

California Association of Health and Education Linked Professions
Joint Powers Authority (CAHELP JPA)
DESERT/MOUNTAIN SELPA STEERING and FINANCE COMMITTEE MEETING
May 27, 2022 – 9:00 a.m.
Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley CA 92307

AGENDA

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

PARTICIPATE BY PHONE:

Dial Access Number: 1-415-655-0003

When prompted - enter Meeting Number: 2457 461 7396

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. 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 May 27, 2022 Desert/Mountain SELPA Steering and Finance Committee Meeting Agenda be approved as presented.

5.0 PRESENTATIONS

5.1 Nonpublic School Residential Treatment Process

Derek Hale will present on the Nonpublic School Residential Treatment process.

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6.0 INFORMATION/ACTION

6.1 Assembly Bill 361 Exemptions to Brown Act Virtual Meeting Requirements

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

6.1.1 **BE IT RESOLVED** that the Assembly Bill 361 Exemptions to Brown Act Virtual Meeting Requirements be approved as presented.

6.2 Desert/Mountain SELPA D/M 77 Notice of Procedural Safeguards (ACTION)

Forms used in the operations of special education programs within the Desert/Mountain SELPA are developed, reviewed and revised throughout the year upon the recommendation of the Program Team. Forms are modified as necessary in order to support the operations of special education programs in an efficient, effective and legally compliant manner. Suggested revisions to SELPA Forms are submitted to the D/M SELPA Steering Committee for consideration and approval.

6.2.1 **BE IT RESOLVED** that the Desert/Mountain SELPA D/M 77 Notice of Procedural Safeguards 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 April 22, 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 Governor's Budget

Pam Bender will provide an update on the Governor's Budget.

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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.

8.5 Mental Health Trends

Linda Llamas will present research information on mental health trends.

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.

8.9 Prevention and Intervention Update

Pamela Strigglers will provide the Prevention and Intervention update.

8.10 Compliance Update

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

8.11 Nonpublic School/Nonpublic Agency Update

Peggy Dunn will provide a nonpublic school/nonpublic agency update.

9.0 FINANCE COMMITTEE REPORTS

9.1 Update on Federal Grants

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AGENDA

Marina Gallegos will present updates on federal grants for D/M SELPA.

- 9.2 2022-23 Desert/Mountain SELPA P2 Projected Special Education Revenue Distribution
Marina Gallegos will present the 2022-23 Desert/Mountain SELPA P2 Projected Special Education Revenue Distribution.

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

11.0 STEERING AND FINANCE 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, June 24, 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.



Least Restrictive Environment and the NPS-RTC Process

Derek Hale

School Psychologist

Desert Mountain SELPA

PLACEMENT OPTIONS IN THE LEAST RESTRICTIVE ENVIRONMENT (LRE)

- The Least Restrictive Environment (LRE) mandate of the IDEA requires that students with disabilities receive their education in the “regular education environment” to the maximum extent appropriate or, to the extent such placement is not appropriate, in an environment with the least possible amount of segregation from the students’ non-disabled peers and community (34 CFR 300.114 through 34 CFR 300.120). LRE not only applies to instruction taking place in the classroom but also broadly to all aspects of a student’s special education program, as well as to students who are not educated in traditional settings (e.g., independent study or virtual programs).
- Ed. Code, 56031

LRE: Legal Overview

Sacramento City Unified School Dis.v. Rachel H. (9th Cir. 1994)

- In considering whether the District proposed an appropriate placement for Rachel, the district court examined the following factors: (1) the educational benefits available to Rachel in a regular classroom, supplemented with appropriate aids and services, as compared with the educational benefits of a special education classroom; (2) the non-academic benefits of interaction with children who were not disabled; (3) the effect of Rachel's presence on the teacher and other children in the classroom; and (4) the cost of mainstreaming Rachel in a regular classroom.

LRE: Legal Overview

Districts must attempt to make placement decisions that “is as close as possible to the child’s home” and in “the school he or she would attend if nondisabled”

- Generally, the further that a placement is located from student’s home and community, the more restrictive it is considered.

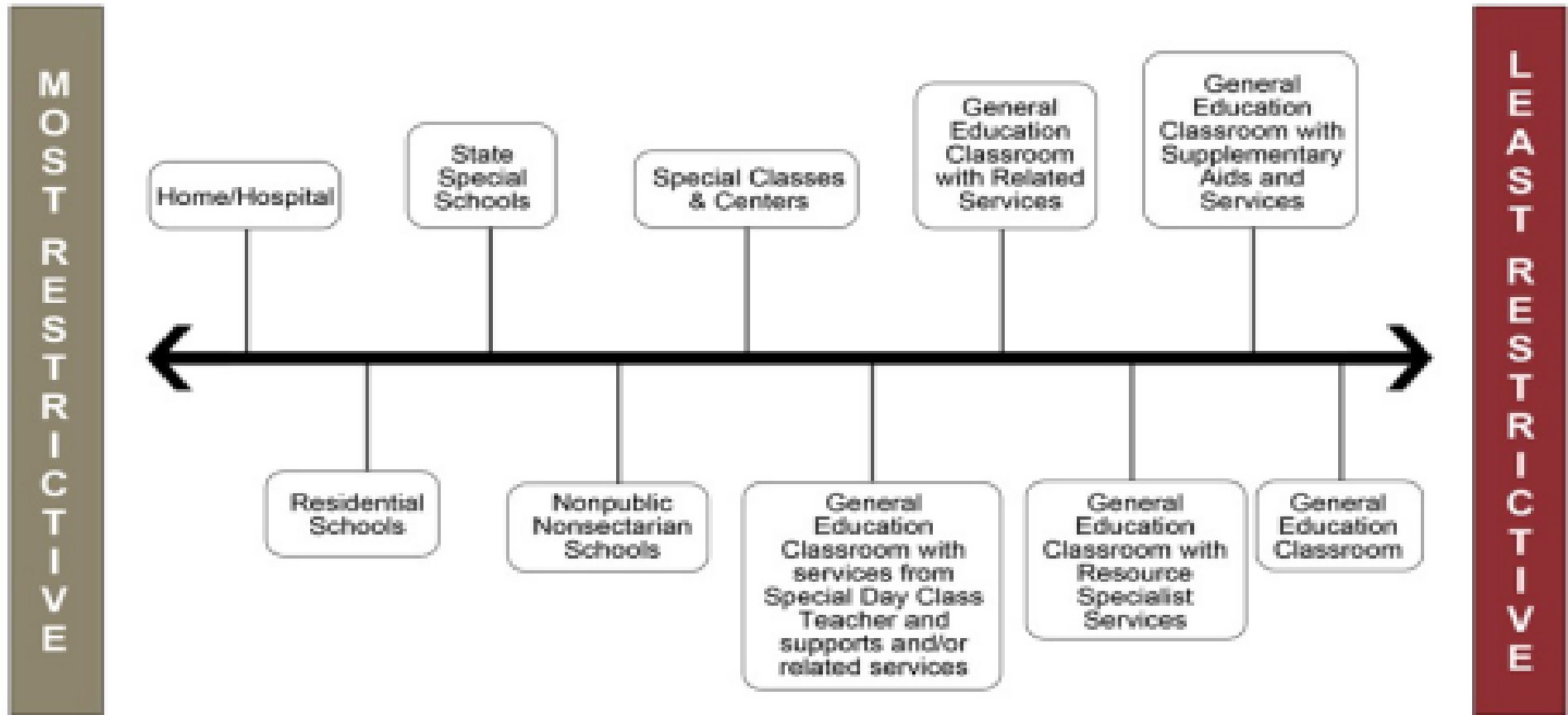
(34 C.F.R. 300.116)

Continuum of Placements

- The continuum of alternative placements reflects a range of potential placements for which a Local Education Agency (LEA) can implement a student's IEP. The continuum begins with the general education setting and continues to become more restrictive with each placement on the continuum (34 CFR 300.114).

Continuum of Placement Options

Note: The continuum options include, but are not necessarily limited to all of the following or any combination of the following.



Mental Health Services

- On June 30, 2011, Assembly Bill 114, Chapter 43, was signed into law. The passage of AB 114 made it clear that school districts are now solely responsible for ensuring that students with disabilities receive special education and mental health related services, including those previously provided by county mental health agencies, in accordance with the Individuals with Disabilities Education Act (IDEA) of 2004. This amendment essentially redirected funding from County Mental Health (CMH) to Local Education Agencies (LEA) and authorized the LEA to determine whether the LEA, Nonpublic Agency (NPA) and/or CMH render (educationally related) mental health services at the discretion of the LEA (AB 114 Ch. 43 (14)).

Mental Health Services Continued

- Local educational agencies ensure that assessments performed prior to an educationally related mental health referral are as useful as possible in determining the need for mental health services and the level of services needed (Cal. Educ. Code §56331 (b)).
- <https://www.cde.ca.gov/sp/se/ac/ab114memo.asp>

Desert/Mountain Children's Center
PROGRAMS and SERVICES

DMCC Services

	AGE 0-6		AGE 7-21			
PROGRAM	EIIS Early Identification & Intervention Services	SART Screening Assessment Referral & Treatment	SAP Student Assistance Program	SATS School Aged Treatment Services <i>Includes: Therapeutic Behavioral Services (TBS); and Family Support Services</i>	Residential Assessment/ Monitoring	
STAFF	Supervisor: LCSW or LMFT level BHC	Supervisor: LCSW or LMFT level BHC	Supervisor: LCSW or LMFT level BHC	Supervisor: LCSW or LMFT level BHC	Supervisor: LMFT or LCSW level BHC	
PROGRAM DESCRIPTION / LOCATION	Locations: High Desert Big Bear Yucca Valley <i>Clients ages 0-8, who are less intensive and require treatment for less than one year</i> Includes: <ul style="list-style-type: none"> Assessment Intervention and Activities (less intensive) Discharge or Transition to Other Services 	Locations: High Desert Big Bear Yucca Valley <i>Clients ages 0-6, who are more intensive and require trans-disciplinary team to determine treatment</i> Includes: <ul style="list-style-type: none"> Trans-disciplinary Assessment Treatment (more intensive) Discharge or Transition to Other Services 	Locations: High Desert Yucca Valley <i>Clients who have been identified by school staff or parent/guardian needing some help who are at risk of developing a mental health diagnoses or have been exposed to trauma, are in stress families, at risk for school failure or experiencing the first onset of a mental health illness. The student cannot be open in the SATS program or be on an IEP or have a 504 Plan</i>	Locations: High Desert Big Bear Yucca Valley SATS-TBS Locations: High Desert Educationally Related Mental Health Services (ERMHS): Inland Empire San Diego High Desert Big Bear	Locations: Determined by IEP team <i>Clients who are referred through IEP process and intensive behaviors are impacting educational attainment</i>	
SERVICES	Services: <ul style="list-style-type: none"> Family Support Partners Occupational Therapy Speech and language Rehab / ADL Individual or Group Infant Massage Individual Therapy Case Management 	Services: <ul style="list-style-type: none"> Family Support Partners Occupational Therapy (general or intensive) Speech and Language (general or /LEAP) Rehab / ADL Individual or Group Infant Massage Individual Therapy Specialty Groups CARE Pediatrician Services Psychological Testing Clinic Recommendations Medication Management 	Services: <ul style="list-style-type: none"> Universal: school-wide presentations Selective (skill education individual or group) Early Intervention (individual intervention with low intensity and short duration) 	Services: <ul style="list-style-type: none"> Primarily School Based Services Individual Group TBS (Short-term (up to 6 months) intensive behavioral intervention) Medication Management Occasional Cognitive Testing 	Services: <ul style="list-style-type: none"> Assessment Case manager visits clients quarterly in their placement Attend IEPs Participates in team meetings with placement facility Monitors behavioral progression Coordinates transition sessions with client and family for home passes 	

NON-PUBLIC
SCHOOL (NPS)
CONSIDERATIONS
PRIOR TO
PLACEMENT



NPS CONSIDERATIONS PRIOR TO PLACEMENT

General Considerations Prior to NPS Placement

Examples

School Refusal, Truancy, or Ongoing Attendance Issues

- Is the student's disability interfering with their ability to attend school?
- How long have attendance issues been prevalent?
- Is there a pattern or known cause identified related to absences?
- Does the student require transportation with/without corresponding supplementary aids and services (e.g., FBA/BIP, social work services, etc.) to access FAPE?
- Is there support and structure in the home to mitigate the impact of the disability that results in absences?

Suspensions, Removals, Expulsions

- How many days of suspension has the student acquired?
- Is the student being removed from the general education setting due to emotional difficulties and/or behavior?
- Is there a history of manifestation determination meetings in the current or previous school year?
- Has the student been recommended for expulsion?

NPS CONSIDERATIONS PRIOR TO PLACEMENT

Physical Aggression

- How long has physical aggression been occurring?
- Has the underlying need (or function) of physical aggression been identified? If yes, is this need identified in the student's current IEP?
- Does the student have a current FBA/BIP to address the underlying needs affiliated with the aggressive behaviors? If yes, has the IEP/BIP been implemented with fidelity?
- What is the severity of harm that has occurred resulting from physical aggression?
- How frequent are aggressive behaviors occurring?
- Are staff equipped to manage aggressive behaviors?
- Could aggressive behavior be addressed through additional staff training?

NPS CONSIDERATIONS PRIOR TO PLACEMENT

Atypical Behaviors

- Has the student demonstrated atypical emotional, physical, sexual acting out, or substance abuse issues?
- Are atypical behaviors occurring that exceed the expertise of our staff? Does the student require 24/7 monitoring to manage atypical behaviors?

Safety Concerns Self or Others

- Is this student currently presenting a danger to themselves or others?
- Is there a history of suicidal ideation and/or attempts?

Hospitalizations

- Is there a history of hospitalization(s) that have interfered with access to FAPE?
- Is there a history of hospitalization(s) related to danger to self/others
- What recommendation(s) have been made upon discharge.

Home Environment

- Is the student safe in their home?
- Are there community supports or agencies that would provide additional support.

NPS CONSIDERATIONS PRIOR TO PLACEMENT

Mental Health/Educationally Related Mental Health Services

- Is the student receiving ERMHS?
- Are social emotional goals based on a recent ERMHS assessment?
- What level of progress has been made towards mental health goals?

Behavior Intervention Plan (BIP) Implementation and Fidelity

- How long has the student's BIP been implemented?
- Are current behaviors addressed in the BIP?
- Is the BIP based on an FBA?
- Does the existing BIP require a new FBA?

Student Grades and Progress on IEP Goals

- What level of academic proficiency is this student currently demonstrating?
- Is this student currently making progress towards goals?

Student's Response to Maximized Supports in the Current Placement

- Are there additional needs that have not been addressed?
- How long have supports been in place and provided with fidelity?
- What percentage of time student is within general education setting?

RESIDENTIAL TREATMENT CENTER (RTC) CONSIDERATIONS PRIOR TO PLACEMENT

- If placement in a public or private residential program is necessary to provide special education and related services to a child with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the child.
- Educational needs and emotional needs are “inextricably intertwined” and residential care is necessary to provide special education and related services to a child with a disability,

(34 CFR 300.104)

RTC CONSIDERATIONS PRIOR TO PLACEMENT

Student Requires 24/7 Support to Access FAPE

- The student's needs require an educational program that consists of basic living skills so that habilitation and education are synonymous.
- The student will regress and lose acquired skills without 24-hour support.
- There has been an outside agency, or professional recommendation for residential treatment.
- Direct assessments support a residential treatment placement.
- The student experiences significant difficulty attending school which has interfered with their ability to make progress.

Student Safety

- The student has been hospitalized, either on an inpatient or outpatient basis, to address mental health needs.
- The student is a flight risk from school.
- The student presents a risk of harm to self or others, if not supervised and monitored 24 hours-a-day.

Student's Response to Maximized Supports in the Current Placement

- The LEA has attempted to implement the student's program with supplemental aids/supports and services (e.g., ERMHS, wraparound services, social work, behavior intervention plan, etc.) yielding minimal educational benefit to the student.
- Minimal progress made in a counseling enriched program.
- Attendance problems are related to the needs affiliated with the student's disability and intensive interventions have been documented and exhausted in the current setting.

9th Circuit Standards

Clovis USD v. California OAH (1990)

- Three possible tests for determining when district is responsible for the cost of residential placement:
 - When placement is “supportive” of student’s education;
 - When medical, social or emotional problems are intertwined with educational problems; and
 - When placement primarily aids student to benefit from special education.

9th Circuit Standards Continued

Seattle School District. No. 1 v. B.S. (1990)

- Student's unique educational needs are to be broadly construed to include academic, social, health, emotional, communicative, physical and vocational needs.

County of San Diego v. Calif. SEHO (1996)

- Applied all three tests from Clovis to find RTC was necessary and appropriate for a teenager with intermittent explosive disorder because she had not achieved mental health treatment goals in her IEP.

NPS Referral Process

A. Initial Referral

Nonpublic Schools (NPS) provide educational settings and services to students who meet the eligibility criteria for special education and are experiencing behavior difficulties that are too significant to be accommodated within a public-school environment.

1. Pre-referral

Local Educational Agency (LEA) Responsibility

- a) Convene an IEP meeting to document the team's decision to refer the student for a change of placement to an NPS setting.
- b) Complete the Nonpublic School Placement Referral form (DM 134) and obtain the signatures of the person making the referral and the director of special education. Specify the team's preference for a specific NPS, if applicable.

NPS Referral Process Cont.

2. Referral Procedures

- Forward the following completed documents to SELPA.
- DM 134 – Nonpublic School Placement Referral
- IEP or IEP Addendum dated within one year of the referral for

NPS Referral Process Cont.

- Psycho-educational evaluation dated within three years of the referral for NPS placement

- If the last triennial was completed with a Triennial Assessment Determination form (DM 119), include the last full psycho-educational report.

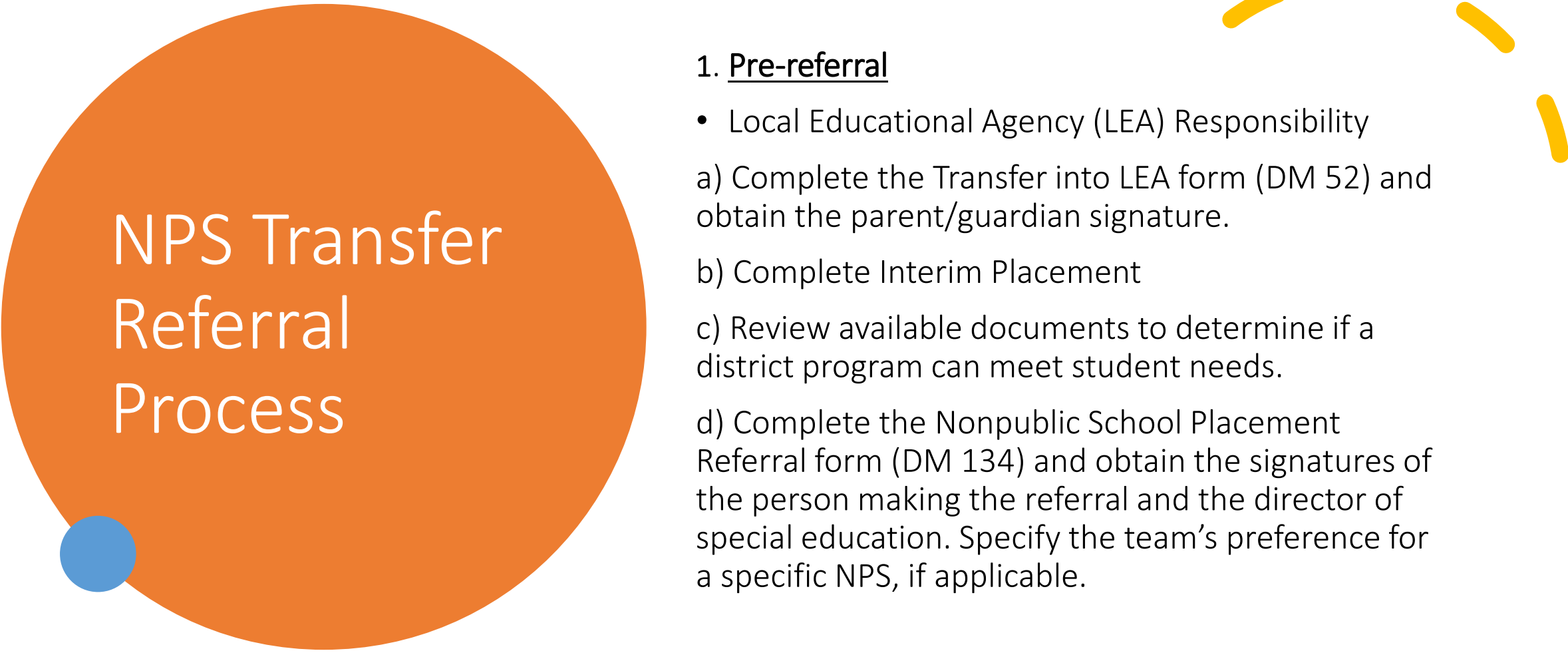
Any additional information



NPS Referral Process Cont.

3. Timeline for Services

- Within ten business days of receipt of the completed referral packet, the SELPA psychologist will review the packet for completion and forward it to the LEA's NPS of choice.
- The NPS will contact the parent and placement will be made within ten business days.
- The NPS will work directly with the LEA to schedule an IEP within 30 days of the student's placement at the school. The placement should be listed on an IEP or IEP Addendum including the NPS, start date, duration, and frequency. The IEP or IEP Addendum should be forwarded to the SELPA.
- Within five business days of receipt of the Addendum to the IEP, the SELPA will develop a Master Contract with the NPS if one does not currently exist and an Individual Service Agreement (ISA). The ISA will be forwarded to the appropriate NPS for signature. The SELPA will enter the NPS placement into the IEP system.



