

East Valley SELPA

Board of Directors

Meeting Agenda



February 23, 2022

EAST VALLEY SPECIAL EDUCATION LOCAL PLAN AREA
BOARD OF DIRECTORS

AGENDA

Wednesday, February 23, 2022
2:00 P.M.

Meeting to be held at:
670 E. Carnegie Drive
San Bernardino, CA 92408

NOTE: Individuals, who require disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board of Directors meeting, should contact Patty Metheny in writing at the address identified above. Notification 48 hours prior to the meeting will enable the East Valley SELPA to make reasonable arrangements to ensure accessibility to this meeting.

- | | |
|--|---|
| 1. <u>Open Session – Call to Order</u> | <u>OPEN SESSION</u> |
| 2. <u>Roll Call and Establishment of Quorum</u> | <u>ESTABLISHMENT
OF QUORUM</u> |
| 3. <u>Approval of Agenda</u> | <u>APPROVAL OF
AGENDA</u> |
| 4. <u>Community Comments</u> | <u>COMMUNITY
COMMENTS</u> |
| 5. <u>Approval of Minutes</u> | <u>APPROVAL OF
MINUTES</u> |
| 6. <u>Discussion Items</u> | <u>DISCUSSION
ITEMS</u> |
-
- a) Governor’s 2022-23 State Budget Trailer Bill Language
 - i) Sections Impacting Special Education

 - b) State SELPA Association – Act to Remove Barriers to Inclusion in the General Education Classroom
 - i) Potential Legislation
 - ii) Supporting Inclusive Practices - EV SELPA Ribbon of Inclusion

 - c) EV SELPA – COVID Pandemic Impacts 2021-2022
 - i) Special Education Service Trends
 - ii) Due Process Activities & Funds

 - d) EV SELPA Alternative Dispute Resolution (ADR) Activities
 - i) Educator & Parent Events

7. Action Item

- a.) Identify EV SELPA Board of Directors FY 2022-2023 Budget Ad Hoc Committee Members

8. Other

OTHER

- a. Next Meeting – March 23, 2022

9. Adjournment

ADJOURNMENT

APPROVAL OF MINUTES

East Valley SELPA Board of Directors Meeting
November 17, 2021

Chief Administrative Officer Metheny is requesting approval from the Board of Directors of the East Valley SELPA for approval of the November 17, 2021, meeting minutes.

**EAST VALLEY SELPA BOARD OF DIRECTORS
MEETING MINUTES
November 17, 2021**

BOARD MEMBERS PRESENT:

Ted Alejandre, Chairperson
Frank Miranda, Ed.D.
Cuauhtémoc Avila, Ed.D.
Mauricio Arellano
Michelle Murphy
Cali Binks

San Bernardino County Supt. Of Schools
Colton Joint Unified
Rialto Unified
Redlands Joint Unified
Rim of the World Unified
Yucaipa-Calimesa Joint Unified

BOARD MEMBERS ABSENT:

Mauricio Arellano
Myrlene Pierre

Redlands Joint Unified
SBCSS Student Services Division

ADMINISTRATION PRESENT:

Patty Metheny, Ed.D.
Andrea Tennyson
Anne-Marie Foley
Jennifer Brooksby
Rick Homutoff, Ed.D.

East Valley SELPA
East Valley SELPA
East Valley SELPA
East Valley SELPA
East Valley SELPA

1.0 CALL TO ORDER

Chairperson Alejandre called the meeting to order at 2:03 p.m. at the Dorothy Inghram Learning Center located at 670 E. Carnegie Drive, San Bernardino, CA 92408.

2.0 ROLL CALL AND ESTABLISHMENT OF QUORUM

Quorum was established.

3.0 APPROVAL OF AGENDA

A motion to approve agenda was made by Member Miranda and seconded by Member Avila. The motion carried unanimously.

4.0 COMMUNITY COMMENTS

There were no public comments.

5.0 RECOGNITION ITEMS

Chief Administrative Officer Metheny recognized Program Manager Regional Services, Anne-Marie Foley for her contributions to the East Valley SELPA. She reported Ms. Foley is scheduled to retire on December 2, 2021, after 31 years of service in public education. Ms. Foley began her career in special education as a school psychologist and moved into administration working as a special education coordinator, special education director and program manager. Members of the Board of Directors thanked Ms. Foley for contributions to the East Valley SELPA and congratulated her on her impending retirement. Ms. Foley shared she has plans to travel and move to Oregon after retirement.

6.0 APPROVAL OF MINUTES

A motion to approve the September 22, 2021 Meeting Minutes was made by Member Avila and seconded by Member Miranda. The motion carried.

7.0 DISCUSSION ITEMS

a. EV SELPA Regional Services 2018-2021

Program Manager, Regional Services Anne-Marie Foley, provided an overview of accomplishments in the SELPA during her tenure in the position. Ms. Foley began by expressing her gratitude to the East Valley SELPA Board of Directors for the opportunity to serve as the inaugural candidate in this position. Among her areas of responsibility and accomplishment, Ms. Foley shared about furthering alternative dispute resolution activities, providing nonpublic school monitoring, ensuring California Department of Education complaint and comprehensive review support, assisting with the implementation of special education data reporting in CALPADS and revising WebIEP documents to ensure compliance. Chief Administrative Officer Metheny emphasized that Ms. Foley's outstanding work resulted in improved outcomes for students with disabilities throughout the SELPA.

b. Transformational Funding for Transformational Action: Special Education Funding in California

Chief Administrative Officer Metheny provided an overview of the fiscal impact on special education of the 2021-22 Budget Act. Since 2019, special education has experienced increased state funding in an attempt to equalize funding across all SELPAs. In 2021-22, SELPA-wide average daily attendance (ADA) allocation is funding 95% of SELPAs at the same base rate of \$715 per ADA. While state special education funding combined with federal funding continues to be inadequate, significant improvements have been made in Mental Health and Low Incidence funding as well as new Preschool Grants. Special Education has also experienced an influx of one-time money to alleviate the impact of the COVID-19 pandemic in the form of state Dispute Prevention and Resolution Funds and Learning Recovery Funds. The use of these funds is to align with plans the East Valley SELPA submitted to CDE for regional and local activities to support students with disabilities due to COVID-19.

c. California Special Education Finance Study – What Do the Recommendations Mean for EV SELPA Member Districts?

Chief Administrative Officer Metheny reviewed the recommendations made by the West Ed Special Education Finance Study as they would affect the East Valley SELPA and its member districts. This study was privately funded and conducted mostly during COVID. It was published in two parts: A Descriptive Analysis published in October 2020, and a Finding & Recommendations published in July 2021. The study can be summarized in three recommendations: Change the special education funding model to one based on weighted cost factors by disability from one based on total ADA; Take existing funds supplemental to base amount and place them in a statewide Extraordinary Cost Pool requiring school districts to apply for the funds and CDE to grant approval; and Directly fund school districts as well as allow them to “opt in or out” of consortium structures such as SELPAs.

Chief Administrative Officer Metheny presented a probable fiscal scenario based on the weighted cost factors by disability model demonstrating a potential loss of base funding for the EV SELPA of \$7,334,847. She also reported that permitting school districts to opt in or out of consortium structures such as SELPAs could result in no shared local control, no administrative support, no regional services, no regional alternative dispute resolution, and no regional due process support for East Valley SELPA member districts.

