

West End Special Education Local Plan Area  
8265 Aspen Ave., Ste. 200  
Rancho Cucamonga, CA 91730

SUPERINTENDENTS' COUNCIL  
AGENDA

**Notice:** This meeting will be held **IN-PERSON** only. If you wish to participate in the meeting and/or make a public comment, please submit them to Natalie, in-person prior to the start of the meeting.

Individuals requiring special accommodation, including but not limited to an American Sign Language interpreter, accessible seating, or documentation in accessible formats, should contact Natalie Vivar at (909) 476-6131, at least two days before the meeting date.

**January 21, 2022**

**9:30 a.m.**

**OPENING**

**A. Administrative Items**

- |  |  |                 |  |  |        |        |      |  |
|--|--|-----------------|--|--|--------|--------|------|--|
| 1. Acceptance of Agenda for January 21, 2022 |  | *Myrlene Pierre |  |  |        |        |      |  |
|  | <table border="0"> <tr> <td style="border-top: 1px solid black; width: 100px;"></td> <td style="border-top: 1px solid black; width: 100px;"></td> <td style="border-top: 1px solid black; width: 100px;"></td> </tr> <tr> <td style="text-align: center;">Motion</td> <td style="text-align: center;">Second</td> <td style="text-align: center;">Vote</td> </tr> </table> |                 |  |  | Motion | Second | Vote |  |
|  |  |                 |  |  |        |        |      |  |
| Motion                                       | Second   | Vote            |  |  |        |        |      |  |
| 2. SELPA Administrator's Report              |  | -Ricky Alyassi  |  |  |        |        |      |  |
| 3. Premier Program Highlights                |  | -Ricky Alyassi  |  |  |        |        |      |  |

**PUBLIC COMMENT**

**B. Public Comment**

The West End SELPA, Superintendents' Council, welcomes comments from visitors. Should anyone wish to make comments, he/she may voluntarily complete a public comment form located at the table in the back of the room. The Public Comment forms must be submitted *prior* to the beginning of the meeting. The forms will be collected by the recording secretary and given to the meeting facilitator. The Public Comment period is the opportunity for the public to address the members on (1) non-agenda items within the jurisdiction of the members, (2) items listed on the agenda. All public comment will be allowed (3) three minutes per item, if a member of the public desires to be heard on more than (3) three items appearing on the agenda, he/she will be allowed up to a total of (9) nine minutes to address all items non-agenda and agendized. Each agenda item will have a total of 20 minutes for public comment on one agenda item.

**There will not be a separate opportunity to comment at the time each agenda item is addressed by the Council** unless the item specifically involves an agendized public hearing. All public comments will be heard during the agendized public comment section B.

**SUPERINTENDENTS' DISCUSSION ITEMS**

**C. Discussion Items**

- |  |  |               |
|--|--|---------------|
| 1. Fiscal Notifications  |  | * Tim Chatkoo |
| a. 2020-21 Final State Special Schools Adjustment Reimbursement Transfer |  |               |

## BUSINESS CONSENT ITEMS

### D. Business Consent Items

\*Myrlene Pierre

1. Meeting Minutes of November 19, 2021
2. Consent Agenda ADR #1
3. Consent Agenda ADR #2
4. Consent Agenda OAH#2021090256
5. Consent Agenda ADR #3
6. Consent Agenda OAH# 2021090468
7. Consent Agenda OAH# 2021100744
8. Consent Agenda OAH# 2021110326
9. Consent Agenda ADR #4
10. Consent Agenda OAH#2021080428
11. Consent Agenda ADR #5
12. Consent Agenda ADR # 6
13. Consent Agenda ADR # 7
14. Consent Agenda OAH# 2021080492
15. Consent Agenda OAH# 2021070303
16. Consent Agenda ADR # 8
17. Consent Agenda ADR # 9
18. Consent Agenda ADR #10

## BUSINESS ACTION ITEMS

### E. Business Action Items

1. Independent Educational Evaluation Criteria \* Ricky Alyassi  

Motion	Second	Vote
  
2. Program Transfer Review and Recommendation for the 2022-23 Year \* Ricky Alyassi  

Motion	Second	Vote

## CLOSED SESSION

### F. Recess to Closed Session

1. Evaluation Process – Gov Code 54597
  - a. WESELPA Administrator

### G. Reconvene to Open Session

## COUNCIL MEMBER REPORTS

### H. Council Member Reports

## CLOSING

### I. Future Agenda Items

01/21/2022

## J. Adjournment

\_\_\_\_\_  
Motion

\_\_\_\_\_  
Second

\_\_\_\_\_  
Vote

**The meeting location for Superintendents' Council will be held at 8265 Aspen Ave., Rancho Cucamonga, CA 91730.** Agenda packets are available on the WESELPA website [weselpa.sbcss.k12.ca.us](http://weselpa.sbcss.k12.ca.us) or you may request an agenda packet by calling (909) 476-6131, 72 hours before the scheduled meeting. A fee of ten cents (.10) per page will be charged for copied agenda packet.