NPS Transfer Referral Process

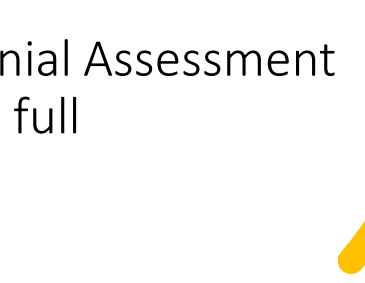
1. Pre-referral

- Local Educational Agency (LEA) Responsibility
 - a) Complete the Transfer into LEA form (DM 52) and obtain the parent/guardian signature.
 - b) Complete Interim Placement
 - c) Review available documents to determine if a district program can meet student needs.
 - d) Complete the Nonpublic School Placement Referral form (DM 134) and obtain the signatures of the person making the referral and the director of special education. Specify the team's preference for a specific NPS, if applicable.

NPS Transfer Referral Process Cont.

2. Referral Procedures

Forward the following completed documents to the attention of the SELPA psychologist.

- DM 52 – Transfer into District
 - Interim IEP
 - DM 134 – Nonpublic School Placement Referral
 - IEP or IEP Addendum dated within one year of the transfer referral for NPS placement that documents the previous NPS placement.
 - Psycho-educational evaluation dated within three years of the transfer referral for NPS placement
 - If the last triennial was completed with a Triennial Assessment Determination form (DM 119), include the last full psychoeducational report.
 - Any additional information
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RTC Referral Process

A. Initial Referral

1. Pre-referral

Local Educational Agency (LEA) Responsibility

- a) Convene an IEP meeting to confirm the student is eligible for special education services and determine a need for a referral for mental health evaluation.
- b) Refer the student to the Desert/Mountain Children's Center (DMCC) for a mental health evaluation to determine eligibility for residential placement. IEP attendees must include the SELPA school psychologist.
- c) If the student does not meet the baseline criteria for residential placement, the referral process ends.

RTC Referral Process Cont.

d) If the IEP team determines that the referral is appropriate, the referral process continues.

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graph TD; A[d) If the IEP team determines that the referral is appropriate, the referral process continues.] --> B[e) Complete the Residential Placement Assessment Referral form (DM 151).]; B --> C[f) Complete the Authorization for Use and/or Disclosure of Information form (DM 63) and obtain the parent/guardian signature. Specify the receiving agency as the DMCC.];
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e) Complete the Residential Placement Assessment Referral form (DM 151).

f) Complete the Authorization for Use and/or Disclosure of Information form (DM 63) and obtain the parent/guardian signature. Specify the receiving agency as the DMCC.

RTC Referral Process Cont.

2. Referral Procedures

Forward the following completed documents to the attention of the SELPA Psychologist.

- DM 63 – Authorization for Use and/or Disclosure of Information
- DM 151 – Residential Placement Assessment Referral
- IEP or IEP Addendum dated within one year referring the student for an assessment for residential eligibility
- Most current complete annual or triennial IEP Psycho-educational evaluation dated within three years from the time the student was identified as eligible for special education and related services, FBA, BIP
- Discipline Records & Attendance Records
- Any additional information in support of the referral

RTC Referral Process Cont.

3. Timeline for Services

- Upon completion of the residential assessment, SELPA will coordinate an IEP team meeting to determine eligibility for residential placement services.
- If the IEP team agrees that the student is eligible for and requires residential placement as the least restrictive environment, the DMCC will forward residential placement packets to potential residential treatment centers (RTCs). Upon receipt of responses from the residential facilities, the results will be shared with the student's parent/guardian and a facility will be selected. The student will be enrolled at the selected RTC as soon as possible. Transportation of the student to the RTC is based on the LEA of residence's reimbursement policy.
- After the student is placed at the RTC, SELPA will schedule a transfer IEP meeting within 30 days to document the new placement. The placement should be listed on an IEP document, including the NPS, residential placement, start date, duration, and frequency of each service to be provided.
- Within five business days of receipt of the Addendum to the IEP, SELPA will develop an Individual Service Agreement (ISA) with the NPS and RTC. If a Master Contract does not exist, one will be developed and an ISA. The SELPA will enter the NPS and RTC placement into the IEP system.



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.

NOTICE OF PROCEDURAL SAFEGUARDS

The Individuals with Disabilities Education Act (IDEA) Part B

This information provides parents, legal guardians, and surrogate parents of children with disabilities from three years of age through age 21 an overview of their educational rights, sometimes called procedural safeguards. This information is your Notice of Procedural Safeguards as required under the Individuals with Disabilities Education Act (IDEA). This notice is also provided for students who are entitled to these rights at age 18. (NOTE: The term LEA (local education agency) is used throughout this document to describe any public education agency responsible for providing your child's special education program. The term assessment is used to mean evaluation or testing.)

Introduction:

The IDEA is a Federal law that requires LEAs to provide a free appropriate public education (FAPE) to eligible children with disabilities. "A free appropriate public education" means special education and related services provided as described in an individualized education program (IEP) and under public supervision, to your child at no cost to you. When you have a concern about your child's education, it is important that you call or contact your child's teacher or administrators to talk about your child and any problems you see. Staff in your LEA or special education local plan area (SELPA) can answer questions about your child's education, your rights and procedural safeguards. When you have a concern, it is this informal conversation that often solves the problem and helps maintain open communication. You may also want to contact one of the California parent organizations (Family Empowerment Centers and Parent Training Institutes), which were developed to increase collaboration between parents and educators to improve the educational system. Contact information for these organizations is found on the [California Department of Education Parent Organizations](http://www.cde.ca.gov/sp/se/aq/capnrtorg.asp) web page (<http://www.cde.ca.gov/sp/se/aq/capnrtorg.asp>).

Prior Written Notice:

The LEA must inform you about proposed evaluations of your child in a written notice or an assessment plan within 15 days of your written request for evaluation that is understandable and in your native language or other mode of communication unless it is clearly not feasible to do so. This notice must be given when the LEA proposes or refuses to initiate a change in the identification, assessment, or educational placement of your child with special needs or the provision of a free appropriate public education. If you refuse consent for the initial or continued placement and receipt of special education and related services for your child, the LEA is not required to develop an IEP and is not considered to be in violation of the requirement to make available a free and appropriate public education. You may only revoke consent in writing and the LEA must then provide you written notice that services for your child will be discontinued. The LEA must also provide reasonable written prior notice that your child will be aging out (reaching age 22) or graduating from high school with a regular high school diploma because graduation from high school constitutes a change in placement.

The Prior Written Notice Must Include the Following:

A description of the actions proposed or refused by the LEA; an explanation of why the action is proposed or refused; a description of any other options considered and the reasons those options were rejected; a description of each assessment procedure, test, record or report used as a basis for the action proposed or refused; a description of any other factors relevant to the action proposed or refused; and a statement that you as a parent of a child with a disability are protected by the procedural safeguards. If the notice is not in regards to an initial referral for assessment, the notice must provide a statement that you have protections under procedural safeguards; information on how you can obtain a copy of described procedural safeguards; and sources of additional assistance in understanding the procedural safeguards.

The Notice of Procedural Safeguards must be given to you (Education Code section 56301(d)(2):

- Upon initial referral for special education
- Once each year
- When you request them
- Your request for an evaluation
- The first occurrence of mediation or a due process hearing
- Decision made to make a removal that constitutes a change of placement

NOTICE OF PROCEDURAL SAFEGUARDS
The Individuals with Disabilities Education Act (IDEA) Part B

Parent Participation:

You have the right to refer your child for special education services. You must be given opportunities to participate in any decision-making meeting regarding your child's special education program. You have the right to participate in IEP meetings about the identification (eligibility), assessment, and educational placement of your child and other matters relating to your child's free appropriate public education. You also have the right to participate in the development of the IEP and to be informed of the availability of free appropriate public education including all program options and of all available alternative programs, both public and nonpublic. You have the right to record electronically the proceedings of the IEP team on an audiotape recorder. The law requires that you notify the LEA at least 24 hours prior to meeting if you intend to record the proceedings. If the LEA initiates the notice of intent to audio record a meeting and you object or refuse to attend the meeting because it will be audio recorded, the meeting shall not be audio recorded.

Surrogate Parents:

LEAs must ensure that an individual is assigned to act as a surrogate parent for the parents of a child with a disability when a parent cannot be identified and the LEA cannot discover the whereabouts of a parent. A surrogate parent may be appointed if the child is an unaccompanied homeless youth, adjudicated dependent, or ward of the court under the State Welfare and Institution Code and the child is referred to special education or already has an IEP (34 CFR 300.519; EC 56050; GC 7579.5 and 7579.6).

Parent Consent:

You must give informed, written consent before your child's first special education assessment can proceed and before the LEA can provide your child's special education program. You have 15 days from the receipt of the proposed assessment plan to arrive at a decision. The assessment may begin immediately upon receipt of your consent and must be completed and an IEP developed within 60 days of your consent. In the case of reevaluations, the LEA must document reasonable attempts to obtain parental consent. If the parents do not respond to these attempts, the LEA may proceed with the reevaluation without consent (34 CFR 300.300; EC 56506(e) and (d), and 56346). If you do not provide consent for an initial assessment or fail to respond to a request to provide consent, the LEA may pursue the initial assessment by utilizing due process procedures. If you refuse to consent to the initiation of services, the LEA will not provide special education and related services and will not seek to provide services through due process. If you consent in writing to the special education and related services for your child but do not consent to all of the components of the IEP, those components of the program to which you have consented must be implemented without delay. If the LEA determines that the proposed special education program component to which you do not consent is necessary to provide a free appropriate public education to your child, a due process hearing must be initiated. If a due process hearing is held, the hearing decision shall be final and binding.

Consent to Bill California Medi-Cal:

Release/Exchange Information for Health Related Special Education and Related Services. LEAs may submit claims to California Medi-Cal for covered services provided to Medi-Cal eligible children enrolled in special education programs. The Medi-Cal program is a way for LEAs and/or County Offices of Education (COEs) to receive Federal funds to help pay for health related special education and related services.

Your consent is voluntary and can be revoked at any time. If you do revoke consent, the revocation is not retroactive. Consent will not result in denial or limitation of community-based services provided outside the school. If you refuse to consent for the LEA and/or COE to access California Medi-Cal to pay for health related special education and/or related services, the LEA and/or COE is still responsible to ensure that all required special education and related services are provided at no cost to you. As a parent, you need to know that:

- You may refuse to sign consent.
- Information about your family and child is strictly confidential.
- Your rights are protected under Title 34 of the Code of Federal Regulations 300.154; Family Education Rights Privacy Act of 1974 (FERPA); Title 20 of the United States Code Section 1232(g); and Title 34 of the Code of Federal Regulations Section 99.

NOTICE OF PROCEDURAL SAFEGUARDS

The Individuals with Disabilities Education Act (IDEA) Part B

- Your consent is good for one year unless you withdraw your consent before that time. Your consent can be renewed annually at the IEP team meeting.

Furthermore, as a public agency, the LEA may access your public benefits or insurance to pay for related services required under Part B of the IDEA for a free appropriate public education. For related services required to provide FAPE to an eligible student, the LEA:

- May not require you to sign up for or enroll in public benefits or insurance programs (Medi-Cal) in order for your child to receive FAPE under Part B of the IDEA (34 CFR 300.154(d)(2)(i)).
- May not require you to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services and reimbursement through Medi-Cal (34 CFR 300.154(d)(2)(ii)).
- May not use your child's benefits under Medi-Cal if that use would:
 - ❖ Decrease available lifetime coverage or any other insured benefit;
 - ❖ Result in the family paying for services that would otherwise be covered by the public benefits or insurance program (Medi-Cal) and are required for your child outside of the time your child is in school;
 - ❖ Increase premiums or lead to the discontinuation of public benefits or insurance (Medi-Cal); and/or
 - ❖ Risk loss of eligibility for home and community-based waivers, based on aggregate health related expenditures.

Parental Revocation of Consent after Consenting to Initial Provision of Services:

You may only revoke your consent in writing and this action cannot be retroactive. Once you revoke consent to the initial provision of services, the LEA will provide prior written notice before ceasing the services. If in the future you seek re-enrollment in special education for your child, the assessment will be treated as an initial evaluation. The LEA may not use the procedures in subpart E of Part 300, 34 CFR (including the mediation procedures under 34 CFR 300.506 or the due process procedures under 34 CFR 300.507 through 300.516) to obtain agreement or a ruling that the services may be provided to your child. The LEA will not be in violation of the requirement to make a free appropriate public education available to your child because of the failure to provide the child with further special education and related services. The LEA is not required to convene an IEP team meeting or develop an IEP under 34 CFR 300.320 and 300.324 for your child for further provision of special education and related services. In accordance with 34 CFR 300.9(c)(3), if you revoke consent in writing for your child's receipt of special education services after your child is initially provided special education and related services, the LEA is not required to amend your child's education records to remove any references to your child's receipt of special education and related services because of the revocation of consent.

Child Participation/Right:

As part of the participation of an individual with exceptional needs in the development of an individualized education program, as required by Federal law, your child has the right to meet with his/her IEP team at any time, to provide confidential input to any representative of his/her IEP team (EC 56341.5(d)).

Age of Majority:

When your child reaches the age of 18, all rights under Part B of the IDEA will transfer to your child. The only exception will be if your child is determined to be incompetent under State law.

Nondiscriminatory Evaluations:

You have the right to have your child assessed in all areas of suspected disability. Evaluations are conducted prior to an initial placement, triennially, but not more frequently than once per year unless the parent and the school agree otherwise. Materials and procedures used for evaluations and placement must not be racially, culturally, or sexually discriminatory. Tests must be administered in your child's native language or mode of communication and in the form, most likely to yield accurate information on what the child knows and can do academically,

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developmentally, and functionally, unless it is clearly not feasible to do so. No single procedure can be the sole criteria for determining **eligibility and developing a free appropriate public education for your child.** (20 USC sections 1414 (b)(1-3), 1412(a)(6)(B); 34 CFR section 300.304; EC sections 56001(j) and 56320).

Access to Educational Records and Other Rights Related to Records:

You have a right to inspect and review all of your child's education records without unnecessary delay before any meeting about your child's IEP or before any due process hearing. The LEA must provide you access to records and copies if requested, within five **business** days after the request has been made orally or in writing (Education Code sections 49060, 56043(n), 56501(b)(3), and 56504).

Independent Educational Evaluation:

If you disagree with the results of the evaluation conducted by the LEA, you have the right to ask for and obtain an independent educational evaluation (IEE) for your child from a person qualified to conduct the evaluation at public expense. You are entitled to only one independent educational evaluation at public expense each time the LEA conducts an evaluation with which you disagree. The LEA must respond to your request for an independent educational evaluation and provide you information upon request about where to obtain an independent educational evaluation. If the LEA disagrees that an independent evaluation is necessary, the LEA must request a due process hearing to prove that its evaluation was appropriate. If the LEA prevails, you still have the right to an independent evaluation but not at public expense. The IEP team must consider the results and recommendations of independent evaluations. LEA evaluation procedures allow in-class observation of students. If the LEA observes your child in his or her classroom during an evaluation or if the LEA would have been allowed to observe your child, an individual conducting an independent educational evaluation must also be allowed to observe your child in the classroom. If the LEA proposes a new school setting for your child and an independent educational evaluation is being conducted, the independent evaluator must be allowed to first observe the proposed new setting (20 USC sections 1415(b)(1) and (d)(2)(A); Title 34 of the Code of Federal Regulations section 300.502; Education Code section 56329(b) and (c)).

Local Mediation/Alternative Dispute Resolution:

LEAs have the opportunity to resolve parent concerns and complaints at the local level through individual Uniform Complaint Process/Procedures which are described in the LEA's board policy or charter petition. Alternate Dispute Resolution (ADR) is another voluntary method of resolving a dispute at the local level and is requested by the parent or LEA. It provides the opportunity for both the parent and LEA to meet at a convenient location and time to resolve concerns. It is facilitated by a trained ADR Coordinator. A request to schedule an ADR session is made to the Desert/Mountain Special Education Local Plan Area (SELPA), office of the Program Manager for Due Process. A request for Mediation Only is made by the parent or LEA to the Office of Administrative Hearings (OAH) before a due process complaint is filed. Mediation Only is a voluntary process and all discussion during a mediation session is confidential. Attorneys or advocates are not in attendance during a Mediation Only session. An Administrative Law Judge (ALJ) from OAH is assigned to facilitate this confidential process. The Uniform Complaint Process, ADR, and Mediation Only are voluntary methods of resolving a dispute and may not delay a parent's right to a due process hearing. All three methods are less adversarial and allow all parties to resolve the concerns in a timely manner. The mandatory early resolution session (ERS) and mediation are the first two steps in the three-step process initiated when a parent files a due process complaint with OAH. Attorneys and advocates are invited to attend both the ERS and Mediation session when a due process complaint has been filed.

Due Process Hearing:

You have the right to request an impartial due process hearing regarding the identification, evaluation, educational placement, or the provision of a free appropriate public education for your child. The request for a due process hearing must be filed within two years from the date you knew, or had reason to know of the facts that are the basis for the hearing request (Title 34 of the Code of Federal Regulations section 300.507; Education Code sections 56501 and 56505(l)). There is an exception to this timeline if you were prevented from requesting a hearing earlier because the LEA misrepresented that it had resolved the problem or withheld information that should have been provided to you. Requests for a hearing are to be sent to the Special Education Headquarters, Office of Administrative Hearings, 2349 Gateway Drive, Suite 200, Sacramento,

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CA 95833-4231. Requests must include the student's name; residential address; the name of the student's school; in the case of a homeless child, available contact information and the name of the school the child is attending; and a description of the problem, facts about the problem, and a proposed resolution. A due process hearing may not take place until the party or the attorney representing the party files a notice that meets these requirements.

Due Process Rights:

You have a right to:

- A fair and impartial administrative hearing at the State level before a person who is knowledgeable of the laws governing special education and administrative hearings;
- Be accompanied and advised by an attorney and/or individuals who have knowledge about children with disabilities;
- Present evidence, written arguments, and oral arguments;
- Confront, cross-examine, and require witnesses to be present;
- Receive a written or electronic verbatim record of the hearing, including findings of fact and decisions;
- Have your child present at the hearing;
- Have the hearing open or closed to the public;
- Be informed by the other parties of the issues and their proposed resolution of the issues at least 10 calendar days prior to the hearing;
- Within five business days before a hearing, receive a copy of all documents, including assessments completed by that date and recommendations, and a list of witnesses and their general area of testimony;
- Have an interpreter provided;
- Request an extension of the hearing timeline;
- Have a mediation conference at any point during the hearing; and
- Receive notice from the other party at least 10 days prior to the hearing that it intends to be represented by an attorney.

Filing a Written Due Process Complaint:

In order to file a request for due process hearing, you or your representative must submit the following information in your request:

1. Name of the child;
2. Address of the residence of the child;
3. Name of school the child is attending;
4. In the case of a homeless child, available contact information for the child and the name of the school the child is attending, and
5. A description of the nature of the problem, including facts relating to the problem(s) and a proposed resolution of the problem(s).

Whenever a request for a due process hearing has been filed, you and the LEA have the opportunity for an impartial due process hearing which is conducted by officials of the State. Within 15 days of receiving the notice of the complaint and prior to the opportunity for an impartial due process hearing, the LEA shall convene a Resolution Meeting with you and the other relevant members of the IEP team who have specific knowledge of the facts contained in the complaint. This meeting includes a representative of the LEA who has decision-making authority on behalf of the LEA. The LEA will not have an attorney present at this meeting unless an attorney accompanies you. During the Resolution Meeting, you discuss the complaint and the LEA is provided the opportunity to resolve the complaint. You and the LEA can agree to waive the Resolution Meeting or agree to the mediation process. If a resolution is reached at the meeting, the parties will execute a written agreement that is signed by both you and the LEA. Either party may void the agreement within three business days. If the complaint is not resolved within 30 days of receiving the complaint, the due process hearing may take place and all applicable timelines will commence. Mediation is a voluntary method of resolving a dispute and may not be used to delay your right to a due process hearing. Parents and the LEA must agree to try mediation before mediation is attempted. A mediator is a person who is trained in strategies that help people come to agreement over difficult issues.

The child involved in any administrative or judicial proceeding must remain in the current educational placement pending the decision of the hearing officer or 45 school days whichever comes first, unless you and the LEA agree on another

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arrangement. If you are applying for initial admission to a public school, your child may be placed in a public school program with parental consent until all proceedings are completed. The hearing decision is final and binding on both parties. Either party can appeal the hearing decision by filing a civil action in State or Federal court within 90 days of the final decision. Federal and State laws require that either party filing for a due process hearing must provide a copy of the written request to the other party.

To obtain more information or to file for mediation or a due process hearing, contact:

Office of Administrative Hearings
Attention: Special Education Division
2349 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833-4231
Phone: 916-263-0880
Fax: 916-263-0890

The OAH can also be contacted by email using the Secure e-File Transmission (SFT) system. The SFT may be found on [OAH's website](#).

Attorney Fees:

In any action or proceeding regarding a due process hearing, a court, in its discretion, may award reasonable attorney's fees as part of the costs to you as parent of a child with a disability if you are the prevailing party in the hearing. Reasonable attorney fees may also be awarded following the conclusion of the administrative hearing with the agreement of the parties. The court may also award attorney fees to the State or LEA if the attorney of the parent files a claim or subsequent cause of action that is frivolous, unreasonable, and without foundation, or is presented for any improper use such as harassment, delay or needlessly increasing the cost of litigation.

Fees may be reduced if any of the following conditions prevail: (1) the court finds that you unreasonably delayed the final resolution of the controversy; (2) the hourly attorney fees exceed the prevailing rate in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience; (3) the time spent and legal services provided were excessive; or (4) your attorney did not provide to the LEA the appropriate information in the due process complaint. Attorney fees will not be reduced, however, if the court finds that the State or the LEA unreasonably delayed the final resolution of the action or proceeding, or there was a violation of this section of law.

