

California Association of Health and Education Linked Professions
Joint Powers Authority (CAHELP JPA)
DESERT/MOUNTAIN CHARTER SELPA STEERING and FINANCE COMMITTEE MEETING
May 26, 2022 – 1:00 p.m.
Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley CA 92307

AGENDA

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

PARTICIPATE BY PHONE:

Dial Access Number: 1-415-655-0003

When prompted - enter Meeting Number: 2457 210 3095

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

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

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

1.0 CALL TO ORDER

2.0 ROLL CALL

3.0 PUBLIC PARTICIPATION

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

4.0 ADOPTION OF THE AGENDA

4.1 **BE IT RESOLVED** that the April 21, 2022 Desert/Mountain Charter SELPA Steering and Finance Committee Meeting Agenda be approved as presented.

5.0 INFORMATION/ACTION

5.1 Assembly Bill 361 Exemptions to Brown Act Virtual Meeting Requirements

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

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continue to impose or recommend measures to promote social distancing.

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

5.2 Desert/Mountain Charter SELPA D/M 77 Notice of Procedural Safeguards (**ACTION**)

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

5.2.1 **BE IT RESOLVED** that the Desert/Mountain Charter SELPA D/M 77 Notice of Procedural Safeguards be approved as presented

6.0 CONSENT ITEMS

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

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

6.1.1 Approve the March 24, 2022 Desert/Mountain Charter SELPA Steering and Finance Committee Meeting Minutes.

7.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS

7.1 State SELPA Administrators Update

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

7.2 Governor's Budget

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

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

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

7.4 Mental Health Trends

Linda Llamas will present research information on mental health trends.

7.5 Professional Learning Summary and Update

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

7.6 Resolution Support Services Summary and Updates

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

7.7 Case Law Review

Kathleen Peters will provide case law review.

7.8 Prevention and Intervention Update

Athena Vernon will provide the Prevention and Intervention update.

7.9 Compliance Update

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

8.0 FINANCE COMMITTEE REPORTS

8.1 Update on Federal Grants

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

8.2 2022-23 Desert/Mountain Charter SELPA P2 Projected Special Education Revenue Distribution

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

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9.0 INFORMATION ITEMS

9.1 Monthly Occupational & Physical Therapy Services Reports

9.2 Upcoming Professional Learning Opportunities

10.0 STEERING AND FINANCE COMMITTEE MEMBERS COMMENTS / REPORTS

11.0 CEO COMMENTS

12.0 MATTERS BROUGHT BY THE PUBLIC

This is the time during the agenda when the Desert/Mountain Charter SELPA Steering Committee is again prepared to receive the comments of the public regarding items on this agenda or any school related special education issue. Speakers are requested to give their name and limit their remarks to five minutes.

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

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

13.0 ADJOURNMENT

The next regular meeting of the Desert/Mountain Charter SELPA Steering Committee will be held on Thursday, June 23, 2022, at 1:00 p.m., at the Desert Mountain Educational Service Center, Aster/Cactus Room, 17800 Highway 18, Apple Valley, CA 92307.

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



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

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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~~

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~~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.

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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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D/M CHARTER SELPA MEMBERS PRESENT:

Allegiance STEAM – Callie Moreno, ASA Charter Schools – Anthony Lucey, Susan Lucey, Aveson Global/Aveson School of Leaders – Kelly Jung, Ballington Academy – Doreen Mulz, Desert Trails Preparatory Academy/Laverne Elementary Preparatory Academy – Tracee Stewart, Debbie Tarver, Elite Academic Academy – Susana Waisman, Encore Jr/Sr High – Esther Haskins, Leonardo da Vinci Health Sciences – Courtney Cox, Odyssey Charter School – Katrina Franklin, Chasityflame Price, Pathways to College – James Connell, Taylion High Desert – Brenda Congo, and Virtual Preparatory Academy-Lucerne – Malia Lovell.

CAHELP, SELPA, & DMCC STAFF PRESENT:

Jamie Adkins, Codi Andersen, Pam Bender, Guille Burgos, Heidi Chavez, Danielle Cote, Tara Deavitt, Marina Gallegos, Bonnie Garcia, Renee Garcia, Derek Hale, Linda Llamas, Maurica Manibusan, Lisa Nash, Sheila Parisian, Kathleen Peters, Linda Rodriguez, Veronica Rousseau, Adrienne Shepherd-Myles, Jessica Soto, Jennifer Sutton, and Amy Thompson.