8.0 ACTION ITEMS:

No Action items

9.0 OTHER: The next meeting will be February 23, 2022.

9.0 ADJOURNMENT: The regular meeting was adjourned at 3:20 p.m.

Submitted by:

Rosalva Contreras

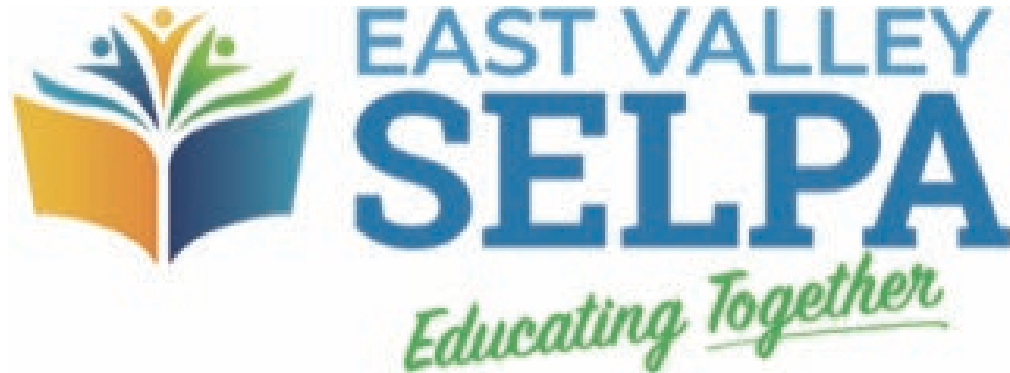
EVSELPA Administrative Assistant

DISCUSSION ITEM

Governor's 2022-23 State Budget Trailer Bill

Language: Sections Impacting Special Education

Chief Administrative Officer Metheny will provide information on the Governor's 2022-23 State Budget Trailer Bill Language as it relates to special education.



Governor's 2022-23 State Budget Trailer Bill Language: Sections Impacting Special Education

Patty Metheny, Ed.D.
Chief Administrative Officer

Section 31: Special Education

Section 31 – Base formula*

- \$820 per local educational agency (LEA) average daily attendance (ADA) base rate
 - Calculate special education base funding allocations at the LEA level rather than the Special Education Local Plan Area (SELPA) level, but retain flow of funds to SELPAs
- Transparency provisions:
 - State Superintendent of Public Instruction (SSPI) shall make public the amount of funding each LEA generates for their SELPA
 - Each SELPA shall report to their member LEAs no later than 30 days after receiving their apportionment the amount of funding each LEA generates

**Current base formula is \$715 per SELPA-wide ADA. EV SELPA 2021-22 funded ADA is 76,487 (the highest of current, prior, and prior prior year ADA). If funded on average ADA per district with projected ADA for EV SELPA 2022-23 funding being 69,426 (based on projected P-1 for 2021-22) the EV SELPA will experience a significant loss of funding.*

Section 31: Special Education

Starting in 2022-23, allocate Educationally Related Mental Health Services (ERMHS) funding to LEAs*

- Federal funding allocation is based on prior-year P-2 ADA
- State funding allocation is based on current-year P-2 ADA
- Current flexibilities for state funds remain; federal funding not flexed

**EV SELPA Fiscal Allocation Plan current allocates all ERMHS funds to LEAs. This is not the case for many SELPAs who pooled their funds to provide ERMHS services from SELPA staff.*

Section 19: Special Education LCAP Addendum*

Add Special Education Addendum to the Local Control and Accountability Plan (LCAP)

- State Board of Education (SBE) adopts template by January 31, 2024
- Addendum to be developed in conjunction with, and attached to, the LCAP and annual update to the LCAP, and shall be adopted by the LEA by July 1, 2024, for certain LEAs:
 - LEAs that have to do improvement activities under the Individuals with Disabilities Education Act (IDEA)
 - LEAs that are required to have a goal in their LCAP for students with disabilities pursuant to EC

§ 52064 (5)(e)

Regardless of this requirement, all LEAs will be required to include parents/guardians of students with disabilities in their LCAP Parent Advisory Committee (Section 23)

*Since 2018-2019, EV SELPA has consulted with its member districts on each LEA's LCAP to determine that specific actions for individuals with exceptional needs are included in each LCAP. [CA Ed. Code 52062(a)(5)]

Extraordinary Cost Pool – State Budget Item 6100-161-0001, Provision 16

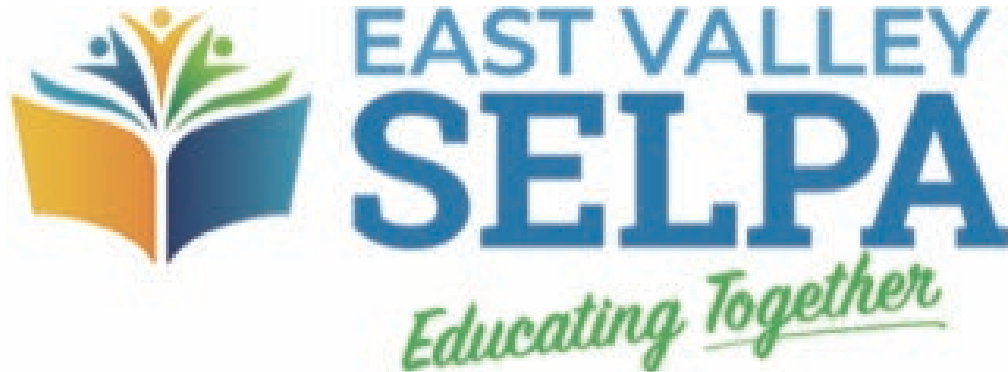
- “Up to \$6,000,000 is available for extraordinary costs associated with single placements. Special education local plan areas are eligible to submit claims for costs exceeding the threshold amount calculated pursuant to subdivision (b) of Section 56836.21 of the Education Code, on forms developed by the State Department of Education pursuant to subdivision (c) of Section 56836.21 of the Education Code. Funds shall be available for reimbursements for extraordinary costs associated with educationally related mental health services, including out-of-home residential services for necessary small special education local plan areas, as defined in Section 56212 of the Education Code, placements in nonpublic, nonsectarian schools, pursuant to Section 56836.21 of the Education Code, and pupils residing in licensed children’s institutions.”*

*2020-2021 – EV SELPA submitted claims up to the threshold of \$80,000 and has done so annually. The amount available statewide has been \$3,000,000.

Section 2-5 – State Preschool Program

- **Makes students with disabilities eligible and prioritized for California State Preschool Program and provides an adjustment factor of 2.4 regardless of disability severity**
- **At least 10% of a part-day and full-day California State Preschool Program contracting agency's funded enrollment shall be reserved for children with exceptional needs**
 - Agencies shall be fully funded for 10% of funded enrollment, to ensure funding is available to enroll children with exceptional needs within the 10% set-aside at any point during the fiscal year
 - Agencies not meeting the requirement to fill 10% of funded enrollment with children with exceptional needs shall conduct community outreach to special education partners to recruit additional children with exceptional needs into their programs
 - ◆ A waiver to this requirement may be provided under certain circumstances

*2019-2020 EV SELPA LEAs identified for Targeted and Intensive Monitoring
= lack of LRE for children ages 3-5 (Redlands, Rim & Yucaipa-Calimesa)



Questions

**Governor's 2022-23 State
Budget Trailer Bill Language:
Sections Impacting Special
Education**

DISCUSSION ITEM

State SELPA Association – Act to Remove Barriers to Inclusion in the General Education Classroom

Chief Administrative Officer Metheny will present potential legislation drafted by the State SELPA Association as well as report on the East Valley SELPA's involvement in Supporting Inclusive Practices and in partnership with the Ventura County SELPA.