Attorney fees may not be awarded relating to any meeting of the IEP team unless an IEP meeting is convened as a result of a due process hearing proceeding or judicial action. Attorney fees may also be denied if you reject a reasonable settlement offer made by the LEA/public agency at least 10 days before the hearing begins and the hearing decision is not more favorable than the settlement offer.

Complaint Regarding Violation of a State or Federal Law:

You may file a compliance complaint with the California Department of Education (CDE) if you believe the LEA has, or is, violating a State or Federal law. You may send a written complaint to the California Department of Education, Special Education Division, Procedural Safeguards Referral Service, 1430 N Street, Suite 2401, Sacramento, CA 95814. This is NOT the same thing as filing for due process. Your written complaint must specify at least one alleged violation of Federal and State special education laws, and the violation must have occurred not more than one year prior to the date the complaint is received by the California Department of Education. **When filing a complaint, you must forward a copy of the complaint to the LEA at the same time you file a state compliance complaint with the CDE. (34 CFR section 300.151-153; 5 CCR section 4600)** Within 60 days after a complaint is filed, the California Department of Education will carry out an independent investigation, give the complainant an opportunity to provide additional information, and make a determination as to whether the LEA has violated laws or regulations and issue a written decision that addresses the allegations. Complaints not involving **the Individuals with Disabilities Education Act** generally fall under the Uniform Complaint Procedures in each LEA. To obtain more information about dispute resolution, including how to file a complaint, contact the California Department of Education, Special Education Division, Complaint Support Unit, by telephone at (800) 926-0648; by fax at (916) 327-3704; or by visiting the [California Department of Education, Special Education](http://www.cde.ca.gov/sp/se) website (<http://www.cde.ca.gov/sp/se>).

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School Discipline and Placement Procedures for Students with Disabilities:

Children with disabilities may be suspended or placed in other alternative interim settings or other settings to the same extent these options would be used for children without disabilities. If a child exceeds 10 consecutive days in such a placement, or more than 10 cumulative days in certain circumstances, an IEP meeting must be held to determine whether the child's misconduct was a manifestation of his/her disability. This IEP meeting must take place immediately, if possible, or within 10 days of the LEA's decision to take this type of disciplinary action.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a child with a disability who violates a code of student conduct from his or her setting to:

- An appropriate interim alternative education setting, another setting, or suspension for not more than 10 consecutive school days;
- Additional removals of not more than 10 consecutive school days in the same school year for separate incidents of misconduct.

After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the public agency must provide services to enable the child to continue to participate in the general education curriculum and progress toward meeting the goals set out in the child's IEP. Also, the child will receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not recur.

As a parent, you will be invited to participate as a member of this IEP team to help determine if your child's behavior was a manifestation of their disability. If the team determines that this is the case, the LEA may be required to develop an assessment plan to address the misconduct, or if your child has a behavior intervention plan, review and modify the plan, as necessary. If the IEP team concludes that the misconduct was not a manifestation of your child's disability, the LEA might take disciplinary action, such as expulsion, in the same manner as it would for a child without disabilities. If you disagree with the IEP team's decision, you may request an expedited due process hearing, which must occur within 20 school days of the date on which you requested the hearing (Title 34 of the Code of Federal Regulations section 300.531(c)) from the Office of Administrative Hearings, Special Education Unit.) **Regardless of the setting the LEA must continue to provide a free appropriate public education for your child. Alternative educational settings must allow the child to continue to participate in the general curriculum and ensure continuation of services and modifications detailed in the IEP. (34 CFR section 300.530; EC section 48915.5(b))**

Alternative Interim Educational Settings:

Federal and State laws allow the use of alternative educational placements for up to 45 school days if a child with a disability carries a weapon, knowingly possesses or uses illegal drugs, inflicts serious bodily injury or sells or solicits the sale of a controlled substance while at school or at a school function. An alternative educational setting must be determined by an IEP team that allows the child to: continue to participate in the general curriculum, although in another setting; and ensure continuation of services and modifications detailed in the IEP.

Unilateral Placement by Parents in Private School:

Children who are enrolled **by their parents** in private schools may participate in publicly funded special education programs. The LEA must consult with private schools and with parents to determine the services that will be offered to private school students. Although LEAs have a clear responsibility to offer FAPE to children with disabilities, those children, when placed by their parent in private schools, do not have the right to receive some or all of the special education and related services necessary to provide FAPE. (20 USC section 1415(a)(10)(A); 34 CFR sections 300.137 and 300.138; EC section 56173.) **If a parent of an individual with exceptional needs who previously received special education and related services under the authority of the LEA enrolls the child in a private elementary school or secondary school without the consent of or referral by the local educational agency, the school district is not required to provide special education if the LEA has made a free appropriate public education available. A court or due process hearing officer may require the LEA to reimburse the parent or guardian for the cost of special education and the private school only if the court or due process hearing officer finds that**

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the school district had not made FAPE available to the child in a timely manner prior to that enrollment in the private elementary or secondary school and that the private placement is appropriate. (20 USC section 1412(a)(1)(C); 34 CFR section 300.148; EC section 56175.)

When reimbursement may be reduced or denied. The court or hearing officer may reduce or deny reimbursement for private school costs if you did not make your child available for an assessment upon notice from the LEA before removing your child from public school. If you have not complied with these requirements, a court may find that you acted unreasonably in unilaterally removing your child from the public school and placing your child in a private school. Your request for reimbursement may also be reduced or denied if you did not inform the LEA that you were rejecting the special education placement proposed by the LEA and/or you failed to give the LEA notice of your concerns and your intent to enroll your child at a private school at public expense. Your notice to the LEA must be given either:

- At the most recent IEP meeting you attended before removing your child from the public school; or
- In writing, to the LEA at least 10 business days (including holidays) before removing your child from the public school. (20 USC section 1412(a)(10)(C); 34 CFR section 300.148; EC section 56176)

When reimbursement may not be reduced or denied. A court or hearing officer may not reduce or deny reimbursement to you if you failed to provide written notice to the LEA for any of the following reasons: illiteracy and inability to write in English; giving notice would likely result in physical or serious emotional harm to the child; the school prevented you from giving notice; or you had not received a copy of this Notice of Procedural Safeguards or otherwise been informed of this notice requirement; or the LEA prevented you from providing notice.

Observation of Your Child at a Nonpublic School:

If you unilaterally place your child in a nonpublic school and you propose the placement in the nonpublic school to be publicly financed, the LEA must be given the opportunity to observe the proposed placement and your child in the proposed placement. The LEA may not observe or assess any other child at the nonpublic school without permission from the other child's parent or guardian.

State Special Schools:

The State Special Schools provide services to students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind at each of its three facilities: the California Schools for the Deaf in Fremont and Riverside and at the California School for the Blind in Fremont. Residential and day school programs are offered to students from infancy to age 21 at both State Schools for the Deaf and from ages 5 through 21 at the California School for the Blind. The State Special Schools also offer assessment services and technical assistance. Referrals for State Special Schools are part of the IEP process and parents must be referred by their LEA when considering such placements. For more information about the State Special Schools, please visit the [California Department of Education State Special Schools](http://www.cde.ca.gov/sp/ss/) website (http://www.cde.ca.gov/sp/ss/) or ask for more information from the members of your child's IEP team.

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Glossary of Abbreviations Used in this Notification:

ADR: Alternative Dispute Resolution

CCR: California Code of Regulations

CFR: Code of Federal Regulations

EC: California Education Code

FAPE: Free Appropriate Public Education

IDEA: Individuals with Disabilities Education Act

IEP: Individualized Education Program

LEA: Local Education Agency

OAH: Office of Administrative Hearings

SELPA: Special Education Local Plan Area

USC: United States Code

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This information provides parents, legal guardians, and surrogate parents of children with disabilities from three years of age through age 21 an overview of their educational rights, sometimes called procedural safeguards. This information is your Notice of Procedural Safeguards as required under the Individuals with Disabilities Education Act (IDEA). This notice is also provided for students who are entitled to these rights at age 18. (NOTE: The term LEA (local education agency) is used throughout this document to describe any public education agency responsible for providing your child's special education program. The term assessment is used to mean evaluation or testing.)

Introduction:

The IDEA is a Federal law that requires LEAs to provide a free appropriate public education (FAPE) to eligible children with disabilities. "A free appropriate public education" means special education and related services provided as described in an individualized education program (IEP) and under public supervision, to your child at no cost to you. When you have a concern about your child's education, it is important that you call or contact your child's teacher or administrators to talk about your child and any problems you see. Staff in your LEA or special education local plan area (SELPA) can answer questions about your child's education, your rights and procedural safeguards. When you have a concern, it is this informal conversation that often solves the problem and helps maintain open communication. You may also want to contact one of the California parent organizations (Family Empowerment Centers and Parent Training Institutes), which were developed to increase collaboration between parents and educators to improve the educational system. Contact information for these organizations is found on the [California Department of Education Parent Organizations](http://www.cde.ca.gov/sp/se/aq/capnrtorg.asp) web page (<http://www.cde.ca.gov/sp/se/aq/capnrtorg.asp>).

Prior Written Notice:

The LEA must inform you about proposed evaluations of your child in a written notice or an assessment plan within 15 days of your written request for evaluation that is understandable and in your native language or other mode of communication unless it is clearly not feasible to do so. This notice must be given when the LEA proposes or refuses to initiate a change in the identification, assessment, or educational placement of your child with special needs or the provision of a free appropriate public education. If you refuse consent for the initial or continued placement and receipt of special education and related services for your child, the LEA is not required to develop an IEP and is not considered to be in violation of the requirement to make available a free and appropriate public education. You may only revoke consent in writing and the LEA must then provide you written notice that services for your child will be discontinued. The LEA must also provide reasonable written prior notice that your child will be aging out (reaching age 22) or graduating from high school with a regular high school diploma because graduation from high school constitutes a change in placement.

The Prior Written Notice Must Include the Following:

A description of the actions proposed or refused by the LEA; an explanation of why the action is proposed or refused; a description of any other options considered and the reasons those options were rejected; a description of each assessment procedure, test, record or report used as a basis for the action proposed or refused; a description of any other factors relevant to the action proposed or refused; and a statement that you as a parent of a child with a disability are protected by the procedural safeguards. If the notice is not in regards to an initial referral for assessment, the notice must provide a statement that you have protections under procedural safeguards; information on how you can obtain a copy of described procedural safeguards; and sources of additional assistance in understanding the procedural safeguards.

The Notice of Procedural Safeguards must be given to you (Education Code section 56301(d)(2):

- Upon initial referral for special education
- Once each year
- When you request them
- Your request for an evaluation
- The first occurrence of mediation or a due process hearing
- Decision made to make a removal that constitutes a change of placement

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Parent Participation:

You have the right to refer your child for special education services. You must be given opportunities to participate in any decision-making meeting regarding your child's special education program. You have the right to participate in IEP meetings about the identification (eligibility), assessment, and educational placement of your child and other matters relating to your child's free appropriate public education. You also have the right to participate in the development of the IEP and to be informed of the availability of free appropriate public education including all program options and of all available alternative programs, both public and nonpublic. You have the right to record electronically the proceedings of the IEP team on an audiotape recorder. The law requires that you notify the LEA at least 24 hours prior to meeting if you intend to record the proceedings. If the LEA initiates the notice of intent to audio record a meeting and you object or refuse to attend the meeting because it will be audio recorded, the meeting shall not be audio recorded.

Surrogate Parents:

LEAs must ensure that an individual is assigned to act as a surrogate parent for the parents of a child with a disability when a parent cannot be identified and the LEA cannot discover the whereabouts of a parent. A surrogate parent may be appointed if the child is an unaccompanied homeless youth, adjudicated dependent, or ward of the court under the State Welfare and Institution Code and the child is referred to special education or already has an IEP (34 CFR 300.519; EC 56050; GC 7579.5 and 7579.6).

Parent Consent:

You must give informed, written consent before your child's first special education assessment can proceed and before the LEA can provide your child's special education program. You have 15 days from the receipt of the proposed assessment plan to arrive at a decision. The assessment may begin immediately upon receipt of your consent and must be completed and an IEP developed within 60 days of your consent. In the case of reevaluations, the LEA must document reasonable attempts to obtain parental consent. If the parents do not respond to these attempts, the LEA may proceed with the reevaluation without consent (34 CFR 300.300; EC 56506(e) and (d), and 56346). If you do not provide consent for an initial assessment or fail to respond to a request to provide consent, the LEA may pursue the initial assessment by utilizing due process procedures. If you refuse to consent to the initiation of services, the LEA will not provide special education and related services and will not seek to provide services through due process. If you consent in writing to the special education and related services for your child but do not consent to all of the components of the IEP, those components of the program to which you have consented must be implemented without delay. If the LEA determines that the proposed special education program component to which you do not consent is necessary to provide a free appropriate public education to your child, a due process hearing must be initiated. If a due process hearing is held, the hearing decision shall be final and binding.

Consent to Bill California Medi-Cal:

Release/Exchange Information for Health Related Special Education and Related Services. LEAs may submit claims to California Medi-Cal for covered services provided to Medi-Cal eligible children enrolled in special education programs. The Medi-Cal program is a way for LEAs and/or County Offices of Education (COEs) to receive Federal funds to help pay for health related special education and related services.

Your consent is voluntary and can be revoked at any time. If you do revoke consent, the revocation is not retroactive. Consent will not result in denial or limitation of community-based services provided outside the school. If you refuse to consent for the LEA and/or COE to access California Medi-Cal to pay for health related special education and/or related services, the LEA and/or COE is still responsible to ensure that all required special education and related services are provided at no cost to you. As a parent, you need to know that:

- You may refuse to sign consent.
- Information about your family and child is strictly confidential.
- Your rights are protected under Title 34 of the Code of Federal Regulations 300.154; Family Education Rights Privacy Act of 1974 (FERPA); Title 20 of the United States Code Section 1232(g); and Title 34 of the Code of Federal Regulations Section 99.

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- Your consent is good for one year unless you withdraw your consent before that time. Your consent can be renewed annually at the IEP team meeting.

Furthermore, as a public agency, the LEA may access your public benefits or insurance to pay for related services required under Part B of the IDEA for a free appropriate public education. For related services required to provide FAPE to an eligible student, the LEA:

- May not require you to sign up for or enroll in public benefits or insurance programs (Medi-Cal) in order for your child to receive FAPE under Part B of the IDEA (34 CFR 300.154(d)(2)(i)).
- May not require you to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services and reimbursement through Medi-Cal (34 CFR 300.154(d)(2)(ii)).
- May not use your child's benefits under Medi-Cal if that use would:
 - ❖ Decrease available lifetime coverage or any other insured benefit;
 - ❖ Result in the family paying for services that would otherwise be covered by the public benefits or insurance program (Medi-Cal) and are required for your child outside of the time your child is in school;
 - ❖ Increase premiums or lead to the discontinuation of public benefits or insurance (Medi-Cal); and/or
 - ❖ Risk loss of eligibility for home and community-based waivers, based on aggregate health related expenditures.

Parental Revocation of Consent after Consenting to Initial Provision of Services:

You may only revoke your consent in writing and this action cannot be retroactive. Once you revoke consent to the initial provision of services, the LEA will provide prior written notice before ceasing the services. If in the future you seek re-enrollment in special education for your child, the assessment will be treated as an initial evaluation. The LEA may not use the procedures in subpart E of Part 300, 34 CFR (including the mediation procedures under 34 CFR 300.506 or the due process procedures under 34 CFR 300.507 through 300.516) to obtain agreement or a ruling that the services may be provided to your child. The LEA will not be in violation of the requirement to make a free appropriate public education available to your child because of the failure to provide the child with further special education and related services. The LEA is not required to convene an IEP team meeting or develop an IEP under 34 CFR 300.320 and 300.324 for your child for further provision of special education and related services. In accordance with 34 CFR 300.9(c)(3), if you revoke consent in writing for your child's receipt of special education services after your child is initially provided special education and related services, the LEA is not required to amend your child's education records to remove any references to your child's receipt of special education and related services because of the revocation of consent.

Child Participation/Right:

As part of the participation of an individual with exceptional needs in the development of an individualized education program, as required by Federal law, your child has the right to meet with his/her IEP team at any time, to provide confidential input to any representative of his/her IEP team (EC 56341.5(d)).

Age of Majority:

When your child reaches the age of 18, all rights under Part B of the IDEA will transfer to your child. The only exception will be if your child is determined to be incompetent under State law.

Nondiscriminatory Evaluations:

You have the right to have your child assessed in all areas of suspected disability. Evaluations are conducted prior to an initial placement, triennially, but not more frequently than once per year unless the parent and the school agree otherwise. Materials and procedures used for evaluations and placement must not be racially, culturally, or sexually discriminatory. Tests must be administered in your child's native language or mode of communication and in the form, most likely to yield accurate information on what the child knows and can do academically,

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developmentally, and functionally, unless it is clearly not feasible to do so. No single procedure can be the sole criteria for determining **eligibility and developing a free appropriate public education for your child.** (20 USC sections 1414 (b)(1-3), 1412(a)(6)(B); 34 CFR section 300.304; EC sections 56001(j) and 56320). ~~an appropriate educational program for your child.~~

Access to Educational Records and Other Rights Related to Records:

You have a right to inspect and review all of your child's education records without unnecessary delay before any meeting about your child's IEP or before any due process hearing. The LEA must provide you access to records and copies if requested, within five **business** days after the request has been made orally or in writing (Education Code sections 49060, 56043(n), 56501(b)(3), and 56504).

Independent Educational Evaluation:

If you disagree with the results of the evaluation conducted by the LEA, you have the right to ask for and obtain an independent educational evaluation (IEE) for your child from a person qualified to conduct the evaluation at public expense. You are entitled to only one independent educational evaluation at public expense each time the LEA conducts an evaluation with which you disagree. The LEA must respond to your request for an independent educational evaluation and provide you information upon request about where to obtain an independent educational evaluation. If the LEA disagrees that an independent evaluation is necessary, the LEA must request a due process hearing to prove that its evaluation was appropriate. If the LEA prevails, you still have the right to an independent evaluation but not at public expense. The IEP team must consider the results and recommendations of independent evaluations. LEA evaluation procedures allow in-class observation of students. If the LEA observes your child in his or her classroom during an evaluation or if the LEA would have been allowed to observe your child, an individual conducting an independent educational evaluation must also be allowed to observe your child in the classroom. If the LEA proposes a new school setting for your child and an independent educational evaluation is being conducted, the independent evaluator must be allowed to first observe the proposed new setting (20 USC sections 1415(b)(1) and (d)(2)(A); Title 34 of the Code of Federal Regulations section 300.502; Education Code section 56329(b) and (c)).

Local Mediation/Alternative Dispute Resolution:

LEAs have the opportunity to resolve parent concerns and complaints at the local level through individual Uniform Complaint Process/Procedures which are described in the LEA's board policy or charter petition. Alternate Dispute Resolution (ADR) is another voluntary method of resolving a dispute at the local level and is requested by the parent or LEA. It provides the opportunity for both the parent and LEA to meet at a convenient location and time to resolve concerns. It is facilitated by a trained ADR Coordinator. A request to schedule an ADR session is made to the Desert/Mountain Special Education Local Plan Area (SELPA), office of the Program Manager for Due Process. A request for Mediation Only is made by the parent or LEA to the Office of Administrative Hearings (OAH) before a due process complaint is filed. Mediation Only is a voluntary process and all discussion during a mediation session is confidential. Attorneys or advocates are not in attendance during a Mediation Only session. An Administrative Law Judge (ALJ) from OAH is assigned to facilitate this confidential process. The Uniform Complaint Process, ADR, and Mediation Only are voluntary methods of resolving a dispute and may not delay a parent's right to a due process hearing. All three methods are less adversarial and allow all parties to resolve the concerns in a timely manner. The mandatory early resolution session (ERS) and mediation are the first two steps in the three-step process initiated when a parent files a due process complaint with OAH. Attorneys and advocates are invited to attend both the ERS and Mediation session when a due process complaint has been filed.

Due Process Hearing:

You have the right to request an impartial due process hearing regarding the identification, evaluation, educational placement, or the provision of a free appropriate public education for your child. The request for a due process hearing must be filed within two years from the date you knew, or had reason to know of the facts that are the basis for the hearing request (Title 34 of the Code of Federal Regulations section 300.507; Education Code sections 56501 and 56505(l)). There is an exception to this timeline if you were prevented from requesting a hearing earlier because the LEA misrepresented that it had resolved the problem or withheld information that should have been provided to you. Requests for a hearing are to be

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sent to the Special Education Headquarters, Office of Administrative Hearings, 2349 Gateway Drive, Suite 200, Sacramento, CA 95833-4231. Requests must include the student's name; residential address; the name of the student's school; in the case of a homeless child, available contact information and the name of the school the child is attending; and a description of the problem, facts about the problem, and a proposed resolution. A due process hearing may not take place until the party or the attorney representing the party files a notice that meets these requirements.

Due Process Rights:

You have a right to:

- A fair and impartial administrative hearing at the State level before a person who is knowledgeable of the laws governing special education and administrative hearings;
- Be accompanied and advised by an attorney and/or individuals who have knowledge about children with disabilities;
- Present evidence, written arguments, and oral arguments;
- Confront, cross-examine, and require witnesses to be present;
- Receive a written or electronic verbatim record of the hearing, including findings of fact and decisions;
- Have your child present at the hearing;
- Have the hearing open or closed to the public;
- Be informed by the other parties of the issues and their proposed resolution of the issues at least 10 calendar days prior to the hearing;
- Within five business days before a hearing, receive a copy of all documents, including assessments completed by that date and recommendations, and a list of witnesses and their general area of testimony;
- Have an interpreter provided;
- Request an extension of the hearing timeline;
- Have a mediation conference at any point during the hearing; and
- Receive notice from the other party at least 10 days prior to the hearing that it intends to be represented by an attorney.

