

California Association of Health and Education Linked Professions
Joint Powers Authority (CAHELP JPA)
DESERT/MOUNTAIN CHARTER SELPA EXECUTIVE COUNCIL MEETING
October 20, 2022 – 10:00 a.m.
Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley CA 92307

AGENDA

NOTICE: This meeting will be held as a hybrid council meeting with some council 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: 2463 534 4512

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 D/M Charter SELPA Executive Council 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.

1.0 CALL TO ORDER

2.0 ROLL CALL

3.0 PUBLIC PARTICIPATION

Citizens are encouraged to participate in the deliberation of the Desert/Mountain Charter SELPA Executive Council. 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 Executive Council” to the Recording Secretary and adhere to the provisions described therein.

4.0 ADOPTION OF THE AGENDA

4.1 **BE IT RESOLVED** that the October 20, 2022 Desert/Mountain Charter SELPA Executive Council 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 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.

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5.2 Form D/M 114 Behavior Emergency Report (BER) (**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 Form D/M 114 Behavioral Emergency Report (BER) be approved as presented.

5.3 Form D/M 85 SBCSS Desert/Mountain Operations Referral (**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.

5.3.1 **BE IT RESOLVED** that the Form D/M 85 SBCSS Desert/Mountain Operations Referral be approved as presented.

5.4 Form D/M 173 Referral to SBCSS Desert/Mountain Operations for Related Services Provider (**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.

5.4.1 **BE IT RESOLVED** that the Form D/M 173 Referral to SBCSS Desert/Mountain Operations for Related Services Provider be retired as presented.

6.0 CONSENT ITEM

It is recommended that the Desert/Mountain Charter SELPA Executive Council 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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6.1 **BE IT RESOLVED** that the following Consent Item be approved as presented:

6.1.1 Approve the June 23, 2022 Desert/Mountain Charter SELPA Executive Council Meeting Minutes.

7.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS

7.1 State SELPA Administrators Update

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

7.2 Small LEAs and Special Education Monitoring

Pam Bender will provide information regarding small LEA monitoring.

7.3 Assembly Bill 2449 Open Meetings: Local Agencies: Teleconferences (Brown Act)

Pam Bender will provide information pertaining to Assembly Bill 2449 Open Meetings: Local Agencies: Teleconferences (Brown Act), implementing January 1, 2023

7.4 2022-23 Desert/Mountain Charter SELPA Application for Membership

Pam Bender will provide an update on the 2022-23 D/M Charter SELPA Application for Membership.

7.5 Transition to Special Education Information System (SEIS)

Pam Bender will provide an update on the transition to Special Education Information System (SEIS) from CAHELP JPA Governance Council.

7.6 One-Time Learning Recovery Support and Dispute Prevention/Resolution Funding

Marina Gallegos will present information about one-time Learning Recovery Support and Dispute Prevention/Resolution Funding.

7.7 Projected Mental Health Funding

Marina Gallegos will provide information regarding projected mental health funding.

7.8 Bridge to Added Authorizations

Pam Bender will present information regarding the bridge to added authorizations.

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7.9 Alternative Diploma

Pam Bender will provide information on the alternative diploma.

7.10 Professional Learning Summary

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

7.11 Resolution Support Services Summary

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

7.12 Compliance Updates

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

8.0 INFORMATION ITEMS

8.1 Upcoming Professional Learning Opportunities

9.0 DESERT/MOUNTAIN CHARTER SELPA EXECUTIVE COUNCIL MEMBERS COMMENTS / REPORTS

10.0 CEO COMMENTS

11.0 MATTERS BROUGHT BY CITIZENS

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

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

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

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

12.0 ADJOURNMENT

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The next regular meeting of the Desert/Mountain Charter SELPA Executive Council will be held on Thursday, January 26, 2023, at 10:00 a.m., at the Desert Mountain Educational Service Center, Aster/Cactus Room, 17800 Highway 18, Apple Valley, CA 92307.

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



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

SHARE THIS:



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

Assembly Bill No. 361

CHAPTER 165

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

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This bill would make legislative findings to that effect.

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

This bill would make legislative findings to that effect.

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

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

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

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

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

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

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

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

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

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

(D) Post agendas at all teleconference locations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) Post agendas at all teleconference locations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Any of the following circumstances exist:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

imposed or recommended measures to promote social distancing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Any of the following circumstances exist:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

concerning the conduct of the people's business.

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

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



Behavioral Emergency Report (BER)

DIRECTIONS: Review/complete the information below and mark the appropriate box. Forward the completed Behavioral Emergency Report (BER) to the site administrator and to the director of special education for review. The director of special education will forward the information to SELPA (Attn: MIS Support Analyst). Please note that a BER **must** be completed immediately whenever an emergency intervention is used (such as a Pro-ACT®/CPI approved behavioral restraint/seclusion) or serious property damage occurs. The parent(s)/guardian(s) and residential care provider, if applicable, must be notified of the incident within one school day.

(NOTE: The existing law requires the IEP team to consider the use of positive behavioral interventions and supports to address behaviors that impede the learning of the child and others. U.S.C. 1414(d)(d)(B)(i) and EC 56521.2)

- If the student does not have a behavioral plan (**Behavioral Intervention Plan - BIP**): If a behavioral emergency report is written regarding an individual with exceptional needs who does not have a behavioral intervention plan, the designated responsible administrator shall, within two days, schedule an individualized education program (IEP) team meeting to review the emergency report, to determine the necessity for a functional behavioral assessment, and to determine the necessity for an interim plan. The IEP team shall document the reasons for not conducting the functional behavioral assessment, not developing an interim plan, or both. *EC 56521.1(g)*
- If the student has a behavioral intervention plan (**BIP**): If a behavioral emergency report is written regarding an individual with exceptional needs who has a positive behavioral intervention plan, an incident involving a previously unseen serious behavior problem, or where a previously designed intervention is ineffective, shall be referred to the IEP team to review and determine if the incident constitutes a need to modify the positive behavioral intervention plan. *EC 56521.1(h)*

Student Name: _____ Age: _____ Gender: Male Female
 Race/Ethnicity: _____ LEA of Attendance: _____ LEA of Residence: _____
 Date of Incident: _____ Time of Incident: _____ Setting and Location of Incident: _____

Staff or Other Persons Involved: _____

Describe the incident: *(including, in specific terms, the triggers of the challenging behavior, the types of non-verbal, verbal, and/or physical (behavioral restraint and/or seclusion) interventions that were used by team members from least to most restrictive, and student and staff debriefing)*

Explain the details of injuries sustained by the student(s) and staff:

Explain any serious property damage that was sustained during the incident *(ex: school wall graffiti, broken windows/furniture, damage to walls or personal property of others)*:

IEP meeting scheduled: **Date:** _____ **Time:** _____

Report completed by: _____ Title/Position: _____

A copy of the Behavioral Emergency Report was provided to the following:

- | | | | | | |
|--|------------------|--------------------------------|------------------------------|---------------------------------|---------------------------------------|
| <input type="checkbox"/> Site Administrator | Date/Time: _____ | <input type="checkbox"/> phone | <input type="checkbox"/> fax | <input type="checkbox"/> e-mail | <input type="checkbox"/> other: _____ |
| <input type="checkbox"/> Parent/Guardian (within 1 school day) | Date/Time: _____ | <input type="checkbox"/> phone | <input type="checkbox"/> fax | <input type="checkbox"/> e-mail | <input type="checkbox"/> other: _____ |
| <input type="checkbox"/> Special Education Director | Date/Time: _____ | <input type="checkbox"/> phone | <input type="checkbox"/> fax | <input type="checkbox"/> e-mail | <input type="checkbox"/> other: _____ |
| <input type="checkbox"/> SELPA | Date/Time: _____ | <input type="checkbox"/> phone | <input type="checkbox"/> fax | <input type="checkbox"/> e-mail | <input type="checkbox"/> other: _____ |



SBCSS Desert/Mountain Operations Referral

STUDENT INFORMATION

Student Name: _____ Date of Birth: _____ SSID No. _____
 Disability: _____ Grade: _____ Gender: Male Female Non-Binary
 School Site: _____ Teacher Name: _____
 LEA of Attendance: _____ LEA of Residence: _____
 Parent/Guardian: _____
 Home Phone: _____ Work Phone: _____ Other Phone: _____
 Street Address: _____ City: _____ State: _____ Zip Code: _____
 Mailing Address: _____ City: _____ State: _____ Zip Code: _____

REFERRAL PROCESS

NEW REFERRAL **CONTINUATION OF SERVICES**

DATE OF REFERRAL: _____
CURRENT PLACEMENT: _____

Select the appropriate program/placement and/or related service(s):

- | | | |
|---|---|---|
| <input type="checkbox"/> Adapted Physical Education (APE) | <input type="checkbox"/> Orientation & Mobility | <input type="checkbox"/> Speech and Language |
| <input type="checkbox"/> American Sign Language (ASL) Interpreter | <input type="checkbox"/> Orthopedic Impaired (OI) | <input type="checkbox"/> Visual Impaired (VI) |
| <input type="checkbox"/> Deaf and Hard of Hearing | <input type="checkbox"/> Physical Therapy (PT) | |
| <input type="checkbox"/> Occupational Therapy (OT) | <input type="checkbox"/> Preschool Assessment | |

Program/Placement: *Early Childhood Sped* *Moderate/Severe SAI* *Mild/Moderate SAI (SUCCESS / ED / DHH)*

Attach the following documents to the referral:

- Authorization for Use and/or Disclosure of Information (DM 63)
- IEP or IEP Addendum dated within one year of referral for County (Annual and Triennial IEP needs to be current)
- Psycho-educational evaluation dated within three years of referral to County
- Deaf and Hard of Hearing audiogram
- Vision Impaired Ophthalmologist report
- If last triennial completed with Triennial Determination form (DM 119), include the full psycho-educational report
- All current related services (BIP, FBA, health plan, doctor reports, immunizations)

NOTE: E-mail completed packet to sbcss_referrals@sbcss.net

Additional information: _____

Referred by: _____ Title/Position: _____
 Contact Phone: _____ E-mail Address: _____
 Administrator Signature: _____ Date: _____

SBCSS COUNTY USE ONLY

Date referral received by County: _____

- I have reviewed the referral for the above-named student and agree that SBCSS DMOPs *can provide* all of the services required by the student's current IEP.
- I have reviewed the referral for the above-named student and have determined that SBCSS DMOPs is *unable* to meet all of the service requirements as outlined in the student's current IEP.