**\* Handout Included**

**\*\* Handout to be distributed at the meeting**

**- No Handout**

## WESELPA Fiscal Transfer/Update Notification January 2022

### Background:

As approved by Superintendents' Council on November 14, 2008, the following fiscal items are presented as a notification:

- a. 20/21 Final State Special Schools Adjustment Reimbursement Transfer – The 20/21 Final State Special Schools Adjustment Reimbursement transfer will be transferred to/from the Joint Risk Fund and West End Districts and is summarized below:

District	<i>Col A</i> 20/21 Final State Special Schools Adj Reimb Trf
Chaffey	\$ (12.00)
<i>TOTALS</i>	<i>\$ (12.00)</i>

West End SELPA  
**Superintendents' Council**  
 Meeting Minutes  
 November 19, 2021

<u>District</u>	<u>Present</u>	<u>Absent</u>
Alta Loma	Karen Hendricks	
Central	Amy Nguyen-Hernandez	
Chaffey Joint Union	Mat Holton	
Chino Valley Unified	Norm Enfield	
Cucamonga	Michael Chaix	
Etiwanda	Shawn Judson	
Mountain View	Douglass Moss	
Mt. Baldy		Nancy Sirski
Upland Unified	Pam Salgado for Lynn Carmen-Day	
SBCSS	Myrlene Pierre, Ralph Alba	
SBCSS County Ops.	Jim Wood	
WESELPA	Ricky Alyassi, Tim Chatkoo, Royal Lord, Natalie Vivar	

**CALLED TO ORDER:**

Committee Member Myrlene Pierre called the meeting to order at 9:32 am

**A. ADMINISTRATIVE ITEMS**

**1. Acceptance of Agenda for November 19, 2021**

Motion made by Mat Holton to accept the Superintendents' Council meeting agenda as presented for November 19, 2021, seconded by Douglass Moss, motion carried on an 8-0-0-1 vote.

**Ayes:** Karen Hendricks, Amy Nguyen-Hernandez, Norm Enfield, Michael Chaix, Shawn Judson, Pamela Salgado

**Nays:** 0

**Abstain:** 0

**Absent:** 1

**2. SELPA Administrators Report**

SELPA Administrator shared a video of the school site visit at the county office – Live Oak/Special Education location and programs. SELPA Administrator shared the exceptional work, instructional techniques, and supports Live Oak offers for our Special Education students and looks forward to visiting other districts for the 2021-22 school year.

SELPA Administrator shared the opportunity to present an Alternative Dispute Resolution (ADR) at the request of the CAC, the CAC offers 3 presentations every year to enrich skills, understanding, and foundations of educational supports for our community members. The presentation included the West End SELPA and its ADR process. SELPA Administrator shared video interview of CAC member was shared regarding her experience with ADR with the West End SELPA.

### 3. Parent Project Certifications

Program Specialists shared what and how the Parent Project impacts families and helps with the challenges they face. The West End SELPA is committed to providing support to families by offering the Parent Project. Parents were provided a certificate for completing the six-week course.

## **B. PUBLIC COMMENTS**

Martina Ortega submitted three public comments. 1- general comment addressing the following: attended a 10-week training similar to the Parent Project offered by West End SELPA and positive experience, stated council meeting being televised live on Facebook, concerns regarding Program Manager, West End SELPA, with what perceives as negative interactions, concerns with current public comment submission process for the general public, concerns with Fagen's contract language regarding student records confidentiality, law firms clause language regarding surveillance, and suggested legal contracts be reviewed by districts prior to approving. 2- Agenda Item C-f – Concerns with 2021-22 Initial 50% Joint Risk Fund Contribution and 3- business consent items D-2-16. No expense out of the Joint Fund, requested districts revisit, no monies for ADR/Resolution/Settlements, questioned where monies are being allocated.