1.0 CALL TO ORDER

The regular meeting of the California Association of Health and Education Linked Professions Joint Powers Authority (CAHELP JPA) Desert/Mountain Charter SELPA Steering and Finance Committee Meeting was called to order by Chairperson Pam Bender, at 1:03 p.m., at the Desert/Mountain Educational Service Center, Apple Valley.

2.0 ROLL CALL

3.0 PUBLIC PARTICIPATION

None.

4.0 ADOPTION OF THE AGENDA

4.1 **BE IT RESOLVED** that a motion was made by Callie Moreno, seconded by Debbie Tarver, to approve the April 21, 2022 Desert/Mountain Charter SELPA Steering and Finance Committee Meeting Agenda as presented. The motion carried on the following vote 12:0: Ayes: Congo, Connell, Cox, Franklin, Haskins, Jung, Lovell, Lucey, Moreno, Mulz, Tarver, and Waisman. Nays: None, Abstentions: None.

5.0 PUBLIC HEARINGS

5.1 Desert/Mountain Charter 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 Charter SELPA broken down

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by type, location, and level of severity.

5.1.1 **BE IT RESOLVED** that a motion was made by Anthony Lucey, seconded by Brenda Congo, to approve the Desert/Mountain Charter SELPA 2022-23 Annual Service Plan as presented. The motion carried on the following vote 12:0: Ayes: Congo, Connell, Cox, Franklin, Haskins, Jung, Lovell, Lucey, Moreno, Mulz, Tarver, and Waisman. Nays: None, Abstentions: None.

5.2 Desert/Mountain Charter SELPA Annual Budget Plan (**ACTION**)

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

5.2.1 **BE IT RESOLVED** that a motion was made by Brenda Congo, seconded by Anthony Lucey, to approve the Desert/Mountain Charter SELPA 2022-23 Annual Budget Plan as presented. The motion carried on the following vote 12:0: Ayes: Congo, Connell, Cox, Franklin, Haskins, Jung, Lovell, Lucey, Moreno, Mulz, Tarver, and Waisman. Nays: None, Abstentions: None.

6.0 INFORMATION/ACTION

6.1 Assembly Bill 361 Exemptions to Brown Act Virtual Meeting Requirements

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

6.1.1 **BE IT RESOLVED** that a motion was made by Anthony Lucey, seconded by Brenda Congo, to approve the Assembly Bill 361 Exemptions to Brown Act Virtual Meeting Requirements as presented. The motion carried on the following vote 12:0: Ayes: Congo, Connell, Cox, Franklin, Haskins, Jung, Lovell, Lucey, Moreno, Mulz, Tarver, and Waisman. Nays: None, Abstentions: None.

7.0 CONSENT ITEMS

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

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7.1 **BE IT RESOLVED** that a motion was made by Susan Lucey, seconded by Courtney Cox, to approve the following Consent Item as presented. The motion carried on the following vote 12:0: Ayes: Congo, Connell, Cox, Franklin, Haskins, Jung, Lovell, Lucey, Moreno, Mulz, Tarver, and Waisman. Nays: None, Abstentions: None.

7.1.1 Approve the March 24, 2022 Desert/Mountain Charter SELPA Steering and Finance Committee Meeting Minutes.

8.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS

8.1 2022-23 Desert/Mountain Charter SELPA Application for New Membership

Pam Bender called on Heidi Chavez to present the 2022-23 D/M Charter SELPA Application for new membership. She reported that Allegiance STEAM Academy Thrive-Fontana applied as an extension of Allegiance STEAM Academy in Chino and have been authorized by Fontana USD. They will use the first year of the four-year approval as a planning year. Heidi stated the membership request has been approved by D/M Charter Executive Council and will next be presented to CAHELP JPA Governance Council in May for final approval.

8.2 State SELPA Administrators Update

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

- Senate Bill (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.

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

Pam Bender provided information about LCAP and D/M Charter SELPA involvement. As per California Education Code 56062(a)(5), requires SELPA to be involved in LEA LCAP

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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.

