Cape Cod Collaborative 418 Bumps River Road Osterville, MA 02655



Board of Directors 508.420.6950 Fax 508.420.6959

Board of Directors Meeting Minutes Emerald Resort / Cape Cod Irish Village, Hyannis, MA Barnstable 1 Conference Room November 8, 2023 - 5:15 PM

I. Cracker Barrel Discussion

5:00PM - Pre-Meeting

This section of the meeting is for informal discussion and information sharing among members of the Board of Directors.

Board members are invited to share current concerns and challenges.

II. Call to Order

5:15PM

This meeting occurred in person and virtually through the Zoom application. The recommendations associated with conducting a public meeting virtually were shared with Board members as required.

The posting of this Board meeting included means for public participation through telephonic means:

Phone Number: 1-929-205-6099
Meeting ID: 840 6826 0118

Chair Bent called the meeting to order at 5:15PM. She reminded the Board that the order of the meeting would include the necessity for all votes to occur through a "roll call" process. Each member of the Board had to verbally "sign in".

Computer access, including video, is recommended for board members was allowed for "sharing" of information on the screen if necessary.

There was an expressed need for Executive Session. Chair Bent reminded the Board that it was important that members of the Board have the capacity to ensure that others could not participate and/or access the "broadcast" of the meeting during the Executive Session portion of the meeting.

Guidance from Collaborative counsel (Murphy, Hesse, Toomey & Lehane) was shared with Board members.

Board members and Collaborative staff who attended the meeting virtually have "R" for "remote" noted after their names. In attendance were:

Barnstable Kathleen Bent

Bourne Maureen Fuller (5:20PM)

Brewster Casey Mecca
Cape Cod Technical HS MaryRose Grady
Dennis-Yarmouth Phillip Morris
Falmouth Terri Medeiros – R

Martha's Vineyard Roxanne Ackerman- R (5:31PM)

Mashpee Matthew Davis - R

Nauset Cathryn Lonsdale (in @ 5:45PM)

Orleans Ian Mack – R (5:17PM)

Provincetown Ngina Lythcott

Sandwich Christine Brown – R Truro Edwige Yingling – R

Wareham Brennan McKiernan – R (5:30PM)

Wellfleet Jill Putnam

Also in attendance were:

Treasurer William T. Friel
Executive Director Paul C. Hilton
Business Manager R. Patrick Murphy
Associate Business Manager Amy Lipkind
Waypoint Program Director Dr. Kara Clyburn
Director of Special Education Christina Caputo

Director of Special Projects Dr. Christopher Bogden – R

Admin & Finance Coordinator Marc Dupuis – R Operations Manager Anders Erikson - R

III. New Business

a. Programs/Services

• Programs & Program Development

Mr. Hilton introduced a discussion regarding the current processes and outreach associated with the determination of district needs for programming that might be provided through the Collaborative. He noted that Chair Bent had initiated some discussion regarding the evaluation of the feasibility for the establishment and maintenance of programming through the Collaborative. He explained that this area of focus may be increasingly important as districts must increasingly serve low numbers of students needing a specific program, or specific programs (low incidence). He elaborated that these programs are most effective (and costefficient) through shared programming. He highlighted that the flexibility of programming and staffing within the Collaborative also promotes a decrease in off-Cape out-of-district placements.

Chair Bent noted that there was a significant need for specialized programming. in her district (Barnstable). She also explained that staffing and space had become more significant challenges for the development of specialized programs.

Mr. Morris noted that the Collaborative had programming in school buildings throughout the entire region during his prior tenure on the Board. He explained that the Collaborative would annually bring Board members to the various sites (from Bourne to Provincetown) to tour the programs and associated spaces. He indicated that he was optimistic that Dennis-Yarmouth Regional School District would have some space for specialized programming.

Mr. Mack (Orleans) & Ms. Fuller (Bourne) joined the meeting during this discussion.

Waypoint

- Staffing
- o Programming
- Notable Changes

Dr. Clyburn and Ms. Caputo discussed the enrollment and programming at the Waypoint Academy as well as discussing new initiatives for programming.

