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# TRI-VALLEY SPECIAL EDUCATION LOCAL PLAN AREA BOARD OF TRUSTEES

**September 24, 2018 Meeting Minutes**

**IN ATTENDANCE:**        **Board Members** Chris Wenzel (Livermore); Joan Laursen (Pleasanton); Marianne Griffith (Mt. House); Megan Rouse (Dublin);

Staff/CAC –Nanette Gray (SELPA); Correna Kelly (SELPA); Alpana Gupta (SELPA); Frank Selvaggio (Livermore); Mary Jude Doerpinghaus (Pleasanton); Tara Kyle (Dublin); Monica Vaughn (ACOE)

**GUESTS:**                Ed Diolazo, Assist. Supt. (Pleasanton); Mike Biondi Assist. Supt. (Livermore); Dr. Daniel Moirai Assist Supt. (Dublin)

**I. CALL TO ORDER/PLEDGE OF ALLEGIANCE: 6:00 pm**

Joan Laursen called the meeting to order.

**II. APPROVAL OF AGENDA**

A motion to approve the agenda. Those present unanimously approved the motion.

**III. APPROVAL OF MEETING MINUTES: 06/18/18**

A motion to approve the minutes of the board meeting on 6/18/18 was made. Those present unanimously approved the motion.

**IV. REQUESTS TO ADDRESS THE BOARD**

No public requests were made.

**V. ITEMS FOR REPORT, DISCUSSION, AND POSSIBLE ACTION**

**A. 2017-18 Disproportionality Review – Senior Director Nanette Gray**

The CDE requires SELPAs to do annual reviews to identify disproportionate representation of students with disabilities by Race, Ethnicity, Disability category and Educational Placement (aka Least Restrictive Environment). There are 17 Indicators used by the CDE to measure District Performance – the 4 Indicators used to measure Disproportionality are:

SPPI 4 – Suspension/Expulsion of Students with Disabilities by race or ethnicity

SPPI 5 – Least Restrictive Environment (Educational Placement)

SPPI 9 – Disproportionate Representation of Students with Disabilities by race or ethnicity

SPPI 10 – Disproportionate Representation of Students with Disabilities by race or ethnicity within a specific disability category

The data for these calculations comes for CASEMIS and SEIS for Indicators 5, 9 and 10 and from CALPADS for Indicator 4 – Suspension/Expulsion.

CASEMIS and CALPADS are merging – by next year data will be pulled from CALPADS and SEIS. Directors work closely with their clerical staff, teachers and Case Managers to ensure the accuracy of the data in these systems. It is critical that districts properly train their SEIS Technicians.

Question from member – “with parents pushing for private school placements – will this cause Disproportionality”.

Answer – 1 student most likely won't cause a District to be found Disproportionate. The population must be at least 10 to be counted in the analysis.

The Disproportionality data is handled in similar manner as to the Dashboard data.

Tri-Valley SELPA Disproportionality findings by District:

Dublin Unified School District



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Not Disproportionate for SPPI 4 and SPPI 9.

Disproportionate for SPPI 5 (African American students in regular class less than 40% of the time) and SPPI 10 (Whites with Emotional Disturbance, African American and Hispanic students with Specific Learning Disabilities)  
Pleasanton Unified School District

Not Disproportionate for SPPI 5.

Disproportionate for SPPI 4 (African American students with Any Discipline and African American students with Less than 10 days out of school) SPPI 9 (American Indian) and SPPI 10 (African American students with Autism, Hispanic and Pacific Islander students with Specific Learning Disabilities)

Livermore Valley Joint Unified School District

Not Disproportionate for SPPI 4 and SPPI 5.

Disproportionate for SPPI 5 (African American students with Any Discipline and African American students with Less than 10 days out of School) and SPPI 9 (African American students with Other Health Impairments)

The CDE collects and reviews Disproportionality data to determine if there are specific policies and procedures in place that are causing Disproportionality. The next steps for Districts found to be Disproportionate will include a review of student records conducted by the CDE which may include the students IEPs, Assessment reports, documents related to a manifestation determination, documents related to an expulsion hearing and LEA policies and procedures. Once the review is completed the CDE will send out corrective actions.

Question from member – "is there a role for Board Members during this process". Answer – continue to support your Special Ed and Ed Services departments. If additional training is necessary please support this effort.