8.4 2022-23 D/M Charter SELPA Steering and Finance Committee Meeting Dates

Pam Bender presented the 2022-23 D/M Charter SELPA Steering and Finance Committee meeting dates for feedback. She said the California Charter Schools Conference in March 2023 could cause a change for that month's meeting. No additional input was provided by the committee members.

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

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

8.6 Professional Learning Summary and Update

Heidi Chavez presented the D/M Charter SELPA's Professional Learning Summary. 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 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 online modules be completed. 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.

8.7 Resolution Support Services Summary and Updates

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

8.8 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

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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.”

Kathleen then shared 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 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.

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, a short-term removal 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.

8.9 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.

8.10 Compliance Update

Heidi Chavez presented an update on compliance items from the California Department of Education (CDE). She reported 2020-21 CDE Annual Determination Letters were mailed on March 14, 2022. Heidi reminded the directors to review their CalPads 16.8 reports when the system is back online to address the late and overdue IEPs.

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

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Heidi reported there will be an MIS Users Meeting held in-person on Tuesday, September 28, 2022, 9:00am to 3:00pm.

9.0 FINANCE COMMITTEE REPORTS

9.1 Proposed 2022-23 Desert/Mountain Charter SELPA Budget

Marina Gallegos presented the proposed 2022-23 Desert/Mountain Charter SELPA Budget. She said there is an assumption that there will be some changes in mental health funding but for budgetary purposes, she assumes mental health state and federal funding will continue to flow to SELPAs by way of apportionment, grant award, or MOU. Marina reported there is a particular concern about the set aside pool balance. This is for emergencies and since it has not been used, the balance continues to grow. She shared it was discussed with D/M Charter SELPA Executive Council earlier in the day and that she and Pam Bender will be brainstorming ways to prevent the balance from continuing to grow. Marina reported the balance of the low incidence fund is also growing so that fund will also be reviewed for ways to assist the LEAs in accessing it.

9.2 Proposed 2022-23 Desert/Mountain Charter SELPA Fee-For-Service Rates

Marina Gallegos presented the proposed 2022-23 Desert/Mountain Charter SELPA Fee-For-Service (FFS) rates. She explained FFS are for OT/PT education supports, intensive therapeutic, and DMCC mental health services. The rates increased by 5.33% according to the governor's budget, except for the DMCC FFS which remained the same. Marina stated the fees only apply for services received in the high desert region.

10.0 INFORMATION ITEMS

10.1 June Pupil Count Memo

10.2 Monthly Occupational & Physical Therapy Services Reports

10.3 Upcoming Professional Learning Opportunities

11.0 STEERING COMMITTEE MEMBERS COMMENTS / REPORTS

12.0 CEO COMMENTS

Pam Bender hopes the LEAs are finding the services provided are supporting their needs, especially during this busy time. She read a brief anecdote about behavior labeling with adult and child behaviors being labeled differently depending on the stage of life. Pam reminded the committee members that all children

MINUTES

are unique and everyone has positive attributes. School should be a safe place for students to be protected and helpful.

13.0 MATTERS BROUGHT BY THE PUBLIC

None.

14.0 ADJOURNMENT

Having no further business to discuss, a motion was made by Brenda Congo, seconded by Tony Lucey, to adjourn the meeting. The motion carried on the following vote 12:0: Ayes: Congo, Connell, Cox, Franklin, Haskins, Jung, Lovell, Lucey, Moreno, Mulz, Tarver, and Waisman. Nays: None, Abstentions: None.

The next regular meeting of the Desert/Mountain Charter SELPA Steering Committee will be held on Thursday, May 26, 2022, at 1:00 p.m., at the Desert Mountain Educational Service Center, Aster/Cactus Room, 17800 Highway 18, Apple Valley, CA 92307.