State SELPA Association: Act to Remove Barriers to Inclusion in the General Education Classroom

**EV SELPA Board of Directors
February 23, 2022**

Patty Metheny, Ed.D., Chief Administrative Officer





Why?



The Why

1. All California students deserve an education worthy of their potential.
2. Research shows that inclusion in general education classrooms improves academic and social outcomes for students with disabilities.
3. Inclusion benefits students without disabilities, too.
4. A significant challenge in the implementation of inclusive practices has been the lack of support, resources, and clear guidance for teachers and staff.



The Why

5. In 2017–18, California had one of the lowest inclusion rates in the country: 56 percent compared to a national average of 63.4 percent, ranking California at 40th out of 47 states on this measure.
6. In 2019, 333 LEAs were identified for differentiated assistance; over half of these districts (187) were mandated for assistance, at least in part, because students with disabilities in the district were performing poorly, particularly in the state priority areas of Pupil Achievement and Pupil Engagement.
3. Moreover, in California, for every 1000 students, 66 students with disabilities are suspended compared to 30 students without disabilities.



Six Components to Removing Barriers to Inclusion in California



1. Credentialing

- Amend Ed Code to read teacher & administrator credentialing programs shall be encouraged to provide training in inclusive practices

2. Staffing of Inclusive Classrooms

- Require CDE & CTC by January 1, 2024 develop and disseminate joint guidance clarifying the ways in which inclusive classrooms may be staffed under law

3. Comprehensive Guidebook

- Require CDE to produce comprehensive guidebook based on research and promoting equity no later than June 30, 2025

Six Components to Removing Barriers to Inclusion in California



4. Identification of Model Sites

- Select model sites to represent regions and sectors within CA
- Expand funding to current Supporting Inclusive Practices (SIP) and System Improvement Leads (SIL) to provide technical assistance

5. Instructional Quality Commission (IQC)

- Establish a definition of UDL
- Require IQC in establishing criteria for state adoption of instructional materials to use principles & strategies of UDL

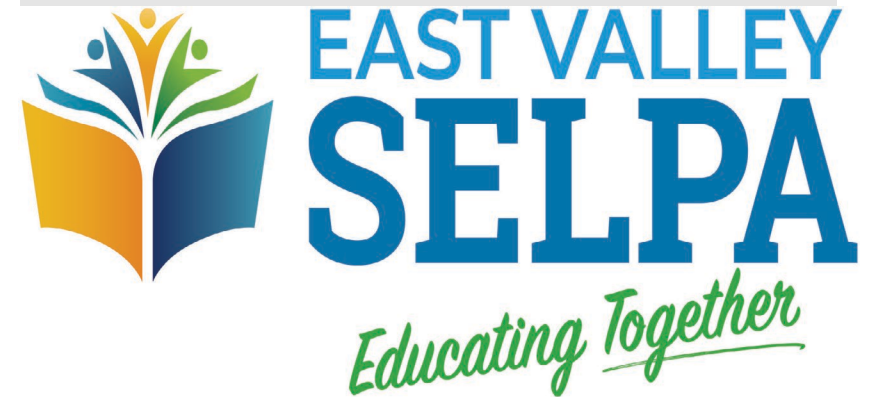
6. Change Ed Code

- Remove references to RSP and SDC

Supporting Inclusive Practices

2020-2021 – EV SELPA became a Supporting Inclusive Practices grant recipient (\$18,000)

2021-2022 – EV SELPA & its member districts became Supporting Inclusive Practices grant recipients (\$90,000)



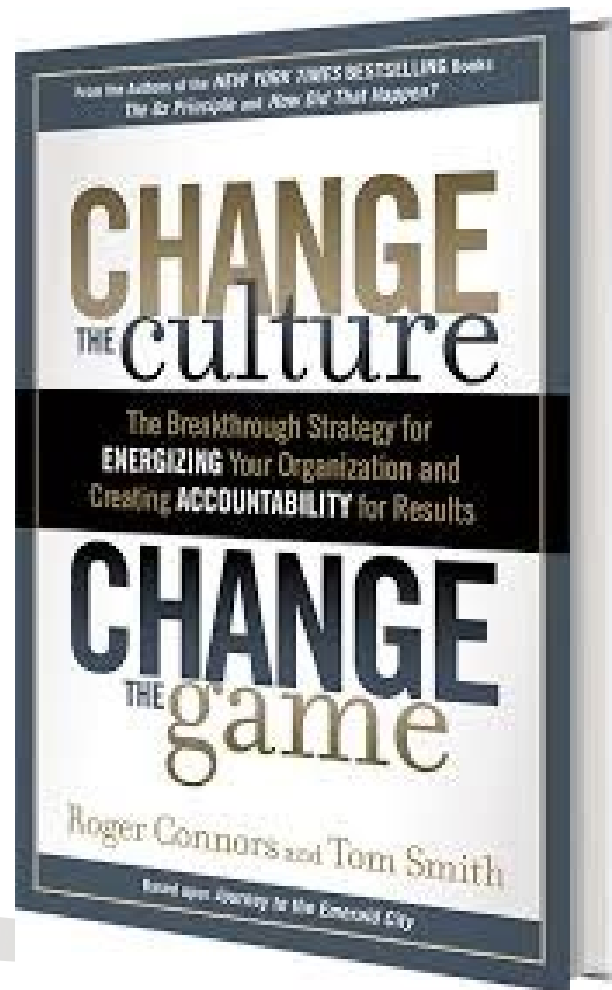
2020-2021 EV SELPA Supporting Inclusive Practices (SIP)

- Developed EV SELPA SIP Leadership Team, met regularly
- Focused on shifting cultures – book study of *Change the Culture, Change the Game* (Connors & Smith, 2011)
- Designed EV SELPA Ribbon of Inclusion





Supporting
Inclusive
Practices



Book Study

Session #4

April 27, 2021

Facilitated by:

Patty Metheny, Ed.D.

Kristin Brooks, Ed.D.



United in Inclusion

East Valley SELPA

Supporting Inclusive Practices 

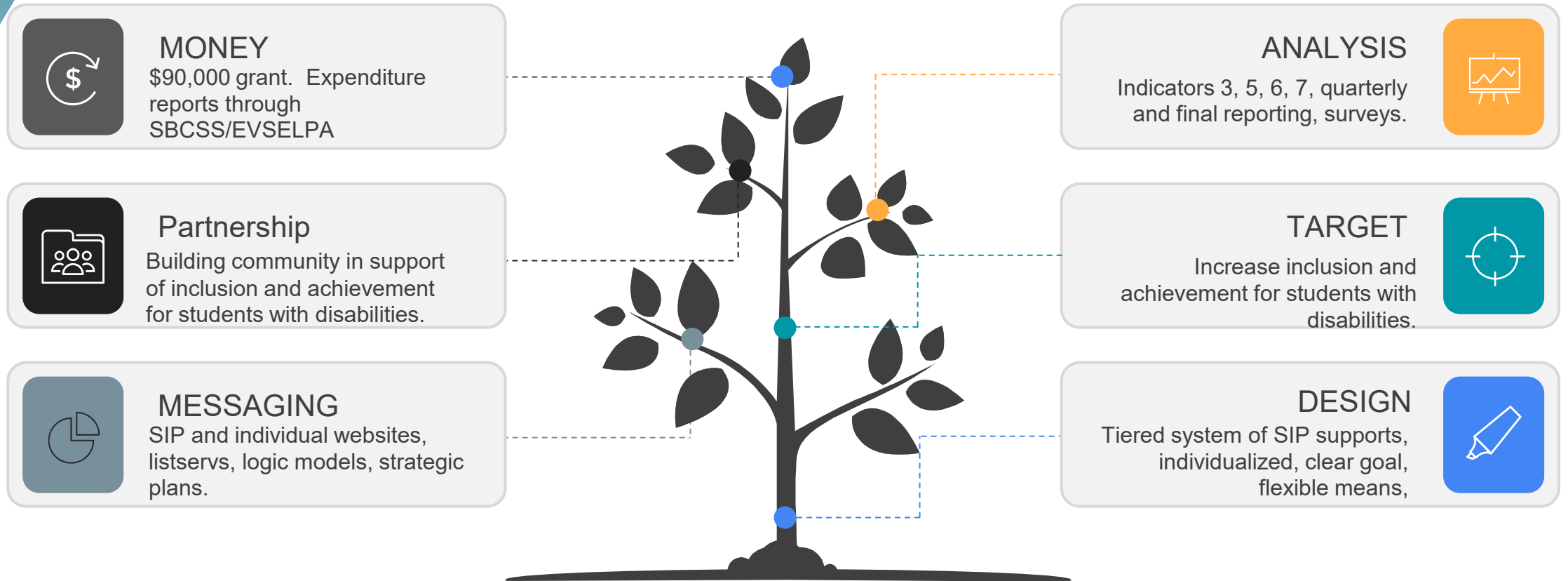
2021-2022 EV SELPA Supporting Inclusive Practices (SIP)

