

Superintendents Council Agenda
January 24, 2020
9:30 a.m.

A. ADMINISTRATIVE ITEMS:

- | | |
|--------------------------------------------------|----------------------|
| 1. Acceptance of the Agenda for January 24, 2020 | * Ted Alejandre |
| 2. SELPA Administrator's Report | - Susan Bobbitt-Voth |

B. PUBLIC COMMENT:

The West End SELPA Superintendents' Council welcomes comments from visitors. Should anyone in attendance wish to make comments, he/she may voluntarily complete a public comment form located at the table in the back of the room. 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 Council on (1) non-agenda items within the jurisdiction of the Council, (2) items listed on the agenda (3) closed session items. 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 comment will be heard during the agendized public comment section B except on Closed Session items.

C. DISCUSSION ITEMS:

- | | |
|---------------------------------------------------------|----------------------|
| 1. Cosca Group – TCG Leadership Development Corporation | ** William Roberts |
| 2. Ray and Associates Inc | ** William Roberts |
| 3. Leadership Associates | ** William Roberts |
| 4. Local Plan Revision 1st Reading | - Susan Bobbitt-Voth |
- https://drive.google.com/drive/folders/1lvS_t8Ey1nSRjpLNv2-ePVI6Ur3xjRw-

D. SUPERINTENDENTS BUSINESS CONSENT ITEMS:

1. November 22, 2019 Minutes of the Superintendents Council Meeting
2. Consent Agenda ADR #1
3. Consent Agenda # 2019100947
4. Consent Agenda # 2019100378
5. Consent Agenda # 2019070997
6. Consent Agenda # 2019080425
7. Consent Agenda # OAH Case 2019090362 and 2019120223
8. Consent Agenda # 2019110353
9. Consent Agenda #2019100744
10. Consent Agenda ADR #2
11. Consent Agenda ADR #3

E. SUPERINTENDENTS' BUSINESS ACTION ITEMS:

- | | |
|--------------------------------------------------------------------------------|-------------------|
| 1. Search Firm for SELPA Administrator Position | * William Roberts |
| 2. Independent Educational Evaluation - AR 6159.8 IEE Cost Revised 2nd Reading | * Royal Lord |
| 3. Legal Services of Lozano Smith | * Royal Lord |

F. FUTURE AGENDA ITEMS:**G. ADJOURNMENT**

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 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 meeting

- No Handout

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

West End Special Education Local Plan Area
SUPERINTENDENTS' COUNCIL
November 22, 2019

District	Present	Absent
Alta Loma	James Moore	
Central		Donna Libutti
Chaffey Joint Unified	Mathew Holton	
Chino Valley Unified	Norm Enfield (arrived at 9:35)	
Cucamonga	Richard Dahlin	
Etiwanda		Shawn Judson
Mountain View	Douglass Moss	
Mt. Baldy Joint		Nancy Sirski
Upland Unified	Pamela Salgado for Nancy Kelly	
SBCSS	Randy Elphic for Ted Alejandre	
SBCSS	William Roberts, Ralph Alba	
WESELPA	Susan Bobbitt-Voth, Royal Lord, Tim Chatkoo, Karen Johnson	

Meeting called to order by Randy Elphic at 9:30 a.m.

A. ADMINISTRATIVE ITEMS:

1. Acceptance of the Superintendents' Council Meeting Agenda for November 22, 2019

Motion made by Mathew Holton to accept the Superintendents' Council meeting agenda for November 22, 2019 with item C-2 presented first under discussion items, second by James Moore. Motion carried on a 5-0-0-4 vote.

Ayes: James Moore, Mathew Holton, Richard Dahlin, Douglass Moss, Pamela Salgado (for Nancy Kelly)

Nays: 0

Abstain: 0

Absent: Donna Libutti, Norm Enfield, Shawn Judson, Nancy Sirski

2. SELPA Administrator's Report

PowerPoint presentation was provided with the following information: Local Plan revision update, California Department of Education compliance regarding disproportionality and program indicator review (PIR), no program transfer requests submitted for the upcoming year, upcoming events, and a happy Thanksgiving to all.

B. PUBLIC COMMENT:

Peter Attwood spoke on a suicide presentation the Alta Loma School District held and related it to services not provided to students with special needs, the IEE process and conflict of interest, East San Gabriel's challenge and aggressiveness of the legal firm Fagen, Friedman, Fulfrost.

Martina Ortega spoke regarding her support for single SELPA's, mental illness in students with special needs, "prison to pipeline" [sic], legislation AB 428, handed out a letter, litigation and stated what districts are doing to our children is criminal, and the need for mental health training.

Rita Loof commented on her middle daughter, 9th circuit court and dealing with repeated issues, her opposition for AB 428, IEE policy, distributed and read from an article written in 2005 regarding Lozano Smith..

C. DISCUSSION ITEMS:

2. Independent Educational Evaluation – AR 6159.9 IEE Cost Revised, First Reading

Members reviewed the revisions to distance limitations and the range of costs on some IEE providers. This item will be brought back for a second reading and approval.