Area Director: _____ Signature: _____ Date: _____

Upon approval of this referral, the LEA in collaboration with the DMOPs Area Director shall schedule a placement IEP within ten (10) days of receipt of the referral packet.



Administrative Transfer to SBCSS/District Program

ADMINISTRATIVE TRANSFER TO:	<input type="checkbox"/> D/M OPERATIONS, SBCSS, FROM THE DISTRICT <input type="checkbox"/> DISTRICT PROGRAM FROM D/M OPERATIONS, SBCSS
------------------------------------	---

DIRECTIONS: PLEASE MARK THE APPROPRIATE BOX(ES). WHERE APPLICABLE, PROVIDE THE FOLLOWING INFORMATION AND/OR REQUIRED DOCUMENTATION. SIGN/DATE/FORWARD COMPLETED FORM AND AVAILABLE INFORMATION TO THE APPROPRIATE ADMINISTRATOR.

STUDENT INFORMATION

Student Name: _____ Date of Birth: _____ Grade: _____
 District of Attendance: Select... District of Residence: Select...
 School Site: _____
 Parent/Guardian: _____ Home Phone: _____ Work Phone: _____
 Street Address: _____ City: _____ State: _____ Zip Code: _____
 Mailing Address: _____ City: _____ State: _____ Zip Code: _____
 Current Placement: _____
 Transfer to (Special Education Program): _____ Refer to IEP dated: _____

IF APPLICABLE:	<input type="checkbox"/> Foster Home/LCI	<input type="checkbox"/> Community School/Juvenile Facility	<input type="checkbox"/> Hospital	Contact Phone: _____
Name of Foster Parents/Contact Person: _____	Address: _____			
Placing Agency: _____	Court Assignment of Education Rights to: _____			

1. IEP available/attached to this transfer request **OR** All information obtained from previous district/placement via phone _____ INITIAL

Current IEP Date: _____ Three-year Review Date: _____

Describe the Nature of the Disability: _____

Detail Instructional Setting: _____

- Current Assessment(s) Attached (if applicable):
- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Psycho-educational | <input type="checkbox"/> Occupational Therapy | <input type="checkbox"/> Adaptive P.E. | <input type="checkbox"/> Speech and Language |
| <input type="checkbox"/> Physical Therapy | <input type="checkbox"/> Behavior Support Plan | <input type="checkbox"/> FAA/PBIP | <input type="checkbox"/> Other: _____ |

Present Levels of Performance:

Academics: _____

Language: _____

Social/Emotional: _____

Physical: _____ Ambulatory: No Yes

Self-Help: _____

Pre-Vocational/Vocational: _____

Other: _____

Goal Areas: _____

Related Services: LSH APE Direct OT Direct PT Counseling Other: _____

2. Medical/Physical Diagnosis: _____

Significant Health Information (be specific) Medication: _____

Seizures: No Yes, type: _____ Allergies: _____

Special Feeding Needs: _____ Catheterization: _____

Wheelchair: No Yes CCS Eligible: No Yes

3. Specialized Transportation Needs: _____

4. Current Immunization Records: Immunization Records Attached **OR** District Confirmation All Immunizations are Current

5. Confidential records including current psycho-educational evaluation enclosed to be returned to the district of residence.

THIS REFERRAL AND ASSESSMENT WAS DISCUSSED WITH THE PARENT: No Yes

Date: _____ Administrator Signature: _____

COUNTY REFERRAL PROCEDURES

Desert/Mountain Operations or “County” provides educational settings and services to students severely impacted by their disability and who require specialized academic instruction (SAI). There may be times when a student’s access to the curriculum requires significant accommodations that cannot be met within the local education agency (LEA). The LEA can make a referral into a program operated by County when such a class is not operated by the LEA.

Pre-Referral

Local Education Agency (LEA) Responsibility

1. Convene an Individualized Education Program (IEP) meeting to discuss and consider the continuum of placement options and/or services. Invite a County representative to the IEP meeting to discuss available programs and to contribute to the discussion of continuum programs, placement, and service options. In the event County is unable to attend the meeting, the LEA shall present a description and/or informational materials about the available County programs/services and rationale for placement dependent on the student’s unique needs. The only exception to the above-mentioned is the referral for itinerant and preschool assessments.
2. Complete the SBCSS Desert/Mountain Operations (DMOPs) Referral form (DM 85) and obtain the signatures of the person making the referral and the director of special education.

Referral Procedures

Forward the following completed referral packet to County via sbcss_referral@sbcss.net and include the following:

- DM 85 – SBCSS Desert/Mountain Operations Referral form
- DM 63 – Complete the Authorization for Use and/or Disclosure of Information form and obtain the parent/guardian signature. Specify the receiving agency’s name if known. If not, leave the field blank
- IEP or IEP addendum dated within one year of the referral for County placement (annual and triennial IEP needs to be current)
- Psycho-educational evaluation dated within three years of the referral for County placement
- If the last triennial was completed with a Triennial Assessment Determination form (DM 119), to include the last psycho-educational report

COUNTY REFERRAL PROCEDURES

- All current related services assessments (APE, AT, AAC, OT, PT, SLP)
- Deaf and Hard of Hearing audiogram
- Vision Impaired Ophthalmologist report
- Any additional information (BIP, FBA, health plan, doctor reports, immunizations)

Timeline for Services

Upon approval of the completed referral packet, the LEA in collaboration with the DMOPs Area Director shall schedule a placement IEP within ten (10) days of receipt of the referral packet.

NOTE: It is incumbent on the LEA to provide a completed referral packet to County in order to initiate timely service(s) and placement. Incomplete referrals shall be returned to the LEA for completion.



Referral to SBCSS Desert/Mountain Operations for Related Services Provider

STUDENT INFORMATION

Student Name: _____ Date of Birth: _____ Gender: Male Female
School Site: _____ Disability: _____
LEA of Attendance: _____ LEA of Residence: _____
Parent/Guardian: _____
Street Address: _____ City: _____ State: _____ Zip Code: _____
Mailing Address: _____ City: _____ State: _____ Zip code: _____
Home Phone: _____ Work Phone: _____ Other Phone: _____

REFERRAL FOR SERVICES

This student is being referred for the following related services: **Initial** **Continuation of Services**

- Adapted Physical Education (APE)
- American Sign Language (ASL) Interpreter
- Speech and Language
- Deaf and Hard of Hearing
- Occupational Therapy (OT)
- Physical Therapy (PT)
- Visually Impaired
- Orientation and Mobility
- Orthopedic Impaired

Attach current Individualized Education Program (IEP) for the student to this referral.

Referred By: _____ Title/Position: _____ Date: _____

Contact Phone: _____ E-mail Address: _____

Administrator Signature: _____ Date: _____

Action:

California Association of Health and Education Linked Professions
Joint Powers Authority (CAHELP JPA)
DESERT/MOUNTAIN CHARTER SELPA EXECUTIVE COUNCIL MEETING
June 23, 2022 – 10:00 a.m.

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

MINUTES

COUNCIL MEMBERS PRESENT:

Allegiance STEAM Academy – Sebastian Cогnetta, Callie Moreno, Ballington Academy – Doreen Mulz, Desert Trails Preparatory Academy (DTPA) & La Verne Elementary Preparatory Academy (LEPA) – Debbie Tarver, Elite Academic Academy – Meghan Freeman, Julia Lee Performing Arts – Tonya Taylor, Leonardo da Vince Health Sciences – Courtney Cox, Pasadena Rosebud Academy – Shawn Brown-Brumfield, and Virtual Prep Academy at Lucerne – Michelle Romaine.

CAHELP STAFF PRESENT:

Jamie Adkins, Pam Bender, Peggy Dunn, Marina Gallegos, Linda Llamas, Kami Murphy, and Jennifer Sutton.

1.0 CALL TO ORDER

The regular meeting of the Desert/Mountain Charter SELPA Executive Council Meeting was called to order by Chairperson Pam Bender, at 10:06 a.m., at the Desert/Mountain Educational Service Center, Apple Valley, California.

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 Meghan Freeman, seconded by Shawn Brown-Brumfield, to approve the June 23, 2022 Desert/Mountain Charter SELPA Executive Council Meeting Agenda as presented. The motion passed on the following vote: 14:0: Ayes: Brown-Brumfield, Cox, Freeman, Moreno, Mulz, Romaine, Tarver, and Taylor. Nays: None, Abstentions: None.

5.0 INFORMATION/ACTION

5.1 Assembly Bill 361 Exemptions to Brown Act Virtual Meeting Requirements

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

5.1.1 **BE IT RESOLVED** that a motion was made by Doreen Mulz, seconded by Shawn Brown-Brumfield, to approve the Assembly Bill 361 Exemptions to Brown Act Virtual Meeting Requirements as presented. The motion passed on the following vote: 14:0: Ayes: Brown-Brumfield, Cox, Freeman, Moreno, Mulz, Romaine, Tarver, and Taylor.

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Nays: None, Abstentions: None.

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 a motion was made by Tanya Taylor, seconded by Shawn Brown-Brumfield, to approve the Desert/Mountain Charter SELPA D/M 77 Notice of Procedural Safeguards as presented. The motion passed on the following vote: 8:0: Ayes: Brown-Brumfield, Cox, Freeman, Moreno, Mulz, Romaine, Tarver, and Taylor. Nays: None, Abstentions: None.