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

7.1 State SELPA Administrators Update

Verbal presentation, no materials

7.2 Governor's Budget

Verbal presentation, no materials



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

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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>

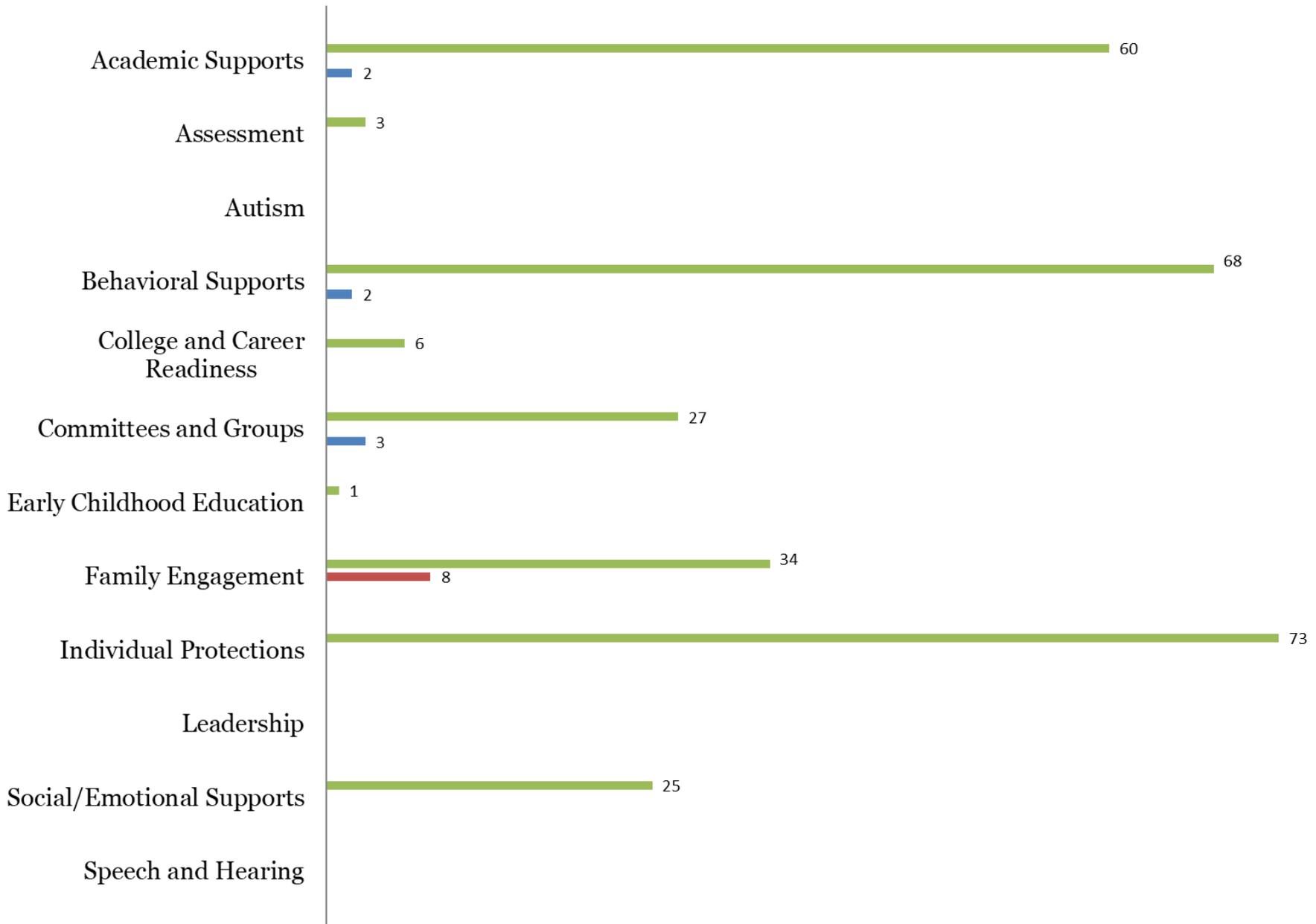
Additional References/Resources:

- <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 CHARTER SELPA PROFESSIONAL LEARNING PARTICIPATION SUMMARY

APRIL 2022- 15 PARTICIPANTS
297 YEAR-TO-DATE PARTICIPANTS

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



Save THE Date!