1. Fiscal Notification

The following fiscal notifications were provided and reviewed: a) 2018-19 Final Transportation Excess Cost Transfer b) 2019-20 Initial 50% SBCSS Transportation Excess Cost Transfer c) 2019-20 Initial 50% Preschool Facility Costs

Transfer d) Maintenance of Effort SEMA/SEMB/SYT/Excess Cost/Table 8 e) 2019-20 Mental Health Funding Model Projection f) 2019-20 Administrative Budget 1st Interim g) 2019-20 Initial 50% Joint Risk Fund Contribution h) 2019-20 Initial 50% SEIS Contribution i) 2019-20 1st Quarter NPS/NPA/Joint Risk Reimbursement Transfer

3. SBCSS Human Resources Recruitment Process

William Roberts, SBCSS Assistant Superintendent of Human Resources provided initial steps regarding securing a search firm for the process to hire a SELPA Administrator. Mr. Roberts has reached out to the Cosca Group and Leadership Associates to present at the January 24, 2020 meeting with an action item to follow to hire one of the firms and begin the process.

4. Program Transfer Request for the 2020-2021 Year

This item was addressed in the SELPA Administrator's report with no program transfer requests received for the 2020-2021 year.

5. Personnel Committee Update

The West End SELPA has three program specialists; one is funded 50% by the districts and 50% by SBCSS. The portion funded by SBCSS will end on June 30, 2020. The six-year CaPROMISE grant has ended and the remaining grants will not be sufficient to sustain a full-time coordinator for the vocational team. The Personnel Committee recently met to discuss the funding for the program specialist position. The committee considered a coordinator position to serve 50% in the program specialist department and 50% as vocational coordinator. The committee will meet next month regarding these positions and provide a recommendation to move forward to the governance committees.

D. SUPERINTENDENTS BUSINESS CONSENT ITEMS:

Motion made by Mathew Holton to approve the business consent items as presented, second by Richard Dahlin, motion carries on a 6-0-0-3 vote.

Ayes: James Moore, Mathew Holton, Norm Enfield, Richard Dahlin, Douglass Moss, Pamela Salgado (for Nancy Kelly)

Nays: 0

Abstain: 0

Absent: Donna Libutti, Shawn Judson, Nancy Sirski

Items approved on the consent agenda were minutes of September 20, 2019 Special Superintendents Council meeting, minutes of September 20, 2019 Superintendents Council meeting, four alternative dispute resolutions, seven legal consent items.

E. FUTURE AGENDA ITEMS:

None

F. ADJOURNMENT:

Motion made by James Moore to adjourn the meeting, second by Douglass Moss, motion carried on a 6-0-0-3 vote.

Ayes: James Moore, Mathew Holton, Norm Enfield, Richard Dahlin, Douglass Moss, Pamela Salgado (for Nancy Kelly)

Nays: 0

Abstain: 0

Absent: Donna Libutti, Shawn Judson, Nancy Sirski

Consent Agenda

Alternative Dispute Resolution #1

Background: In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Alternative Service Unit 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 Chino Valley 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 extending in-home ABA service through end of school year.

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 2019100947

Background: In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Alternative Service Unit 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 Chino Valley Unified 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 a vision therapy IEE.

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 2019100378

Background: In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Alternative Service Unit 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 Chino Valley Unified 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 AT and S/L IEE, 20 hours speech and language services, 25 hours tutoring services, and \$6,000.00 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 2019070997

Background: In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Alternative Service Unit 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 resolution session. The resolution agreement contains conditions / terms at no expense to the Joint Risk Fund and \$143,466 parent reimburse for placement through 2020-21 school year and \$35,000.00 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 2019080425

Background: In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Alternative Service Unit 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 resolution session. The resolution agreement contains conditions / terms at no expense to the Joint Risk Fund and \$4,500 parent reimbursement, and \$5,500.00 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

OAH Case 2019090362 and 2019120223

Background: In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Alternative Service Unit 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 resolution session. The resolution agreement contains conditions / terms at no expense to the Joint Risk Fund and funding IEE's in the areas of psycho-educational, speech and language, occupational therapy, vision therapy, and central auditory processing.

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 2019110353

Background: In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Alternative Service Unit 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 resolution session. The resolution agreement contains conditions / terms at no expense to the Joint Risk Fund, and \$350 parent reimbursement, and \$1,000.00 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 2019100744

Background: In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Alternative Service Unit 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 IEE in the areas of psycho-educational, OT, S/L, AAC, and \$2,500 compensatory education, and change of NPS placement, and \$9,000.00 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 #2

Background: In accordance with the current agreement regarding alternative dispute resolution, the Program Manager for the Alternative Service Unit 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 Chino Valley Unified 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 \$6,500.00 Parent reimbursement for educationally related services.

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 Alternative Service Unit 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 and
Upland Unified 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 placement in a Residential Treatment Center, short-term 1:1 aide, and \$7,000 for educational costs.

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.

Search Firm for SELPA Administrator Position

Background Information:

West End SELPA will need to fill a vacancy in the 2020/2021 school year for the position of SELPA Administrator. San Bernardino County Superintendents of Schools will be supporting the process in hiring this position by bringing forward search firms to present their experience and expertise within the educational community to the Superintendents' Council.