6.0 CONSENT ITEMS

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

- 6.1 **BE IT RESOLVED** that a motion was made by Meghan Freeman, seconded by Tanya Taylor, to approve the following Consent Items as presented. The motion passed on the following vote: 8:0: Ayes: Brown-Brumfield, Cox, Freeman, Moreno, Mulz, Romaine, Tarver, and Taylor. Nays: None, Abstentions: None.

- 6.1.1 Approve the April 21, 2022 Desert/Mountain Charter SELPA Executive Council Meeting Minutes.

7.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS

7.1 State SELPA Administrators Update

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

- Senate Bill (SB) 1113: Inclusive Education: Universal Design for Learning is on the consent calendar.
- SB 1229: Mental Health Workforce Grant Program is at the assembly desk.
- Assembly Bill (AB) 2121: Special Education Resource Leads is on the senate desk.
- SB 237: Dyslexia Risk Screening is with the Assembly Education Committee. This will

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likely be implemented in January 2023 or for the 2023-24 school year if passed.

- SB 291: Pupil Advisory Council is with the Assembly Education Committee.
- SB 871: Public Health Immunizations is no longer active.
- SB 866: Minors Vaccine Consent is with the Assembly Judiciary Committee.

7.2 Governor's Budget

Pam Bender provided an update on the Governor's Budget stating it is supposed to be in place by June 27, 2022. Currently, legislative leaders and Governor Newsom are scheduled to meet on June 24, 2022. to be ready by June 27. Pam continued there is still \$500 million of ongoing Prop 98 funds for special education which would increase ADA to \$820 per student. AB 602 funds will continue be distributed by the SELPAs who will distribute to the LEAs though that could change in the future. Pam said the Governor's proposal for early education inclusive expansion program is \$500 million in one-time Prop 98 funds however the legislature is proposing that be decreased to \$250 million. Pam also stated legislature has rejected Educationally Related Mental Health Services (ERMHS) funding being dispersed directly to LEAs and are requesting it continue to be routed through SELPAs however this can still be vetoed by the governor. There has also been discussion about adding special education as an addendum to the LCAP but legislature has rejected that as well as special education should be part of the entire LCAP process.

7.3 2022-23 Desert/Mountain Charter SELPA Application for Membership

Pam Bender provided an update on the 2022-23 D/M Charter SELPA Application for Membership. She reported that the Allegiance STEAM – Fontana application was presented at the May 20, 2022, CAHELP JPA Governance Council meeting and though it received a first motion, it did not receive a second. There was discussion with the Governance chairperson to review the application again at next meeting on October 14, 2022, to provide more of an overview and better understanding of the impact adding the extension will have on D/M Charter SELPA and the services provided to additional students.

7.4 Professional Learning Summary

Pam Bender presented the D/M Charter SELPA's Professional Learning Summary that included the number of training participants for the month of May 2022 as well as the total for the school year through May. Pam said that Heidi Chavez has emailed a survey to the LEAs to ensure LEA staff are receiving the trainings needed for the upcoming school year. She ensured virtual trainings will continue to be offered to accommodate teacher and staff schedules.

7.5 Resolution Support Services Summary

Pam Bender presented the D/M Charter SELPA's Resolution Support Services Summary. Pam said she, Kathleen Peters, and Sheila Parisian have participated in trainings with Strauss Institute so they

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can assist LEAs while working with parents before and during mediation.

Pam also presented a save the date flyer for 2022-23 Alternative Dispute Resolution (ADR) Professional Development Series. The series will include a SELPA Legal Pathway as well as advanced ADR trainings. Pam asked the flyer to be shared with staff so they can plan their calendars.

7.6 Compliance Updates

Peggy Dunn presented an update on compliance items from the California Department of Education (CDE). She said the Annual Determination Letters mailed to the LEAs October 13, 2021, included the data on overdue initial, annual, and triennial IEPs. She said the CDE will be pulling the data again on June 30, 2022 and will compare the data against the October data. Peggy said she reviewed the data earlier in June and she saw a significant reduction in numbers that reflects the hard work the LEAs have done this school year.

8.0 FINANCE COMMITTEE REPORTS

8.1 Dispute Prevention and Resolution Funds and Learning Recovery Funds-MOE Impact

Marina Gallegos presented information pertaining to Dispute Prevention and Resolution Funds and Learning Recovery Funds-Maintenance of Effort Impact and Strategies. She shared an article from Coalition for Adequate Funding for Special Education (CAFSE) that addressed the concern of how Dispute Prevention and Resolution Funds and Learning Recovery Funds would impact Maintenance of Effort (MOE) for LEAs. Marina highlighted the two methods of utilizing the funds and stated the documents are to be submitted to Heidi Chavez and/or Kathleen Peters who will review the documents for accuracy. Once the documents are reviewed, they will be submitted to Marina for the transfer of funds. Marina suggested running an MOE compliance check before closing the books.

Pam Bender added the information is welcomed as LEAs have been concerned about the one-time money having a negative impact on MOE.

9.0 INFORMATION ITEMS

9.1 Upcoming Professional Learning Opportunities

10.0 DESERT/MOUNTAIN CHARTER SELPA EXECUTIVE COUNCIL MEMBERS COMMENTS / REPORTS

None.

11.0 CEO COMMENTS

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Pam Bender encouraged the committee members to take time for self-care during the summer. She mentioned the importance of the Juneteenth. Pam shared a quote from Indira Gandhi, “Tolerance and compassion are active, not passive states, born of the capacity to listen, to observe and to respect others”. She reminded the meeting participants to listen and observe others to understand what is not being said.

12.0 MATTERS BROUGHT BY CITIZENS

None.

13.0 ADJOURNMENT

Having no further business to discuss, a motion was made by Meghan Freeman, seconded by Courtney Cox, to adjourn the meeting. The motion passed on the following vote: 8:0: Ayes: Brown-Brumfield, Cox, Freeman, Moreno, Mulz, Romaine, Tarver, and Taylor. Nays: None, Abstentions: None.

The next regular meeting of the Desert/Mountain Charter SELPA Executive Council will be held on Thursday, October 20, 2022, at 10:00 a.m., at the Desert Mountain Educational Service Center, Aster/Cactus Room, 17800 Highway 18, Apple Valley, CA 92307.

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

7.1 State SELPA Administrators Update

No materials, verbal report only

7.2 Small LEAs and Special Education Monitoring

No materials, verbal report only

FISCAL REPORT

PUBLIC EDUCATION'S POINT OF REFERENCE FOR MAKING EDUCATED DECISIONS

Teleconference Location Flexibility Bill Signed



BY KYLE HYLAND

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posted September 16, 2022

On Tuesday, September 13, 2022, Governor Gavin Newsom signed [Assembly Bill \(AB\) 2449](#) (Rubio, B., Statutes of 2022) into law, which makes changes to the teleconferencing requirements under the Brown Act.

Existing law requires local agencies, including local educational agencies (LEAs), to post agendas at all teleconference locations, requires each teleconference location to identify the notice and agenda of the meeting, and requires each teleconference location to be accessible to the public. AB 2449 changes the law by allowing members of local agency legislative bodies, including LEAs, to use teleconferencing, under specified circumstances, without noticing each teleconference location or making it publicly accessible, provided that at least a quorum of the members of the body participates in person at a singular physical location.

In order to utilize this flexibility, the physical location where the quorum of members reside must be open to the public and situated within the boundaries of where the local agency exercises its authority. The legislative body must also comply with all of the following requirements:

- Provide a two-way audio-visual platform or a two-way telephonic service and a live webcasting of the meeting by which the public may remotely hear and visually observe the meeting as well as remotely address the legislative body
- Give notice of the means for the public to access the meeting and offer public comment in each instance the legislative body notices the meeting or posts the agenda
- Identify and include an opportunity for all persons to attend and address the legislative body directly via a call-in or internet-based service option, and at the in-person location of the meeting
- Provide an opportunity for the public to address the legislative body and offer comment in real time

AB 2449 stipulates that a member of a legislative body that wishes to participate remotely pursuant to the provisions of the bill may only do so under “just cause” or “emergency circumstances.”

In order for a member to use the “just cause” rationale, they must notify the legislative body at the earliest opportunity possible of their need to participate remotely and provide a general description of the circumstances relating to their need to appear remotely. A member can only use the “just cause” clause twice in a calendar year, which is defined as any of the following circumstances:

- Childcare or caregiving need that requires them to participate remotely
- A contagious illness that prevents a member from attending in person
- A need related to a physical or mental disability not otherwise accommodated
- Travel while on official business of the legislative body or another state or local agency

In order for a member to use the “emergency circumstances” justification, they must request the legislative body to allow them to participate in the meeting remotely due to an “emergency circumstance” and then the legislative body must subsequently take action to approve the request. The bill defines an “emergency circumstance” as a physical or family medical emergency that prevents the member from attending in person. The legislative body must request a general description of the circumstances; however, this description does not need to exceed 20 words, nor does it require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law.

Since AB 2449 is not an urgency measure, its provisions do not take effect until January 1, 2023. This means that your LEA cannot utilize the flexibilities detailed in AB 2449 until the beginning of the 2023 calendar year. It is also important to note that the measure has a sunset date of January 1, 2026, meaning unless there is subsequent legislation to extend the bill’s provisions, it will become inoperative after three years.



AB-2449 Open meetings: local agencies: teleconferences. (2021-2022)



Date Published: 09/14/2022 09:00 PM

Assembly Bill No. 2449

CHAPTER 285

An act to amend, repeal, and add Sections 54953 and 54954.2 of the Government Code, relating to local government.

[Approved by Governor September 13, 2022. Filed with Secretary of State September 13, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2449, Blanca Rubio. Open meetings: local agencies: teleconferences.