Filing a Written Due Process Complaint:

In order to file a request for due process hearing, you or your representative must submit the following information in your request:

1. Name of the child;
2. Address of the residence of the child;
3. Name of school the child is attending;
4. In the case of a homeless child, available contact information for the child and the name of the school the child is attending, and
5. A description of the nature of the problem, including facts relating to the problem(s) and a proposed resolution of the problem(s).

Whenever a request for a due process hearing has been filed, you and the LEA have the opportunity for an impartial due process hearing which is conducted by officials of the State. Within 15 days of receiving the notice of the complaint and prior to the opportunity for an impartial due process hearing, the LEA shall convene a Resolution Meeting with you and the other relevant members of the IEP team who have specific knowledge of the facts contained in the complaint. This meeting includes a representative of the LEA who has decision-making authority on behalf of the LEA. The LEA will not have an attorney present at this meeting unless an attorney accompanies you. During the Resolution Meeting, you discuss the complaint and the LEA is provided the opportunity to resolve the complaint. You and the LEA can agree to waive the Resolution Meeting or agree to the mediation process. If a resolution is reached at the meeting, the parties will execute a written agreement that is signed by both you and the LEA. Either party may void the agreement within three business days. If the complaint is not resolved within 30 days of receiving the complaint, the due process hearing may take place and all applicable timelines will commence. Mediation is a voluntary method of resolving a dispute and may not be used to delay your right to a due process hearing. Parents and the LEA must agree to try mediation before mediation is attempted. A mediator is a person who is trained in strategies that help people come to agreement over difficult issues.

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The child involved in any administrative or judicial proceeding must remain in the current educational placement pending the decision of the hearing officer or 45 school days whichever comes first, unless you and the LEA agree on another arrangement. If you are applying for initial admission to a public school, your child may be placed in a public school program with parental consent until all proceedings are completed. The hearing decision is final and binding on both parties. Either party can appeal the hearing decision by filing a civil action in State or Federal court within 90 days of the final decision. Federal and State laws require that either party filing for a due process hearing must provide a copy of the written request to the other party.

To obtain more information or to file for mediation or a due process hearing, contact:

Office of Administrative Hearings
Attention: Special Education Division
2349 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833-4231
Phone: 916-263-0880
Fax: 916-263-0890

The OAH can also be contacted by email using the Secure e-File Transmission (SFT) system. The SFT may be found on [OAH's website](#).

Attorney Fees:

In any action or proceeding regarding a due process hearing, a court, in its discretion, may award reasonable attorney's fees as part of the costs to you as parent of a child with a disability if you are the prevailing party in the hearing. Reasonable attorney fees may also be awarded following the conclusion of the administrative hearing with the agreement of the parties. The court may also award attorney fees to the State or LEA if the attorney of the parent files a claim or subsequent cause of action that is frivolous, unreasonable, and without foundation, or is presented for any improper use such as harassment, delay or needlessly increasing the cost of litigation.

Fees may be reduced if any of the following conditions prevail: (1) the court finds that you unreasonably delayed the final resolution of the controversy; (2) the hourly attorney fees exceed the prevailing rate in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience; (3) the time spent and legal services provided were excessive; or (4) your attorney did not provide to the LEA the appropriate information in the due process complaint. Attorney fees will not be reduced, however, if the court finds that the State or the LEA unreasonably delayed the final resolution of the action or proceeding, or there was a violation of this section of law.

Attorney fees may not be awarded relating to any meeting of the IEP team unless an IEP meeting is convened as a result of a due process hearing proceeding or judicial action. Attorney fees may also be denied if you reject a reasonable settlement offer made by the LEA/public agency at least 10 days before the hearing begins and the hearing decision is not more favorable than the settlement offer.

Complaint Regarding Violation of a State or Federal Law:

You may file a compliance complaint with the California Department of Education (CDE) if you believe the LEA has, or is, violating a State or Federal law. You may send a written complaint to the California Department of Education, Special Education Division, Procedural Safeguards Referral Service, 1430 N Street, Suite 2401, Sacramento, CA 95814. This is NOT the same thing as filing for due process. Your written complaint must specify at least one alleged violation of Federal and State special education laws, and the violation must have occurred not more than one year prior to the date the complaint is received by the California Department of Education. **When filing a complaint, you must forward a copy of the complaint to the LEA at the same time you file a state compliance complaint with the CDE. (34 CFR section 300.151-153; 5 CCR section 4600)** Within 60 days after a complaint is filed, the California Department of Education will carry out an independent investigation, give the complainant an opportunity to provide additional information, and make a determination as to whether the LEA has violated laws or regulations and issue a written decision that addresses the allegations. Complaints not involving **the Individuals with Disabilities Education Act** generally fall under the Uniform Complaint Procedures in each LEA. To obtain more information about dispute resolution, including how to file a complaint, contact the California Department of Education, Special Education Division, Complaint Support Unit **Procedural Safeguards Referral**

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Services, by telephone at (800) 926-0648; by fax at (916) 327-3704; or by visiting the [California Department of Education, Special Education](http://www.cde.ca.gov/sp/se) website (<http://www.cde.ca.gov/sp/se>).

School Discipline and Placement Procedures for Students with Disabilities:

Children with disabilities may be suspended or placed in other alternative interim settings or other settings to the same extent these options would be used for children without disabilities. If a child exceeds 10 consecutive days in such a placement, or more than 10 cumulative days in certain circumstances, an IEP meeting must be held to determine whether the child's misconduct was a manifestation of his/her disability. This IEP meeting must take place immediately, if possible, or within 10 days of the LEA's decision to take this type of disciplinary action.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a child with a disability who violates a code of student conduct from his or her setting to:

- An appropriate interim alternative education setting, another setting, or suspension for not more than 10 consecutive school days;
- Additional removals of not more than 10 consecutive school days in the same school year for separate incidents of misconduct.

After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the public agency must provide services to enable the child to continue to participate in the general education curriculum and progress toward meeting the goals set out in the child's IEP. Also, the child will receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not recur.

As a parent, you will be invited to participate as a member of this IEP team to help determine if your child's behavior was a manifestation of their disability. If the team determines that this is the case, the LEA may be required to develop an assessment plan to address the misconduct, or if your child has a behavior intervention plan, review and modify the plan, as necessary. If the IEP team concludes that the misconduct was not a manifestation of your child's disability, the LEA might take disciplinary action, such as expulsion, in the same manner as it would for a child without disabilities. If you disagree with the IEP team's decision, you may request an expedited due process hearing, which must occur within 20 school days of the date on which you requested the hearing (Title 34 of the Code of Federal Regulations section 300.531(c)) from the Office of Administrative Hearings, Special Education Unit.) **Regardless of the setting the LEA must continue to provide a free appropriate public education for your child. Alternative educational settings must allow the child to continue to participate in the general curriculum and ensure continuation of services and modifications detailed in the IEP. (34 CFR section 300.530; EC section 48915.5(b))**

Alternative Interim Educational Settings:

Federal and State laws allow the use of alternative educational placements for up to 45 school days if a child with a disability carries a weapon, knowingly possesses or uses illegal drugs, inflicts serious bodily injury or sells or solicits the sale of a controlled substance while at school or at a school function. An alternative educational setting must be determined by an IEP team that allows the child to: continue to participate in the general curriculum, although in another setting; and ensure continuation of services and modifications detailed in the IEP.

Unilateral Placement by Parents in Private School:

Children who are enrolled **by their parents** in private schools may participate in publicly funded special education programs. The LEA must consult with private schools and with parents to determine the services that will be offered to private school students. Although LEAs have a clear responsibility to offer FAPE to children with disabilities, those children, when placed by their parent in private schools, do not have the right to receive some or all of the special education and related services necessary to provide FAPE. (20 USC section 1415(a)(10)(A); 34 CFR sections 300.137 and 300.138; EC section 56173.) ~~If you enroll your child in a private school, you may be entitled to reimbursement for the cost of a private school from the LEA, including special education and related services, if the court or hearing officer determines that the LEA has not made~~

NOTICE OF PROCEDURAL SAFEGUARDS

The Individuals with Disabilities Education Act (IDEA) Part B

~~a free and appropriate public education available to your child. You must first attempt to obtain consent of the LEA, and you must also establish that the LEA does not have an appropriate program for your child.~~ If a parent of an individual with exceptional needs who previously received special education and related services under the authority of the LEA enrolls the child in a private elementary school or secondary school without the consent of or referral by the local educational agency, the school district is not required to provide special education if the LEA has made a free appropriate public education available. A court or due process hearing officer may require the LEA to reimburse the parent or guardian for the cost of special education and the private school only if the court or due process hearing officer finds that the school district had not made FAPE available to the child in a timely manner prior to that enrollment in the private elementary or secondary school and that the private placement is appropriate. (20 USC section 1412(a)(1)(C); 34 CFR section 300.148; EC section 56175.)

When reimbursement may be reduced, or denied. The court or hearing officer may reduce or deny reimbursement for private school costs if you did not make your child available for an assessment upon notice from the LEA before removing your child from public school. If you have not complied with these requirements, a court may find that you acted unreasonably in unilaterally removing your child from the public school and placing your child in a private school. Your request for reimbursement may also be reduced or denied if you did not inform the LEA that you were rejecting the special education placement proposed by the LEA and/or you failed to give the LEA notice of your concerns and your intent to enroll your child at a private school at public expense. Your notice to the LEA must be given either:

- At the most recent IEP meeting you attended before removing your child from the public school; or
- In writing, to the LEA at least 10 business days (including holidays) before removing your child from the public school. (20 USC section 1412(a)(10)(C); 34 CFR section 300.148; EC section 56176)

When reimbursement may not be reduced or denied. A court or hearing officer may not reduce or deny reimbursement to you if you failed to ~~give this~~ provide written notice **to the LEA** for any of the following reasons: illiteracy and inability to write in English; giving notice would likely result in physical or serious emotional harm to the child; the school prevented you from giving notice; or you had not received a copy of this Notice of Procedural Safeguards or otherwise been informed of this notice requirement; or the LEA prevented you from providing notice.

Observation of Your Child at a Nonpublic School:

If you unilaterally place your child in a nonpublic school and you propose the placement in the nonpublic school to be publicly financed, the LEA must be given the opportunity to observe the proposed placement and your child in the proposed placement. The LEA may not observe or assess any other child at the nonpublic school without permission from the other child's parent or guardian.

State Special Schools:

The State Special Schools provide services to students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind at each of its three facilities: the California Schools for the Deaf in Fremont and Riverside and at the California School for the Blind in Fremont. Residential and day school programs are offered to students from infancy to age 21 at both State Schools for the Deaf and from ages 5 through 21 at the California School for the Blind. The State Special Schools also offer assessment services and technical assistance. Referrals for State Special Schools are part of the IEP process and parents must be referred by their LEA when considering such placements. For more information about the State Special Schools, please visit the [California Department of Education State Special Schools](http://www.cde.ca.gov/sp/ss/) website (<http://www.cde.ca.gov/sp/ss/>) or ask for more information from the members of your child's IEP team.

NOTICE OF PROCEDURAL SAFEGUARDS
The Individuals with Disabilities Education Act (IDEA) Part B

Glossary of Abbreviations Used in this Notification:

ADR: Alternative Dispute Resolution

CCR: California Code of Regulations

CFR: Code of Federal Regulations

EC: California Education Code

FAPE: Free Appropriate Public Education

IDEA: Individuals with Disabilities Education Act

IEP: Individualized Education Program

LEA: Local Education Agency

OAH: Office of Administrative Hearings

SELPA: Special Education Local Plan Area

USC: United States Code

California Association of Health and Education Linked Professions
Joint Powers Authority (CAHELP JPA)
DESERT/MOUNTAIN SELPA STEERING and FINANCE COMMITTEE MEETING
April 22, 2022 – 9:00 a.m.
Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley CA 92307

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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, Baker Valley USD – Cecil Edwards, Barstow USD – Heather Reid, Desert/Mountain Operations (SBCSS) – Rich Frederick, Health Sciences High School and Middle College – Kristen Kosaka, Helendale SD – Michael Esposito, Hesperia USD – Eric Land, Teri McCollum, Elaine Nelson, Lucerne Valley SD – Vici Miller, Needles USD – Jamie Wiesner, Oro Grande SD – Scott Heitman, Silver Valley USD – Cheri Rigdon, Snowline JUSD – Lori Delgado, Trona JUSD – Nicole Yeager, Victor Elementary SD – Melanie Arroyo, Tanya Benitez, and Victor Valley UHSD – Rama Bassham.

GUEST:

Options for Youth – Christina Leal, SBCSS – Jennifer Alvarado.

CAHELP, SELPA, & DMCC STAFF PRESENT:

Jamie Adkins, Codi Andersen, Pam Bender, Heidi Chavez, Craig Cleveland, Danielle Cote, Tara Deavitt, Lindsey Devor, Peggy Dunn, Thomas Flores, Marina Gallegos, Renee Garcia, Colette Garland, Derek Hale, Linda Llamas, Maurica Manibusan, Lisa Nash, Sheila Parisian, Kathleen Peters, Karina Quezada, Linda Rodriguez, Veronica Rousseau, Adrienne Shepherd-Myles, Jennifer Sutton, Amy Thompson, and Athena Vernon.

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 Cheri, seconded by Teri, to approve the April 22, 2022 Desert/Mountain SELPA Steering and Finance Committee Meeting Agenda as presented. The motion carried on the following vote of 16:0: Ayes: Baird, Bassham, Benitez, Congo, Delgado, Edwards, Esposito, Frederick, Heitman, Kosaka, Land, Miller, Rigdon, Wheeler, Wiesner, and Yeager. Nays: None, Abstentions: None.

5.0 PRESENTATIONS

5.1 WebIEP Service Logs

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Joint Powers Authority (CAHELP JPA)
DESERT/MOUNTAIN SELPA STEERING and FINANCE COMMITTEE MEETING
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Doug Faucette with Faucette Micro Systems provided a demonstration on WebIEP Service Logs. He said it is expected to be integrated as a menu option during the summer so that it is available for use at the beginning of the school year. Doug reported there will be trainings for LEA staff as well as a training video for those who are not able to attend. He said related services, Specialized Academic Instruction (SAI), and all other services can be entered. Doug stated the system does not allow for noting student absences but he is waiting for response from CDE on how to address student absences.

Colette Garland shared there are training dates scheduled starting August 9, 2022, with varied start times to accommodate more staff.

Pam Bender said it is likely moving forward that policies and procedures will be created and there will be a time to review how it is working for the LEAs. She added that documenting absences is important, whether it is the absence of the student or the service provider.

- 5.2 2022-23 County Operated Special Education Fee-For-Service Budget
Jennifer Alvarado presented the 2022-23 County Operated Special Education Fee-For-Service (FFS) Budget. She explained the budget was developed using a set of organization wide budget assumptions that are used across all programs within SBCSS. Jennifer continued that the excess cost is what is used to determine the FFS rates by category.

6.0 PUBLIC HEARINGS

6.1 Desert/Mountain SELPA Annual Service Plan (ACTION)

California Education Code requires that an Annual Service Plan be approved by the CAHELP JPA Governance Council as part of the Local Plan. The 2022-23 Annual Service Plan describes all special education services currently provided in the Desert/Mountain SELPA broken down by type, location, and level of severity.

- 6.1.1 **BE IT RESOLVED** that a motion was made by Elaine Nelson, seconded by Lori Delgado, to approve the Desert/Mountain SELPA 2022-23 Annual Service Plan as presented. The motion carried on the following vote of 16:0: Ayes: Baird, Bassham, Benitez, Congo, Delgado, Edwards, Esposito, Frederick, Heitman, Kosaka, Land, Miller, Rigdon, Wheeler, Wiesner, and Yeager. Nays: None, Abstentions: None.

6.2 Desert/Mountain SELPA Annual Budget Plan (ACTION)

California Education Code requires that an Annual Budget Plan be approved by the CAHELP Governance Council as part of the Local Plan. The 2022-23 Annual Budget Plan describes the revenues and expenditures for special education for all local education agencies in the Desert/Mountain SELPA.

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- 6.2.1 **BE IT RESOLVED** that a motion was made by Tanya Benitez, seconded by Scott Heitman, to approve the Desert/Mountain SELPA 2022-23 Annual Budget Plan as presented. The motion carried on the following vote of 16:0: Ayes: Baird, Bassham, Benitez, Congo, Delgado, Edwards, Esposito, Frederick, Heitman, Kosaka, Land, Miller, Rigdon, Wheeler, Wiesner, and Yeager. Nays: None, Abstentions: None.

7.0 INFORMATION/ACTION

- 7.1 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.

- 7.1.1 **BE IT RESOLVED** that a motion was made by Cecil Edwards, seconded by Cheri Rigdon, to approve the Assembly Bill 361 Exemptions to Brown Act Virtual Meeting Requirements as presented. The motion carried on the following vote of 16:0: Ayes: Baird, Bassham, Benitez, Congo, Delgado, Edwards, Esposito, Frederick, Heitman, Kosaka, Land, Miller, Rigdon, Wheeler, Wiesner, and Yeager. Nays: None, Abstentions: None.

8.0 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.

- 8.1 **BE IT RESOLVED** that a motion was made by Lori Delgado, seconded by Vici Miller, to approve the following Consent Item as presented. The motion carried on the following vote of 16:0: Ayes: Baird, Bassham, Benitez, Congo, Delgado, Edwards, Esposito, Frederick, Heitman, Kosaka, Land, Miller, Rigdon, Wheeler, Wiesner, and Yeager. Nays: None, Abstentions: None.

- 8.1.1 Approve the March 25, 2022 Desert/Mountain SELPA Steering and Finance Committee Meeting Minutes.

9.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS

- 9.1 State SELPA Administrators Updates

Pam Bender provided updates from State SELPA Administrators including legislative information. She reported on the following bills:

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- Senate (SB) 291 would establish an advisory commission for special education and establish a student advisory council that would include 15 students from throughout the state. The student advisory council would provide input and advise the commission with the perspective of students with disabilities.
- SB 871 regarding the Covid-19 vaccine being a required immunization for school admission has been withdrawn.
- SB 866 pertaining to minors 12 years of age and older being able to consent to medical care without the consent of their parent or guardian is being watched closely by State SELPA Administrators.
- SB 237 is moving forward providing program guidelines for assessing students in grades kindergarten through 3rd with dyslexia assessments and is being watched closely by State SELPA Administrators.
- SB 1113 supports inclusive education and universal design for learning. State SELPA strongly supports this bill and will be submitting letters of support.
- Assembly Bill (AB) 2121 pertains to school accountability, trainings, and collaboratives. It would also create a resource lead across the state to provide technical assistance for families and advocates

9.2 Independent Educational Evaluation (IEE) Providers Within Districts

Pam Bender shared information about Independent Educational Evaluation (IEE) providers within districts. She said that there are several staff members of LEAs that are on the IEE provider approved list. Pam stated the dates and times of evaluations are to be unpaid by the LEA, not sick or unassigned because they are being paid separately to provide the evaluations. There is concern of conflict of interest if they are getting paid by the LEA and for the evaluation on the same day.

9.3 Local Control and Accountability Plan (LCAP) and SELPA Involvement

Pam Bender provided information about LCAP and D/M SELPA involvement. As per California Education Code 56062(a)(5), requires SELPA to be involved in LEA LCAP development. Pam asked to be notified as LCAP meetings are scheduled so she can ensure a member of the staff is in attendance. She said a certificate will be given to each LEA to submit with their LCAP confirming SELPA involvement.

9.4 2022-23 D/M SELPA Steering and Finance Committee Meeting Dates

Pam Bender presented the 2022-23 D/M SELPA Steering and Finance Committee meeting dates for feedback. Hesperia USD representatives reported 3/24, 5/19, 6/16 are dates Hesperia USD is closed as well as on Fridays during summer.

9.5 Desert Mountain Operations Update

Rich Frederick presented Desert Mountain Operations Update. He said that American Sign Language (ADL) interpreters have hefty FFS as presented by Jennifer Alvarado. Rich reported in

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the past, as students transition from middle school to high school, they return to their high school of residence or to California School for the Deaf, Riverside. Desert Mountain Operations (DMOPS) has been developing regional programs for grades preschool through high school with classrooms throughout Hesperia USD. It is a much more efficient way to deliver services and supports to students. Rich said students can receive general instruction with an ASL interpreters that can support them. The LEAs are also not being charged ASL interpreter 1:1 rate if the student is attending the high school program.

Rich then spoke about Universal Prekindergarten and shared that CDE requested a plan be created by SBCSS because CalPads reflected they had kindergartners enrolled. He said the LEAs need to be mindful that DMOPS is not the district of record for LEA students and does not receive funding for the students in extended learning opportunities or the extended learning day.

Rich reported SBCSS Student Services has a goal for 2022-23 to support all students with Positive Behavioral Interventions and Supports (PBIS). He said the desert region will be working with the CAHELP PBIS team. Rich asked for the county classes and teachers to be included in campus wide PBIS efforts.

Rich stated he recently signed purchase orders with Dynamic Education Services and Star Haynes to provide tutoring services. Both companies have committed to sending special education tutors to the desert/mountain region and will also be providing OT and speech virtually, with in-person being planned.

Rich continued that DMOPS is opening an adult transition program for students that are 18–22-year-olds. It will be based in Hesperia for 2022-23 school year and will be called Students Transitioning to Adult Responsibilities (STAR) program.

Rich shared today he and Dr. Tanya Benitez are providing a training for parents of the Victor Elementary SD titled “Understanding your Child’s IEP”. He said it is an effort to support the families and help them understand the IEP process and in building positive working relationship with them. Rich reported the training will be repeated virtually for DMOPS families on May 4, 2022.