Fiscal Impact:

San Bernardino County Superintendent of Schools will cover the cost provision of the selected search firm.

Recommended Action:

It is recommended the Superintendents' Council select a search firm that captures the diverse areas of special education to best serve the students and districts within the West End SELPA.

WEST END SPECIAL EDUCATION LOCAL PLAN AREA

AR 6159.8

CLASSIFICATION: Instruction

Adopted: 4/28/17

Revised: 9/26/18 10/1/19

First Reading: 11/22/19

Second Reading: 1/24/20

Adopted:

SUBJECT: INDEPENDENT EDUCATIONAL EVALUATION – CRITERIA

LOCATION LIMITATIONS FOR EVALUATORS

Independent Educational Evaluators must be located within 45 50 miles of the West End SELPA office located at 8265 Aspen Ave., Rancho Cucamonga, CA 91730. 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 this 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. 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.

E

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.

Type of Assessment	Range	Qualifications
Academic Achievement	\$1000 - \$1500	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Educational Psychologist Licensed Clinical Psychologist
Adaptive Behavior	\$500 - \$1000	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Educational Psychologist Licensed Clinical Psychologist
Assistive Technology	\$700 - \$1500 \$2000	Credentialed Special Education Teacher Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed Assistive Technology Specialist
Auditory Acuity	\$300 - \$500	Licensed or Credentialed Audiologist Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
CAPD (Central Auditory Processing)	\$700 - \$1500	Licensed or Credentialed Audiologist
Auditory Perception	\$300 - \$500	Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed School Psychologist Licensed Educational Psychologist
Cognitive	\$ 650 - \$850	Credentialed School Psychologist Licensed Educational Psychologist Licensed Clinical Psychologist
Health	\$ 250 - \$300	Licensed Physician Credentialed School Nurse
Neuro-psychological	\$3500 - \$5000	Licensed Educational Psychologist Licensed Marriage and Family Therapist Licensed Clinical Psychologist Licensed Psychiatrist
Motor (OT)	\$400 - \$500	Licensed Physical Therapist Licensed Occupational Therapist Credentialed Adaptive Physical Education Specialist Credentialed Teacher of the Physically Impaired

Occupational Therapy	\$500 - \$1800 \$2000	Licensed Physical Therapist Licensed Occupational Therapist Credentialed Adaptive Physical Education Specialist Credentialed Teacher of the Physically Impaired
Physical Therapy	\$500 - \$1700	Licensed Physical Therapist
Visual Motor Integration	\$250 - \$350	Credentialed School Psychologist Licensed Educational Psychologist Licensed Occupational Therapist
Visual Acuity / Perception Developmental Vision / Vision Therapy	\$500 - \$1000	Licensed Ophthalmologist Optometrist
Functional Vision	\$200 - 300	Credentialed Teacher of the Visually Impaired
Speech and Language	\$800 - \$1700 \$2000	Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
Social Emotional	\$700 - \$900	Credentialed School Psychologist Licensed Educational Psychologist Licensed Clinical Social Worker Licensed Marriage and Family Therapist Licensed Clinical Psychologist Licensed Psychiatrist
Transition/Vocational	\$1000 - \$2500	Credentialed Special Education Teacher Credentialed School Psychologist
Behavior (FBA)	\$ 1000 - \$3500	Credentialed School Psychologist with BICM or BCBA Certification Licensed Educational Psychologist with BICM or BCBA Certification
Psychological Education To include, by not limited to: Academic Adaptive Behavior Cognitive Visual Motor Social Emotional	\$3000 - \$4000	Credentialed School Psychologist Licensed Educational Psychologist Licensed Marriage and Family Therapist Licensed Clinical Psychologist Licensed Psychiatrist

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

**2020 Legal Services Agreement
Lozano-Smith Attorney at Law Agreement Approval**

Background Information:

West End SELPA has a need to contract for legal counsel and representation from Lozano-Smith attorney firm in matters requiring legal representation. Due to current Best, Best, and Krieger attorney representing legal matter for several participating district within the West End SELPA and accepting a position with the firm of Lozano-Smith, it is in the best interest to contract with Lozano-Smith attorney firm and retain the work that this attorney has collected to continue with the legal process already in place. Lozano-Smith attorney firm will support the 2019-20 rates approved by Superintendents Council on May 17, 2019 for legal service rates of Best, Best, and Krieger.

2019/20 Legal Fees Approved May 17, 2019

Partner/Counsel	\$274.00 per hour
Of Counsel	\$274.00 per hour
Associates 1	\$218.00 per hour
Associates 2	\$203.00 per hour
Paralegals/law clerks	\$139.00 per hour

When a case requires extraordinary legal representation, Superintendents' Council has been informed and given approval to utilize these services.

Fiscal Impact:

Attorney fees are provided for all member districts from Superintendents' Council approved SELPA budgets.

Recommended Action:

It is recommended the Lozano-Smith Legal Services Agreement be approved for the 2020 fiscal year at the approved rates given for Best, Best and Krieger on May 17, 2019 and honored by Lozano-Smith provided above.