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 generally requires posting an agenda at least 72 hours before a regular meeting that contains a brief general description of each item of business to be transacted or discussed at the meeting, and prohibits any action or discussion from being undertaken on any item not appearing on the posted agenda. The act authorizes a legislative body to take action on items of business not appearing on the posted agenda under specified conditions. The act contains specified provisions regarding providing for the ability of the public to observe and provide comment. 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.

Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health.

This bill would revise and recast those teleconferencing provisions and, until January 1, 2026, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. Under this exception, the bill would authorize a member to participate remotely under specified circumstances, including participating remotely for just cause or due to emergency circumstances. The emergency circumstances basis for remote participation would be contingent on a request to, and action by, the legislative body, as prescribed. The bill, until January 1, 2026, would authorize a legislative body to consider and take action on a request from a member to participate in a meeting remotely due to emergency circumstances if the request

does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. The bill would define terms for purposes of these teleconferencing provisions.

This bill would impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions. The bill would require the legislative body to implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law.

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.

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.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

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

SECTION 1. Section 54953 of the Government Code, as amended by Section 3 of Chapter 165 of the Statutes of 2021, 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. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted 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.

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

(D) 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.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. 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).

(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 (Division 10 (commencing with Section 7920.000) 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) The legislative body of 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) 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.

(B) In the event of a disruption that prevents the legislative body 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 that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative 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 that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(C) 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.

(D) 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.

(E) (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) This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(f) (1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) 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.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body 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 that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative 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 that prevents the legislative body 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.

(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.

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

(g) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(h) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(i) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(j) For the purposes of this section, the following definitions shall apply:

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

(2) "Just cause" means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (g).

(D) Travel while on official business of the legislative body or another state or local agency.

(3) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (f), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) "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).

(6) "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.

(7) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(8) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(9) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

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

SEC. 2. Section 54953 of the Government Code, as added by Section 4 of Chapter 165 of the Statutes of 2021, 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. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted 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.

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

(D) 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.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. 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).

(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 (Division 10 (commencing with Section 7920.000) 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) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) 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.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body 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 that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative 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 that prevents the legislative body 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.

(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.

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

(f) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(g) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(h) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(i) For the purposes of this section, the following definitions shall apply:

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

(2) "Just cause" means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (f).

(D) Travel while on official business of the legislative body or another state or local agency.

(3) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (e), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) "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.

(6) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(7) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(8) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(j) This section shall become operative January 1, 2024, shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 3. 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, 2026.

SEC. 4. Section 54954.2 of the Government Code is amended to read:

54954.2. (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) For a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site, the following provisions shall apply:

(A) An online posting of an agenda shall be posted on the primary Internet Web site homepage of a city,

county, city and county, special district, school district, or political subdivision established by the state that is accessible through a prominent, direct link to the current agenda. The direct link to the agenda shall not be in a contextual menu; however, a link in addition to the direct link to the agenda may be accessible through a contextual menu.

(B) An online posting of an agenda including, but not limited to, an agenda posted in an integrated agenda management platform, shall be posted in an open format that meets all of the following requirements:

(i) Retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications.

(ii) Platform independent and machine readable.

(iii) Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda.

(C) A legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site and an integrated agenda management platform shall not be required to comply with subparagraph (A) if all of the following are met:

(i) A direct link to the integrated agenda management platform shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state. The direct link to the integrated agenda management platform shall not be in a contextual menu. When a person clicks on the direct link to the integrated agenda management platform, the direct link shall take the person directly to an Internet Web site with the agendas of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state.

(ii) The integrated agenda management platform may contain the prior agendas of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state for all meetings occurring on or after January 1, 2019.

(iii) The current agenda of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state shall be the first agenda available at the top of the integrated agenda management platform.

(iv) All agendas posted in the integrated agenda management platform shall comply with the requirements in clauses (i), (ii), and (iii) of subparagraph (B).

(D) For the purposes of this paragraph, both of the following definitions shall apply:

(i) "Integrated agenda management platform" means an Internet Web site of a city, county, city and county, special district, school district, or political subdivision established by the state dedicated to providing the entirety of the agenda information for the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state to the public.

(ii) "Legislative body" has the same meaning as that term is used in subdivision (a) of Section 54952.

(E) The provisions of this paragraph shall not apply to a political subdivision of a local agency that was established by the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state.

(3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(4) To consider action on a request from a member to participate in a meeting remotely due to emergency circumstances, pursuant to Section 54953, if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. The legislative body may approve such a request by a majority vote of the legislative body.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

(e) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 5. Section 54954.2 is added to the Government Code, to read:

54954.2. (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) For a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site, the following provisions shall apply:

(A) An online posting of an agenda shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state that is accessible through a prominent, direct link to the current agenda. The direct link to the agenda shall not be in a contextual menu; however, a link in addition to the direct link to the agenda may be accessible through a contextual menu.

(B) An online posting of an agenda including, but not limited to, an agenda posted in an integrated agenda management platform, shall be posted in an open format that meets all of the following requirements:

(i) Retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications.

(ii) Platform independent and machine readable.

(iii) Available to the public free of charge and without any restriction that would impede the reuse or

redistribution of the agenda.

(C) A legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site and an integrated agenda management platform shall not be required to comply with subparagraph (A) if all of the following are met:

(i) A direct link to the integrated agenda management platform shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state. The direct link to the integrated agenda management platform shall not be in a contextual menu. When a person clicks on the direct link to the integrated agenda management platform, the direct link shall take the person directly to an Internet Web site with the agendas of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state.

(ii) The integrated agenda management platform may contain the prior agendas of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state for all meetings occurring on or after January 1, 2019.

(iii) The current agenda of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state shall be the first agenda available at the top of the integrated agenda management platform.

(iv) All agendas posted in the integrated agenda management platform shall comply with the requirements in clauses (i), (ii), and (iii) of subparagraph (B).

(D) For the purposes of this paragraph, both of the following definitions shall apply:

(i) "Integrated agenda management platform" means an Internet Web site of a city, county, city and county, special district, school district, or political subdivision established by the state dedicated to providing the entirety of the agenda information for the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state to the public.

(ii) "Legislative body" has the same meaning as that term is used in subdivision (a) of Section 54952.

(E) The provisions of this paragraph shall not apply to a political subdivision of a local agency that was established by the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state.

(3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of

Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

(e) This section shall become operative January 1, 2026.

SEC. 6. The Legislature finds and declares that Sections 1 and 2 of this act, which amend Section 54953 of the Government Code, impose a limitation on 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:

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 hospital 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. 7. The Legislature finds and declares that Sections 1 and 2 of this act, which amend 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.

Desert/Mountain Charter SELPA

Application for Membership Fiscal Year 2022-2023

- **Name:** Allegiance STEAM Academy Thrive – Fontana
- **Primary Contact:** Sebastian Cogna, Chief Executive Officer
sebastian.cogna@asathrive.org 909-465-5405
- **Interviewed by D/M Charter SELPA Review Committee:** April 21, 2022
- **Application Status:** Charter organization with two or more successful years of operation. Extension of Allegiance STEAM Academy Thrive – Chino with a different authorizer.
- **Geographical Location:** School Site Location TBD – Allegiance STEAM Academy Thrive – Fontana will be using the first year of their authorization to secure a school site location. This recommendation was granted from authorizer Fontana Unified School District. Allegiance STEAM Academy Thrive – Fontana will update D/M Charter SELPA when they secure a location. At which time, a team will tour the facility.
- **Authorizer:** Allegiance STEAM Academy Thrive – Fontana was authorized by Fontana Unified School District, 9680 Citrus Avenue Fontana, CA 92335 on April 6, 2022 for four (4) consecutive school years starting with the 2022-2023 school year (2025-2026 is the fourth year of approval)
- **Classroom Based:** Yes.
- **Grades of Instruction:** Transitional Kinder – 8th grade
- **Estimated first day of Instruction:** August 15, 2022 TBD 2023-24 School Year
- **Applied for and/or Denied LEA membership to another SELPA:** No. Allegiance STEAM Academy Thrive – Fontana reported Desert/Mountain Charter SELPA is the only SELPA they have applied to for membership to operate as an independent charter for special education purposes.

Desert/Mountain Charter SELPA Application for Membership

Self-Assessment (Step 3)

Please complete the following SELF-Assessment.

- **Reason for Applying:** Describe your rationale and/or reason(s) for applying to join the D/M Charter SELPA. Include reason(s) for leaving your current SELPA.
Allegiance Fontana is applying to join the D/M Charter SELPA because of the D/M Charter SELPA's reputation for supporting the delivery of high-quality special education programs and services to students with disabilities in the most effective manner practicable. Allegiance Chino, a member of D/M Charter SELPA since its inception in 2018, continues to receive invaluable guidance and training from the DM Charter SELPA. For the purposes of efficiency, coordination, and alignment, having both Allegiance Fontana and Allegiance Chino as members of D/M Charter SELPA will allow both schools to provide the highest quality special education programs and services to our students. The Allegiance Fontana petitioners are familiar with the D/M Charter SELPA staff, practices, and procedures. Furthermore, the D/M Charter SELPA staff are familiar with the Allegiance team having supported Allegiance since 2018.
- **Self-Ranking: Legal Obligations** - A special education program requires that you implement appropriate child find activities, provide general education program modifications, refer students for assessment, conduct assessments and develop Individualized Education Programs (IEPs) for identified students.

Using the **Self-Ranking Key** below, please rank your **current status** in terms of each of the following special education mandates.

Include your ranking number in the box next to each area. Then elaborate on your ranking by describing in detail, your specific site-based procedures for each of these areas listed below. Attach evidence (policies, form examples, handbooks, CASEMIS/CALPADS data, etc.).