Sharon Neault submitted one public comment. CAC community representative from Chaffey Joint Union High School shared the story of a family whose child transitioned to high school. The family shared positive experiences their child has experienced with the Brave Academy at Alta Loma High School.

Maria Barabino submitted one public comment by email, read aloud by the administrative assistant. 1- general comment addressing the following concerns: the West End SELPA's current public comment submission process for the general public, law firm Fagen, Friedman, and Fulfrost practices, law firms Lozano, Smith, Atkinson, Andelson, and Fagen's clause language regarding surveillance, Fagen's contract language regarding student records confidentiality, the Due Process manager's interactions with the parent community, and the current Chaffey CAC member and their employment with West End SELPA.

Marianne Grosner submitted two public comments by email, read aloud by the administrative assistant. 1 – general comment addressing concerns against West End SELPA's practices related to litigation, Local Plan language, and legal fees. 2 – Agenda Item D2- Independent Educational Evaluation Criteria, provided detailed concerns related to the IEE cost criteria and language used in the Qualifications for Evaluators.

## **C. DISCUSSION ITEMS**

### 1. Program Transfer Request 2021-22

SELPA Administrator shared Program Transfer requests, two from Chino Valley Unified and one from Etiwanda School District. No feedback, discussion, or questions from committee members.

### 2. Independent Educational Evaluation Criteria – 2<sup>nd</sup> Reading

Program Manager, West End SELPA presented 2<sup>nd</sup> reading of the Independent Educational Evaluation Criteria. No questions or revisions from committee members.

### 3. Fiscal Notifications

Fiscal Consultant presented items a. 2020-21 Final Transportation Excess Cost Transfer b. 2021-22 Initial 50% Transportation Excess Cost Transfer c. 2021-22 Initial 50% Preschool Facility Costs Transfer d. 2020-21\* Mental Health Funding Model Projection e. 2021-22 1<sup>st</sup> Interim Administrative Budgets f. 2021-22 Initial 50% Joint Risk Fund Contribution g. 2021-22 Initial 50% SEIS Contribution h. 2021-22 1<sup>st</sup> Quarter Joint Risk Fund Reimbursement Transfer i. Maintenance of Effort SEMA/SEMB/SYT/Excess Cost/Table 8 j. 2021-22 Projected AB 602 Funding Model.

\*Correction to item C-3d – annual date reflected incorrect; the correct year: 2021-22.

#### 4. Personnel Committee Update

SELPA Administrator shared personnel committee update. The personnel committee meeting was held, action items were brought to the committee for consideration and informational items were brought forward for consideration by the personnel committee. Grant expenditures discussed. Grant funds provided by the ADR allocation towards grant-funded positions, no impact on the operating budget.

#### 5. Digital Engagement Strategies

Clinical Counselor presented the Digital Engagement Strategies the West End SELPA has implemented. The two digital platforms, Instagram and Vimeo, are used to engage with staff, families, and community members. No questions from committee members.

### **D. Business Consent Items**

#### 1. Business Consent Items D-1 through D16

Motion made by Douglass Moss to accept business consent items D-1 through D-16, seconded by Karen Hendricks, motion carried on an 8-0-0-1.

**Ayes:** Mat Holton, Amy Nguyen-Hernandez, Norm Enfield, Michael Chaix, Shawn Judson, Pamela Salgado

**Nays:** 0

**Abstain:** 0

**Absent:** 1

Items on the business consent items are as follows: meeting minutes of September 22, 2021, Consent Agenda #2021050362, Consent Agenda ADR #1, Consent Agenda ADR #2, Consent Agenda ADR #3, Consent Agenda ADR #4, Consent Agenda #2021050303, Consent Agenda ADR #5, Consent Agenda ADR #6, Consent Agenda ADR #7, Consent Agenda ADR #8, Consent Agenda ADR #9, Consent Agenda #2021080704, Consent Agenda #2021060176, Consent Agenda ADR #10, Consent Agenda ADR #11

### **E. Recess to Closed Session**

#### 1. Evaluation Process

Closed session at 10:35 am

### **F. Reconvene to Open Session**

The meeting reconvened at 11:24 am

No action to report.

### **G. Council Member Reports**

None

**H. Future Agenda Items**

None

**I. Adjournment**

Motion made by Michael Chaix to adjourn November 19, 2021 meeting, seconded by Amy Nguyen-Hernandez, motion carried on a 7-0-0-2 vote.