9.6 Desert/Mountain Children’s Center Client Services Reports and Updates

Linda Llamas presented the Desert/Mountain Children’s Center Client Services monthly reports and updates. She asked to be emailed changes in student location as well as staff contact changes.

9.7 Professional Learning Summary and Update

Heidi Chavez presented the D/M SELPA’s Professional Learning Summary and update. She then stated the 2023 I-MTSS Symposium is currently scheduled for March 8, 2023. Heidi reported a Directors’ Training Survey for 2022-23 will be emailed to the special education directors asking

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for input on meeting topics. She said Crisis Prevention Institute (CPI) trainings will continue in a flex-blended model with Day 2 being held in-person. Heidi explained D/M SELPA is certifying that all requirements are being met and will begin requiring Day 2 be completed within two months of the completed online modules. If it goes beyond two months, the participant must complete the online portion again and will the registration fee must be paid again. She reminded the committee members that the CPI certification card must be retained by the person who is CPI certified as D/M SELPA does not retain a copy. She suggested a copy also be kept in the LEA office for reference.

9.8 Resolution Support Services Summary and Update

Kathleen Peters presented the D/M Charter SELPA's Resolution Support Services Summary and updates. Kathleen provided Alternate Dispute Resolution (ADR) brochures in English and Spanish to each of the LEAs that attended in person. She noted the brochure is also available for download on the CAHELP website along with the ADR Request Form.

Kathleen shared that Karina Quezada presented to Inland Regional Center (IRC) case carriers letting them know there are other options available before referring parents to attorneys. Kathleen said a parent filed with Department of Education via her social worker and Kathleen was able to use the mediation strategies she has learned to resolve the issue. She was able to share with Department of Social Services that there are other systems to assist parents.

Kathleen said she is tracking numbers closely for the grants received from state including name of child so that Office of Administrative Hearings (OAH) will know if the local ADR efforts are successful or if the cases are moving forward. Kathleen reported that local resolutions can end in binding agreements that are entered in the IEP or they can end in a formal settlement agreement.

Kathleen continued that there are several students on homebound instruction in the region with most of them being medically fragile and severely impacted. She stated a doctor's note is helpful tool when making the decision to place a child in homebound instruction but the final decision is made by the IEP team. The IEP team must decide if homebound instruction is the least restrictive environment. Kathleen shared that her team is gathering legal references regarding the topic to be shared at a later time.

9.9 Case Law Review

Kathleen Peters provided case law review including a You Be the Judge scenario. She reported that in a Hesperia USD case, a graduated student filed for compensation due to school closure even though he had received his diploma. The judge found in favor of the LEA stating "The student's entire case is premised on the idea that despite the global outbreak of a highly contagious and too often fatal virus, resulting in multiple state and local executive officers declaring a state of emergency and ordering citizens and residents to stay home, he was entitled to continue to receive his education exactly the way he previously had and any changes to the location in which he sat while being educated was illegal unless the parent agreed."

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Kathleen then provided information from a Southern California case in which the LEA defended their assessment and prevailed. The judge highlighted items that were correct in the assessment including the procedural and substantive content, as well as the explanations of the assessment findings.

Kathleen continued by sharing a case from the federal courts in which the LEA prevailed with the parents alleging the use of certain language amounted to predetermination. The judge found the IEP team's choice and the parents preferred program were comparable. The judge also determine preparation and predetermination are very different things and, in this case, the parents' active participation in the IEP meeting resulted in various revisions to the draft showing preparation.

Lastly, Kathleen reported on a recent bulleting that was provided by California Schools JPA on a civil case. The parent prevailed in the case which highlighted the importance of documenting conversations with parents about school transportation. She said in this case the parent told the LEA they no longer wanted their child to ride the bus and instead wanted the child to walk home. The LEA did not document that they were no longer providing transportation. Sadly, the child was struck by a vehicle. Kathleen said it is important to document the phone calls and keep logs of conversations with parents. If a parent declines transportation after agreeing to it at the IEP, create an addendum so that it is clearly documented.

Lisa Nash reviewed the You be the Judge scenario and shared the answer to be A. She said even though the short-term removals did not exceed ten consecutive days, it can be considered a change of placement for students in special education. Lisa continued that after a couple of days, patterns of absences and behaviors need to be considered and a possible behavior intervention plan (BIP) put in place.

9.10 Transition Services Update

Adrienne Shepherd-Myles presented a Transition Services Update. She provided a recap of the Annual Resource Fair that was held on Tuesday, April 19, 2022. Adrienne shared that not all registered participants attended so the team is looking at ways to increase participation for the next resource fair and have already reserved room space to hold next year's event in person.

Adrienne reported the Workforce Innovation and Opportunity Act (WIOA) grant was renewed for 2022-23 with a much larger amount so services can be provided to a larger geographical area. She has scheduled meetings with the LEAs involved in the Desert/Mountain region.

9.11 Compliance Update

Peggy Dunn presented an update on compliance items from the California Department of Education (CDE) including Annual Determination Letters. She reported the following regarding compliance:

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- Two LEAs in Significant Disproportionality for reasons of discipline and over-identification of Emotional Disturbance (ED).
- Three LEAs identified as Disproportionate.
- Five LEAs identified as Intensive in levels 1, 2, or 3.

Peggy will be working closely with each of those LEAs to assist them in becoming fully compliant. She said that LEAs that are in Compliance Only have late IEPs and she encouraged them to continue reviewing CalPads report 16.8. Peggy concluded that the CDE webinars were recorded and if the link is needed, to email her.

Colette Garland reported that there continue to be issues with CalPads so she is not able to run reports to assist LEAs. She said LEAs can log in to the system but jobs cannot be sent or imported.

Colette shared a Save the Date flyer for Service Log Tracking that provided four training dates in August 2022. She asked LEAs that start the school year before August to contact her or Terri Nelson for earlier training opportunities.

Colette announced there will be an MIS Users meeting in person on September 28, 2022. It will be a full day meeting, from 9:00am-3:00pm.

9.12 Nonpublic School/Nonpublic Agency Update

Peggy Dunn called on Derek Hale to provide the nonpublic school (NPS) update. Derek Hale reported he is working on the annual reviews of programs at the NPS. He said there have been trainings provided consistently to Desert View School and he continues to spend more time at the site to assist them in processes. Derek shared Desert View School is experiencing staffing shortages like other schools and rotating teachers through the campus. He asked the LEAs to ensure the students' Behavior Intervention Plan (BIP) are included in their IEPs for the NPS. Derek continued that the NPSs are heavily impacted in the desert region and they are being more guarded in who they accept.

Derek shared Precious Hearts Academy is a very small campus in San Bernardino with two classrooms. They have Board Certified Behavior Analysts (BCBA) onsite and aides trained in Applied Behavior Analysis (ABA).

Vici Miller shared Desert View School has enough students graduating this year to hold a graduation ceremony. She said it has been a long time since an NPS has had twelfth grade students earning their credits to graduate.

Peggy reported that she and Pam will begin having quarterly collaboration meetings with NPSs.

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Peggy concluded that the biggest challenge for NPAs is finding enough nurses. She shared she is being watched closely by State SELPA Administrators.

10.0 INFORMATION ITEMS

- 10.1 Desired Results Access Project (DRDP) Memo
- 10.2 June Pupil Count Memo
- 10.3 Monthly Audiological Services Reports
- 10.4 Monthly Occupational & Physical Therapy Services Reports
- 10.5 Monthly Nonpublic School Placement Report
- 10.6 Upcoming Professional Learning Opportunities

11.0 STEERING COMMITTEE MEMBERS COMMENTS / REPORTS

12.0 CEO COMMENTS

Pam Bender said the Governor's budget reflects \$5 million for special education but SELPAs will lose approximately \$2 million due to the one-time moneys that were received. She shared there is a group from State SELPA Administrators that are encouraging an ADA of \$850.

Pam asked for CAHELP program specialist and program managers to be contacted if LEAs are struggling. The CAHELP goal is to provide great customer service by walking beside the LEAs and assisting everywhere that is needed.

Pam then read a brief anecdote about behavior labeling with adult and child behaviors being labeled differently depending on the stage of life. She said that all behaviors are communications and it is important to see what they are communicating after being home for two years.

13.0 MATTERS BROUGHT BY THE PUBLIC

None.

14.0 DIRECTORS TRAINING

15.0 ADJOURNMENT

Having no further business to discuss, a motion was made by Elaine Nelson, seconded by Tanya Benitez,

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to adjourn the meeting. The motion carried on the following vote of 16:0: Ayes: Baird, Bassham, Benitez, Congo, Delgado, Edwards, Esposito, Frederick, Heitman, Kosaka, Land, Miller, Rigdon, Wheeler, Wiesner, and Yeager. Nays: None, Abstentions: None.

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

8.1 State SELPA Administrators Update

Verbal presentation, no materials

8.2 Governor's Budget

Verbal presentation, no materials

8.3 Desert Mountain Operations Update

Verbal presentation, 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

MEMORANDUM

DATE: May 25, 2022
TO: Special Education Directors
FROM: Linda Llamas, Director

SUBJECT: Desert/Mountain Children's Center Client Reports

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

- Screening, Assessment, Referral and Treatment (SART)
- Early Identification Intervention Services (EIIS)
- School-Age Treatment Services (SATS)
- Student Assistance Program (SAP)
- Speech and occupational therapy

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



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May 26, 2022

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

To: Steering Committee Members

Re: Mental Health Research Information Article 1

This May we celebrate Mental Health Awareness Month and this year's theme allows us an opportunity to go "Back to Basics." Now that mental health really is becoming a part of general, everyday conversations it is important that the correct information is disseminated by trusted individuals in the community so that all people have a solid understanding of what constitutes good mental health. Being able to have conversations about mental health, and how it relates to our overall health and well-being, will help all of us make better decisions as to when we need to seek help for ourselves and others.

Here are a few basic facts:

- Addressing mental health symptoms early is critical.
- In the United States (US), 1 in 5 people will experience a mental illness during their lifetime – but we know that everyone faces challenges in life that can impact their mental health at any given time.
- Close to 50% of people in the US will meet criteria for a diagnosable mental health condition in their lifetime.
- Individuals who belong to marginalized communities face even deeper burdens due to social, cultural, and historical factors. We are beginning to recognize, study, and quantify how racism and bigotry affect the everyday lives of people of color and how this leads to poor general health, and mental health, outcomes.

- The average delay between symptom onset and treatment is 11 years. That means that people are suffering for years before they reach out for help – it is imperative that we change this narrative – especially because we know that early intervention is so critical (see first point above).
- Most importantly, recovery is possible!

Addressing mental health symptoms in early onset is important because with early and consistent treatment, individuals can manage their conditions and overcome challenges to lead healthy, productive lives. Not only is it important to intervene in early onset, but it is also important to intervene early in a person's life. Providing young people with an accurate diagnosis and effective treatment can help them recover more quickly, benefit from their education, develop positive relationships, and ultimately lead meaningful lives. One of the ways that schools/districts can assist with this is by implementing universal screening, much in the same way that we do screenings for hearing and vision, to catch issues early and allow for appropriate intervention and treatment. This is especially important because research has shown that half of all mental illness occurs before the age of 14, and three-quarters of mental illness begins before age 24.¹ The sooner we can identify an issue, the sooner we can intervene.

Even before the COVID-19 pandemic, people were experiencing heightened levels of anxiety, depression, stress, and trauma. The pandemic only exacerbated these conditions and now we find ourselves in the midst of a mental health crisis across the country. A study conducted by Boston University and Brown University found that the rates of depression tripled during the pandemic.² The individuals who experienced the highest rates were those who have low household incomes, were single, and experienced multiple stressors during the pandemic. The authors of the study point to the atypical rates of depression a year into the pandemic, stating that “The sustained high prevalence of depression does not follow patterns after previous traumatic events...”³ Researchers typically expect to see a peak and then a gradual lowering of rates after a traumatic event. The sustained high rates of depression well into the pandemic points to the

unprecedented impact of this pandemic on all of us, but especially highlights the unequal burden that populations with low incomes have borne in this pandemic.

In order to help you understand why this is important to you and to us, let's take a look at the percentage of students considered socioeconomically disadvantaged (percentage of students who are eligible for free or reduced-price meals; or have parents/guardians who did not receive a high school diploma) in a sampling of some of our partner school districts:⁴

- Adelanto USD – 75%
- Apple Valley USD – 75%
- Baker USD – 77%
- Barstow USD – 79%
- Bear Valley USD – 68%
- Hesperia USD – 66%
- Lucerne Valley USD – 88%
- Needles USD – 77%
- Snowline Joint SD– 73%
- Victor Elementary SD – 87%
- Victor Valley Union SD– 88%

You can see from the numbers that many, many of our students/clients are affected by this unequal burden on them and their families. It is important that we educate our students and their caregivers regarding the importance of recognizing when they may be experiencing mental health challenges and how to seek out help. Everyone should have the support they need to thrive.

While the COVID-19 pandemic has certainly exacerbated some of the risk factors related to individuals developing a mental health challenge or condition, there are numerous other factors that can play a role. Things such as trauma, a one-time event or on-going, genetics, brain chemistry, substance use/abuse, lack of sleep, among many other factors can also lead to developing a mental health condition. Educating our students/clients and

their caregivers to recognize when they may be struggling is a great first step to empower folks to take their mental health seriously, seek help, and begin their journey to recovery.

References:

1. Kessler, Ronald C et al. "Age of onset of mental disorders: a review of recent literature." *Current opinion in psychiatry* vol. 20,4 (2007): 359-64. doi:10.1097/YCO.0b013e32816ebc8c
2. [https://www.thelancet.com/journals/lanam/article/PIIS2667-193X\(21\)00087-9/fulltext](https://www.thelancet.com/journals/lanam/article/PIIS2667-193X(21)00087-9/fulltext)
3. <https://www.brown.edu/news/2021-10-05/pandemic-depression>
4. <https://www.caschooldashboard.org/>

Additional References/Resources:

- <https://www.mhanational.org/>
- <https://www.cdc.gov/mentalhealth/learn/index.htm>
- <https://www.mentalhealth.gov/>



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May 26, 2022

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

To: Steering Committee Members

Re: Mental Health Research Information Article 2

As we all begin to settle into the changes the COVID-19 pandemic has brought our world, we are starting to see variations on a theme. While the pandemic has certainly affected all of us, some communities were hit harder than others. The pandemic has brought to the forefront many of the disparities that exist in our world. In particular, children of color were disproportionately affected by many of the negative effects of the pandemic.

Preliminary data shows that COVID-19 has disproportionately affected the health of children of color much in the same way as it has affected adults. Studies have found that Black, Latinx, and Asian children had lower testing rates but were significantly more likely to be infected.

Other findings include:

- Black And Latinx children were more likely to be hospitalized and to have contracted multisystemic inflammatory syndrome (MIS-C) – a serious, and sometimes deadly, condition that causes body parts to become inflamed, including the heart, lungs, kidneys, and brain
- Black children were more likely to be admitted to hospital intensive care units (ICU) due to MIS-C
- Latinx, Black, and American Indian and Alaska Native (AIAN) children had higher rates of death
- Infection rates were highest among children from Latinx, AIAN, and Native Hawaiian and Other Pacific Islanders (NHOPI) backgrounds
- AIAN and Latinx children had the highest hospitalization rates, followed by NHOPI and Black children – who were two to three times as likely to be hospitalized than White children
- The death rate for Asian children was over 3.5 times that of White children and the death rate for Black children was 2.7 times that of White children

Unfortunately at this time, there is very little data available on vaccination rates for children broken down by race/ethnicity. But what we do know is that Latinx and Black parents report more potential access barriers to vaccination such as not being able to obtain the vaccine from a trusted source, having transportation issues to even get to a vaccine, believing that they must pay for the vaccine, and having to take time off work to get the vaccine. Ensuring that families of color have up to date information regarding availability of, and proximity to, vaccinations is important as children have mostly returned to school in person and more and more preventative measures are being dropped.

The impacts for learning are just as disproportionate. While one third of White parents noted that their children fell behind academically in school, half of Latinx parents said their children fell behind academically. Half of Latinx parents also said that their children had trouble concentrating on schoolwork, suffered from sleep, and eating issues, and had frequent headaches and stomach aches during the pandemic. Black and Latinx households were also more likely to experience a job disruption due to childcare needs. Older Black and Latinx children were often tasked with caring for younger children in the household disrupting their ability to attend to their own learning. These disproportionate impacts may further exacerbate existing gaps in academic performance for children of color.

We know that it is difficult for children to learn if they are hungry, sick, and stressed and since families of color have borne the brunt of this pandemic due to inequitable access to health care, income inequality, and disproportionate employment in high-risk, “essential” jobs, it is not a surprise to see these effects. It is well-known, and much research has well-documented, that disparities existed between children of color and White students long before COVID-19 struck. The impact of this pandemic will need to be studied for years to come. In the meantime, schools are left to figure out what will work for their communities to assist those students who are behind and try to close those gaps.

Although we may see the light at the end of the tunnel on the coronavirus crisis, the educational equity crisis is just beginning. In our rush to respond to this public health and education emergency, it is important that we center equity in the educational system so that all students, especially those most impacted by the pandemic and systemic racism, have the support and opportunities they need to achieve their potential.

As we have discussed before, one of the best things we can do for all children, but especially for children of color, is to help them take care of their social and emotional well-being, because we know this supports their academic learning. We need to strive for making schools places where students feel safe, known, and supported so that they can be fully engaged in learning.

We can start laying the groundwork for this by:

- **Centering relationships**
 - It is important to connect one-on-one with every family and every student.
 - These connections help staff build rapport and trust with students and help families support student learning.
 - Time and space dedicated for relationship-building opportunities should be built into the school day.
 - Staff should also be supported/trained in creating a safe and positive classroom/school climate.
 - Restorative justice practices should be implemented to help children feel physically and psychologically safe in their return to school – these practices help to keep children of color from being subjected to punitive, exclusionary, and racially or otherwise discriminatory discipline practices and systems.
- **Addressing the needs of the whole child**
 - It is important to identify and address the social, emotional, and behavioral issues affecting all children.
 - Implementing a universal wellness screening process would be a great first step to help identify the issues facing each child.
 - Ensuring that “assessing” the whole child includes not just standardized testing but other diagnostic testing, data on student attendance and engagement, transcripts, and any other data available to help create an action plan for each child that meets their individualized needs.
 - The Multi-Tiered System of Supports (MTSS) framework could be used to identify those needs.
- **Strengthening staffing and partnerships**
 - Providing opportunities for students to engage in high quality tutoring and mentoring programs – especially with tutors/mentors of the same race/ethnic background – has been proven to foster positive self-image; strengthen social, academic, and life skills; and build trusting relationships between children and adults.
 - Ensuring that mental health supports are available when needed.
 - Offering expanded learning opportunities through the school or through partnerships with other local agencies.
 - Actively supporting student reengagement by ensuring that school staff is trained in trauma-informed and healing-centered approaches.
- **Making teaching and learning relevant and rigorous**
 - It is important that the curriculum is high-quality and culturally relevant. Instructional materials and books should be diverse so that students from all racial, ethnic, and linguistic backgrounds feel safe, acknowledged, and respected.

- Teachers and other staff should be given the opportunity to engage in professional learning opportunities that gives them strategies and tools for addressing racism, privilege, and bias in their classrooms/programs.
- Allow room for students to be centered in their learning opportunities – allowing room for choice and voice will help students become, and stay, engaged.
- **Empowering teams to reimagine and rebuild systems**
 - Creating teams of diverse individuals to look at how systems are evolving to meet the needs of all students.
 - Ensuring that districts/schools are investing resources and time in building relationships, planning, and capacity building is a must.

Districts and schools will need to consider the investments they are making, in time and money, that will help them meet the needs of all the children they are serving. This is a time to look at:

- Hiring practices – are we hiring the right people to do the job?
- Training needs – are we making sure our staff have the skills they need to do the job we are asking of them? Do we need to provide more training? More planning time? More time for collaboration? More team building activities?
- Budget – how and where can we shift to ensure our students have the technology, supplies, and materials they need?
- Relationships – who are our partners? How can they help us meet the needs of our students?

As we move forward from our collective experience of the COVID-19 pandemic, it behooves us to think about all our systems, and wonder – are they meeting the needs of all our children? Are they centered around equity for all? And if the answer is no, then it is time for change. All the suggested evidence-based, equitable actions above can build a system based on restorative practices that will help abolish systemic racial and other inequities that will allow room for all children to flourish.