- **SELF-RANKING KEY:**
1 = COMPLIANT
2 = IN DEVELOPMENT PHASE
3 = NEED ASSISTANCE

1. **1** Child Find Activities – policies, parent handbooks, postings, etc.
See ASA Thrive website: [Annual Special Education Notification](#)
ASA STT Guide (pdf in shared folder)
2. **2** General Education Program Modifications – descriptive narrative of implementation and philosophy.
ASA Fontana will implement a collaborative model between special and general education teachers. General education teachers collaborate with education specialists to develop

IEPs with appropriate goals, supports and services based on each student's documented abilities and needs.

Special education teachers will, when appropriate, work in regular classrooms or in a separate setting to provide additional support for students with disabilities.

Paraprofessionals are trained to deliver SAI in the general education classroom, providing both academic and behavior support and instruction, at the direction and under the supervision of special education case managers and in collaboration with general education teachers. The school will seek to include all students in the general education setting to the maximum extent appropriate according to their IEPs. A special day class setting will also be established and staffed by an education specialist with the required credential and a team of trained paraprofessionals to support student's academic, behavioral and functional progress. Students in the SDC setting will be included with grade level peers to the greatest extent possible, including enrichment classes (STEAM Lab, World Language, Music/Drama), physical education, recess, lunch, and school day activities. If the student's needs, as documented on the IEP, require a program other than inclusion, the school shall work with the District, San Bernardino County Office of Education, and/or its SELPA to provide appropriate placement and services. ASA Fontana will consider all of the placement options documented in a student's IEP.

3. **1** Referral Process including Student Study Team model and RTI –with examples of forms and procedures used.

ASA SST Forms:

ASA SST Guide (.pdf in shared folder – item 17d)

ASA SST Referral Form (.pdf in shared folder – item 17e)

D/M SELPA Special Education Referral Forms:

D/M 57, Referral for Special Education (.pdf in shared folder – item 17f)

D/M 58, Educational History (.pdf in shared folder – item 17g)

D/M 59, Checklist for Student Observation (.pdf in shared folder – item 17h)

D/M 70, Utilized Interventions (.pdf in shared folder – item 17i)

4. **1** Assessment includes a description of personnel responsible for the assessment by name and title or agency providing the service as well as assessment tools used.

Allegiance Employees:

- *School Psychologist*

- *Wechsler Intelligence Scale for Children -5th (WISC 5th Ed)*
- *Behavior Assessment System for Children, Second Edition (BASC-2) Teacher and Parent Scales*
- *Test of Auditory Processing (TAPS-3)*
- *Test of Visual Processing (TVPS)*
- *Beery Buktenica Developmental Test of Visual-Motor Integration (Beery VMI)*
- *CTONI-2 (Comprehensive Test of Nonverbal Intelligence)*
- *Wide Range Assessment of Memory and Learning-2*
- *Differential Ability Scales-2*
- *Autism DOS*
- *CONNERS-3*
- *Children's Depression Inventory-2*

- *Adaptive Behavior Assessment System-Second Edition (ABAS-II)*
 - *Children's Manifest Anxiety Scale-2 Second Edition (RCMAS-2)*
 - *GILLIAM AUTISM RATING SCALE-SECOND EDITION (GARS-II)*
 - *Education Specialists*
 - *Woodcock Johnson Tests of Achievement- IV*
 - *Kaufman Test of Educational Achievement-3*
 - *Speech Language Pathologist*
 - *CASL-2*
 - *Preschool Language Scales 5th Edition*
 - *Goldman Fristoe Test of Articulation-3*
 - *HAPP-3: Hodson Assessment of Phonological Patterns-Third Edition*
 - *(TOPL-2) Test of Pragmatic Language, Second Edition*
 - *TAPS-4: A Language Processing Skills Assessment*
 - *Social Language Development Test-Adolescent*
 - *Expressive One-Word Picture Vocabulary Test*
 - *Receptive One-Word Picture Vocabulary Test*
 - *Adaptive Physical Education*
 - *Peabody Developmental Motor Scales- Second Edition (PDSM-2)*
 - *Competency Testing for Adapted Physical Education: CTAPE*
 - *Test of Gross Motor Development TGMD-2*
 - *Brockport Physical Fitness Test*
 - *Contracted Providers*
 - *Occupational Therapy (Sunny Kids Therapy)*
 - *The Print Tool Standardized Handwriting Assessment*
 - *Bruininks-Oseretsky Test of Motor Proficiency- 2nd Edition (BOT-2) Sensory Profile 2*
 - *Beery test of Visual Motor Integration (VMI)*
 - *Physical Therapy (Kids First Pediatric Therapy)*
 - *Bruininks-Oseretsky Test of Motor Proficiency- 2nd Edition (BOT-2) Sensory Profile 2*
 - *Orientation and Mobility (Braille Abilities)*
5. **2** Development of an appropriate IEP. Provide blank copies of your current/proposed IEP forms and redacted copies of a completed Annual and Triennial with supporting documents. *Special education staff collaborate with general education teacher, service providers and other IEP team members to review goal progress, collect current performance, strengths and concerns, develop specific, measurable, achievable and relevant annual goals, discuss and include appropriate supports and accommodations, and come to an agreement on services to meet the proposed goals in areas of need. Staff are proficient with all DM SELPA forms in WebIEP for IEP development.*
Proposed IEP Forms_Blank (.pdf in shared folder – item 15)
6. **1** Suspension and expulsion data, procedures and policies.

See ASA Thrive website: [Student Discipline Policy](#)

- **Self-Ranking: Provision of Services** -Using the key below, please rank your current status in terms of providing each of the following special education services and place this rank in the box next to each area. Then please elaborate in writing on your ranking by describing your current special education services and understanding of each area

- **SELF-RANKING KEY:**

1 = PROVIDING SERVICES

2 = CONTRACTING FOR SERVICES

3 = NEED ASSISTANCE IN OBTAINING OR PROVIDING SERVICES

1. **1** Resource Specialist Services-Specialized Academic Instruction (SAI).
SAI is provided by mild-moderate or moderate-severe educational specialists, depending on the student's disability. Services are delivered in two separate settings and within the general education setting. Separate settings include an SDC classroom staffed by a moderate-severe specialist and a resource pull-out classroom staffed by mild-moderate specialists. In addition, education specialists provide instruction in the general education class where appropriate as well as supervise and direct paraprofessionals to provide SAI in the general education setting, including classrooms and outdoor community settings, such as recess.
2. **1 & 2** Designated Instruction and Services-Speech and Language Therapy (1), Adaptive Physical Education (1), Occupational/Physical Therapy (2), Counseling (1), Sign Language Interpreting (3), Vision & Hearing Specialists (2), etc.
ASA Fontana's staffing model includes Speech Language Therapists, a Counselor and an Adaptive PE teacher. (2) ASA Fontana's plan is to contract for Occupational/Physical Therapy, Sign Language, and Vision & Hearing services.
3. **1** Non-severe Special Day Class-SDC for students with learning disabilities requiring greater than 50% SAI.
One SDC classroom staffed by a moderate-severe specialist with trained paraprofessionals.
4. **1** Severe Special Day Class-SDC for students with severe physical, medical, emotional disturbance and/or significant developmental delays requiring intensive services requiring greater than 50% SAI.
One SDC classroom staffed by a moderate-severe specialist with trained paraprofessionals.
5. **1** Inclusion Services-Supported full-time placement in general education classes for students with severe disabilities.
Supports include: 1:1 paraprofessional, 1:1 LVN, regular collaboration with case manager, push-in and pull-out specialized related services.
6. **1** Related Services (e.g. speech and language therapy, adaptive physical education, occupational/physical therapy, counseling, sign language interpreting (3), etc.)

ASA Fontana employs an SLP and SLPA to provide speech and language assessments and therapy. Adaptive PE and Counseling are provided by ASA employees. Additional related services, including Occupational and Physical Therapies, and nursing are contracted through independent contractors or non-public agencies.

7. **3** Placement in a nonpublic school/agency (NPS/NPA) or residential treatment center (RTC) and financial implications associated with these placements.

ASA Fontana would seek DM Charter SELPA support in obtaining an NPS/NPA placement should the placement be needed. A significant reserve is incorporated into each year of ASA Fontana's forecasted budget in order to absorb the financial implication of NPS placement(s).

8. **1** Transportation for students with special needs in order to access special education services-description of your school plan to provide this.

ASA Fontana would consider the following options should the need for transportation arise: contracting with local district, contracting with county office of education, contracting with private provider: Hop Skip Drive, providing our own transportation.

9. **1** Implementation of IEP including Extended School Year.

ASA Fontana staff are trained to implement IEPs and are prepared to provide Extended School Year for students who are eligible. During the school year, IEP teams monitor students' regression of skills and rate of recoupment after extended breaks to determine eligibility. ASA Fontana staffs its ESY program with its own employees and service providers. ESY takes place for 20 school days following the end of the regular term.

10. **1** Participation in Statewide Assessments.

ASA Fontana staff are trained to identify appropriate accommodations based on student needs and to implement accommodations outlined in the IEP. Education specialists are trained to administer the CAASPP and ELPAC, including alternate assessments for each.

Compliance/Capacity

Provide a detailed written narrative explaining your understanding and experience with the following areas. Please attach site-specific forms and policies to support your explanation:

- Special Education

Allegiance Fontana recognizes its responsibility to enroll and support students with disabilities. Allegiance Fontana will comply with all applicable state and federal laws in serving students with disabilities. When students enroll at Allegiance Fontana, part of the registration process is to ascertain whether a student has an active IEP; from parents, prior school districts and through a search of CALPADS records. Additionally, professional development and training is provided for all teachers and relevant staff on the RTI and MTSS frameworks which inform our SST process to meet our Child Find obligations as an LEA. The robust SST process of documenting and providing interventions helps identify students for initial referral to evaluation for special education eligibility.