- EV SELPA SIP Leadership Team continues to meet regularly
- Focusing on partnership & messaging to shift cultures
- Engaging in analysis and design to target increased inclusion of SWDs
- Partnering with Ventura County for expansive professional development opportunities
- Developed process for districts to use funds





SIP in EV SELPA 2021-2022





Aligning Inclusive Practices, District LCAPs & Special Education Accountability Under One System for ALL

Katie Novak & Shelley Moore



Shelley Moore, Ph.D.

Inclusion Workshop Virtual Series
Hosted by the East Valley & Ventura County SELPAs

Zooming Out & Zooming on Inclusive Practices

April 25, 2022 - 3:00-5:00

2022-2023

Fall (September/October 2022) - The Data, LRE Benchmarks

Winter (January/February 2023)- LCAP Development/Master Scheduling (January/February 2023)

Spring (April 2023) - Making it Work: Our Need for Equity & Inclusion for All



Katie Novak

Questions

**State SELPA Association:
Act to Remove Barriers to
Inclusion in the General
Education Classroom**



**EAST VALLEY
SELPA**

Educating Together

DISCUSSION ITEM

EV SELPA – COVID Pandemic Impacts 2021-2022

Chief Administrative Officer Metheny will provide information on special education service trends experienced during COVID in the East Valley SELPA while Program Manager Homutoff will provide information on due process trends as well as due process activities in the East Valley SELPA during 2021-22, year-to-date. Consultant Tennyson will review legal due process costs for 2021-22, to-date.



Special Education Service Trends During COVID

For Services provided by East Valley SELPA and NonPublic Schools/Residential Facilities

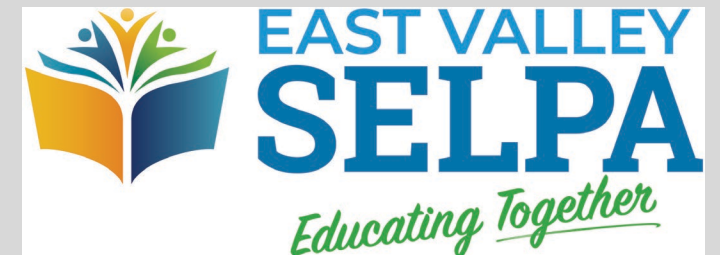
Patty Metheny, Ed.D.
Chief Administrative Officer
February 23, 2022

Number of Students Receiving Educationally Related Mental Health Services (ERMHS) in Four Member Districts Between 2019 -2022*

(The Years of the COVID Pandemic, including Distance Learning)

Year	Total	% Change from 2019-2020	% Change from 2020-2021
2019-2020	45	NA	NA
2020-2021	44	-2%	NA
2021-2022, (to 2-14-22)	46	+2%	+5%

*Negligible change

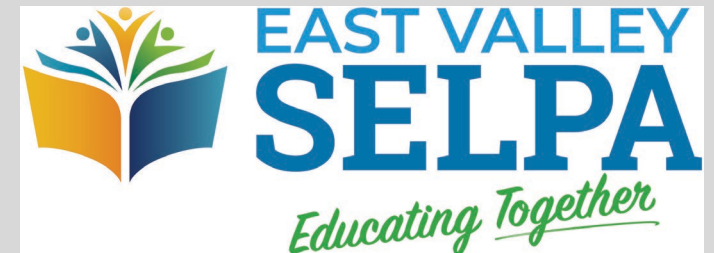


Number of Students Receiving Occupational Therapy Services in Four Member Districts Between 2019 -2022*

(The Years of the COVID Pandemic, including Distance Learning)

Year	Total	% Change from 2019-2020	% Change from 2020-2021
2019-2020	247	NA	NA
2020-2021	272	+10%	NA
2021-2022, (to 2-14-22)	329	+33%	+21%

*Significant change



Possible Reasons for Significant Change in the Number of Students Receiving “Educational” Occupational Therapy

(Designed to Address School Functioning)

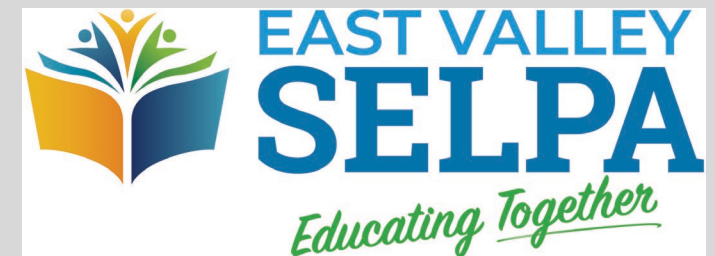
Fine Motor Skills

- Lack of opportunity to develop age-appropriate fine motor skills
- Lack of exposure to environments with tools and toys that assist with development age-appropriate fine motor skills
- Learning virtually provides limited opportunities to develop age-appropriate fine motor skills

Sensory Regulation Skills

- Lack of social interaction and exposure to sensory stimuli, when exposed overloaded
- Increased anxiety leading to inability to self-regulate and becoming sensory avoidant
- Learning virtually provides limited opportunity to address sensory needs

Overall, the SELPA has experienced an increase in the number of students moving into member districts with OT services already on IEPs.