### **B. Update on Overpayment of 2016-17 AB 602 funds (i)**

This is a follow-up discussion to an email sent out by Nanette in September 2018 regarding an overpayment for the SELPA AU and Dublin USD of AB602 funds.

The allocation was based on the 16-17 school year involving a total of 7 entities, 2 were overpaid and 5 were underpaid.

An internal audit was conducted to determine how this happen and how to prevent a repeat in the future. A meeting was held to determine the discrepancies and to confirm the Allocation Plan that was adopted in June 2016 was followed. It was determined the June 2016 Allocation Plan was followed. Nanette briefed the Board of Trustees from the Districts that were hugely impacted and met with the Dublin Fiscal Team to provide details and answer questions they may have. Nanette also reiterated an agreement made when the June 2016 Allocation Plan was adopted – any overpayments that occurred prior to June 30, 2016 would be forgiven.

Alpana Gupta, Account Specialist for the SELPA, provided additional information about the 2016-17 discrepancies. Referenced the Fiscal Allocation Plan, County distributes the AB602 money to all districts every month. Alpana presented AB602 reconciliation sheet which she maintains on an ongoing basis to prevent any such occurrence going forward. It showed FY 2017-18 data outlining the total AB602 allocation for districts and the funds they get each month from the County. Alpana mentioned sharing this data with districts' fiscal team every 2-3 months, so that discrepancies if any, can be taken care of in timely manner. Nanette and Alpana think that the error happened because June 2016 distribution was not reconciled. As a process, County asks for distribution percentages in the beginning of the year that SELPA provides them based on the projections. But for last month of the year, we give them the exact dollar amount based on the balance due to each district. It also helps in any end of the year adjustments like extra-ordinary cost pool amounts, out of home care funds etc.

Initial agreement included Dublin paying back amount due. Dublin reconsidered this – Joe will be taking this to the Dublin Board on Oct 9<sup>th</sup> so the board can make a final decision. Came to light in August 2018. Resolution is still being determined. Installment repayment plan is an option. Once the Dublin Board makes their decision the other member districts will get their payment.

15-16 school year – what amount was due to each district? Historical perspective – PUSD, DUSD were overpaid under old allocation and LVJUSD was underpaid. Nanette will research and get to him – previous amount was forgiven.



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School Services worked out facilitating all the meetings – much discussion. This time the misallocation happened after the 2015-16 school year and therefore will be reimbursed.

Issue was not continued because we were following new allocation. Seems there may have been an issue with new staff. Report back to board once Dublin decides what to do.

### C. Local Plan Proposed Amendments (d) (a)

#### i. CAC Bylaws, CAC Quorum

Article 6 – CAC historically has struggled to get a quorum. Nanette and CAC Chairman, David Bona, researched quorum language which would allow the CAC to continue to function – the recommended change in wording is to eliminate “A quorum shall consist of 50% of appointed voting members plus one voting member” to “A quorum shall exist when a majority of the CAC members present are parents”.

ii. the recommendation is to remove the phrase “majority of the local CAC returned ballots and of the appointed local CAC members, making the revised statement “The bylaws and amendments to it will be approved by two-thirds (2/3) and shall become effective immediately on their adoption”.

#### iii. Replace language; Joint Powers Board to Governance Council –

the recommendation is to replace Joint Powers Board with Governance Council where it appears on pgs. 2, 4, and 29.

A typo on page 31 under “COMMUNITY ADVIORY COMMITTEE MEMBERSHIP (See Appendix E)” should read See Appendix F

#### iv. State Out of Home Care Funds

The recommended changes are to strike “a prorated share of the previous year’s actual out of home care expenditures as reported by districts” and replace it with “the CDE reported number and Rate Classification Level (RCL) of licensed Beds for agency-placed and foster youth”.

There were no questions nor discussion regarding the recommended changes.

All recommended changes to the Tri-Valley SELPA Local Plan Area documents were approved by a vote of all AYES, no NAYs.