Leadership staff have thorough experience training and implementing processes described above. Lead staff, including administrators and teachers, with experience implementing the inclusion-model program outlined in the ASA Fontana charter petition, will design and implement training and on-going support for staff at Allegiance Fontana. Furthermore, case managers collaborate regularly with all involved parties (i.e. parents, teachers, administration, paraprofessionals, service providers) to maintain a keen knowledge of students' progress and address challenges in real time as they arise, amending plans as necessary.

- Section 504

ASA Thrive Fontana recognizes its responsibility to enroll and support students with disabilities. ASA Thrive Fontana will comply with all applicable state and federal laws in serving students with disabilities. When students first enroll at ASA Thrive Fontana, part of the registration process is to ascertain whether a student has an active 504 Plan; from parents, prior school districts and through a search of CALPADS records. Additionally, professional development and training is provided for all teachers and relevant staff on Section 504 requirements and how to support students with disabilities in their classrooms. Lead staff, including administrators and teachers, have experience developing and implementing appropriate Section 504 Plans.

See:

Section 504 Plan Template (.pdf in shared folder – item 17c)

Section 504 Parent Safeguards (.pdf in shared folder – item 17b)

- Due Process – list any specific cases and the outcomes, as well as the budgetary planning related to unexpected liabilities related to the due process
The budgetary planning process for ASA Thrive Fontana includes a \$90 per ADA (\$36,000 in Year 1) allocation towards annual legal fees as well as an overall forecasted annual surplus of 8% of all revenue. The 8% revenue surplus, 3% above the statutorily required 5%, provides additional funds for unexpected liabilities.
- State Complaints – your understanding of your financial responsibility, the process, how many, what issues, if any, and outcomes of any investigations
Federal law requires that each state develop and implement procedures for investigating and resolving complaints regarding Special Education in public schools. LEA's are responsible for cooperating with investigations and providing requested material in a timely manner. If an investigation's conclusion is that the LEA was/is out of compliance, the LEA may be required to, for example, reimburse complainants or provide compensatory services.
- Office of Civil Rights (OCR) Complaints - your understanding of your financial responsibility, the process, how many, what issues, if any, and outcomes of any investigations
OCR Complaints are filed with the US Department of Health & Human Services when it is believed that a government agency, including public schools, have discriminated against the individual or someone else unlawfully. OCR Complaints are investigated and if substantiated may result in the school being required to take corrective action.

- Are your facilities ADA compliant and/or the plan you have adopted to move toward compliance?
ASA Fontana is in the process of securing an ADA compliant facility.
- Special Education Total ADA:
ASA Thrive Fontana is projected to have a Special Education rate of 13% of enrollment. The following is a forecast of enrollment and ADA for the school.

Forecast	2022-23	2023-24	2024-25	2025-26	2026-27
Total Enrollment	420	630	750	840	840
Total ADA (95%)	399	598.5	712.5	798	798
Special Education Enrollment (13%)	54.6	81.9	97.5	109.2	109.2
Special Education ADA	51.87	77.805	92.625	103.74	103.74

- List of the types of disabilities served: (list on Excel spreadsheet and attach)
See excel sheet titled: [Anticipated Disabilities - based on FUSD Special Education Eligibilities served](#) in shared Drive Folder.
- Who is/are your identified special education administrator(s)? Describe their special education background, special education credentials, and training and experience in special education administration and legal issues. Has Administrative Designee Training been completed for those who will be acting in this position? If no, when will this occur?
The following are the administrators responsible for overseeing the Special Education program at ASA Thrive schools:
Callie Moreno, Ed.D.: Dr. Moreno has overseen the Special Education program at Allegiance Chino since its inception. As the Director of Educational Programs, Dr. Moreno oversees the implementation of the educational programs outlined in the initial Allegiance STEAM Academy charter petition. She has led a close-knit team to realize a Special Education program, the Think Tank, that prides itself on relationships between practitioners, students, and families, bringing together multiple perspectives to make complex decisions in the best interest of students.
Celeste Cardenas, M.Ed.: Celeste Cardenas started at Allegiance Chino in its founding year as a special education teacher. She holds Mild/Moderate and Moderate/Severe Education Specialist credentials. Prior to teaching at Allegiance, Celeste taught at a non-public school in San Diego where she gained significant experience in supporting student behaviors. She has taught in Allegiance's SDC setting, as well as served as case manager

for students in the General Education setting. In 2021-22, Celeste became the Coordinator of Special Programs at Allegiance, where she now oversees Special Education day to day operations.

- List the special education professional development your site has provided/will provide for general education and special education staff and parents the past two years and planned for the following two school years

Our professional development plan includes staff-led sessions as well as several offerings from outside providers. Professional Development will include:

- *Inclusion collaboration*
- *Inclusion co-teaching models*
- *Behavior plans and supports*
- *De-escalation strategies*
- *Least to Most Prompting*
- *Using visual supports*
- *Data collection & documentation*
- *Role of paraprofessional in classroom*
- *Meeting SEL needs of staff and students*

Staff Development from 3rd party providers, (for example, CAHELP, DM SELPA, Young Minney and Corr, LLC; San Bernardino County Office of Ed; Riverside County Office of Ed; Charter School Development Center, and more) includes:

- *Disability Awareness*
- *WebIEP - technical training & content development*
- *Development of a defensible IEP*
- *Data collection and development of FBAs and BIPs*
- *Alternative Dispute Resolution*
- *Effective reading instruction*
- *Dyslexia - Identification, Assessment*
- *CPI certification*

- Do you use alternative dispute resolution and/or what is your process for settling disputes? Please describe in written narrative your site-specific process

The Individuals with Disabilities Education Act encourages the use of mediation to resolve disputes between parents of children with disabilities and schools. Allegiance's alternative dispute resolution (ADR) process is one that aims to create mutually satisfying solutions for resolving conflicts through specific strategies and interventions. ADR uses communication, collaboration, and mediation to produce an agreement that meets the interests of both parents and the school. Through training and resources provided by D/M Charter SELPA, Allegiance continues to revise and improve its ADR process.

Pupil Count Data

The data provided for Allegiance Fontana are projected counts based on the most recent eligibility data available for Fontana Unified School District. Using Fontana's eligibility data, the following counts are projected based on the following assumptions:

Projected Enrollment in 2023-24 School Year: 630; Special Education rate of 13%

Anticipated Disabilities based on FUSD Special Education Eligibilities Served	Projected Count
Intellectual Disability (MR)	5.63
Hard of Hearing (HH)	0.6
Deaf (DEAF)	0.22
Speech or Language Impairment (SLI)	16.37
Visual Impairment (VI)	0.22
Emotional Disturbance (ED)	0.65
Orthopedic Impairment (OI)	0.45
Other Health Impairment (OHI)	7.05
Specific Learning Disability (SLD)	39.87
Deaf- Blindness (DB)	0
Multiple Disability (MD)	1.72
Autism (AUT)	9.09
Traumatic Brain Injury (TBI)	0.00
Total	81.9

Financial Information - Special Education Budget

- Certificated Salaries for current fiscal year: *n/a*
- Proposed Certificated Salaries: *\$67,000 average budgeted salary by position*
- Classified Salaries for current fiscal year: *n/a*
- Proposed Classified Salaries: *\$21,000*
- Employee Benefits for current fiscal year: *n/a*
- Proposed Employee Benefits: *STRS or PERS; Full Medical, Dental, Vision for eligible employees*
- Books and Supplies for current fiscal year: *n/a*
- Proposed books and supplies: *\$75,000*
- Services and other operating expenses for current fiscal year: *n/a*
- Proposed Services and other operating expenses: *\$200,000*
- Capital Outlay for current fiscal year: *n/a*

- Capital Outlay for 2022-23 proposed: \$362,900
- Total Budget for current year: *n/a*
- Total Budget for 2022-23 proposed: *Total forecasted revenues: \$5,297,007: Total forecasted expenditures: \$4,835,526*

ACCOUNTING

Do you provide your own internal accounting services? Yes/No: *No* If so, please provide the following information for the Contracted Accounting Services Firm.

1. Primary Contact: *Marisol Felix*
2. Title: *Director of Client Finance*
3. Email: mfelix@charterimpact.com
4. Mailing Address: *8500 Balboa Blvd., Suite 140, Northridge, CA 91325*
5. Telephone Number: *(888) 474-0322 Ext. 129*

Program and Cost Comparison between Faucette and SEIS for 2022-23 school year

Faucette Micro Systems		SEIS	
SELPA System II Core	\$4.98/pp	\$8.50/pp	+25% set up/training
	\$4.98 x 15,204 = \$75,715.92	\$8.50 x 15,204 = \$129,234	+25% set up w/Admin and Provider training
CALPADS Integration	\$1.00/pp x 15,204 = \$15,204	INCLUDED	
Service Logs	\$1.00/pp x 15,204 = \$15,204	INCLUDED	
Spanish WebIEP	\$6,000	INCLUDED	State SELPA Forms
Forms Programming	\$1250/page + \$95/hr	INCLUDED	State SELPA Forms
Fytek PDF Report Writer	\$535 Annual Renewal	INCLUDED	
ADD Ons:			
SIS Integration	Separate Contact w/LEA	1-way \$3,000 set up + .75/pp	2-way 44,000 set up + \$1.50/pp
DRDP	Currently use online	INCLUDED	
Electronic Signature	DocuSign approx. \$800k for 3 years	INCLUDED	
SST/504 Module	Separate Contact w/LEA	\$1.00/pp based on CBEDS + 25% setup fee	
Medi-Cal Billing	N/A	Exported to SEIS Medi-Cal billing	
Service Logs	\$1.00/pp (See above)	INCLUDED	
TOMS Testing file	SQL add on tech support	INCLUDED	
IFSPs	Recent programming to add to WebIEP	\$3,000 set up +.75/pp	Uses State SELPA Infant forms
Training Timeline			
Admin Training provided by SEIS (2), Provider Training provided by SEIS (2)			
The sooner the contract is signed, the better but here is a tentative timeline			
January 24, 2023		SEIS Intro/Demo to SELPA (part of the MIS mtg)	
April		Contract Signed (sooner is better)	
April/May		Zoom meeting for Dataload Overview	
By June 1st (approx.) Phase 1		SELPA, District, School Info to SEIS	
Early June (approx.) Phase 2		Users info to SEIS	
Mid-June (approx.) Phase 3		Student Demographics info to SEIS	
CALPADS EOY4 Certification		CALPADS Data to be sent to SEIS	
Once Calpads data is uploaded, Admin and Provider Trainings will be scheduled for July/August. Once initial SEIS provided trainings are completed, SELPA will take over future trainings (replacing WebIEP trainings)			

Desert/Mountain Charter SELPA
 Dispute Prevention Dispute Resolution (Resource 6536) Claim Summary
 September 6, 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
 September 6, 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

Dispute Prevention and Resolution Funds and Learning Recovery Funds

Internal strategy that SELPAs can share with their LEAs.