**Ayes:** Karen Hendricks, Amy Nguyen-Hernandez, Mat Holton, Shawn Judson, Douglass Moss

**Nays:** 0

**Abstain:** 0

**Absent:** 2

Chino Valley, Superintendent, excused from meeting at 11:09 am.

Meeting adjourned at 11:25 am

DRAFT

## **Consent Agenda**

### Alternative Dispute Resolution #1

**Background:** In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Resolution and Education Support Team is bringing forth any and all settlements to the Superintendents' Council. All settlements are arrived at in collaboration with district directors who have followed recommended SELPA policies, regulations and guidelines. These agreements are the result of formal alternative dispute resolution.

The following settlement has been entered into:

#### Alternative Dispute Resolution Student and Chaffey Joint Union High School District

This agreement was the result of alternative dispute resolution session. The resolution agreement contains conditions / terms at no expense to the Joint Risk Fund and 18 hours of vision.

**Action:** It is the belief of WESELPA that this settlement agreement is in compliance with state and federal laws as well as in the best interest of the districts and the West End SELPA. It is recommended that the Superintendents' Council ratify this agreement.

## Consent Agenda

### Alternative Dispute Resolution #2

**Background:** In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Resolution and Education Support Team is bringing forth any and all settlements to the Superintendents' Council. All settlements are arrived at in collaboration with district directors who have followed recommended SELPA policies, regulations and guidelines. These agreements are the result of formal alternative dispute resolution.

The following settlement has been entered into:

#### Alternative Dispute Resolution Student and Central School District

This agreement was the result of an alternative dispute resolution session. The resolution agreement contains conditions / terms at no expense to the Joint Risk Fund.

**Action:** It is the belief of WESELPA that this settlement agreement is in compliance with state and federal laws as well as in the best interest of the districts and the West End SELPA. It is recommended that the Superintendents' Council ratify this agreement.

**Consent Agenda**  
OAH Case 2021090256

**Background:** In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Resolution and Education Support Team is bringing forth any and all settlements to the Superintendents' Council. All settlements are arrived at in collaboration with district directors who have followed recommended SELPA policies, regulations and guidelines. These agreements are the result of formal alternative dispute resolution.

The following settlement has been entered into:

Due Process Resolution  
Student and Upland Unified School District

This agreement was the result of a mediation session. The mediated agreement contains conditions / terms at no expense to the Joint Risk Fund and \$24,000 in parent reimbursement for educational expenses, and \$8,000 for attorney fees.

**Action:** It is the belief of WESELPA that this settlement agreement is in compliance with state and federal laws as well as in the best interest of the districts and the West End SELPA. It is recommended that the Superintendents' Council ratify this agreement.

## Consent Agenda

### Alternative Dispute Resolution #3

**Background:** In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Resolution and Education Support Team is bringing forth any and all settlements to the Superintendents' Council. All settlements are arrived at in collaboration with district directors who have followed recommended SELPA policies, regulations and guidelines. These agreements are the result of formal alternative dispute resolution.

The following settlement has been entered into:

#### Alternative Dispute Resolution Student and Alta Loma School District

This agreement was the result of a resolution session. The resolution agreement contains conditions / terms at no expense to the Joint Risk Fund and to continue RTC placement for 60 days.

**Action:** It is the belief of WESELPA that this settlement agreement is in compliance with state and federal laws as well as in the best interest of the districts and the West End SELPA. It is recommended that the Superintendents' Council ratify this agreement.

**Consent Agenda**  
OAH Case 2021090468

**Background:** In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Resolution and Education Support Team is bringing forth any and all settlements to the Superintendents' Council. All settlements are arrived at in collaboration with district directors who have followed recommended SELPA policies, regulations and guidelines. These agreements are the result of formal alternative dispute resolution.

The following settlement has been entered into:

Due Process Resolution  
Student and Cucamonga School District and  
Chaffey Joint Union High School District

This agreement was the result of a mediation session. The mediated agreement contains conditions / terms at no expense to the Joint Risk Fund, and 140 hours of academic tutoring, and \$10,000.00 attorney fees.

**Action:** It is the belief of WESELPA that this settlement agreement is in compliance with state and federal laws as well as in the best interest of the districts and the West End SELPA. It is recommended that the Superintendents' Council ratify this agreement.

**Consent Agenda**  
OAH Case 2021100744

**Background:** In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Resolution and Education Support Team is bringing forth any and all settlements to the Superintendents' Council. All settlements are arrived at in collaboration with district directors who have followed recommended SELPA policies, regulations and guidelines. These agreements are the result of formal alternative dispute resolution.