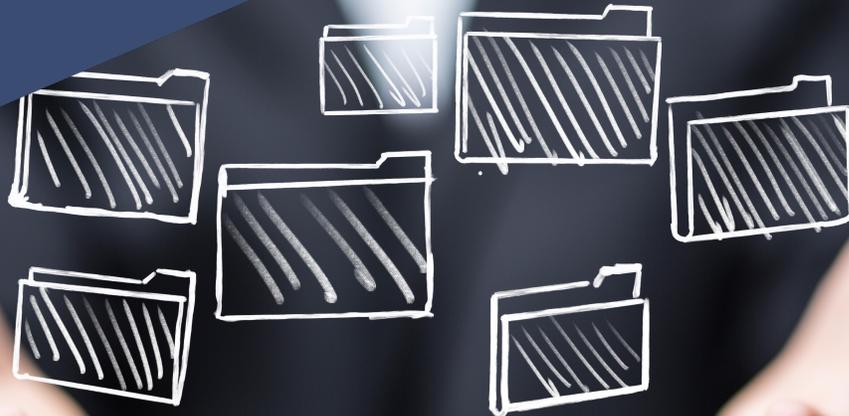
Community Advisory Committee (CAC)

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

Get in Touch

Address : 17800 Highway 18, Apple Valley, CA 92307
Phone : (760) 955-3552

Email : Marysol.Hurtado@cahelp.org
Website : www.cahelp.org



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:

Marysol Hurtado
(760) 955-3552

Marysol.Hurtado@cahelp.org



SAVE THE DATE

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

Desert/Mountain Charter SELPA
 Due Process Activity Summary
 July 1, 2021–May 26, 2022

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

Desert/Mountain Charter SELPA
 Due Process Activity Summary
 July 1, 2021–May 26, 2022

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

Desert/Mountain Charter SELPA
 Due Process Activity Summary
 July 1, 2021–May 26, 2022

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Due Process Hearing	Status
6. Odyssey 20220100223	Expedited: Odyssey filed on parent for change of placement for safety. Regular: To implement IEP in full	1/7/2022	Not Required	Expedited 1/20/22	Expedited 2/2-3/2022 Regular 3/29-31/2022	1/20/22 - Parent refused change of placement. Prefers to go to hearing. 02/23/22 - OAH decision on expedited - change of placement - 45 days; Parent agreement with IEP and placement; May drop the remainder of the case. 02/22/22 - OAH judge ordered placement in more restrictive environment LEA prevailed. 03/22 - Non-expedited complaint withdrawn. CLOSED

Desert /Mountain Charter SELPA
Legal Expense Summary
As Reported at Steering May 26, 2022

2000-2001	0.00
2001-2002	0.00
2002-2003	0.00
2003-2004	0.00
2004-2005	0.00
2005-2006	0.00
2006-2007	0.00
2007-2008	0.00
2008-2009	0.00
2009-2010	0.00
2010-2011	0.00
2011-2012	0.00
2012-2013	0.00
2013-2014	0.00
2014-2015	0.00
2015-2016	7,378.00
2016-2017	33,886.61
2017-2018	70,994.67
2018-2019	113,834.81
2019-2020	58,033.90
2020-2021	43,640.20
2021-2022	172,789.82



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.*

7.7 Case Law Review

Verbal presentation, no materials

7.8 Prevention and Intervention Update

Verbal presentation, no materials

2020-21 Annual Determination Data

Desert Mountain Charter SELPA

SUMMARY

LEA	Monitoring Level	Monitoring Level	Dispro	Sig Dis
Allegiance STEAM Academy -Thrive	Compliance Only	Any Late IEPs/Initial Assessments	Not	Not
ASA Charter	Compliance Only	Any Late IEPs/Initial Assessments	Not	Not
Aveson Global Leadership Academy	Compliance Only	Any Late IEPs/Initial Assessments	Not	Not
Aveson School of Leaders Charter	Compliance Only	Late IEPs/Initials or No improvement	Not	Not
Ballington Academy for the Arts and Sciences	Compliance Only	Any Late IEPs/Initial Assessments	Not	Not
Desert Trails Charter	Compliance Only	Late IEPs/Initials or No Improvement	Not	Not
Elite Academy	Compliance Only	Late IEPs/Initials or No Improvement	Not	Not
Encore JR/SR Charter High Desert	Compliance Only	Late IEPs/ Initials or No Improvement	Not	
Julia Lee Performing Arts Academy	Compliance Only	Any Late IEPs/Initial Assessments	Not	Not
LaVerne Prep	Compliance Only	Late IEPs/Initials or No Improvement	Not	Not
Leonardo da Vinci Health Sciences	Compliance Only	Late IEPs/Initials or No Improvement	Not	Not