Number of Students Placed in NonPublic Schools in Five Member Districts Between 2019 -2022*

(The Years of the COVID Pandemic, including Distance Learning)

Year	Total	% Change from 2019-2020	% Change from 2020-2021
2019-2020	81	NA	NA
2020-2021	82	+1%	NA
2021-2022, (as of 12-31-21)	70	-14%	-10%

*Not an unexpected change given the decline in ADA in member districts

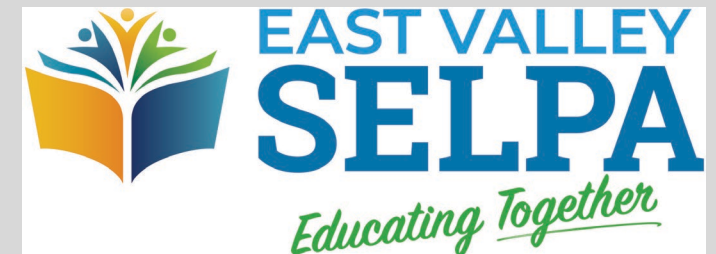


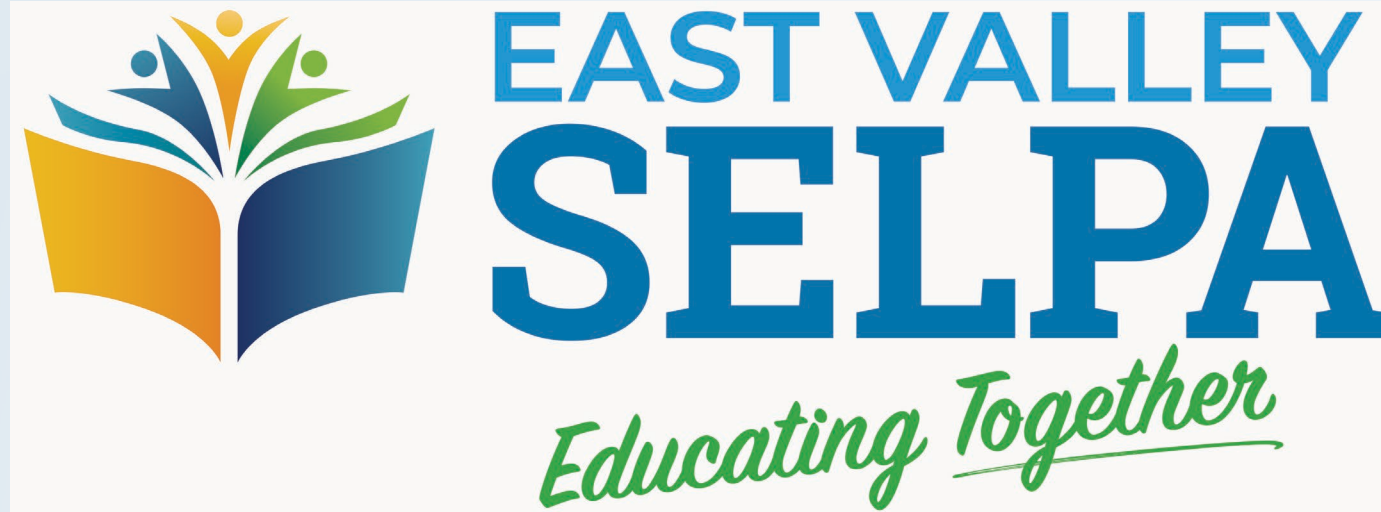
Number of Students Placed in Residential Settings in Five Member Districts Between 2019 -2022*

(The Years of the COVID Pandemic, including Distance Learning)

Year	Total	% Change from 2019-2020	% Change from 2020-2021
2019-2020	11	NA	NA
2020-2021	10	-1%	NA
2021-2022, (as of 12-31-21)	11	none	+1%

*Negligible change, could have been a significant change if more facilities were available to address assessed needs of students.





2021-2022 Year-to-Date Due Process Review

East Valley SELPA Board of Education

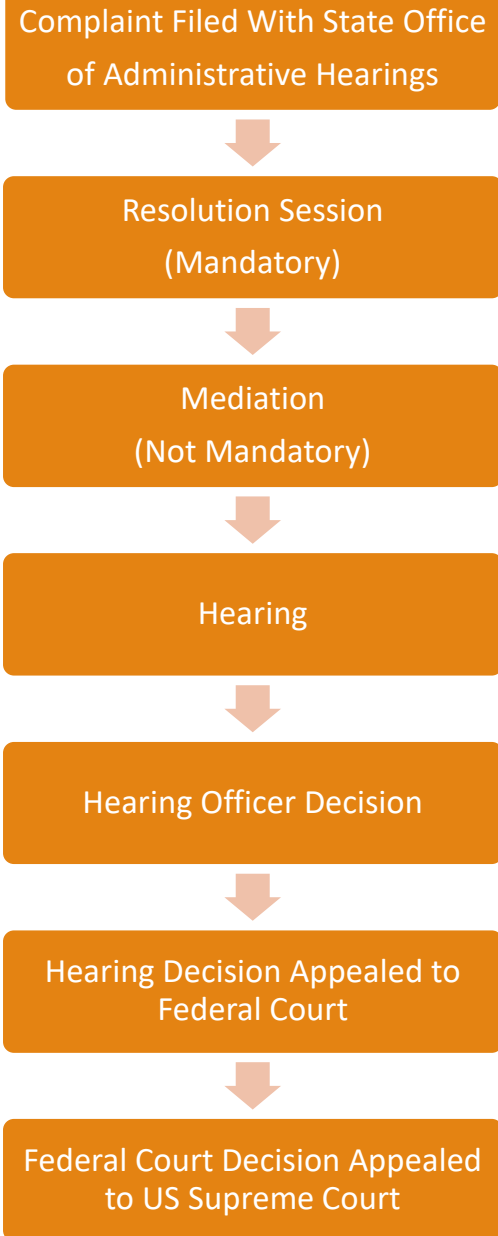
Presented by Rick Homutoff, Ed.D.

Program Manager

February 23, 2022

Special Education Administrative Adjudicative Dispute Resolution Process

'Commonly Referred to as Due Process'



An administrative adjudicative complaint can only be filed by a parent or public school agency or the authorized legal representatives of each. It must be specific to alleged violations regarding the identification, evaluation, or educational placement of a child with a disability, or the provision of a free appropriate public education (FAPE) to the child.

The complaint must be filed with an agency within the state that is not the department of education. As such, each state is required to develop its own separate agency.



OFFICE OF
ADMINISTRATIVE
HEARINGS

EV SELPA Legal Fund

*Only Available for 'open' due process cases
with an Office of Administrative Hearings (OAH) case number*

ITEM	FUNDED BY X-POT	FUNDED BY DISTRICT
Parent Reimbursement	100% reimbursement of previous expenses, per terms of signed settlement agreement. Parent must provide proof of payment for all expenses.	100% of prospective expenses per terms of signed settlement agreement. Parent must provide proof of payment for all expenses.
Nonpublic Agency Services	N/A	100% of services and evaluations through an NPA outside agency.
Nonpublic School Placement	N/A	100% of all NPS placement costs.
Independent Educational Evaluations	100% of the IEE cost if required as part of a due process settlement agreement or hearing decision.	100% of the cost of any IEE not part of a due process settlement agreement or hearing decision.
Mileage/Transportation	N/A	100% of total cost per signed settlement agreement.
Parent's Attorney Fees	100% of the total cost per settlement agreement for IDEA related claims.	100% of the total cost per settlement agreement for Tort, 504, discrimination, etc. related claims.
District's Attorney Fees	100 % of the total cost per settlement agreement for IDEA related claims	100% of the total cost per settlement agreement for Tort, 504, discrimination, etc. related claims.
In District Educational Programs/Curriculum	N/A	100% costs per settlement agreement.
High-Incidence Assistive Technology	N/A	100% costs per settlement agreement.