References:

- <https://www.kff.org/racial-equity-and-health-policy/issue-brief/racial-disparities-in-covid-19-impacts-and-vaccinations-for-children/>
- <https://www.kff.org/coronavirus-covid-19/poll-finding/kff-covid-19-vaccine-monitor-the-impact-of-the-coronavirus-pandemic-on-the-wellbeing-of-parents-and-children/>
- <https://www.srcd.org/research/addressing-inequities-education-during-covid-19-pandemic-how-education-policy-and-schools>
- <https://www.brookings.edu/blog/brown-center-chalkboard/2021/04/29/covid-19-the-educational-equity-crisis-and-the-opportunity-ahead/>
- <https://hechingerreport.org/a-decade-of-research-on-the-rich-poor-divide-in-education/>
- <https://edpolicyinca.org/publications/reimagine-and-rebuild>

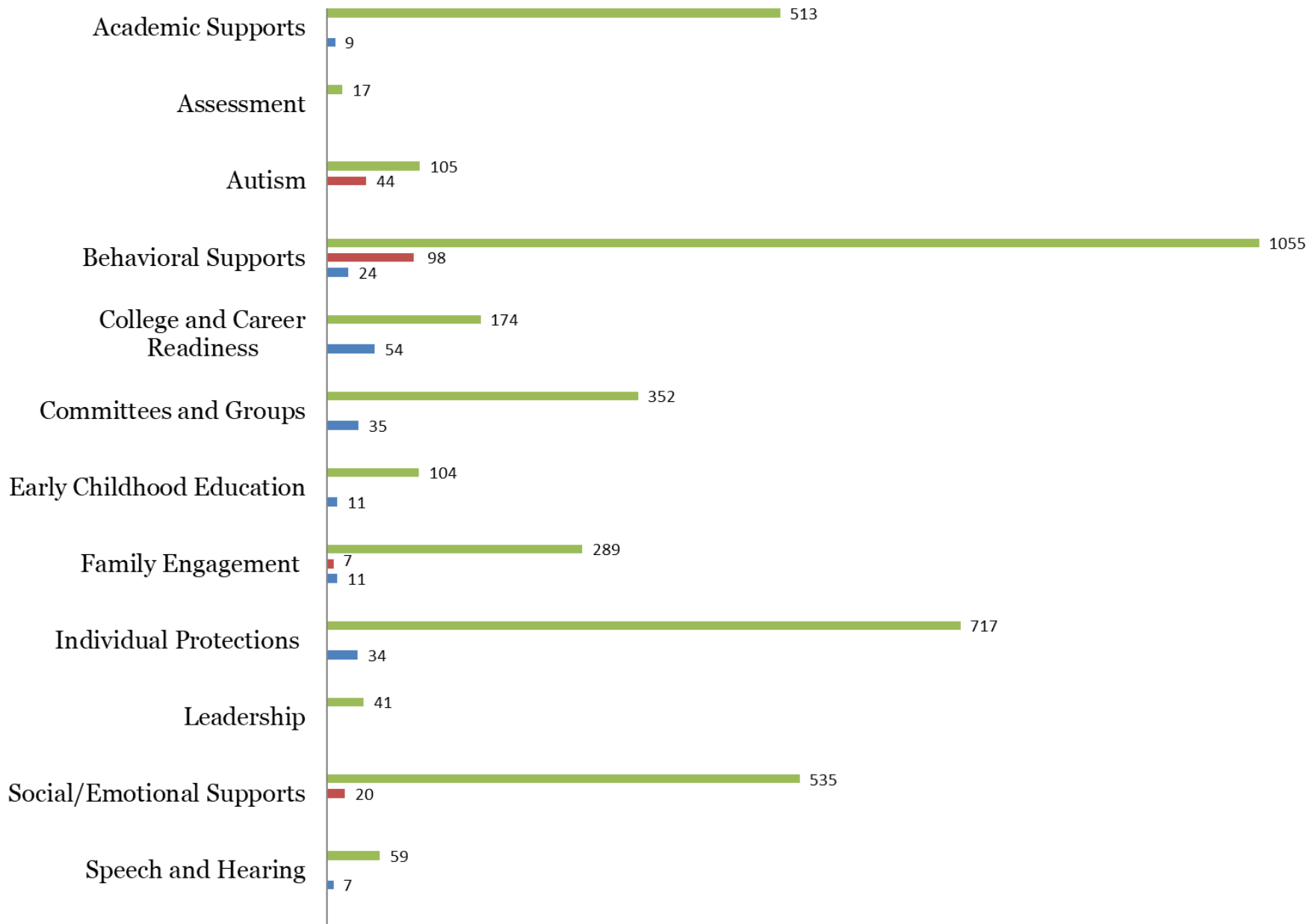
Additional References/Resources:

- <https://www.aamc.org/news-insights/how-we-re-failing-children-color-during-covid-19>
- Tiffany M Jones, Anne Williford, Michael S Spencer, Nathaniel R Riggs, Rebecca Toll, Melissa George, Kaylee Becker, Samantha Bruick, School Mental Health Providers' Perspectives on the Impact of COVID-19 on Racial Inequities and School Disengagement, *Children & Schools*, Volume 43, Issue 2, April 2021, Pages 97–106, <https://doi.org/10.1093/cs/cdab009>
- <https://www.cdc.gov/mmwr/volumes/70/wr/mm7026e2.htm>
- <https://journals.sagepub.com/doi/abs/10.1177/0042085916660350>
- <https://academic.oup.com/cs/article/43/2/97/6290269>
- <https://reimaginecaschools.org/>

D/M SELPA PROFESSIONAL LEARNING PARTICIPATION SUMMARY

APRIL 2022 - 354 PARTICIPANTS
3,961 YEAR-TO-DATE PARTICIPANTS

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



Save

THE

Date!



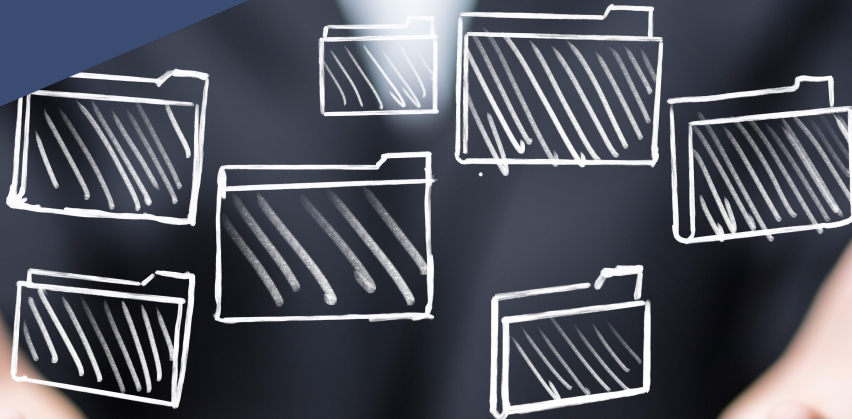
Community Advisory Committee (CAC)

September 22, 2022 | November 17, 2022 | February 23, 2023 | April 20, 2023

Get in Touch

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Save the Date

Steering Committee Meeting Special Education Directors' Trainings

Special education directors will participate in trainings focusing on the needs or interests in the area of special education research, programs, or legal compliance.

October 21, 2022

February 24, 2023

April 21, 2023

Contact Us:

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SAVE THE DATE

2022-23 I-MTSS SYMPOSIUM
WEDNESDAY, MARCH 8, 2023

**Desert/Mountain SELPA
Due Process Summary
July 1, 2021 - May 27, 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	3	38	0	0	1	2	0	0
Apple Valley USD	0	0	2	1	1.5	1.5	0	3.5	10	5	2	26.5	1	1	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	1	1	8	0	1
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	4	43.5	0	2	1	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	6	34.49	0	2	1	3	0	0
Victor Valley Union High SD	2	4	3.33	4.3	7.83	4	4	8.5	6.5	10	5	59.46	0	0	1	4	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
SELPA-WIDE TOTALS	13	15	26.99	27.96	31.99	37	28	40	59	32.5	33	344.44	2	6	5	20	0	1

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–May 27, 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		08/03--05/21 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. CLOSED
2. Victor El. Case No. 2021070710	Failure to provide FAPE 1. Program 2. Speech/Lang. 3. Appropriate Assessment	7/21/2021	8/6/2021	9/7/2021	9/14-16/21	Mediation - Settlement Agreement 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. Settlement Agreement CLOSED

Desert/Mountain SELPA
Due Process Activity Summary
July 1, 2021–May 27, 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		9/21-23/21	Full execution of settlement agreement on 8/11/2021 - 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. Settlement Agreement CLOSED
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	10/12-10/14, 2021 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. CLOSED
5. Apple Valley USD Case No. 2021090257	AVUSD filed to defend placement	9/9/2021				Parent moved and withdrew complaint. CLOSED

Desert/Mountain SELPA
Due Process Activity Summary
July 1, 2021–May 27, 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		11/09-11/21 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. CLOSED
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	11/16-18/2021 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. CLOSED
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	10/06/2021 10/18/2021		11/23-24/2021	10/22/21 - Settlement agreement comp ed, IEE. CLOSED

Desert/Mountain SELPA
Due Process Activity Summary
July 1, 2021–May 27, 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. CLOSED
10. Hesperia USD Case No. 2021100364	Child Find	10/13/2021	10/27/2021	3/11/2022	12/21-23/2021 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. 03/14/22 - Settlement agreement reached. CLOSED
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. CLOSED
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. CLOSED

Desert/Mountain SELPA
 Due Process Activity Summary
 July 1, 2021–May 27, 2022

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Due Process Hearing	Status
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. CLOSED
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	11/5/2021 11/4/2021	11/16/2021 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. CLOSED

Desert/Mountain SELPA
 Due Process Activity Summary
 July 1, 2021–May 27, 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	4/4-6/2022 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. CLOSED

Desert/Mountain SELPA
 Due Process Activity Summary
 July 1, 2021–May 27, 2022

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Due Process Hearing	Status
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	12/28-30/2021 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. 03/15/22 - Settlement agreement: 1. Reimburse for appropriately qualified tutoring. 2. No reimbursement for private school. 3. District to provide assessment and hold IEP within 2020-21 year and offer placement for 2021-22 school year. 03/15/22 - Settlement agreement reached. CLOSED
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. CLOSED

Desert/Mountain SELPA
 Due Process Activity Summary
 July 1, 2021–May 27, 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. 03/09/22 - Settlement agreement reached: Diagnostic placement through 2021-22, further assessment and comp ed. CLOSED
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. 03/08-10/22 - Hearing held. Closing briefs submitted 03/28/22. Awaiting judges decision. 04/08/22 - District prevailed on all issues. CLOSED

Desert/Mountain SELPA
 Due Process Activity Summary
 July 1, 2021–May 27, 2022

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Due Process Hearing	Status
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 Regular 4/25/2022	Expedited 2/15-17/2022 Regular 3/08-10/2022 05/24-26/22	02/03/22 - LEA seeking transition on back to school; Parent seeking 6 hours a day tutoring. 02/14/22 - parent dismissed expedited. 04/25/22 - Terms agreed upon; negotiating exhorbitant attorney fees.
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 06/21/2022	3/22-24/2022 07/19-21/2022	Main issue- Transportation to NPS, LEA struggling to obtain. 03/22/22 - Continue to struggle with placement due to staffing needs. 04/2022 - Touring NPS placements.

Desert/Mountain SELPA
Due Process Activity Summary
July 1, 2021–May 27, 2022

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Due Process Hearing	Status
22. Hesperia USD Case No. 2022020170	Child Find	2/4/2022	2/17/2022	4/18/2022	03/22-24/2022 05/10-12/2022	LEA agrees to expedite assessments. 04/26/22 - Settlement agreement to allow LEA to complete assessments and participate in IEP of 05/04/22. CLOSED
23. Hesperia USD Case No. 2022020199	Child Find	2/4/2022	2/17/2022	4/18/2022	03/29-30/2022	LEA agrees to expedite assessments. 04/26/22 - Settlement agreement to allow LEA to complete assessments and participate in IEP of 05/04/22. CLOSED
24. Hesperia USD Case No. 202202189	Child Find	2/7/2022	2/24/2022	5/4/2022	3/22-24/2022	LEA agrees to expedite assessments. 03/22 - Student attending school; assessments in progress.
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	4/7/2022	04/05-07/2022 5/17-19/2022	03/22 - Making progress toward agreement; IEE's dropped; large comp ed. Requested. 03/31/22 - Settlement agreement. CLOSED
26. Adelanto Elementary SD Case No. 2022030247	Denial of FAPE: 1. Failure to provide 1:1 nurse. 2. Failure to assess for AAC	3/4/2022	3/31/2022	4/18/2022	4/19-21/2022 06/01-2/2022	03/31/22 - Dropped comp nurse services, agreement on comp ed; attorneys continuing discussion. 04/05/22 - Settlement agreement. Comp Ed and IEE. CLOSED

Desert/Mountain SELPA
Due Process Activity Summary
July 1, 2021–May 27, 2022

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Due Process Hearing	Status
27. Snowline JUSD Case No. 2022030433	Denial of FAPE 1. Failure to assess a. Behavior b. Social Skills c. AAC d. Audiology 2. Failure to provide behavior interventions 3. Failure to provide for communication needs 4. Failure to provide transportation	3/11/2022	3/28/2022 4/05/2022 Cancelled Resolution	4/20/2022	4/26-28/2022 06/14-16/2022	03/22 - Student filed last year in HUSD. 04/20/22 - Parent alleging retaliation; seeks school change; LEA continuing to SARB
28. Victor Valley USD Case No. 2022030679	Denial of FAPE: • District offered 504 despite qualifying as SLD	3/21/2022	3/30/2022		5/10-12/2022	03/30/22 - Resolution held sans attorneys, agreement reached. 04/01/22 - Settled resolution with no attorney. Social worker assistance. CLOSED

Desert/Mountain SELPA
Due Process Activity Summary
July 1, 2021–May 27, 2022

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Due Process Hearing	Status
29. Apple Valley USD Case No. 2022030691	Denial of FAPE 1. Change of placement when schools closed 2. Failure to provide services during COVID-19 shut down 3. Failure to provide goals for ed benefit 4. Failure to address regression 5. Failure to offer 1:1 aide in the home 6. Failure to provide OT 7. Failure to provide at home ABA 8. Failure to offer parent training	3/21/2022	4/1/2022		5/10-12/2022 06/7-9/2022	04/01/22 - Resolution attended by advocate. Refused to sign confidentiality agreement or update demand. Seeking \$800,000 in comp ed and reimbursement. Refusing mediation or continuance.
30. Hesperia USD Filed on Parent Case No. 2022040067	Permission to assess without parent consent	3/31/2022	N/A		4/26-28/2022	Student out of school since October, 2021. Last assessment October, 2017. Assessment plan issued February 25, 2022. 04/14/22 - Parent agreed to assessment. CLOSED
31. Hesperia USD Case No. 2022040271	Denial of FAPE 1. Ed Benefit 2. Lack of social/behavioral support 3. Psycho Ed not in all areas	4/6/2022	4/14/2022 4/19/2022		5/24-26/2022	04/19/2022 - Seeking autism assessment and comp services.

Desert/Mountain SELPA
 Due Process Activity Summary
 July 1, 2021–May 27, 2022

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Due Process Hearing	Status
32. Victor El. Case No. 2022040260	Denial of FAPE 1. Failure to offer LRE 2. Reduced services without assessment 3. Goals not reasonably calculated to ensure educational benefit	4/7/2022	04/20/2022 05/6/2022		6/1-2/2022	
33. Snowline JUSD Case No. 2022040260	Denial of FAPE 1. De Minimis of progress 2. Research based reading	4/18/2022	4/27/2022		6/1-2/2022	4/27/22 - Parent cancelled last minute.
34. Victor El. Case No. 2022040542	Denial of FAPE 1. Psycho Ed. Not comprehensive 2. Found not eligible	4/18/2022	5/2/2022		6/07-9/2022	
35. Snowline JUSD Case No. 2022040768	Denial of FAPE 1. De Minimis of progress 2. Insufficient goals a. reading b. writing c. math 3. Failure to provide research based reading program	4/25/2022	5/11/2022		6/07-9/2022	

Desert /Mountain SELPA
Legal Expense Summary
As Reported at Steering May 27, 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	\$235,186.20



LEGAL ALERT

May 2, 2022

RE: Home Instruction

Background

In response to the Covid-19 epidemic, an amendment was made to the California Education Code related to Independent Study (IS) programs for the 2021-2022 school year, only. AB 130 *required* local education agencies (LEA) (Charter Schools exempt) to offer an IS program to ALL students for the purposes of:

"...individualized study for a pupil whose health would be put at risk by in person instruction, as determined by the parent or guardian of the pupil." (Ed. Code §51745(a)(6).1)

The requirement to offer independent study as an educational option sunsets on June 30, 2022. LEAs will have the *option* to continue offering an IS program to its students for next school year.

Prior to that amendment, LEA practices complied with the following:

IDEA-eligible students "shall not participate in independent study, unless the pupil's individualized education program ... specifically provides for that participation." (Ed. Code §51745(c).)

To align with the amended provision, IEP language and settlement agreements were crafted to clarify that home instruction may not be a provision of FAPE, and in its current form was temporary in implementation.

There are some pending legislative changes to the current language; however, LEAs should proceed now with the understanding that the new language will not likely require us to make available IS based on parent determination. We will know more about these changes early June when will update you.

Recommended Course of Action

It is recommended that LEAs document students' change of placement from IS to an in-person program. Such documentation could be a PWN reiterating the ending of AB 130, the terms of the agreement and the offer of FAPE including student placement for the 2022-2023 school year, or an IEP amendment. Depending on how IS was documented, when the student's last IEP meeting was held, or if required by the settlement agreement, the LEA should consider convening an IEP meeting before the end of the 2021-2022 regular school year to review progress, determine student needs, and discuss the offer of FAPE for the 2022-2023 school year. If a parent wants the student to remain on IS, and the LEA will be making IS available to its general education students next school year, the IEP team will need to discuss whether participation in IS would provide the student a FAPE.

Home and Hospital Instruction

Home and Hospital instruction (HH) is not a replacement for IS. If a parent requests HH, we must refer to the following regulations in California Education Code Section 48206.3:

... (HH) "serves students who incur a temporary disability, which makes attendance in the regular day classes or alternative education program impossible or inadvisable. The district in which the home or residential health facility is located is responsible for instructing and educating pupils who must be hospitalized or remain at home due to a temporary but extended illness or disability."

The California Code of Regulations provides additional information for providing instruction in the home or hospital; see Cal. Code of Regs. Tit. 5, § 3051.4:

- (a) *Special education and related services provided in the home or hospital for school age pupils is limited to those pupils who have been identified as individuals with exceptional needs in accordance with section 3030 and for whom the IEP team recommends such instructions or services.*
- (b) *Instructions may be delivered individually, in small groups or by tele-class.*
- (c) *For those individuals with exceptional needs with a medical condition such as those related to surgery, accidents, short-term illness or medical treatment for a chronic illness, the IEP team shall review, and revise, if appropriate, the IEP whenever there is a significant change in the pupil's current medical condition.*
- (d) *When recommending placement for home instruction, the IEP team shall have in the assessment information a medical report from the attending physician and surgeon or the report of the psychologist, as appropriate, stating the diagnosed condition and certifying that the severity of the condition prevents the pupil from attending a less restrictive placement. The report shall include a projected calendar date for the pupil's return to school. The IEP team shall meet to reconsider the IEP prior to the projected... (return to school date).*
- (e) *Instruction in the home or hospital shall be provided by a regular class teacher, the special class teacher or the resource specialist teacher, if the teacher or specialist is competent to provide such instruction and services and if the provision of such instruction and services by the teacher or specialist is feasible. If not, the appropriate related services specialist shall provide such instruction.*
- (f) *The teacher providing the home instruction shall contact the pupil's previous school and teacher to determine:*
 - (1) *The course work to be covered;*
 - (2) *The books and materials to be used;*
 - (3) *Who is responsible for issuing grades and promoting the pupil;*
 - (4) *For pupils in grades 7 to 12, the teacher shall confer with the school guidance counselor to determine:*
 - (A) *For the hours the pupil has earned toward semester course credit each subject included in the IEP and the grade as of the last day of attendance;*
 - (B) *Who is responsible for issuing credits (for completed courses)*
 - (C) *Who is responsible to issue the diploma if the pupil graduates.*

8.8 Case Law Review

Verbal presentation, no materials

8.9 Prevention and Intervention Update

Verbal presentation, no materials

**2020-2021 ANNUAL DETERMINATION
D/M SELPA PERFORMANCE MONITORING LEVELS
SUMMARY**

SIGNIFICANT DISPROPORTIONALITY	
Barstow Unified SD	
Victor Valley Union High SD	

DISPROPORTIONALITY	
Apple Valley USD	
Hesperia USD	
Victor Valley Union High SD	

INTENSIVE	
LEVEL 1	Victor Elementary SD
LEVEL 2	Lucerne Valley USD Snowline JUSD, Apple Valley USD
LEVEL 3	Adelanto SD

TARGETED	
LEVEL 2	
LEVEL 3	Hesperia USD

COMPLIANCE ONLY	
All LEAs <i>not</i> mentioned above are designated compliance only.	

COMPLIANCE MONITORING AREA (DINCS)	
ALL LEAs identified non-compliant due to late IEPs.	

2020-21 Annual Determination

Desert Mountain SELPA

SUMMARY

LEA	Monitoring Level	Monitoring Area	Dispro	SIG DIS
Academy for Academic Excellence	Compliance only	Any Late IEPs/Initial Assessments	Not	Not
Adelanto SD	Intensive Level 3	Late IEPs/Initials or No Improvement	Not	Not
Apple Valley USD	Intensive Level 2	Late IEPs/Initials or No Improvement	Yes	Not
Baker Valley USD	Compliance Only	Late IEPs/Initials or No improvement	Not	Not
Barstow USD	Significant Disproportionality	Late IEPs/Initials or No Improvement	Not	Yes
Bear Valley USD	Compliance Only	Late IEPs/Initials or No Improvement	Not	Not
Excelsior Charter Schools High Desert	Compliance Only	Late IEPs/Initials or No Improvement	Not	Not
Excelsior Charter Schools Corona-Norco	Targeted Level 2	Late IEPs/Initials or No improvement	Not	Not
Health Sciences MS & HS Charter School	Compliance Only	Any Late IEPs/Initial Assessments	Not	Not
Helendale SD	Compliance Only	Late IEPs/Initials or No Improvement	Not	Not
Hesperia USD	Targeted Level 3	Late IEPs/Initials or No Improvement	Yes	Not
Lucerne Valley USD	Intensive Level 2	Late IEPs/Initials or No Improvement	Not	Not
Mojave River Academy -Gold Canyon	Compliance Only	Late IEPs/Initials or No Improvement	Not	Not

Mojave River Academy -Marble City	Compliance Only	Late IEPs/Initials or No Improvement	Not	Not
Mojave River Academy -National Trails	Compliance Only	Late IEPs/Initials or No Improvement	Not	Not
Mojave River Academy -Oro Grande	Compliance Only	Late IEPs/Initials or No Improvement	Not	Not
Mojave River Academy -Rockview Park	Compliance Only	Late IEPs/Initials or No Improvement	Not	Not
Mojave River Academy -Route 66	Compliance Only	Late IEPs/Initials or No Improvement	Not	Not
Mojave River Academy -Silver Mountain	Compliance Only	Late IEPs/Initials or No Improvement	Not	Not
Needles USD	Compliance Only	Late IEPs/Initials or No Improvement	Not	Not
Norton Simon and Language Academy	Compliance Only	Late IEPs/Initials or No Improvement	Not	Not
Oro Grande SD	Compliance Only	Any Late IEPs/Initial Assessments	Not	Not
SB County Office of Ed	Compliance Only	Late IEPs/Initials or No Improvement	Not	Not
Silver Valley USD	Compliance Only	Late IEPs/Initials or No Improvement	Not	Not
Snowline JUSD	Intensive Level 2	Late IEPs/Initials or No Improvement	Not	Not
Trona JUSD	Compliance Only	Any Late IEPs/Initial Assessments	Not	Not
Victor Elementary SD	Intensive Level 1	Late IEPs/Initials or No Improvement	Not	Not
Victor Valley Union High SD	Significant Disproportionality	Late IEPs/Initials or No Improvement	Yes	Yes
Options For Youth	Compliance Only	Late IEPs/Initials or No Improvement	Not	Not

8.11 Nonpublic School/Nonpublic Agency Update

Verbal presentation, no materials

Desert/Mountain SELPA
 Dispute Prevention Dispute Resolution (Resource 6536) Claim Summary
 May 4, 2022

Total Apportionment	1,816,998
Desert/Mountain SELPA Allocation (20%)	363,400
LEA Allocation	1,453,598

Funds must be encumbered no later than June 30, 2023 and expended by September 30, 2023.