Dr. Clyburn informed the Board that a Waypoint Academy Senior had begun a three (3) day per week internship working (Monday, Wednesday, Friday) with the sixth (6th) grade team of teachers and the students. She and Ms. Caputo noted the significant (very positive) change that had been noted for this student since the start of the internship.

She also noted that another student would be working Tuesdays and Thursdays with the Art program.

Dr. Clyburn also explained that the first grading quarter ended the Friday prior to the Board meeting and that there would be an honor roll event to recognize the six students who had achieved this recognition. She invited the Board members to attend the event.

There are also a series of positive activities in the program, including recycling to purchase items at a store to support events in the program. The culinary teacher has engaged the students in various activities where they plan and consume the product(s). Dr. Clyburn noted that the Thanksgiving luncheon (Tuesday, November 21st - Board members invited) would include pies made by the students and also noted that over thirty (30) guests would be in attendance.

Dr. Clyburn and Ms. Caputo explained an elective developed with Ms. Caputo to engage students (especially those who are challenging to engage) in physical activity which would also support their social/emotional growth. Mc. Caputo explained the origin of the elective as well as the engagement of the students in the planning and the execution of the activity.

Dr. Clyburn indicated that staffing continued to be challenging and that there would be renewed focus upon engaging existing staff as the addition of additional staff did not seem probable at the time of the Board meeting. It was noted that the securing and maintaining of staffing for the program had become a central focus for the program to support consideration of pending referrals.

Dr. Clyburn invited members of the Board to visit the program at any time.

Mr. McKiernan (Wareham) and Ms. Ackerson (Martha's Vineyard) joined the meeting during this discussion.

STAR / Osterville

- o Staffing
- o Programming
- Notable Changes

Ms. Caputo presented on behalf of Ms. Bryant, who was not available for the meeting. She discussed a series of activities and field trips that had been very successful. She noted that the program had been fully staffed, but recently had four (4) staff on extended medical leave.

She also noted that the Thanksgiving Luncheon would also occur on Tuesday, November 21st with approximately 200 attendees expected.

She noted that there continued to be an influx of referrals and staff continue to be hired and oriented to the program.

Ms. Caputo also noted that there had been a training regarding the "new IEP" with Dr. Alan Blume. She briefly explained some of the changes and noted that the training was exceptional, and that staff would begin the process of becoming familiar with the changes as the implementation nears.

Chair Bent (Barnstable) adjusted the order of the meeting to welcome the Collaborative Auditor, Michael Nelligan of the firm Powers and Sullivan. The Board elected to hear from Mr. Nelligan at this point in the agenda)

FY23 Close-Out

Mr. Hilton introduced Mr. Nelligan and noted that the Audit was generally successful and that a Revised DRAFT would be shared with the Board.

Mr. Nelligan noted that he is a Partner with the firm of Powers & Sullivan. He expressed that there were a few items that needed to be clarified from the previous draft, including some "reclassifications" and ensuring that the votes taken by the Board to fund "Capital Reserve" items were recognized. He noted that they (Powers & Sullivan" expected to issue a "clean audit opinion" and that there were no issues noted during the audit. He indicated that the primary delay was due to the late completion/arrival of the OPEB actuarial report.

Mr. Nelligan indicated that there was a meeting scheduled with Collaborative administration later during the week of the Board meeting to ensure that all items were recognized appropriately. He expressed that the Fund Balance had increased, the revenues increased 4% and the expenses increased 24% - primarily due to the capital project for the Waypoint Academy building. He expressed that there were transfers that needed to occur within the accounts to eliminate a negative balance in a "reserve fund", but that the "bottom line" would not be impacted.

Mr. Nelligan noted that the OPEB liability had "flipped" from a \$328,00 liability at the end of FY2022 to a \$304,000 asset at the close of FY2023. He further noted that there were few entities that had an asset in their OPEB funds and commended the Collaborative for having accrued approximately \$2.4million in OPEB Funds.

Mr. Murphy indicated that the primary delay with the audit was associated with the production of an actuarial report from another firm (KMS actuaries).