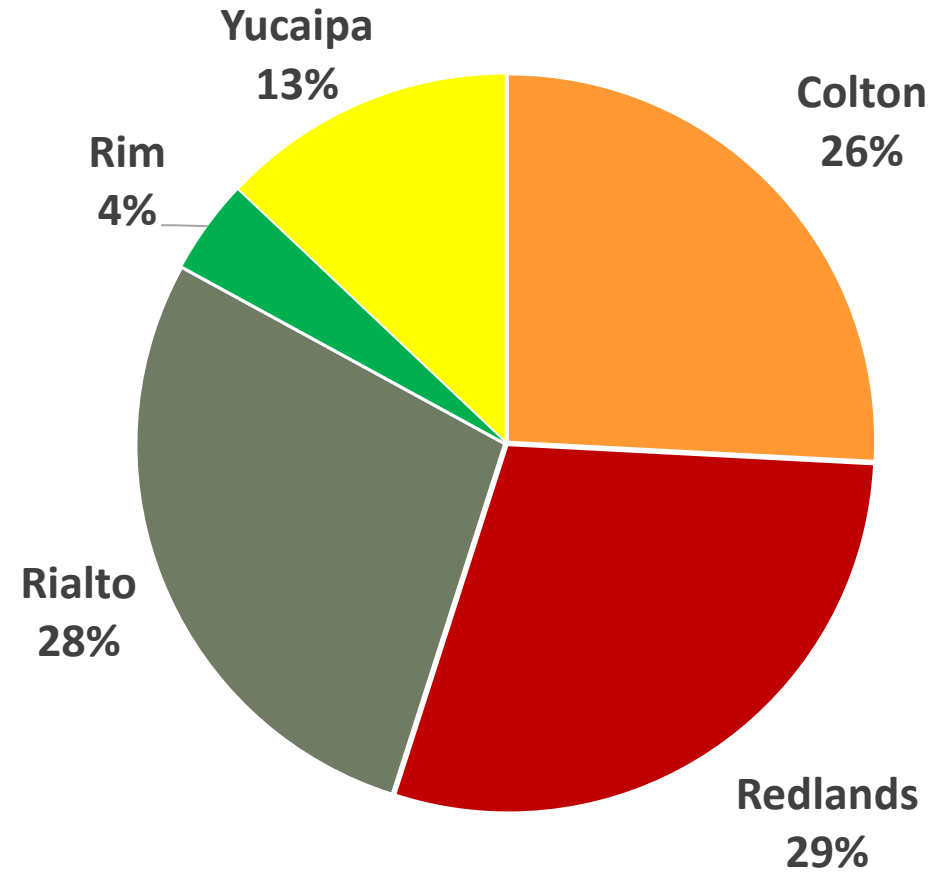
2021-2022 Due Process Cases

- To-date, 10 due process cases have been filed in 2021-2022
- In comparison, there were 45 cases in 2018-2019, 31 cases in 2019-2020, and 24 cases for 2020-2021.
- Three of our current 10 cases were filed by parents who had previously filed. This trend continues to go down.
- One hearing was held in 2020-2021, and none so far for 2021-2022.
 - There have been two cases this year that were settled within a week of the hearing date(s). The closer we get to hearing, the higher the costs.

2021-2022 Due Process Cases

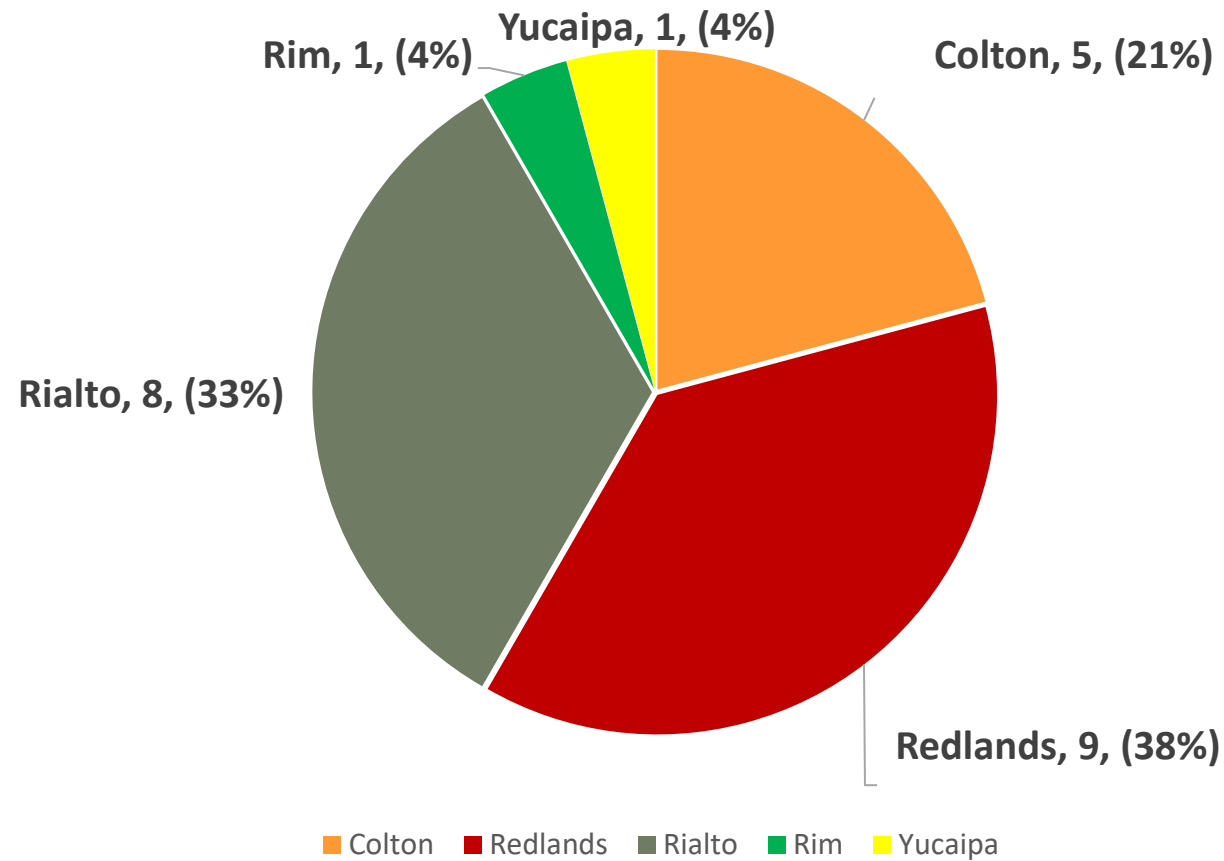
- The goal is to get all cases settled by the end of the fiscal year, but that is not always possible.
- Six 2020-2021 cases were closed in fiscal 2021-2022. The total cost for parent attorney fees for these six cases was almost \$150,000.
- One of the cases went to a hearing that lasted 11 days. The last day of hearing was on June 30, 2021. The decision was not rendered until August 16, 2021, and attorney fees were not paid until October 2021. The parent attorney fees paid in that case were \$66,975.
- When we have a parent attorney unwilling to negotiate that is when we will find ourselves in hearing. More parent attorneys are becoming much less willing to negotiate since prior to Covid and is all the more reason our districts need to have defensible IEPs to mitigate the costs of attorney fees and compensatory education.