The following settlement has been entered into:

Due Process Resolution  
Student and Alta Loma School District

This agreement was the result of a resolution session. The resolution agreement contains conditions / terms at no expense to the Joint Risk Fund, and 30 hours academic tutoring, and \$5,000.00 attorney fees.

**Action:** It is the belief of WESELPA that this settlement agreement is in compliance with state and federal laws as well as in the best interest of the districts and the West End SELPA. It is recommended that the Superintendents' Council ratify this agreement.

**Consent Agenda**  
OAH Case 2021110326

**Background:** In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Resolution and Education Support Team is bringing forth any and all settlements to the Superintendents' Council. All settlements are arrived at in collaboration with district directors who have followed recommended SELPA policies, regulations and guidelines. These agreements are the result of formal alternative dispute resolution.

The following settlement has been entered into:

Due Process Resolution  
Student and Chaffey Joint Union High School District

This agreement was the result of a resolution session. The resolution agreement contains conditions / terms at no expense to the Joint Risk Fund, and \$21,000 parent reimbursement, and \$5,650 attorney fees.

**Action:** It is the belief of WESELPA that this settlement agreement is in compliance with state and federal laws as well as in the best interest of the districts and the West End SELPA. It is recommended that the Superintendents' Council ratify this agreement.

## **Consent Agenda**

### Alternative Dispute Resolution #4

**Background:** In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Resolution and Education Support Team is bringing forth any and all settlements to the Superintendents' Council. All settlements are arrived at in collaboration with district directors who have followed recommended SELPA policies, regulations and guidelines. These agreements are the result of formal alternative dispute resolution.

The following settlement has been entered into:

#### Alternative Dispute Resolution Student and Central School District

This agreement was the result of an alternative dispute resolution session. The resolution agreement contains conditions / terms at no expense to the Joint Risk Fund.

**Action:** It is the belief of WESELPA that this settlement agreement is in compliance with state and federal laws as well as in the best interest of the districts and the West End SELPA. It is recommended that the Superintendents' Council ratify this agreement.

## Consent Agenda

OAH Case 2021080428

**Background:** In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Resolution and Education Support Team is bringing forth any and all settlements to the Superintendents' Council. All settlements are arrived at in collaboration with district directors who have followed recommended SELPA policies, regulations and guidelines. These agreements are the result of formal alternative dispute resolution.

The following settlement has been entered into:

### Due Process Resolution Student and Etiwanda School District

This agreement was the result of a mediation session. The mediated agreement contains conditions / terms at no expense to the Joint Risk Fund, and \$35,000 parent reimbursement/direct funding for educational services/assessments, and \$15,500.00 attorney fees.

**Action:** It is the belief of WESELPA that this settlement agreement is in compliance with state and federal laws as well as in the best interest of the districts and the West End SELPA. It is recommended that the Superintendents' Council ratify this agreement.

## **Consent Agenda**

### Alternative Dispute Resolution #5

**Background:** In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Resolution and Education Support Team is bringing forth any and all settlements to the Superintendents' Council. All settlements are arrived at in collaboration with district directors who have followed recommended SELPA policies, regulations and guidelines. These agreements are the result of formal alternative dispute resolution.

The following settlement has been entered into:

#### Alternative Dispute Resolution Student and Chaffey Joint Union High School District

This agreement was the result of an alternative dispute resolution session. The resolution agreement contains conditions / terms at no expense to the Joint Risk Fund.

**Action:** It is the belief of WESELPA that this settlement agreement is in compliance with state and federal laws as well as in the best interest of the districts and the West End SELPA. It is recommended that the Superintendents' Council ratify this agreement.

## **Consent Agenda**

### Alternative Dispute Resolution #6

**Background:** In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Resolution and Education Support Team is bringing forth any and all settlements to the Superintendents' Council. All settlements are arrived at in collaboration with district directors who have followed recommended SELPA policies, regulations and guidelines. These agreements are the result of formal alternative dispute resolution.

The following settlement has been entered into:

#### Alternative Dispute Resolution Student and Upland Unified School District

This agreement was the result of an alternative dispute resolution session. The resolution agreement contains conditions / terms at no expense to the Joint Risk Fund.

**Action:** It is the belief of WESELPA that this settlement agreement is in compliance with state and federal laws as well as in the best interest of the districts and the West End SELPA. It is recommended that the Superintendents' Council ratify this agreement.