Mr. Hilton explained that this increase was not expected to result in the "Cumulative Surplus" calculation for the Collaborative exceeding the limit of 25%., but that it would (again) be extremely close. He also noted that it would be necessary for the Board to allocate any "Cumulative Surplus" in the General Fund excess of twenty-five percent.

Mr. Morris (Dennis-Yarmouth Regional) asked who the audit report is submitted to for further review. Mr. Nelligan noted that the report is sent to MA-DESE. Mr. Hilton noted that the report is also sent to the State Auditor as required by statute. Mr. Hilton also noted that Powers & Sullivan had recently been contracted by the state to complete a financial review of educational collaboratives. Mr. Nelligan indicated that there would be 5-6 collaboratives reviewed each year.

• STAR / Osterville (continued)

Chair Bent (Barnstable) asked questions of Ms. Caputo about the IEP Training discussed earlier in the agenda. She (Bent) noted that she liked the new IEP during her initial review(s). Ms. Caputo indicated that the new form is longer but has less redundancy. She (Caputo) expressed that the process for the development of an IEP had not changed, but that the product would change.

Mr. Hilton asked about the "pilot" program for the "IEP Improvement" project. Ms. Caputo noted that some districts were beginning the process of migrating to the new form. Ms. Brown (Sandwich) volunteered that Mashpee (where she works) has been part of the 'IEP Improvement Project", but that their IEP software provider (PowerSchool) was not ready to begin with the new form.

Ms. Fuller (Bourne) noted that Dr. Blume had also presented in Bourne and received very positive reviews for his presentations there as well.

• Transportation

o Invoicing & Reconciliation of Changes in Service

Mr. Murphy and Ms. Lipkind discussed the status of invoicing for services for FY24 as well as ongoing communication with districts regarding adjustments (credits and additional charges) associated with changes that had been necessary in the provision of transportation services for the school year.

Mr. Murphy explained that the process has been to review the predicted costs and utilization to the actual costs and utilization to determine if/when/where adjustments should occur. He provided a simple overview of the process noting that the hours, miles and wages were being compared (predicted to actual) as opposed to analyzing by the numbers of routes per day for determination of costs.

Transportation – Issues & Opportunities

Staffing

Mr. Erikson will update the Board regarding ongoing changes to the transportation staffing for FY24.

Staffing / Routing

Mr. Erikson and Mr. Hilton updated the Board regarding staffing and routing.

He noted the continued a nationwide shortage of school bus drivers. He highlighted that there is significant activity with individuals indicating an interest in becoming a school bus driver. He also reminded the Board that the process was a long process. He noted that this created expectation for additional staff to be added for the start of the 2024-2025 School Year.

He also noted that there had recently been the addition of some monitors, creating some capacity for substitution of monitors. Initiatives will continue for recruitment and retention of staff.

- Nantucket "Fully Staffed" Mr. Erikson noted that the operation for Nantucket had been restructured and additional driver had resulted in full coverage of established routes.
- Truro Fully Staffed
- Mashpee Increasing challenge Mr. Erikson noted that three
 (3) drivers had left the district; two left the Collaborative, one out with a significant work-related injury. He explained that this had been complicated by a significant amount of road construction. He commended the drivers in Mashpee for their commitment and consideration through these challenges.
- Bourne Fully staffed, Expecting two short leaves for the end of November and the end of December. He also noted that the Bourne Bridge had re-opened. He commended the drivers for

- their diligence and consideration throughout the delays resulting from the closure.
- Nauset One Driver on Extended Leave; One Driver on Partial-Leave – Mr. Erikson noted that an additional route was consolidated for the afternoon.
- Monomoy Fully Staffed Mr. Erikson noted that Monomoy was fully staffed for the first time in a few years.
- Special Education Overall okay There continued to be incidental leaves and needs for coverage. He noted that not having a significant number of new drivers had limited the addition of routes to support districts.

Ms. Caputo noted that one of the drivers for Waypoint Academy had begun to submit "positive" bus write ups for students who have positive behaviors on the bus. Ms. Caputo and Dr. Clyburn noted that the positive behaviors are noted in the program and that positive reinforcements are considered.