Special Education Pupil Count*: Percentage of EV SELPA Total by District



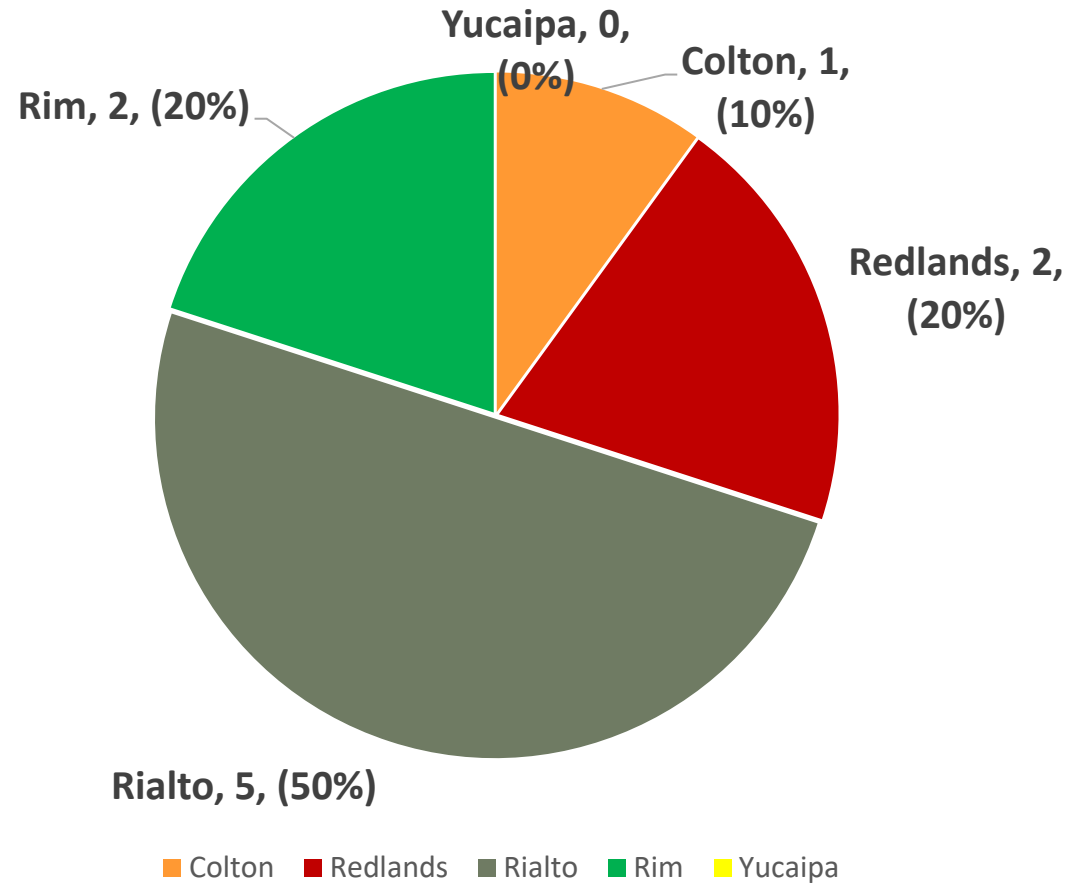
*Data from Cal-Pads reviewed January 2022

EV SELPA 2020-2021 Filings

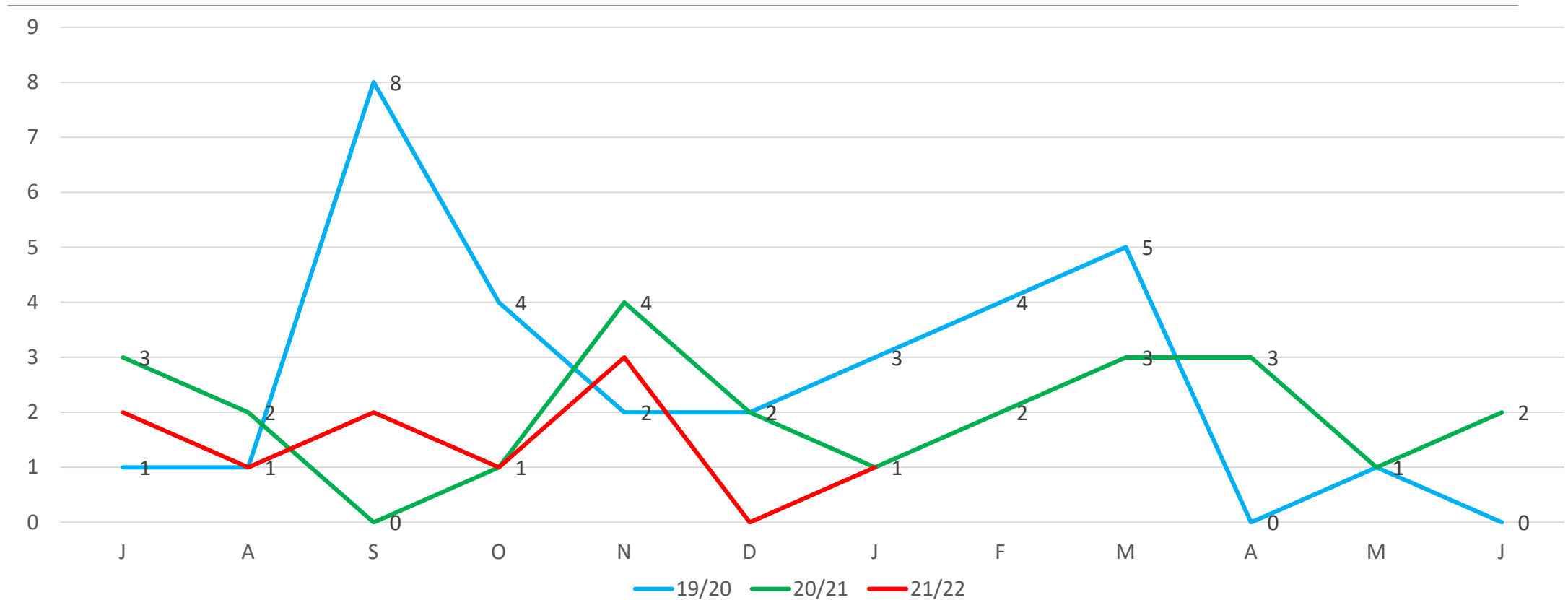


EV SELPA 2021-2022

Due Process Cases, to-Date



EV SELPA Due Process Filings by Month



2021-2022 Trends

- Alternative dispute resolution (ADR) is being used extensively by districts with and without SELPA support.
- This is evident in the amount of settlement agreements that have been drafted at the district level (prior to due process) and it points to the continued decrease in cases.
- Hopefully, we will get to the point where due process is the alternative instead of ADR.
- With regards to compensatory education and services to the student, we are seeing higher demands as well, especially due to learning loss. They want more hours of comp-ed or more direct services, even when data does not show a necessity. In those cases, it is important to have a defensible IEP to minimize exposure during the hearing.

2021-2022 Trends

- This year there have been fewer requests for independent educational evaluations (IEEs) through due process.
 - According to IDEA § 300.502(b)(1-2) when a parent disagrees with an assessment the district has conducted (or should have conducted) the parent may request an IEE. The district has only two choices:
 1. File for due process to defend their assessment; or,
 2. Fund the IEE
 - Typically, the district funds or agrees to fund the IEE. It is more cost effective to fund the IEE than go through litigation to defend the districts assessments.
 - Once the IEE is completed, the report must be “considered” by the district. (IDEA § 300.502(c)(1)) It does not mean the district must adopt any/all recommendations given in the report. If a parent includes this as an issue in due process, we will need to defend our own assessments in the hearing, so it is vital we have our own assessment(s) data, and they are defensible.

Statewide Trends

Due process hearing costs have increased:

- Parent attorneys are commanding higher hourly rates and an average of invoices received PRIOR to hearing and negotiating is over \$15,000. Most are asking for more than \$400 per hour.
- Hearings are taking longer as a result the costs associated with virtual hearings are significantly higher.
- Since the ALJs are giving parents even a minimal amount of services for the loss of instruction during Covid closures, the districts are then paying parent attorney fees, which is typically the highest cost in a hearing.