A	B	C	D	E	F
LEA	Allocation	Amount Claimed	Balance	FAR Actuals as of 5/4/2022	Actuals Unclaimed
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	32,177.35	18,447.60
Trona Joint Unified	7,544	-	7,544.00	-	-
Victor Elementary	188,819	-	188,819.00	-	-
Victor Valley Union High	161,936	-	161,936.00	-	-
Total	1,453,598	13,729.75	1,439,868.25	32,177.35	18,447.60

Desert/Mountain SELPA
Learning Recovery Support (Resource 6537) Claim Summary
May 4, 2022

Total Apportionment	8,176,491
Desert/Mountain SELPA Allocation (20%)	1,635,298
LEA Allocation	6,541,193

Funds must be encumbered no later than June 30, 2023 and expended by September 30, 2023.

A	B	C	D	E	F
LEA	Allocation	Actuals Claimed	Balance	FAR Actuals as of 5/4/2022	Actuals Unclaimed
Academy for Academic Excellence	63,117	-	63,117.00	-	-
Adelanto Elementary	598,653	-	598,653.00	120,884.83	120,884.83
Apple Valley Unified	810,477	-	810,477.00	-	-
Baker Valley Unified	7,651	-	7,651.00	109.99	109.99
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 College	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 Academy	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	1,760.65	1,760.65
Trona Joint Unified	33,949	-	33,949.00	985.50	985.50
Victor Elementary	849,686	-	849,686.00	-	-
Victor Valley Union High	728,712	-	728,712.00	-	-
Total	6,541,193	-	6,541,193.00	123,740.97	123,740.97

Desert/Mountain SELPA
 ARP Local Assistance Entitlements Resource 3305

	A	B	C	D	E	F	G	H
LEA	Resource 3305	Resource 3306 Private Parentally Placed	Total Allocated	Claimed 3305	Claimed 3306	Total Claimed	Available 3305	Available 3306
1 County Operated Programs	331,313.00	-	331,313.00	270,420.00	-	270,420.00	60,893.00	-
2 Academy for Academic Excellence	41,268.00	-	41,268.00	-	-	-	41,268.00	-
3 Norton Science and Language Academy	40,097.00	-	40,097.00	-	-	-	40,097.00	-
4 Adelanto Elementary	298,240.00	-	298,240.00	-	-	-	298,240.00	-
5 Apple Valley Unified	493,165.00	-	493,165.00	493,165.00	-	493,165.00	-	-
6 Baker Valley Unified	4,098.00	-	4,098.00	-	-	-	4,098.00	-
7 Barstow Unified	288,289.00	-	288,289.00	-	-	-	288,289.00	-
8 Bear Valley Unified	85,755.00	-	85,755.00	-	-	-	85,755.00	-
9 Excelsior Education Center	82,536.00	-	82,536.00	-	-	-	82,536.00	-
10 Excelsior Education Center-Corona Norc	5,268.00	-	5,268.00	-	-	-	5,268.00	-
11 Health Sciences High and Middle College	30,146.00	-	30,146.00	-	-	-	30,146.00	-
12 Helendale Elementary	46,243.00	-	46,243.00	-	-	-	46,243.00	-
13 Hesperia Unified	865,137.37	900.63	866,038.00	-	-	-	865,137.37	900.63
14 Lucerne Valley Unified	34,536.00	-	34,536.00	-	-	-	34,536.00	-
15 Needles Unified	46,536.00	-	46,536.00	-	-	-	46,536.00	-
16 Oro Grande Elementary	151,315.00	-	151,315.00	-	-	-	151,315.00	-
17 Silver Valley Unified	96,292.00	-	96,292.00	-	-	-	96,292.00	-
18 Snowline Joint Unified	325,752.00	-	325,752.00	325,752.00	-	325,752.00	-	-
19 Trona Joint Unified	16,683.00	-	16,683.00	-	-	-	16,683.00	-
20 Victor Elementary	396,565.58	600.42	397,166.00	-	-	-	396,565.58	600.42
21 Victor Valley Union High	508,376.79	300.21	508,677.00	-	-	-	508,376.79	300.21
22 Desert/Mountain SELPA	-	-	-	-	-	-	-	-
23 Total	4,187,611.74	1,801.26	4,189,413.00	1,089,337.00	-	1,089,337.00	3,098,274.74	1,801.26

Reporting Periods

Report 1 July 1, 2021 to December 31, 2021

Report 2 January 1, 2022 to March 31, 2022

Report 3 April 1, 2022 to June 30, 2022

Report 4 July 1, 2022 to September 30, 2022

Report 5 October 1, 2022 to December 31, 2022

Report 6 January 1, 2023 to June 30, 2023

Report 7 July 1, 2023 to September 30, 2023

Reports 1–6 are due 30 days after the last day of each report period. Report 7 is due on or before October 10, 2023.

Desert/Mountain SELPA
 ARP Federal Preschool Programs Resource 3308

	A	B	C
LEA	Resource 3308 Allocation	Resource 3308 Claimed	Available
1 County Operated Programs	169,896.00	-	169,896.00
2 Adelanto Elementary	3,554.00	-	3,554.00
3 Apple Valley Unified	31,278.00	31,278.00	-
4 Baker Valley Unified	-	-	-
5 Barstow Unified	1,422.00	-	1,422.00
6 Bear Valley Unified	3,554.00	-	3,554.00
7 Helendale Elementary	1,422.00	-	1,422.00
8 Hesperia Unified	73,219.00	-	73,219.00
9 Lucerne Valley Unified	1,422.00	1,422.00	-
10 Needles Unified	-	-	-
11 Oro Grande Elementary	-	-	-
12 Silver Valley Unified	9,952.00	-	9,952.00
13 Snowline Joint Unified	2,133.00	2,133.00	-
14 Trona Joint Unified	711.00	-	711.00
15 Victor Elementary	60,423.00	-	60,423.00
16 Victor Valley Union High	-	-	-
17 Desert/Mountain SELPA	-	-	-
18 Total	358,986.00	34,833.00	324,153.00

Reporting Periods

Report 1 July 1, 2021 to December 31, 2021

Report 2 January 1, 2022 to March 31, 2022

Report 3 April 1, 2022 to June 30, 2022

Report 4 July 1, 2022 to September 30, 2022

Report 5 October 1, 2022 to December 31, 2022

Report 6 January 1, 2023 to June 30, 2023

Report 7 July 1, 2023 to September 30, 2023

Reports 1–6 are due 30 days after the last day of each report period. Report 7 is due on or before October 10, 2023.

Desert/Mountain SELPA
Local Assistance Entitlements Resource 3310

	A	B	C	D	E	F	G	H
LEA	Resource 3310	Resource 3311 Private Parentally Placed	Total Allocation	Claimed 3310	Claimed 3311	Total Claimed	Available 3310	Available 3311
1 County Operated Programs	2,008,143.00	-	2,008,143.00	1,469,260.00	-	1,469,260.00	538,883.00	-
2 Academy for Academic Excellence	177,502.00	-	177,502.00	160,996.00	-	160,996.00	16,506.00	-
3 Norton Science and Language Academy	172,466.00	-	172,466.00	155,452.00	-	155,452.00	17,014.00	-
4 Adelanto Elementary	1,286,366.00	-	1,286,366.00	818,654.00	-	818,654.00	467,712.00	-
5 Apple Valley Unified	2,152,631.00	-	2,152,631.00	2,152,631.00	-	2,152,631.00	-	-
6 Baker Valley Unified	17,624.00	-	17,624.00	7,657.00	-	7,657.00	9,967.00	-
7 Barstow Unified	1,241,422.00	-	1,241,422.00	1,241,422.00	-	1,241,422.00	-	-
8 Bear Valley Unified	372,422.00	-	372,422.00	217,199.00	-	217,199.00	155,223.00	-
9 Excelsior Education Center	355,003.00	-	355,003.00	269,708.00	-	269,708.00	85,295.00	-
10 Excelsior Education Center-Corona Norc	22,660.00	-	22,660.00	18,230.00	-	18,230.00	4,430.00	-
11 Health Sciences High and Middle College	129,664.00	-	129,664.00	113,449.00	-	113,449.00	16,215.00	-
12 Helendale Elementary	200,331.00	-	200,331.00	200,331.00	-	200,331.00	-	-
13 Hesperia Unified	3,794,536.02	4,039.98	3,798,576.00	3,591,289.00	-	3,591,289.00	203,247.02	4,039.98
14 Lucerne Valley Unified	149,976.00	-	149,976.00	149,976.00	-	149,976.00	-	-
15 Needles Unified	200,161.00	-	200,161.00	138,772.00	-	138,772.00	61,389.00	-
16 Oro Grande Elementary	650,839.00	-	650,839.00	440,062.00	-	440,062.00	210,777.00	-
17 Silver Valley Unified	424,168.00	-	424,168.00	347,953.00	-	347,953.00	76,215.00	-
18 Snowline Joint Unified	1,403,273.00	-	1,403,273.00	1,403,273.00	-	1,403,273.00	-	-
19 Trona Joint Unified	72,470.00	-	72,470.00	31,699.00	-	31,699.00	40,771.00	-
20 Victor Elementary	1,766,307.68	2,693.32	1,769,001.00	1,211,780.00	-	1,211,780.00	554,527.68	2,693.32
21 Victor Valley Union High	2,186,581.34	1,346.66	2,187,928.00	2,186,581.00	-	2,186,581.00	0.34	1,346.66
22 Desert/Mountain SELPA	-	-	-	-	-	-	-	-
23 Total	18,784,546.04	8,079.96	18,792,626.00	16,326,374.00	-	16,326,374.00	2,458,172.04	8,079.96

Reporting Periods

Report 1 July 1, 2021 to December 31, 2021

Report 2 January 1, 2022 to March 31, 2022

Report 3 April 1, 2022 to June 30, 2022

Report 4 July 1, 2022 to September 30, 2022

Report 5 October 1, 2022 to December 31, 2022

Report 6 January 1, 2023 to June 30, 2023

Report 7 July 1, 2023 to September 30, 2023

Reports 1–6 are due 30 days after the last day of each report period. Report 7 is due on or before October 10, 2023.

Desert/Mountain SELPA
Federal Preschool Programs Resource 3315

	A	B	C
LEA	Resource 3315 Allocation	Resource 3315 Claimed	Available
1 County Operated Programs	159,271.00	97,905.00	61,366.00
2 Adelanto Elementary	3,332.00	-	3,332.00
3 Apple Valley Unified	29,322.00	29,322.00	-
4 Baker Valley Unified	-	-	-
5 Barstow Unified	1,333.00	-	1,333.00
6 Bear Valley Unified	3,332.00	3,332.00	-
7 Helendale Elementary	1,333.00	-	1,333.00
8 Hesperia Unified	68,639.00	3,306.00	65,333.00
9 Lucerne Valley Unified	1,333.00	1,333.00	-
10 Needles Unified	-	-	-
11 Oro Grande Elementary	-	-	-
12 Silver Valley Unified	9,330.00	-	9,330.00
13 Snowline Joint Unified	1,999.00	1,999.00	-
14 Trona Joint Unified	666.00	-	666.00
15 Victor Elementary	56,644.00	50,880.00	5,764.00
16 Victor Valley Union High	-	-	-
17 Desert/Mountain SELPA	19,586.00	19,586.00	-
18 Total	356,120.00	207,663.00	148,457.00

Reporting Periods

Report 1 July 1, 2021 to December 31, 2021

Report 2 January 1, 2022 to March 31, 2022

Report 3 April 1, 2022 to June 30, 2022

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Desert/Mountain SELPA
Schedule A - Special Education Revenue At-A-Glance
2022-23 P-2 Projection
(Current Law)

	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		\$ 1,065.33								
2 County Operated Programs	63.83	68,000	49,912,623	210,426	-	-	-	-	-	50,191,049
3 Academy for Academic Excellence	1,321.07	1,407,379	(118,185)	-	-	-	-	-	(35,673)	1,253,521
4 Norton Science and Language Academy	965.35	1,028,419	(114,476)	-	-	-	-	-	(34,661)	879,282
5 Adelanto Elementary	6,792.50	7,236,272	(6,011,020)	(115,528)	(218,999)	-	-	-	-	890,725
6 Apple Valley Unified	11,436.12	12,183,271	(10,202,966)	-	(368,714)	213,978	-	-	-	1,825,569
7 Baker Valley Unified	122.40	130,397	-	-	59,147	-	-	-	-	189,544
8 Barstow Unified	5,187.07	5,525,955	(5,272,787)	(74,268)	(167,238)	-	-	-	-	11,662
9 Bear Valley Unified	1,940.66	2,067,448	(1,410,975)	-	-	-	-	-	-	656,473
10 Excelsior Education Center	2,012.49	2,143,971	(136,070)	-	-	-	-	-	(71,346)	1,936,555
11 Excelsior Charter School Corona-Norco	108.93	116,047	-	-	-	-	-	-	(4,554)	111,493
12 Health Sciences High and Middle College	550.00	585,933	-	-	-	-	(110,597)	30,000	(26,059)	479,277
13 Helendale Elementary	1,083.52	1,154,309	(940,760)	(16,504)	117,983	-	-	-	-	315,028
14 Hesperia Unified	19,814.32	21,108,841	(11,274,403)	-	(638,838)	-	-	-	-	9,195,600
15 Lucerne Valley Unified	875.48	932,677	(1,351,142)	-	806,779	-	-	-	-	388,314
16 Needles Unified	904.83	963,945	(1,697,669)	-	1,186,005	-	-	-	-	452,281
17 Oro Grande Elementary	5,121.46	5,456,058	(264,271)	-	(165,122)	-	-	-	-	5,026,665
18 Silver Valley Unified	1,781.62	1,898,018	(97,806)	(4,126)	-	-	-	-	-	1,796,086
19 Snowline Joint Unified	7,057.81	7,518,915	(6,319,635)	-	(227,552)	-	-	-	-	971,728
20 Trona Joint Unified	209.83	223,539	(332,138)	-	332,138	-	-	-	-	223,539
21 Victor Elementary	11,229.75	11,963,418	(11,871,187)	-	(362,061)	-	-	-	-	(269,829)
22 Victor Valley Union High	10,965.12	11,681,500	(9,120,285)	-	(353,529)	-	-	-	-	2,207,686
23 SELPA Low Incidence Entitlement (0296)	-	2,303,400	-	-	-	-	-	-	-	2,303,400
24 SELPA Related Services (0297)	-	-	8,408,736	-	-	-	-	-	-	8,408,736
25 Intensive Therapeutic Services (029P)	-	-	1,324,230	-	-	-	-	-	-	1,324,230
26 SELPA PS/RS (0293)	-	3,132,018	-	-	-	-	-	-	-	3,132,018
27 SELPA Out-of-Home (298B)	-	3,003,722	-	-	(213,978)	-	-	-	-	2,789,744
28 SELPA X-Pot (0292)	-	-	-	-	-	-	-	-	-	-
29 SELPA Revenue Pool (029C)	-	-	-	-	-	-	110,597	(30,000)	172,293	252,890
30 SELPA Residential & Mental Health/Care	-	-	-	-	-	-	-	-	-	-
31 DMCC MHS (483F)	-	-	6,890,186	-	-	-	-	-	-	6,890,186
32 Total	89,544.16	103,833,450	-	-	(0)	-	-	-	-	103,833,450

Desert/Mountain SELPA
Schedule A - Special Education Revenue At-A-Glance
2022-23 P-2 Projection
(Current Law)

	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	1,595,732	43,618,781	50,191,049	-	-	299,046	299,046
3 Academy for Academic Excellence	-	177,502	1,076,019	1,253,521	-	-	-	-
4 Norton Science and Language Academy	-	172,466	706,816	879,282	-	-	-	-
5 Adelanto Elementary	-	1,286,366	(395,641)	890,725	964,322	(30,000)	257,807	1,192,129
6 Apple Valley Unified	-	2,152,631	(327,062)	1,825,569	4,597,427	(30,000)	426,305	4,993,732
7 Baker Valley Unified	-	17,624	171,920	189,544	89,147	(30,000)	3,542	62,689
8 Barstow Unified	-	1,241,422	(1,229,760)	11,662	4,500,099	(30,000)	249,205	4,719,304
9 Bear Valley Unified	-	372,422	284,052	656,473	5,061	(5,061)	74,129	74,129
10 Excelsior Education Center	-	355,003	1,581,552	1,936,555	-	-	-	-
11 Excelsior Charter School Corona-Norco	-	22,660	88,833	111,493	-	-	-	-
12 Health Sciences High and Middle College	-	129,664	349,613	479,277	-	-	-	-
13 Helendale Elementary	-	200,331	114,697	315,028	2,633	(2,633)	39,974	39,974
14 Hesperia Unified	-	3,798,575	5,397,024	9,195,600	5,857,312	(30,000)	748,627	6,575,939
15 Lucerne Valley Unified	-	149,976	238,338	388,314	531,511	(30,000)	29,854	531,365
16 Needles Unified	-	200,161	252,120	452,281	-	-	40,227	40,227
17 Oro Grande Elementary	-	650,839	4,375,826	5,026,665	120,343	(30,000)	130,801	221,144
18 Silver Valley Unified	-	424,168	1,371,918	1,796,086	38,762	(30,000)	83,237	91,999
19 Snowline Joint Unified	-	1,403,272	(431,544)	971,728	1,061,903	(30,000)	281,589	1,313,492
20 Trona Joint Unified	-	72,470	151,069	223,539	56,536	(30,000)	14,421	40,957
21 Victor Elementary	-	1,768,998	(2,038,828)	(269,829)	881,677	(30,000)	343,321	1,194,998
22 Victor Valley Union High	-	2,187,927	19,758	2,207,686	2,368,250	(30,000)	439,714	2,777,964
23 SELPA Low Incidence Entitlement (0296)	-	-	2,303,400	2,303,400	-	-	-	-
24 SELPA Related Services (0297)	-	-	8,408,733	8,408,733	-	-	-	-
25 Intensive Therapeutic Services (029P)	-	-	1,324,230	1,324,230	-	-	-	-
26 SELPA PS/RS (0293)	-	-	3,132,018	3,132,018	-	-	-	-
27 SELPA Out-of-Home (298B)	-	-	2,789,744	2,789,744	-	-	-	-
28 SELPA X-Pot (0292)	-	-	-	-	-	-	-	-
29 SELPA Revenue Pool (029C)	-	-	252,890	252,890	-	-	-	-
30 SELPA Residential & Mental Health/Care	-	-	-	-	-	-	-	-
31 DMCC MHS (483F)	-	-	6,890,186	6,890,186	-	-	-	-
32 Total	4,976,536	18,380,215	80,476,699	103,833,450	21,074,985	(367,694)	3,461,799	24,169,090

Desert/Mountain SELPA
Schedule A - Special Education Revenue At-A-Glance
2022-23 P-2 Projection
(Current Law)

	Other Grants/Entitlements							
	S	T	U	V	W	X	Y	Z
	Preschool Pupil Count	Infant Pupil Count	Federal Preschool Resource 3315	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	239	50	159,271	-	412,411	32,210	890,688	-
3 Academy for Academic Excellence	-	-	-	-	-	-	-	-
4 Norton Science and Language Academy	-	-	-	-	-	-	-	-
5 Adelanto Elementary	5	-	3,332	-	-	-	-	-
6 Apple Valley Unified	44	-	29,322	-	-	-	-	-
7 Baker Valley Unified	-	-	-	-	-	-	-	-
8 Barstow Unified	2	-	1,333	-	-	-	-	-
9 Bear Valley Unified	5	-	3,332	-	-	-	-	-
10 Excelsior Education Center	-	-	-	-	-	-	-	-
11 Excelsior Charter School Corona-Norco	-	-	-	-	-	-	-	-
12 Health Sciences High and Middle College	-	-	-	-	-	-	-	-
13 Helendale Elementary	2	-	1,333	-	-	-	-	-
14 Hesperia Unified	103	-	68,639	-	-	-	-	-
15 Lucerne Valley Unified	2	-	1,333	-	-	-	-	-
16 Needles Unified	-	-	-	-	-	-	-	-
17 Oro Grande Elementary	-	-	-	-	-	-	-	-
18 Silver Valley Unified	14	-	9,330	-	-	-	-	-
19 Snowline Joint Unified	3	-	1,999	-	-	-	-	-
20 Trona Joint Unified	1	-	666	-	-	-	-	-
21 Victor Elementary	85	-	56,644	-	-	-	-	-
22 Victor Valley Union High	-	-	-	-	-	-	-	-
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	-	-	-	-	-	-	-	830,000
31 DMCC MHS (483F)	-	-	-	-	-	-	-	6,438,277
32 Total	505	50	356,120	2,738	412,411	37,210	890,688	7,268,277