LEAs will need to strategize in which year they will expend these funds – if they wait until the final year, it could have a substantial single year MOE (Maintenance of Effort) impact. LEAs should spread expenditures over the timeline of allowable use. There are a lot of LEAs struggling to spend these funds – staff are hard to find, extra activities are hard to fund, and it is combined with other funds sources. Thankfully, the wave of litigation has not been as substantial as feared, and settlement agreements have not been massively impactful. SELPAs are sharing two potential pathways for accounting for one-time revenue – and suggestions to manage these and other special education expenditures this year to meet MOE.

MOE tracks expenditures using GOAL codes. MOE does not track the *revenue source* of special education funds. For example, a revenue of \$100,000, and an expenditure of \$75,000, in a State Special Education fund creates an MOE of \$75,000. If the expenditures were \$0, the MOE would be \$0. For one-time DPR and LRS Funds –the only way expenditures will not impact MOE is to code in Object codes excluded from MOE such as 7140, 7141, 7142, 7143, which may not be feasible nor aligned with submitted plans.

MOE does, however, identify any revenue *contribution amounts*, and it reassigns them to the MOE Local Actual Expenditure area. For example, that same revenue of \$100,000, but an expenditure of \$125,000, may cause a local contribution of \$25,000. This \$25,000 would be *assigned* to the MOE Local Actual Expenditures area.

Any activity that has a Goal Code of 5xxx will be pulled into MOE calculations. With the influx of one-time funds, additional management of the MOE impact is wise. Good planning can help an LEA expend these one-time funds – in alignment with the purpose of the grant – and continue to meet its MOE requirement, while monitoring long-term impact on the MOE obligation. This is key for the DPR and LRS funds, as these one-time funds may be expended for activities completed in the 2021-22, 2022-23, and 2023-24 fiscal years.

These funds are to be used to support LEAs with learning recovery and dispute resolution/prevention activities as a result from school disruptions stemming from the COVID-19 public health emergency during the period of March 13, 2020, to September 1, 2021, inclusive. It is recognized that some of these activities occurred during the 2020-21 fiscal year.

Prior Year

There are two proposed methods to utilize funds (assigned to SACS {Standardized Account Code Structure} Resource codes 6536 and 6537) for **qualifying prior year** (2020-21) activities:

Method 1

1. Identify, document, and total qualifying prior year activities.
2. Post a contribution up to the amount identified (using SACS Object 8990) from Resource 6536 and/or 6537, as appropriate, to Resource 0000 (or an unrestricted equivalent) and/or Resource 6500. Also, use the appropriate Goal 5xxx code.
 - a. A contribution to Resource 6500 may be the most appropriate, depending on the activity. *This contribution may create an equivalent reduction to the LEA's overall general fund contribution to 6500.*

- b. Example:
 - i. XYZ LEA had an initial contribution of \$50,000 to Resource 6500.
 - ii. XYZ identified \$20,000 in qualifying costs to Resource 6537 from the prior year.
 - iii. XYZ posts a contribution of \$20,000 from Resource 6537 to 6500.
 - iv. XYZ's total revenue increases by \$20,000.
 - v. XYZ's initial contribution decreases from \$50,000 to \$30,000.
 - vi. XYZ's State & Local total for MOE remains the same. However, XYZ's Local Only total decreases by \$20,000

Method 2

1. If the LEA has documentation of qualifying costs that were used for actual goods and/or services from one department to another department within the organization, the LEA may consider a direct cost transfer. If no goods and/or services were received a direct cost transfer may not be permitted. If there are qualifying costs, then the LEA would complete a direct cost transfer (Object 5710) between 6500 and 6536/6537. All the costs in 6536 and 6537 will have a Goal 5xxx, so you cannot do this between 0000 and 6536/6537 unless the expenses coming out of 0000 also had Goal 5xxx.

Upon applying either of these two proposed methods, the funds would now reside in either Resource 0000 or Resource 6500 and no longer would be restricted under Resource 6536/6537, as their qualifying use was completed in the prior year of 2020-21.

Advice/Notes:

- Using one-time funds only as a replacement for the general fund contribution may not meet the purposes of the AB 130 grants.
- Do not wait until June 29, 2023, to encumber all the funds – this strategy could either inflate MOE or cause an LEA to lose access to the funds
 - Remember that funds cannot be encumbered for employee-staff salaries and costs into another fiscal year. This means an LEA cannot pay salaries of employees with these funds in Summer of 2023.
 - An LEA may be able to use to pay for costs associated with Contracted staff or services, materials or supplies for which a purchase order was received prior to June 30, 2022. Please refer to Procedure 675 in the SACS Guidelines.
- AU (Administrative Unit) only uses Fund 10. AU sends funds to LEAs, typically as Fund 01. Fund 01 is included in MOE.
- Contribution of funds from 6536/37 into another resource (6500, 0000) has no impact on the MOE for the State and Local tests, but it may have an impact on the Local Only tests if the contribution is from a State Resource to a Local Resource.

Q: What happens if an LEA used previous one-time funds to supplant or backfill existing obligations?

If an LEA made this choice, we encourage the SELPA and LEA to arrange for a verbal consultation with a finance committee member – if they used an ESSER (Elementary and Secondary School Emergency Relief) code or other federal funds to prevent a contribution into RES 6500 from general funds it could be challenging. They could consider 8990 to direct contribution from 3213 and 3214, but this would not be standardized practice nor very defensible.

Current Year

In addition to prior year uses, these funds should be used through the current year, and expended no later than September 30, 2023. The following method can assist SELPA AUs and member LEAs account for these expenditures:

1. Pass through the funds in either RES 6536 or 6537

2. LEA expends funds using RES 6536 or 6537, as appropriate and in accordance with their plan
3. Ensure appropriate documentation is retained

OR

1. SELPA collects documentation of expenditures in any RES Code with Goal 5xxx
2. Pass through funds to RES 6536/6537 to LEA
3. LEA contributes funds from RES 6536/6537 to the RES from which they funded the Goal 5xxx activities

This *will* impact MOE, but this is the ideal year to do this. The budget proposal for 2022-2023 includes revenue that should be sufficient to offset State and Local MOE and should also largely offset Local Only MOE implications. Spreading the expenditures over two years (21-22 & 22-23), with reimbursements to prior year (20-21), should be sufficient to demonstrate appropriate use and have negligible negative impact for MOE for those concerned about growing MOE obligation, leaving a small window for final expenditures to be paid in Summer of 2023.

For those who are struggling to meet MOE obligation, these funds could be a way to increase their expenditure on allowable activities, while having the revenue to cover those increases for 2021-22 and into 2022-23.

How to Use the Excel File to Access Learning Recovery Support (Resource 6537) and Dispute Prevention/Dispute Resolution (Resource 6536) Funding

Activities

- ◆ Collaborate with LEA fiscal team to make sure expenditures and activities align and confirm that expenditures are coded to the correct resource
- ◆ Select LEA from dropdown menu
- ◆ Select the service activity that most closely matches the SELPA plan from the dropdown menu (column D) for which you are seeking reimbursement
- ◆ Write a narrative describing the activities to support step 2 - see column headers for required information (column E) (Example: LEA will fund up to 60 hours each for 20 certificated staff to work before or after contracted work hours to assess and write overdue IEPs)
- ◆ Provide the number of students, disabilities, and demographics of pupils served with the supplemental funding
- ◆ Submit Learning Recovery Support Excel file to Heidi Chavez and for review and approval with a copy to Marina Gallegos
Submit Dispute Prevention/Dispute Resolution Excel file to Kathleen Peters for review and approval with a copy to Marina Gallegos
- ◆ Retain fiscal and program records to support activities and claims

How to Use the Excel File to Access Learning Recovery Support (Resource 6537)
and Dispute Prevention/Dispute Resolution (Resource 6536) Funding

Assurances

- ◆ Collaborate with program team to make sure expenditures and activities align
- ◆ Create budgets with CDE-assigned resources and code expenditures accordingly
- ◆ Select LEA from dropdown menu at top of form
- ◆ Review funding parameters and requirements
- ◆ Line 1 Enter amount allocated to LEA
- Line 2 Enter amount claimed on prior reports
- Enter actual expenditures by major object for reporting period - this should
- Lines 3-9 tie to the financial activity report for the same period
- Line 10 This field auto-calculates the total expenditures for the period
- Line 11 This field auto-calculates current and prior expenditures
- Line 12 Enter payments received for prior claims
- Line 13 This field auto-calculates total expenditures less payments
- Line 14 This field auto-calculates available funds
- ◆ Sign, date, and return form to Marina Gallegos
- ◆ Retain fiscal and program documentation to support claim