Final Thoughts

- 20 U.S.C. § 1415(b)(6)(B) tells us that a parent must file a due process complaint not more than two years from the time that the district knew, or should have known, about the alleged violation which forms the basis of the complaint.
- If the parents or attorneys want access to the full 2-year statute of limitations in the law for due process cases in relation to the Covid-19 closures, they will need to begin filing by February or March 2022.
- We are fully anticipating an increase in due process cases in our SELPA as well as in school districts up and down the state.
- We need to ensure we have defensible IEPs, and our staff are trained and utilizing alternative dispute resolution strategies to ensure we are working with families to avoid litigation.
- Let's make due process the alternative!



EAST VALLEY SELPA FY 2020/21 and 2021/22 DUE PROCESS REPORT



	A	B	C	D	E	F
	OBJECT CODE	DESCRIPTION	2020/21		2021/22	
			FINAL BUDGET	ACTUAL EXPENDITURES	2ND INTERIM BUDGET	EXPENDITURES TO DATE
1						
2	1000 & 2000	SALARIES	\$ 229,261.00	214,556.00	225,138.00	123,812.00
3	3000	BENEFITS	\$ 73,847.00	70,601.00	73,874.00	42,577.00
4	4000	MATERIALS & SUPPLIES	\$ 5,014.00	4,701.00	1,014.00	60.00
5	5000	TRAVEL/COPIES/DATA /PY FALLOUT/OTHER	\$ 9,659.00	8,945.00	9,131.00	6,426.00
6		LRP/ SPECIAL ED CONNECTION	\$ 36,712.00	36,712.00	37,343.00	37,343.00
7	5803	COLTON - PARENT REIMBURSEMENT	\$ 25,000.00	-	25,000.00	-
8	5803	REDLANDS - PARENT REIMBURSEMENT		-		2,435.00
9	5803	RIALTO - PARENT REIMBURSEMENT		-		-
10	5803	RIM - PARENT REIMBURSEMENT		-		-
11	5803	YUCAIPA - PARENT REIMBURSEMENT		-		-
12	5820	PARENT - ATTORNEY FEES	\$ 545,000.00	114,012.00	803,500.00	179,050.00
13	5820	SELPA/DISTRICT - ATTORNEY FEES		168,441.00		78,705.00
14	5810	IEE - PSYCH/OTHER EVAL	\$ 75,000.00	40,225.00	75,000.00	(15,325.00)
15	5810	COMP ED - BEHAVIORAL AIDE/THERAPY/TUTORING		-		-
16		TOTAL	\$ 999,493.00	\$ 658,193.00	\$ 1,250,000.00	\$ 455,083.00
17	Total Parent Attorney Fees		\$ 545,000.00	114,012.00	803,500.00	179,050.00
18	Total SELPA Attorney Fees			168,441.00		78,705.00
19	Total Attorneys Fees		\$ 545,000.00	282,453.00	803,500.00	257,755.00

DISCUSSION ITEM

EV SELPA Alternative Dispute Resolution (ADR) Activities

Chief Administrative Officer Metheny will provide information on current ADR activities for educators and parents hosted by the East Valley SELPA.

Straus Institute for Dispute Resolution

Mediating the Litigated Case

This course offers participants a unique opportunity to learn about the mediation process in a format geared specifically toward special education cases. The program will focus on the various stages of the process, identifying and working with different negotiation styles, cross-cultural communication, and facilitating problem-solving regardless of whether the case involves disputes regarding placements, services, assessments, IEP process, and more.

Cost: \$5,200

Time

8:30 am - 5:00 pm

40-hour commitment

Dates

March 21-23; 28-30 - REGISTER

PLEASE NOTE: March 23 and 30 are half-days 8:30-12:30pm.

April 4-8, 2022 - REGISTER

June 20-24, 2022 - REGISTER

July 11-15, 2022 - REGISTER

Registration Coming Soon for Dates Below:

- August 15-19, 2022
- October 10-14, 2022
- November 7-11, 2022

NEW Trainings for SELPAs and Education Professionals

Connecting Across Cultures

Conflict Resolution 101

Connecting Across Cultures

February 17-18, 2022 | 8:30 AM - 5:00 PM

This two-day training equips participants with an understanding of culture -- with its broad definition -- and underscores the role it plays in conflicts, big and small. Participants will recognize the various cultures they inhabit and learn how culture has the power to divide parties or bring them to resolution, depending on the cultural competence of the mediator. **Cost \$2,500**

Conflict Resolution 101

February 23, 2022 | 8:30 AM - 5:00 PM

This one-day training is designed to introduce participants to the basic concepts, terminology, and practices in alternative dispute resolution. Participants will learn about various conflict styles and personalities and expand their knowledge of conflict resolution skills such as active listening, curiosity, reframing, and creativity. **Cost \$1,250**

Through a Collaboration Between

STRAUS INSTITUTE
FOR DISPUTE RESOLUTION



<https://law.pepperdine.edu/straus/training-and-conferences/selpa/>

Parents

Learn how to be an active participant in the IEP Process



PARENT LIAISON *VIRTUAL* TRAINING SERIES: ADVOCATING AS A PROBLEM-SOLVER

Presented by:
David Dowling, JD, MDR

Parents will learn how to be an active participant in the IEP Process.

Class topics will provide parents with training in:

- how to be a facilitator in the IEP Process
- how to work through challenging conversations
- how to be an effective problem solver

Intended Audience: Parents of Special Education Students

Cost: Free

Space is limited, register early!

Attend all 6 sessions to receive a Parent Liaison Certificate

SPRING SCHEDULE WEDNESDAYS 9:30 AM — 12:30 PM	TOPICS	FALL SCHEDULE THURSDAYS 6:00 PM — 9:00 PM
April 13, 2022	Role of a Parent Liaison	August 25, 2022
April 20, 2022	Facilitation in the IEP Process	September 01, 2022
April 27, 2022	Negotiation in Facilitation	September 08, 2022
May 04, 2022	Difficult Conversations	September 15, 2022
May 11, 2022	Managing the Dispute Process	September 22, 2022
May 18, 2022	Persuasion and Problem-Solving	September 29, 2022

<https://sbcss.k12oms.org/>
46-214799

Register Online

<https://sbcss.k12oms.org/>
46-214800

Questions: Please contact Jennifer Brooksby, jennifer.brooksby@sbcss.net



NEGOTIATION SKILLS:

**A BALANCED APPROACH
TO BARGAINING AND
RELATIONSHIPS**

***Facilitator:*
David Dowling, JD, MDR**

Special Education Directors and Coordinators

**Please Join This In-person Training
To Learn Negotiation Skills That Balance The Need For Bargaining
While Maintaining And Building Relationships**

Thursday
July 14, 2022

1:00 - 4:00 pm

Dorothy Inghram Learning Center
670 East Carnegie Drive, San Bernardino, CA 92408

Register Online:
<https://sbcss.k12oms.org/46-215192>
Password: EVSELPA



ADR

ALTERNATIVE DISPUTE RESOLUTION



ADR Virtual Conference
Friday & Saturday
September 16 & 17, 2022
8:30 - 11:00 am

Cost: Free

Parents & Educators are Invited to Join



ACTION ITEM

Identify EV SELPA Board of Directors FY 2022-2023 Budget Ad Hoc Committee Members

Two volunteers are requested to meet with Chief Administrative Officer Metheny and Consultant Tennyson to review the proposed 2022-2023 East Valley SELPA budget. The ad hoc committee will make their recommendations regarding the budget at the May 25, 2022, Board of Directors Meeting.

OTHER

NEXT MEETING – March 23, 2022 – 2:00 pm