Desert/Mountain SELPA
Schedule B - Funding Exhibit

SECTION A: ADA AND RATES		
2022-23 SELPA total K-12 ADA	A-1	89,544.16
Prior-Year SELPA total ADA	A-2	89,772.89
Prior Prior-Year SELPA total ADA	A-3	95,488.34
SELPA funded ADA (Greater of A-1, A-2 or A-3)	A-4	95,488.34
2019-20 SELPA funded ADA	A-5	100,926.64
Cost-of-Living Adjustment (COLA)	A-6	6.5600%
BASE RATE AND BASE RATE FUNDING (EC 56836.146; EC 56836.148)		
Prior year SELPA Base Rate	B-1	579.84
SELPA Base Rate (A-6 * B-1)	B-2	617.88
Current Year Minimum SELPA Base Rate	B-3	820.00
SELPA Base Rate (Greater of B-2 or B-3)	B-4	820.00
Base Grant Entitlement (A-4 * B-4)	B-5	78,300,438.80
Base Proration Factor	B-6	1.00
Adjusted Base Grant Entitlement (B-5 * B-6)	B-7	78,300,438.80
GENERAL FUNDING (EC 56836.15)		
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	73,323,902.80
SECTION E: PROGRAM SPECIALISTS/REGIONALIZED SERVICES (PS/RS) [E.C. 56836.24 & 56836.31]		
Prior Year Statewide Average PS/RS Rate	D-1	17.1614928866
Current Year Statewide Average PS/RS Rate (D-1 * A-4)	D-2	18.2872868199
NSS ADA Threshold		
Qualifying NSS ADA Adjustment (If D-3 > A-3, D-3 - A-3; else 0)	D-3	15,000.00
NSS PS/RS Entitlement (D-2 * D-4)	D-4	-
NSS PS/RS Proration Factor	D-5	-
NSS PS/RS Apportionment (D-5 * D-6)	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	1,845,674.41
PS/RS Proration Factor	D-9	1.00
PS/RS Apportionment (D-8 * D-9)	D-10	1,845,674.41
Total PS/RS Apportionment (D-7 + D-10)	D-11	1,845,674.41
LOW INCIDENCE EC 56836.22		
Low Incidence Disabilities PY December Pupil Count	E-1	698
Low Incidence Materials and Services Rate	E-2	3,300.000000000
Low Incidence Materials and Services Apportionment (E-1 * E-2)	E-3	2,303,400.00
OUT OF HOME CARE EC 56836.165		
Out-of-Home Care Apportionment	F-1	3,003,722.00
EXTRAORDINARY COST POOL FOR NONPUBLIC NONSECTARIAN SCHOOLS (NPS)/LICENSED CHILDRENS INSTITUTIONS (LCI) & NSS MENTAL HEALTH SERVICES EC 56836.21		
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	-
ADJUSTMENT FOR NSS WITH DECLINING ENROLLMENT EC 56214		
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

APPORTIONMENT SUMMARY		
Net Funding Entitlement (C-4)	I-1	73,323,903
PS/RS Apportionment (D-11)	I-2	1,845,674
Low Incidence (E-3)	I-3	2,303,400
Out-of-Home Care Apportionment (F-1)	I-4	3,003,722
Extraordinary Cost Pool Apportionment (G-3, Annual Only; else 0)	I-5	-
Adjustment for NSS with Declining Enrollment (H-6)	I-6	-
Total Apportionment (Sum of I-1 through I-6)	I-7	80,476,699
Property Taxes and Excess ERAF		4,976,536
Total AB 602 Funding		85,453,235
Federal Local Assistance		18,380,215
Total Funding with Local Assistance		103,833,450
Less PS/RS		(1,845,674)
Less PS/RS Adjustment		
Allocation Methodology) Base + Property Tax * 4%	3,132,017.55	(1,286,343)
Less Low Incidence Materials & Equipment (K-8)		(2,303,400)
Less Out of Home Care (K-9)		(3,003,722)
Total Funding (Equally Distributed per ADA)		95,394,311
SELPA ADA Schedule C		89,544.16
AB602 Funding per ADA		1,065.33

Desert/Mountain SELPA
Schedule C - ADA Pupil Count

Average Daily Attendance							Pupil Count 10/6/2021				
	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	Local Education Agency										
2	County Operated Programs	63.83	-	-	63.83	-	63.83	50	239	893	1,182
3	Academy for Academic Excellence	1,321.07	-	-	1,321.07	-	1,321.07	-	-	141	141
4	Norton Science and Language Academy	965.35	-	-	965.35	-	965.35	-	-	137	137
5	Adelanto Elementary	6,728.63	63.87	-	6,792.50	-	6,792.50	-	5	1,014	1,019
6	Apple Valley Unified	11,347.83	88.29	-	11,436.12	-	11,436.12	-	44	1,641	1,685
7	Baker Valley Unified	119.45	-	2.95	122.40	-	122.40	-	-	14	14
8	Barstow Unified	5,134.34	52.73	-	5,187.07	-	5,187.07	-	2	983	985
9	Bear Valley Unified	1,926.76	13.90	-	1,940.66	-	1,940.66	-	5	288	293
10	Excelsior Education Center	2,012.49	-	-	2,012.49	-	2,012.49	-	-	282	282
11	Excelsior Charter School Corona-Norco	108.93	-	-	108.93	-	108.93	-	-	18	18
12	Health Sciences High and Middle College	550.00	-	-	550.00	-	550.00	-	-	103	103
13	Helendale Elementary	589.40	8.95	-	598.35	485.17	1,083.52	-	2	156	158
14	Hesperia Unified	19,725.88	88.44	-	19,814.32	-	19,814.32	-	103	2,856	2,959
15	Lucerne Valley Unified	856.48	19.00	-	875.48	-	875.48	-	2	116	118
16	Needles Unified	775.27	27.61	101.95	904.83	-	904.83	-	-	159	159
17	Oro Grande Elementary	86.04	1.68	-	87.72	5,033.74	5,121.46	-	-	517	517
18	Silver Valley Unified	1,778.83	2.79	-	1,781.62	-	1,781.62	-	14	315	329
19	Snowline Joint Unified	6,981.91	75.90	-	7,057.81	-	7,057.81	-	3	1,110	1,113
20	Trona Joint Unified	205.74	4.09	-	209.83	-	209.83	-	1	56	57
21	Victor Elementary	10,625.70	170.10	-	10,795.80	433.95	11,229.75	-	85	1,272	1,357
22	Victor Valley Union High	10,130.93	93.36	-	10,224.29	740.83	10,965.12	-	-	1,738	1,738
23	SELPA AB602 Total ADA	82,034.86	710.71	104.90	82,850.47	6,693.69	89,544.16	50	505	13,809	14,364

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	-	-	-	49,912,623	-	-	49,912,623	210,426
3	Academy for Academic Excellence	(108,962)	-	-	(9,223)	-	-	(118,185)	-
4	Norton Science and Language Academy	(113,176)	-	-	(1,300)	-	-	(114,476)	-
5	Adelanto Elementary	(114,982)	(29,745)	(484,430)	(5,379,376)	(437,799)	435,312	(6,011,020)	(115,528)
6	Apple Valley Unified	(1,377,376)	(384,793)	(1,526,934)	(6,886,671)	(184,146)	156,954	(10,202,966)	-
7	Baker Valley Unified	-	-	-	-	-	-	-	-
8	Barstow Unified	(761,530)	(292,674)	(619,060)	(3,341,577)	(267,716)	9,770	(5,272,787)	(74,268)
9	Bear Valley Unified	(243,810)	(40,301)	-	(1,126,864)	-	-	(1,410,975)	-
10	Excelsior Education Center	(89,698)	-	-	(46,372)	-	-	(136,070)	-
11	Excelsior Charter School Corona-Norco	-	-	-	-	-	-	-	-
12	Health Sciences High and Middle College	-	-	-	-	-	-	-	-
13	Helendale Elementary	(43,946)	(15,354)	-	(872,609)	(8,851)	-	(940,760)	(16,504)
14	Hesperia Unified	(3,061,772)	(107,473)	(1,638,549)	(6,213,559)	(417,263)	259,213	(11,179,403)	-
15	Hesperia Unified (Joshua Circle Nurse-3Chor	-	-	-	(95,000)	-	-	(95,000)	-
16	Lucerne Valley Unified	(142,674)	(27,830)	-	(1,161,988)	(18,650)	-	(1,351,142)	-
17	Needles Unified	-	-	-	(1,697,669)	-	-	(1,697,669)	-
18	Needles Unified (Nursing)	-	-	-	-	-	-	-	-
19	Oro Grande Elementary	(64,414)	-	(6,900)	(192,957)	-	-	(264,271)	(4,126)
20	Silver Valley Unified	(42,140)	(32,627)	-	(333,914)	-	310,875	(97,806)	-
21	Snowline Joint Unified	(766,948)	(64,295)	(621,935)	(4,773,080)	(253,721)	160,344	(6,319,635)	-
22	Trona Joint Unified	-	-	-	(332,138)	-	-	(332,138)	-
23	Victor Elementary	(1,126,342)	(140,100)	(571,306)	(10,318,954)	(225,776)	606,291	(11,776,187)	-
24	Victor Elementary (Del Rey Nurse)	-	-	-	(95,000)	-	-	(95,000)	-
25	Victor Valley Union High	(350,966)	(189,038)	(1,421,072)	(7,034,372)	(298,244)	173,407	(9,120,285)	-
26	SELPA Low Incidence Entitlement (0296)	-	-	-	-	-	-	-	-
27	DMCC MHS (483F)	-	-	6,890,186	-	-	-	6,890,186	-
28	SELPA Related Services (0297)	8,408,736	1,324,230	-	-	-	-	9,732,966	-
33	Total Purchased Services	-	-	-	-	(2,112,166)	2,112,166	-	-

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 Costs (Transportation, Special Circumstances)	SELPA Contribution	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	68,000	-	0	50,123,049	50,191,049	-	-	-	-	2,502,052	-	-	-
3	Academy for Academic Excellence	1,407,379	-	0	(118,185)	1,289,194	-	-	-	-	-	-	-	-
4	Norton Science and Language Academy	1,028,419	-	0	(114,476)	913,943	-	-	-	-	-	-	-	-
5	Adelanto Elementary	7,236,272	7,236,272	8.75%	(6,126,548)	1,109,724	-	-	-	-	(218,999)	-	-	-
6	Apple Valley Unified	12,183,271	12,183,271	14.74%	(10,202,966)	1,980,305	-	-	-	-	(368,714)	-	-	-
7	Baker Valley Unified	130,397	-	0	-	130,397	-	59,147	-	-	-	89,863	-	89,863
8	Barstow Unified	5,525,955	5,525,955	6.68%	(5,347,055)	178,900	-	-	-	-	(167,238)	-	-	-
9	Bear Valley Unified	2,067,448	-	0	(1,410,975)	656,473	-	-	-	-	-	-	-	-
10	Excelsior Education Center	2,143,971	-	0	(136,070)	2,007,901	-	-	-	-	-	-	-	-
11	Excelsior Charter School Corona-Norco	116,047	-	0	-	116,047	-	-	-	-	-	-	-	-
12	Health Sciences High and Middle College	585,933	-	0	-	585,933	-	-	-	-	-	-	-	-
13	Helendale Elementary	1,154,309	-	0	(957,264)	197,045	14,637	-	103,346	-	-	211,682	-	211,682
14	Hesperia Unified	21,108,841	21,108,841	25.53%	(11,179,403)	9,929,438	-	-	-	-	(638,838)	-	-	-
15	Lucerne Valley Unified	932,677	-	0	(1,351,142)	(418,465)	806,779	-	-	-	-	388,314	-	388,314
16	Needles Unified	963,945	-	0	(1,697,669)	(733,724)	1,186,005	-	-	-	-	452,281	-	452,281
17	Oro Grande Elementary	5,456,058	5,456,058	6.60%	(268,397)	5,187,661	-	-	-	-	(165,122)	-	-	-
18	Silver Valley Unified	1,898,018	-	0	(97,806)	1,800,212	-	-	-	-	-	-	-	-
19	Snowline Joint Unified	7,518,915	7,518,915	9.09%	(6,319,635)	1,199,280	-	-	-	-	(227,552)	-	-	-
20	Trona Joint Unified	223,539	-	0	(332,138)	(108,599)	332,138	-	-	-	-	253,535	-	223,539
21	Victor Elementary	11,963,418	11,963,418	14.47%	(11,776,187)	187,231	-	-	-	-	(362,061)	-	-	-
22	Victor Valley Union High	11,681,500	11,681,500	14.13%	(9,120,285)	2,561,215	-	-	-	-	(353,529)	-	-	-
23	SELPA Low Incidence Entitlement (0296)	2,303,400	-	0	-	2,303,400	-	-	-	-	-	-	-	-
24	SELPA Related Services (0297)	-	-	0	9,732,966	9,732,966	-	-	-	-	-	-	-	-
25	SELPA PS/RS (0293)	3,132,018	-	0	-	3,132,018	-	-	-	-	-	-	-	-
26	SELPA Out-of-Home (298B)	3,003,722	-	0	-	3,003,722	-	-	-	-	-	-	-	-
27	Total	103,833,450	82,674,229	100.00%	(6,700,186)	97,133,264	2,339,559	59,147	103,346	-	(2,502,052)	1,395,676	-	1,365,679

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

	A	B	C	D	E	F	G
	Local Education Agency	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	-	-	-	964,322	(30,000)	934,322
6	Apple Valley Unified	278,489	(64,511)	213,978	4,597,427	(30,000)	4,567,427
7	Baker Valley Unified	-	-	-	89,147	(30,000)	59,147
8	Barstow Unified	-	-	-	4,500,099	(30,000)	4,470,099
9	Bear Valley Unified	-	-	-	5,061	(5,061)	-
10	Excelsior Education Center	-	-	-	-	-	-
11	Excelsior Charter School Corona-Norco	-	-	-	-	-	-
12	Health Sciences High and Middle College	-	-	-	110,597	(30,000)	80,597
13	Helendale Elementary	-	-	-	2,633	(2,633)	-
14	Hesperia Unified	-	-	-	5,857,312	(30,000)	5,827,312
15	Lucerne Valley Unified	-	-	-	531,511	(30,000)	501,511
16	Needles Unified	-	-	-	-	-	-
17	Oro Grande Elementary	-	-	-	120,343	(30,000)	90,343
18	Silver Valley Unified	-	-	-	38,762	(30,000)	8,762
19	Snowline Joint Unified	-	-	-	1,061,903	(30,000)	1,031,903
20	Trona Joint Unified	-	-	-	56,536	(30,000)	26,536
21	Victor Elementary	-	-	-	881,677	(30,000)	851,677
22	Victor Valley Union High	-	-	-	2,368,250	(30,000)	2,338,250
23	Total	278,489	(64,511)	213,978	21,185,581	(397,694)	20,787,887

Desert/Mountain SELPA
Schedule G - X-Pot Contribution

X-Pot Rate 253.00

	Pupil Count	X-Pot Contribution
1 Local Education Agency		
2 County Operated Programs	1,182	299,046
3 Academy for Academic Excellence	141	35,673
4 Norton Science and Language Academy	137	34,661
5 Adelanto Elementary	1,019	257,807
6 Apple Valley Unified	1,685	426,305
7 Baker Valley Unified	14	3,542
8 Barstow Unified	985	249,205
9 Bear Valley Unified	293	74,129
10 Excelsior Education Center	282	71,346
11 Excelsior Charter School Corona-Norco	18	4,554
12 Health Sciences High and Middle College	103	26,059
13 Helendale Elementary	158	39,974
14 Hesperia Unified	2,959	748,627
15 Lucerne Valley Unified	118	29,854
16 Needles Unified	159	40,227
17 Oro Grande Elementary	517	130,801
18 Silver Valley Unified	329	83,237
19 Snowline Joint Unified	1,113	281,589
20 Trona Joint Unified	57	14,421
21 Victor Elementary	1,357	343,321
22 Victor Valley Union High	1,738	439,714
29 Total	14,364	3,634,092
30 Total District Transfers (0292 - 8677)	12,501	3,162,753
31 Total LEA Charter (0292 - 5748)	681	172,293
32 DM Operations (2900) (0292 - 5748)	893	225,929
33 DM Operations (0295 - Infant) (0292 - 5748)	50	12,650
34 DM Operations (0495 - Preschool) (0292 - 5748)	239	60,467
35 Total	14,364	3,634,092

MEMORANDUM

Date: May 5, 2022
To: Directors of Special Education
From: Richard Frederick, Area Director *RF*
Subject: **Audiological Service Reports**

Attached are the Audiological Service Reports for the month of April 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.



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

P 760-552-6700
F 760-242-5363
W www.dmselpa.org

MEMORANDUM

Date: May 27, 2022
To: Directors of Special Education
From: Codi Andersen, Occupational/Physical Therapy Supervisor

Subject: **Occupational and Physical Therapy Reports**

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

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

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	3			3	3			3				
Apple Valley	19	1	8	28	17	1	9	27	18	1	7	26	17	2	5	24	19	2	5	26				
Baker																								
Barstow	4	2	1	7	3	2		5	3	2		5	5	2		7	4	2		6				
Bear Valley																								
Helendale																								
Hesperia	15			15	16			16	16			16	16			16	17			17				
High Tech High																								
Lucerne Valley	1			1	1			1																
Needles																								
Oro Grande																								
Silver Valley						1		1		1		1		1		1		1		1				
Snowline	9	1		10	10			10	9			9	8			8	8			8				
Trona																								
Victor Elem	6		1	7	6		1	7	6		1	7	8		1	9	8		1	9				
VVUHSD	20		1	21	21		1	22	20		1	21	20		1	21	21			21				
TOTALS	77	4	11	92	77	4	11	92	75	4	9	88	77	5	7	89	80	5	6	91				
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
TOTALS	83	4	8	95	82	4	8	94	80	4	10	94	80	4	9	93	80	4	9	93	78	5	10	93
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
6/1/2022 8:30 AM - 12:45 PM	ORTON-GILLINGHAM APPROACH	VIRTUAL
6/10/2022 2:00 PM - 3:00 PM	FAMILY FUN DAYS	VIRTUAL/DMESC
6/15/2022 10:00 A - 11:30 A	REAL TALK...PARENT-TO-PARENT GROUP CHATS	VIRTUAL/DMESC
6/24/2022 2:00 PM - 3:00 PM	FAMILY FUN DAYS	VIRTUAL/DMESC



Special Education Teacher Academy

Coordinated By

Linda Rodriguez, Program Specialist

Location

Virtual training, a link will be sent to each participant prior to the training date.

Cost

\$50.00 Per Attendee

Registration

<https://sbcss.k12oms.org/52-218275>

Audience

Year 1 and year 2 special education teachers.

Description

The academy will be presented in hybrid model with live zoom sessions and required asynchronous learning on Canvas. The workshop zoom sessions will focus on completing various IEP forms and writing IEP goals. Web IEP sessions are offered monthly throughout the year. Two sessions for academy participants are scheduled early in the school year. In addition, participants can request individual support. Support can be in the area of IEP development, instruction, and classroom management.

Special Accommodation

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

Schedule

Day 1: August 4 & August 11, 2022 | 2:00 - 3:30 p.m.
Web IEP (Presented on zoom). Please see [Individual Protections](#) section for full description.

Day 2: August 22, 2022 | 2:30 - 4:00 p.m.
Forms Workshop (presented on zoom).

Day 3: September 1, 2022 | 2:30 - 4:00 p.m.
Writing Goals Workshop (presented on zoom)

Asynchronous Canvas Learning

Forms and Facts 101 - Please see [Individual Protections](#) section for full description.

Present Levels of Performance, Goals, and Educational Benefit - Please see [Individual Protections](#) section for course description.

Get in Touch

Address : 17800 Highway 18, Apple Valley, CA 92307

Phone : (760) 955-3573

Email : judith.loera@cahelp.org

Website : www.cahelp.org



Save the Date

School Psychologists' Committee Meetings

The Desert/Mountain School Psychologists' Committee meets three times per year for the purpose of continuing professional development, enrichment, networking, and training. Attendees stay current on relevant topics that include special education legal compliance issues, best practices in assessments, IEP writing, special education eligibility, academic and behavioral accommodations and interventions, mental health practices, and suspension/expulsion procedures.

As an extension of the Desert/Mountain School Psychologists' Committee, we are pleased to offer a Bilingual Psychologists' Cadre as a sub-committee, in which psychologists (bilingual and monolingual) can learn and share strategies for working effectively with English language learners. **All psychologists' are encouraged to join.**

October 6, 2022 | February 2, 2023 | May 4, 2023

12:00 - 1:00 p.m. - Bilingual Psychologists' Cadre

1:00 - 3:00 p.m. - School Psychologists' Committee

Virtual training, a link will be sent to each participant prior to the training date.

Contact Us:

Judith Loera
(760) 955-3573
judith.loera@cahelp.org



Save the Date

All You Need Is Love: The Behavioral Collaborative

The Behavioral Collaborative group will meet three times per year virtually to develop skills and interventions for students with behavioral concerns across all tiers. Come network with other teachers and paras to develop strategies for challenging behaviors of students with varying disabilities.

September 14, 2022, January 18, 2023
& April 19, 2023

Registration Will Open
July 1, 2022

Virtual training, a link will be sent to each participant prior to the training date.

Contact Us:

Judith Loera
(760) 955-3573
judith.loera@cahelp.org