### D. Independent Education Evaluation (IEE) policy (d) (a)

i. The current IEE plan pricing is significantly lower than current day fees – please reference pg 3 of Appendix K. The background on this topic is that if parents disagree with the districts assessment they have the right to request an IEE at the district’s expense. The district has 2 options – file against the parents or they can fund the request. Funding the parents request is in-line with legal counsel. The Tri-Valley SELPA is recommending some changes to the language in the current IEE plan – these recommendations have been vetted by legal counsel Jan Tomsy with F3 Law Firm. The current range of costs is \$85/hr - \$100/hr. The recommendation is to authorize up to \$100/hr. Parents have to follow the recommendations. Districts can provide a list of IEE assessors. Parents can select from the district list or choose their own assessor. A contract must be created with the district. Districts can expect the costs to be much higher - a minimum of \$600.

I wasn’t sure if this item had been voted on – couldn’t tell from the recording.

## VI. STANDING REPORTS

### A. Tri-Valley Directors Council

i. Frank Selvaggio – Livermore Valley Joint USD- could not hear Frank’s comments on recording



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- ii. Mary Jude Doerpinghaus - 1300 students, 122 pending. The beginning of the year has been very busy participating in a lot of committee meetings in an effort to bring the Special Ed perspective to all areas of our curriculum and leadership team meetings as well as at the LCAP meetings. The focus has been on visiting campuses, meeting with principals, seeing how things are working and in some cases how they are not. When appropriate direction is provided to improve these situations. The year started with some staff shortages, there are still some vacancies and the department is working with HR to fill all openings. Professional Development is a big component on multiple topics and audiences for this year. ESY was very successful last summer, we are already planning for next year. The year will include reaching out to all stakeholders throughout the year.
  - iii. Tara Kyle – District is growing significantly. There is a tremendous need for additional staff for the entire district, improved systems. District has added new positions this year due to the rapid growth. There is a focus on Professional Development for new and experienced teachers. The Resource student population has also increased in recent years.
  - iv. ACOE – no comments
- B. Community Advisory Committee**
- i. The CAC had their first committee meeting Sept 19<sup>th</sup>. Districts are promoting involvement with the CAC very strongly.
  - ii. Livermore has 1 committee person, Dublin has 3 and Pleasanton has 3.
  - iii. Calendar dates have been set for CAC meetings, Resource Fair and MAD Awards
  - iv. The group is very strong this year.
- C. Assistant Director for Clinical Services**
- i. There has been an increase in the number of students needing behavioral support so the SELPA has worked with the Diagnostic Center to offer professional development/training for the CEC Classrooms. Participants from every district have attended or registered to attend a future event in a trainings such as the Impact of Trauma at School, Methods for Implementing Targeted, Tier- Two Supports for Students Struggling with Mental Health Challenges in the Classroom,
- D. SELPA Senior Director**
- i. Toni Cardenas, Exec. Secretary of the Tri-Valley SELPA has accepted a new position with PUSD. Applications have been vetted, candidates interviewed and a recommendation for hire has been made for candidate Chris Krewer. The recommendation will go before the Board for approval on Sept 25.
  - ii. The SELPA is offering a legal training centered around preschool compliance issues. The training will be conducted by Atkinson, Andelson, Loya, Ruud & Romo law firm. Approximately 50 people have signed up, about 80% are from the SELPA.
  - iii. The Private School Meeting has been scheduled for October 12<sup>th</sup>. A portion of Special Ed money must be spent on private school students. This is the meeting when our private school partners share with us what kind of Staff Development they need as well as any curriculum updates are necessary. We decide, as a group, what types of services will be provided.
  - iv. The Fiscal Collaborative meeting is scheduled for October 12<sup>th</sup>. We'll be seeking input on the allocation plan and will be taking some discussion items such as what to do with carryover money, how to handle low incidence funds to the Fiscal Committee. Committee input will be brought up as discussion items in the next Directors meeting with all Special Ed Directors.



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### VII. BOARD DISCUSSION / REQUESTS

#### A. Board Discussion - none

#### B. Possible future agenda items

- i. January 14, 2019 is date of next meeting.
- ii. Elections will be held during this meeting. The hope is that everyone will continue on in their current role
- iii. The Board would like clarification on the carryover funds, extraordinary cost pool, and more detail on the requested changes to the way requisitions using Low Incidence Funds are processed.
- iv. More discussion about the AB602 funds

### VIII. ADJOURNMENT

Meeting was adjourned.