainings

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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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