Desert Mountain Charter SELPA Mental Health Funding	
2021-22 AB114	453,505
2021-22 Federal Mental Health ADA	<u>78,953</u>
Total Funding	532,458
Amount Per ADA	81.67

<u>LEA</u>	<u>2021-22 P-2 Certified ADA</u>	<u>Mental Health Funding</u>
Allegiance STEAM Academy	843.61 \$	68,902
ASA Charter	188.16 \$	15,368
Aveson Global Leadership Academy	233.70 \$	19,087
Aveson School of Leaders	339.18 \$	27,702
Ballington Academy	182.26 \$	14,886
Desert Trails Preparatory Academy	472.10 \$	38,559
Elite Academic Academy - Lucerne (0136960)	675.55 \$	55,175
Encore - Hesperia	648.17 \$	52,939
Julia Lee Performing Arts Academy	334.74 \$	27,340
Laverne Elementary Preparatory Academy	471.51 \$	38,511
Leonardo da Vinci Health Sciences Charter	219.38 \$	17,918
Odyssey Charter School	432.17 \$	35,297
Odyssey Charter School South	298.67 \$	24,394
Pasadena Rosebud Academy	149.70 \$	12,227
Pathways to College	311.36 \$	25,430
Taylion High Desert Academy	273.69 \$	22,354
Virtual Prep Academy Lucerne - EAA (013810)	<u>445.29 \$</u>	<u>36,369</u>
	6,519.24 \$	532,458

7.8 Bridge to Added Authorizations

No materials, verbal report only

7.9 Alternative Diploma

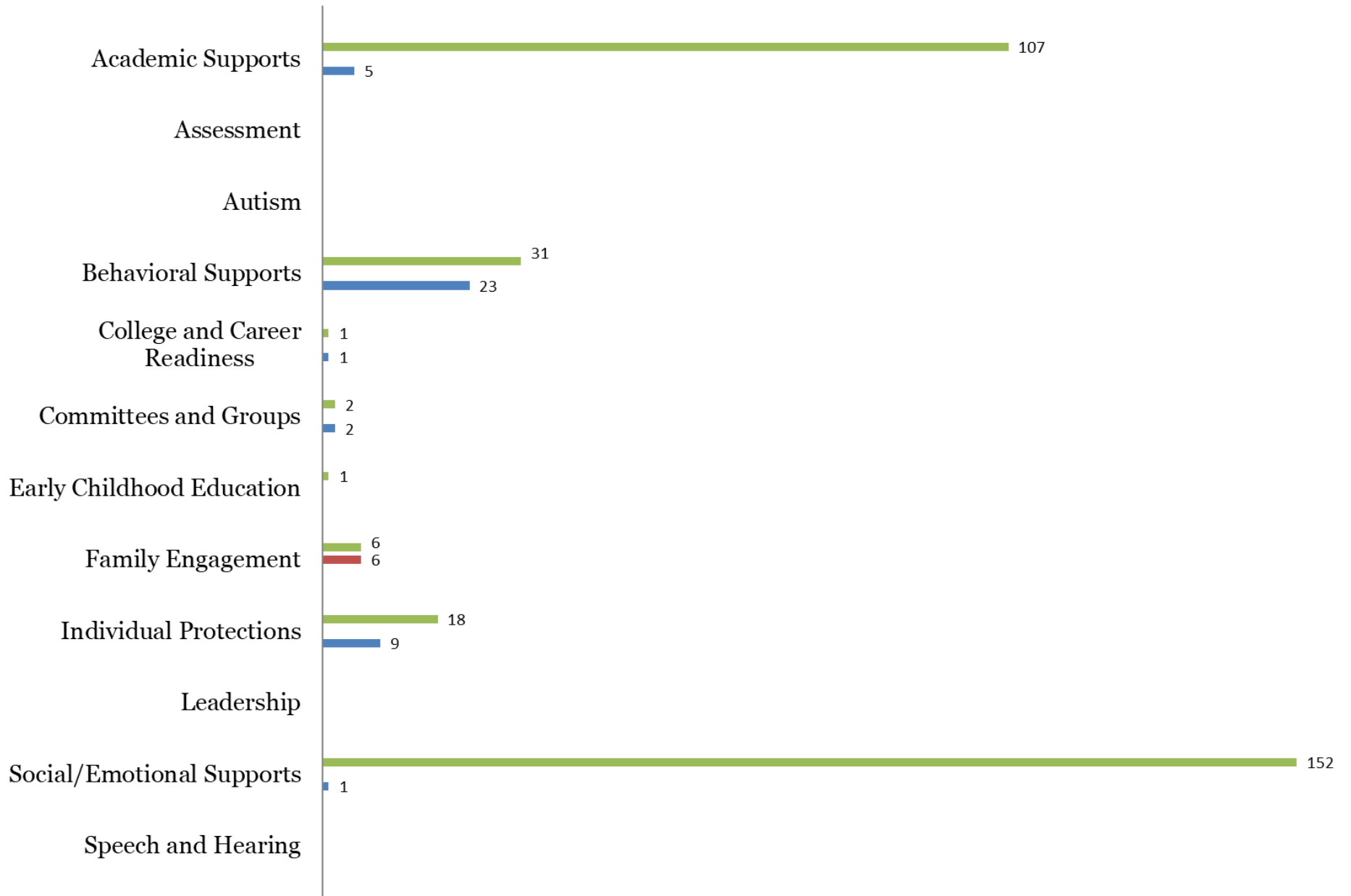
No materials, verbal report only

D/M CHARTER SELPA PROFESSIONAL LEARNING PARTICIPATION SUMMARY

SEPTEMBER 2022 PARTICIPANTS - 47

318 YEAR-TO-DATE PARTICIPANTS

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



Desert/Mountain Charter SELPA
 Due Process Activity Summary
 July 1, 2022–September 30, 2022

LEA	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Due Process Hearing	Status	IEE	Comp Ed
1. Aveson School of Leaders Case no. 2022070523	Denial of FAPE 1. Comprehensive assessment 2. Failure to develop/implement IEP 3. Parent participation	7/19/2022	7/27/2022	9/1/2022	9/7-8/2022	Unexpectedly, parent demanded NPS. Moving to mediation. Case withdrawn CLOSED		
2. Odyssey Altadena Case no. 2022070179	Child Find 1. Failure to assess prior to May 26, 2022 2. Failure to assess upon parent request 3. Failure to find an IEE in a timely manner	7/7/2022		8/15/2022 9/19/2022	8/23-25-2022 11/8-10/2022	Resolution waived due to timeline violation. 9/23/22 Case settled CLOSED		
3. Aveson Case no. 2022080 Filing on parent	Denial of an IEE Filed to defend assessment	8/24/2022	N/A			Case withdrawn CLOSED		

Desert /Mountain Charter SELPA
Legal Expense Summary
As Reported at Steering October 20, 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	\$174,116.17
2022-2023	\$8,559.60

7.12 Compliance Update

No materials, verbal report only

Upcoming Trainings

Date/Time	Event	Location
10/25/2022 12:00 PM - 1:30 PM	PRESCHOOL SCHOOL PSYCHOLOGIST COLLABORATION MEETING	DMESC/VIRTUAL
10/26/2022 2:00 PM - 3:30 PM	WEBIEP AFTERNOON QUESTION AND ANSWER SESSION	VIRTUAL
10/26/2022 9:00 AM - 10:30 A	WEBIEP AM QUESTION AND ANSWER SESSION	VIRTUAL
10/28/2022 8:30 AM - 11:30 A	DESIGNING EFFECTIVE CLASSROOM ENVIRONMENTS (P-K, T-K, AND KINDER)	DMESC
10/28/2022 12:30 PM - 3:30 PM	VISUAL CUES TO SUPPORT SELF-REGULATION (P-K TO 3RD GRADE)	DMESC
11/1/2022 -	BEHAVIORAL INTERVENTION PLAN PRINCIPLES- THE BIP LEVEL 1	ONLINE
11/1/2022 -	DISABILITY AWARENESS	DMESC
11/1/2022 8:30 AM - 2:30 PM	PBIS COACH AND ADMINISTATOR TRAINING TIER 1 - YEAR 1 - LAKEVIEW LEADERSHIP ACADEMY	DMESC
11/1/2022 -	STRUCTURED LITERACY: WHAT, WHY, WHO, AND HOW? (SELF-PACED COURSE)	VIRTUAL
11/1/2022 8:00 AM - 2:00 PM	YOUTH MENTAL HEALTH FIRST AID	DMESC

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

Upcoming Trainings

Date/Time	Event	Location
11/2/2022 8:30 AM - 3:30 PM	CLASSROOM STRUCTURE & MANAGEMENT	DMESC
11/2/2022 9:00 AM - 10:30 A	SECTION 504 COMPLIANCE FOR EDUCATORS	VIRTUAL
11/3/2022 8:30 AM - 11:30 A	SCHOOL-WIDE INFORMATION SYSTEM (SWIS)	DMESC
11/3/2022 9:00 AM - 12:00 PM	TRANSITION PLANNING FOR ALL STUDENTS	VIRTUAL
11/7/2022 8:30 AM - 3:30 PM	HOLA LANGUAGE SERVICES	DMESC
11/8/2022 8:30 AM - 2:30 PM	PBIS COACH AND ADMINISTRATOR TRAINING TIER 2 - YEAR 3 - LOMITAS	DMESC
11/9/2022 9:00 AM - 10:30 A	WEBIEP AM QUESTION AND ANSWER SESSION	VIRTUAL
11/9/2022 2:00 PM - 3:30 PM	WEBIEP PM QUESTION AND ANSWER SESSION	VIRTUAL
11/16/2022 8:00 AM - 12:00 PM	BULLYING PREVENTION AND INTERVENTION: USING EXPECT RESPECT CURRICULUM	VIRTUAL
11/30/2022 2:00 PM - 4:00 PM	LITERACY IMPROVEMENT NETWORK	DMESC

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