## **Consent Agenda**

### Alternative Dispute Resolution #7

**Background:** In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Resolution and Education Support Team is bringing forth any and all settlements to the Superintendents' Council. All settlements are arrived at in collaboration with district directors who have followed recommended SELPA policies, regulations and guidelines. These agreements are the result of formal alternative dispute resolution.

The following settlement has been entered into:

#### Alternative Dispute Resolution Student and Cucamonga School District

This agreement was the result of an alternative dispute resolution session. The resolution agreement contains conditions / terms at no expense to the Joint Risk Fund.

**Action:** It is the belief of WESELPA that this settlement agreement is in compliance with state and federal laws as well as in the best interest of the districts and the West End SELPA. It is recommended that the Superintendents' Council ratify this agreement.

## **Consent Agenda**

OAH Case 2021080492

**Background:** In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Resolution and Education Support Team is bringing forth any and all settlements to the Superintendents' Council. All settlements are arrived at in collaboration with district directors who have followed recommended SELPA policies, regulations and guidelines. These agreements are the result of formal alternative dispute resolution.

The following settlement has been entered into:

### Due Process Resolution Student and Central School District

This agreement was the result of a mediation session. The mediated agreement contains conditions / terms at no expense to the Joint Risk Fund, and fund a FBA IEE, 30 hours compensatory tutoring, 30 hours compensatory S/L-AAC, and \$8,000.00 attorney fees.

**Action:** It is the belief of WESELPA that this settlement agreement is in compliance with state and federal laws as well as in the best interest of the districts and the West End SELPA. It is recommended that the Superintendents' Council ratify this agreement.

## Consent Agenda

OAH Case 2021070303

**Background:** In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Resolution and Education Support Team is bringing forth any and all settlements to the Superintendents' Council. All settlements are arrived at in collaboration with district directors who have followed recommended SELPA policies, regulations and guidelines. These agreements are the result of formal alternative dispute resolution.

The following settlement has been entered into:

### Due Process Resolution Student and Central School District

This agreement was the result of a mediation session. The mediated agreement contains conditions / terms at no expense to the Joint Risk Fund, and fund a FBA IEE, 30 hours compensatory tutoring, 30 hours compensatory S/L-AAC, and \$12,000.00 attorney fees.

**Action:** It is the belief of WESELPA that this settlement agreement is in compliance with state and federal laws as well as in the best interest of the districts and the West End SELPA. It is recommended that the Superintendents' Council ratify this agreement.

## **Consent Agenda**

### Alternative Dispute Resolution# 8

**Background:** In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Resolution and Education Support Team is bringing forth any and all settlements to the Superintendents' Council. All settlements are arrived at in collaboration with district directors who have followed recommended SELPA policies, regulations and guidelines. These agreements are the result of formal alternative dispute resolution.

The following settlement has been entered into:

#### Alternative Dispute Resolution Student and Mountain View School District

This agreement was the result of an alternative dispute resolution session. The resolution agreement contains conditions / terms at no expense to the Joint Risk Fund.

**Action:** It is the belief of WESELPA that this settlement agreement is in compliance with state and federal laws as well as in the best interest of the districts and the West End SELPA. It is recommended that the Superintendents' Council ratify this agreement.

## **Consent Agenda**

### Alternative Dispute Resolution #9

**Background:** In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Resolution and Education Support Team is bringing forth any and all settlements to the Superintendents' Council. All settlements are arrived at in collaboration with district directors who have followed recommended SELPA policies, regulations and guidelines. These agreements are the result of formal alternative dispute resolution.

The following settlement has been entered into:

#### Alternative Dispute Resolution Student and Upland Unified School District

This agreement was the result of an alternative dispute resolution session. The resolution agreement contains conditions / terms at no expense to the Joint Risk Fund.

**Action:** It is the belief of WESELPA that this settlement agreement is in compliance with state and federal laws as well as in the best interest of the districts and the West End SELPA. It is recommended that the Superintendents' Council ratify this agreement.

## **Consent Agenda**

### Alternative Dispute Resolution #10

**Background:** In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Resolution and Education Support Team is bringing forth any and all settlements to the Superintendents' Council. All settlements are arrived at in collaboration with district directors who have followed recommended SELPA policies, regulations and guidelines. These agreements are the result of formal alternative dispute resolution.