Odyssey Charter School	Compliance Only	Late IEPs/Initials or No Improvement	Not	Not
Odyssey Charter School South	Compliance Only	Late IEPs/Initials and No Improvement	Not	Not
Pasadena Rosebud Academy	Compliance Only	Any Late/Initial Assessments	Not	Not
Pathways to College	Compliance Only	Any Late/Initial Assessments	Not	Not
Taylion Charter Schools	Compliance Only	Late IEPs/Initials or No improvement	Not	Not
Virtual Preparatory	Compliance Only	Late IEPs/Initials and No Improvement	Not	Not

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

Total Apportionment	91,956
Desert/Mountain Charter SELPA Allocation (20%)	18,391
Charter Allocation	73,565

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

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

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

Total Apportionment	413,801
Desert/Mountain Charter SELPA Allocation (20%)	82,760
Charter Allocation	331,041

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

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

Desert/Mountain Charter SELPA
 ARP Local Assistance Entitlements Resource 3305

	A	B	C
LEA	Resource 3305	Claimed	Available
1 Allegiance STEAM Academy	30,980	30,980	-
2 ASA Charter School	5,685	-	5,685
3 Aveson Global Leadership Academy	15,917	-	15,917
4 Aveson School of Leaders	14,212	-	14,212
5 Ballington Academy	7,106	-	7,106
6 Desert Trails Preparatory Academy	9,948	-	9,948
7 Elite Academic Academy Lucerne	20,181	-	20,181
8 Encore High School	30,129	30,129	-
9 Julia Lee Performing Arts Academy	14,496	14,496	-
10 Laverne Elementary Preparatory Academy	7,390	-	7,390
11 Leonardo da Vinci	7,106	7,106	-
12 Odyssey Charter School	15,917	-	15,917
13 Odyssey Charter School South	10,232	-	10,232
14 Pasadena Rosebud Academy	3,411	3,411	-
15 Pathways to College	12,791	-	12,791
16 Taylion High Desert Academy	11,085	-	11,085
17 Virtual Prep Lucerne	22,170	10,651	11,519
18 Total	238,756	96,773	141,983

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 Charter SELPA
Local Assistance Entitlements Resource 3310

	A	B	C
LEA	Resource 3310	Claimed	Available
1 Allegiance STEAM Academy	105,303	105,303	-
2 ASA Charter School	19,322	-	19,322
3 Aveson Global Leadership Academy	54,100	24,748	29,352
4 Aveson School of Leaders	48,304	40,361	7,943
5 Ballington Academy	24,152	-	24,152
6 Desert Trails Preparatory Academy	33,813	-	33,813
7 Elite Academic Academy Lucerne	68,592	-	68,592
8 Encore High School	102,404	93,804	8,600
9 Julia Lee Performing Arts Academy	49,270	49,270	-
10 Laverne Elementary Preparatory Academy	25,118	-	25,118
11 Leonardo da Vinci	24,152	24,152	-
12 Odyssey Charter School	54,100	-	54,100
13 Odyssey Charter School South	34,779	27,065	7,714
14 Pasadena Rosebud Academy	11,593	11,593	-
15 Pathways to College	43,474	-	43,474
16 Taylion High Desert Academy	37,677	-	37,677
17 Virtual Prep Lucerne	75,354	75,354	-
18 Total	811,507	451,650	359,857

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

A	B	C	D	E	F	Adjustments						M	Revenue Distribution			
						G	H	I	J	K	L		N	O	P	
	DMCS LEA	Pupil Count 10/6/21	ADA	% of Total ADA	AB602 & Federal Local Assistance Apportionment 6500 & 3310 \$ 961.81	Program Specialists (3.52663%)	Allocated Costs (7%)	* Risk Pool Level (Non-Add)	Risk Pool Adjustment	Set Aside Pool (3%)	Purchased Services	Adjusted Apportionment	Federal IDEA Local Assistance	AB602 Apportionment	Adjusted Apportionment by Revenue Source	
1	Local Education Agency															
2	Allegiance STEAM Academy	7/2018	109	843.61	12.79%	811,389	(28,615)	(56,797)	1	(40,569)	(24,342)	661,066	105,303	555,763	661,066	
3	ASA Charter	7/2021	20	188.16	2.85%	180,973	(6,382)	(12,668)	1	(9,049)	(5,429)	147,445	19,322	128,124	147,445	
4	Aveson Global Leadership Academy	7/2015	56	240.61	3.65%	231,420	(8,161)	(16,199)	1	(11,571)	(6,943)	188,546	54,100	134,445	188,546	
5	Aveson School of Leaders	7/2015	50	336.70	5.11%	323,840	(11,421)	(22,669)	1	(16,192)	(9,715)	263,843	48,304	215,539	263,843	
6	Ballington Academy	7/2017	25	196.88	2.99%	189,360	(6,678)	(13,255)		(9,468)	(5,681)	(7,224)	147,054	24,152	122,902	147,054
7	Desert Trails Preparatory Academy	7/2013	35	472.10	7.16%	454,069	(16,013)	(31,785)		(22,703)	(13,622)	369,945	33,813	336,132	369,945	
8	Elite Academic Academy - Lucerne (0136960)	10/2018	71	675.55	10.25%	649,748	(22,914)	(45,482)		(32,487)	(19,492)	(7,379)	521,993	68,592	453,401	521,993
9	Encore - Hesperia	7/2013	106	648.17	9.83%	623,414	(21,985)	(43,639)		(31,171)	(18,702)	507,916	102,404	405,512	507,916	
10	Julia Lee Performing Arts Academy	7/2018	51	336.16	5.10%	323,321	(11,402)	(22,632)		(16,166)	(9,700)	(3,010)	260,410	49,270	211,140	260,410
11	Laverne Elementary Preparatory Academy	7/2013	26	471.51	7.15%	453,501	(15,993)	(31,745)		(22,675)	(13,605)	369,483	25,118	344,365	369,483	
12	Leonardo da Vinci Health Sciences Charter	7/2019	25	244.40	3.71%	235,065	(8,290)	(16,455)		(11,753)	(7,052)	-	191,516	24,152	167,364	191,516
13	Odyssey Charter School	7/2015	56	440.08	6.67%	423,271	(14,927)	(29,629)		(21,164)	(12,698)	344,854	54,100	290,753	344,854	
14	Odyssey Charter School South	7/2018	36	299.25	4.54%	287,820	(10,150)	(20,147)		(14,391)	(8,635)	-	234,497	34,779	199,718	234,497
15	Pasadena Rosebud Academy	7/2018	12	170.00	2.58%	163,507	(5,766)	(11,445)		(8,175)	(4,905)	(7,224)	125,991	11,593	114,398	125,991
16	Pathways to College	7/2016	45	311.36	4.72%	299,468	(10,561)	(20,963)		(14,973)	(8,984)	-	243,987	43,474	200,513	243,987
17	Taylton High Desert Academy	7/2013	39	273.69	4.15%	263,237	(9,283)	(18,427)		(13,162)	(7,897)	-	214,468	37,677	176,791	214,468
18	Virtual Prep Academy Lucerne - EAA (0138107)	10/2018	78	445.29	6.75%	428,282	(15,104)	(29,980)		(21,414)	(12,848)	348,936	75,354	273,582	348,936	
19	Low Incidence Materials/Services (DMLI)					59,400		1				59,400		59,400	59,400	
20	SELPA Program Specialists (DCPS)					-	223,648	1				223,648		223,648	223,648	
21	SELPA Allocated Costs (DCPS)					-		443,918				443,918		443,918	443,918	
22	SELPA Risk Pool (DCRP)					-		1		317,084		317,084		317,081	317,081	
23	SELPA Set Aside Pool (DCSA)					-					190,251	190,251		190,251	190,251	
24	SELPA-Related Services (0297)					-						20,468		20,468	20,468	
25	SELPA Mental Health															
26	County Regional Services										4,369	4,369		4,369	4,369	
27																
28																
29																
30																
31																
32	Total		840	6,593.52	100.00%	6,401,086	-	-				6,401,086	811,507	5,589,579	6,401,086	

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

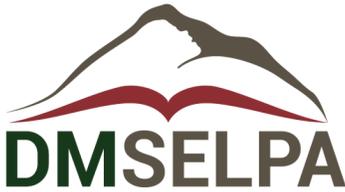
Desert/Mountain Charter SELPA
Schedule A - Special Education Revenue At-A-Glance
2021-22 P-2 Projection