The following settlement has been entered into:

#### Alternative Dispute Resolution Student and Upland Unified School District

This agreement was the result of an alternative dispute resolution session. The resolution agreement contains conditions / terms at no expense to the Joint Risk Fund and \$4,780.00 parent reimbursement.

**Action:** It is the belief of WESELPA that this settlement agreement is in compliance with state and federal laws as well as in the best interest of the districts and the West End SELPA. It is recommended that the Superintendents' Council ratify this agreement.

## WEST END SPECIAL EDUCATION LOCAL PLAN AREA

AR 6159.8 **REVISED**

CLASSIFICATION: Instruction

**Adopted: ~~4/28/17~~ 1/24/20**  
**Revised: ~~10/1/19~~ 9/3/21**  
**First Reading: ~~11/18/19~~ 9/22/21**  
**Second Reading: 11/19/2021**  
**Adopted: 1/24/2020**

## SUBJECT: INDEPENDENT EDUCATIONAL EVALUATION – CRITERIA

### LOCATION LIMITATIONS FOR EVALUATORS

Independent Educational Evaluators must be located within 50 miles of the West End SELPA office located at 8265 Aspen Ave., Rancho Cucamonga, CA 91730, **with the exception of CAPD assessors limit of 65 miles**. Independent Evaluators outside this area will be approved only on an exceptional basis, providing the parents can demonstrate in writing the necessity of using personnel outside the specified area. The parents should submit this in writing to the school district's Director of Special Education. If it is determined that exceptional circumstances do not exist, the district may file for a due process hearing to demonstrate the parents' selected evaluator does not meet the SELPA criteria.

### COST LIMITATIONS FOR EVALUATIONS

The cost of independent educational evaluations shall be subject to the maximum allowable amounts specified in this policy, which shall include observations, administration and scoring of tests, report writing, and attendance (in person or telephonically) at the IEP team meeting to discuss the findings if invited by the school district. Costs above the maximum allowable amounts specified in this policy will not be approved unless the parent can demonstrate in writing that unique circumstances justify going above the pertinent maximum allowable amount. The parents should submit this in writing to the school district's Director of Special Education. If it is determined that exceptional circumstances do not exist, the district may file for a due process hearing to demonstrate the parents' selected evaluator does not meet the SELPA criteria.

As part of the contracted independent educational evaluation, the examiner must provide to the school district protocols of all the assessments conducted and provide a written report to the school district prior to the IEP team meeting. Independent evaluators must release their assessment information, including protocols and results to the district/SELPA prior to receipt of payment for services. The results of the independent evaluation will be considered in any IEP team decision made with respect to the provision of a free appropriate public education with regards to the student with disabilities as required by the IDEA and/or Section 504 of the Rehabilitation Act of 1973. However, the IEP team's obligation to consider the independent educational evaluation does not obligate the team to accept the evaluation and/or any or all of its recommendations.

### QUALIFICATIONS FOR EVALUATORS

All independent educational evaluations must be conducted by persons competent to perform the assessment as determined by these criteria, as well as any other criteria, the school district uses when it conducts an assessment to the extent those criteria are consistent with the parent's right to an independent educational evaluation. All independent educational evaluations must be conducted in accordance with all of the requirements and limitations of state and federal law that apply to school district assessments, including but not limited to observing the student in the appropriate setting (E.C. §§ 56327) and conducting evaluations in accordance with Education Code § 56320. **Additionally, evaluators must meet the criteria for any school employee who works with children, i.e. TB testing and fingerprinting, as well as any other contract requirements enforced by the district / West End SELPA.** Independent evaluators with credentials other than those listed below will not be approved unless the parent can demonstrate in writing the necessity of using an evaluator meeting other qualifications. The parents should submit this in writing to the school district's Director of Special Education. If it is determined that exceptional circumstances do not exist, the

district may file for a due process hearing to demonstrate the parents' selected evaluator does not meet the SELPA criteria.

**CONFLICT OF INTEREST**

If the parents' selected evaluator is later sought to provide services, the District/SELPA reserves the right to refuse to allow the evaluator to provide the recommended services due to a potential conflict of interest. Likewise, the District/SELPA may, in its discretion, refuse to fund services from an individual or agency who has conducted an independent educational evaluation for a particular student.