2022-23 SPED Funding Exhibit

SECTION A: ADA AND RATES			
2022-23 SELPA total K-12 ADA	A-1	\$	6,593.52
Prior-Year SELPA total ADA	A-2	\$	6,502.45
Prior Prior-Year SELPA total ADA	A-3	\$	6,241.85
SELPA funded ADA (Greater of A-1, A-2 or A-3)	A-4	\$	6,593.52
2019-20 SELPA funded ADA	A-5	\$	6,752.90
Cost-of-Living Adjustment (COLA)	A-6		6.56%
BASE RATE AND BASE RATE FUNDING (EC 56836.146; EC 56836.148)			
Prior year SELPA Base Rate	B-1	\$	579.8370380864
SELPA Base Rate (A-6 * B-1)	B-2	\$	617.8743477849
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	\$	5,406,686.40
Base Proration Factor	B-6	\$	1.00
Adjusted Base Grant Entitlement (B-5 * B-6)	B-7	\$	5,406,686.40
GENERAL FUNDING (EC 56836.15)			
Local Special Education Property Taxes (E.C. 2572)	C-1	\$	-
Applicable Excess ERAF	C-2	\$	-
Total Deductions (C-1 + C-2)	C-3	\$	-
Net Funding Entitlement (B-7- C-3)	C-4	\$	5,406,686.40
PROGRAM SPECIALISTS/REGIONALIZED SERVICES (PS/RS) EC 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-6)	D-2	\$	18.2872868199
PS/RS Entitlement (A-5 * D-2)	D-8	\$	123,492.22
PS/RS Proration Factor	D-9	\$	1.00
PS/RS Apportionment (D-8 * D-9)	D-10	\$	123,492.22
Total PS/RS Apportionment (D-7 + D-10)	D-11	\$	123,492.22
LOW INCIDENCE EC 56836.22			
CALPADS Fall 1 PY Low Incidence Pupil Counts	E-1	\$	18.00
Low Incidence Rate	E-2	\$	3,300.00000000
Low Incidence Apportionment (E-1 * E-2)	E-3	\$	59,400.00
EXTRAORDINARY COST POOL FOR NONPUBLIC NONSECTARIAN SCHOOLS (NPS) / LICENSED CHILDREN'S INSTITUTIONS (LCI) EC 56836.21			
NPS/LCI Extraordinary Cost Pool Apportionment	F-1	\$	-
APPORTIONMENT SUMMARY			
Net Funding Entitlement (C-4)	J-1	\$	5,406,686.40
PS/RS Apportionment (D-5)	J-2	\$	123,492.22
Low Incidence (E-3)	J-3	\$	59,400.00
Extraordinary Cost Pool Apportionment (F-1, Annual Only)	J-5	\$	-
Total Apportionment (Sum of J-1 through J-6)	J-7	\$	5,589,579
Federal Local Assistance Grant		\$	811,507
Total Funding with Local Assistance		\$	6,401,086

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

	Local Education Agency	SELPA-Related Services	County Regional Services	Total Purchased Services
1				
2	Allegiance STEAM Academy	-	-	-
3	ASA Charter			
4	Aveson Global Leadership Academy	-	-	-
5	Aveson School of Leaders	-	-	-
6	Ballington Academy	-	-	-
7	Desert Trails Preparatory Academy	7,224	-	7,224
8	Elite Academic Academy - Lucerne (0136960)	-	-	-
9	Encore - Hesperia	3,010	4,369	7,379
10	Julia Lee Performing Arts Academy	-	-	-
11	Laverne Elementary Preparatory Academy	3,010	-	3,010
12	Leonardo da Vinci Health Sciences Charter	-	-	-
13	Odyssey Charter School	-	-	-
14	Odyssey Charter School South	-	-	-
15	Pasadena Rosebud Academy	-	-	-
16	Pathways to College	7,224	-	7,224
17	Taylion High Desert Academy	-	-	-
18	Virtual Prep Academy Lucerne - EAA (0138107)	-	-	-
19		-	-	-
20				
21				
22	Total Purchased Services	20,468	4,369	24,837



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 26, 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

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

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



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