<b>Type of Assessment</b>	<b>Range-Cost Maximum</b>	<b>Qualifications</b>
Academic Achievement	<del>\$1000</del> – \$1500	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Educational Psychologist Licensed Clinical Psychologist
Adaptive Behavior	<del>\$500</del> – \$1000	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Educational Psychologist Licensed Clinical Psychologist
Assistive Technology / AAC	<del>\$700–\$2000</del> \$2,500	<del>Credentialed Special Education Teacher</del> Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed Assistive Technology Specialist
Auditory Acuity	<del>\$300</del> – \$500	Licensed or Credentialed Audiologist Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
CAPD (Central Auditory Processing)	<del>\$700–\$1500</del> \$2,200	Licensed or Credentialed Audiologist
Auditory Perception	<del>\$300</del> – \$500	Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed School Psychologist Licensed Educational Psychologist
Cognitive	<del>\$650</del> – \$850	Credentialed School Psychologist Licensed Educational Psychologist Licensed Clinical Psychologist
Health	\$ 250 - \$300	Licensed Physician Credentialed School Nurse
Neuro-psychological	<del>\$3500–\$5000</del> \$7,000	Licensed Educational Psychologist <del>Licensed Marriage and Family Therapist</del> Licensed Clinical Psychologist Licensed Psychiatrist

<del>Motor (OT)</del> Adaptive Physical Education (APE)	<del>\$400–\$500</del> \$1,500	Licensed Physical Therapist Licensed Occupational Therapists Credentialed Adaptive Physical Education Specialist Credentialed Teacher of the Physically Impaired
Occupational Therapy	<del>\$500–\$2000</del> \$2,500	Licensed Physical Therapist Licensed Occupational Therapist Credentialed Adaptive Physical Education Specialist Credentialed Teacher of the Physically Impaired
Physical Therapy	<del>\$500–</del> \$1700	Licensed Physical Therapist
Visual Motor Integration	<del>\$250–</del> \$350	Credentialed School Psychologist Licensed Educational Psychologist Licensed Occupational Therapist
Visual Acuity / Perception Developmental Vision / Vision Therapy	<del>\$500–\$1000</del> \$1,200	Licensed Ophthalmologist Optometrist
Functional Vision	<del>\$200–</del> \$300	Credentialed Teacher of the Visually Impaired
Speech and Language	<del>\$800–\$2000</del> \$2,500	Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
Social Emotional / ERMHS	<del>\$700–\$900</del> \$3,500	Credentialed School Psychologist Licensed Educational Psychologist Licensed Clinical Social Worker <del>Licensed Marriage and Family Therapist</del> Licensed Clinical Psychologist <del>Licensed Psychiatrist</del>
Transition/Vocational	<del>\$1000–</del> \$2500	Credentialed Special Education Teacher Credentialed School Psychologist
Behavior (FBA) / TSNA	<del>\$ 1000–\$3500</del> \$4,000	Credentialed School Psychologist <del>with BICM or BCBA Certification</del> Licensed Educational Psychologist <del>with BICM or BCBA Certification</del> Board Certified Behavior Analyst (BCBA)
Psychological Education To include, by not limited to: Academic Adaptive Behavior Cognitive Visual Motor Social Emotional	<del>\$3000–\$4000</del> \$6,000	Credentialed School Psychologist Licensed Educational Psychologist <del>Licensed Marriage and Family Therapist</del> Licensed Clinical Psychologist <del>Licensed Psychiatrist</del>

Legal References:

20 U.S.C. 1414(a)(1)(A) – Evaluations and re-evaluations  
20 U.S.C. 1415(b)– Right to independent educational evaluation

34 CFR 300.321 – Re-evaluations  
34 CFR 300.502 – Independent Educational Evaluations  
Comments to 34 CFR 300.502 Independent Educational Evaluations  
34 CFR 300.505 – Parent Consent – Evaluation  
34 CFR 300.537 – Re-evaluations

Education Code section 56327 – Assessment Reports  
Education Code 56329 – Independent Educational Assessments  
Education Code 56381 – Re-assessments

## 2021/22 Program Transfer Requests

District Requesting	Program	Location	Number of Teachers	Number of Aides	Number of District Students	Number of Students in Non-District Classrooms	Comments
Chino Valley Unified	First Class	County Program - Mt. View SD	1	N/A	28	Unknown	
Chino Valley Unified	Age 3-5 Speech Program	CVUSD School Site	SLP to be hired	N/A	New Students Only	None	
Etiwanda School District	Physical Therapy	<del>SBCSS Classes with Etiwanda Students</del>	N/A	N/A	49	4	Request rescinded 12.13.2021