Mr. Mack asked about the potential for new applicants to drive smaller vehicles while training for CDL bus driving. Mr. Erikson noted that the drivers each need specialized licensure for the types of vehicles that they are driving as well as school bus "endorsement". Mr. Erikson also noted that many individuals seeking CDL School Bus licensure consider monitoring while they are in training. Mr. Mack inquired as to how coaches could drive vans and/or smaller buses if there were special licenses required to transport students. Mr. Hilton noted that there is an exception to the statute for Multi-Functional School Activity Buses (MFSABs). He explained that the driver of these vehicles could drive the vehicle if they are licensed to drive that type of vehicle and weight classification (automobile, van, small bus, bus). He also explained that the vehicle would need to have been constructed consistent with that type of school transport vehicle (7D, Class D, Class C, Class B, Class A) and that the driver could not be paid as a "driver" but that the driver was serving in a different role (coach, teacher) and not paid for the driving.

Therapies

Mr. Hilton provided an update regarding the provision of services within the Collaborative and to districts (and others). He noted that the Collaborative continues to look for Occupational Therapists and Speech and Language Pathologists for Collaborative programming and to support districts.

• Special Projects

Dr. Bogden and Mr. Hilton provided updates regarding items considered as "Special Projects" of the Collaborative.

 Bridgewater State University (BSU)
 Mr. Hilton discussed current activities that were occurring in partnership with the activities associated with (BSU). He noted that Partnering with BSU for a grant proposal in response to a Request for Proposals (RFP) for "Regional Centers to Support Emergency License Holders Working in Massachusetts". If funded, this initiative would support individuals throughout southeastern Massachusetts who are currently employed with an Emergency License.

He described a previous partnership with BSU regarding a similar initiative that had ended and described the success of that initiative.

Virtual High School – Dr. Bogden updated the Board regarding the cooperative use of Virtual High School among Cape (& Island) School Districts. He noted that the Collaborative Consortium provided 200 "seats" for coursework through Virtual High School. He explained the model that is used within the consortium and the considerable discounted rate available throughout the Consortium.
 Chair Bent (Barnstable) asked about the number of districts actively engaged with VHS and the numbers of seats used.
 Mr. Hilton noted the "ebb and flow" of involvement of districts and that there were four "teaching memberships" which support the discounted rate.

o ASLP VOTE

Mr. Hilton discussed the planning and activities associated with the development of ASLP2024.

He explained that the tuition for ASLP2023 had been established at \$1,200, although the projected costs were anticipated at \$1,400-\$1,500 per participant. He noted that these scholarship funds enabled a lower tuition amount as well as removal of financial barriers for many students to participate in the program.

He also explained that the ASLP2024 District Liaisons Meeting will occur on November 15th at Massachusetts Maritime Academy. A copy of the proposed Parent and Student Handbook is included with Board Materials for review and consideration, including the recommended tuition of \$1,400 for Summer 2024.

Ms. Putnam (Wellfleet) made a motion to approve the Parent/Student handbook, including the tuitions of \$1,400. Mr. Morris (Dennis-Yarmouth Regional) seconded this motion.

A roll call vote was taken:

Ms. Bent – yes; Ms. Fuller – yes; Ms. Mecca – yes; Ms. Grady – yes; Mr. Morris – yes; Medeiros – yes; Ms. Ackerman – yes; Mr. Davis – yes; Ms. Lonsdale – yes; Mr. Mack – yes; Ms. Lythcott – yes; Ms. Brown – yes; Mr..McKiernan; Ms. Putnam – yes; Ms. Yingling - yes

The motion passed

All-Cape Professional Development Day
 Dr. Bogden discussed the October 6, 2023 All-Cape Professional
 Development Day, including participation information regarding the All-Cape In-Service participation.

He noted that Five-Hundred-Seventy (570) educators registered for the equivalent of one thousand-fourteen 14 (1,014) half-day sessions delivered on October 6, 2023. He indicated that the registration breakdown by district as illustrated in the following table.

He noted that the participation varied by district and within district. He explained that five (5) districts had very little, or no, participation – Falmouth (0); Monomoy (0), Upper Cape Tech (1); Sandwich (2) and Martha's Vineyard (6).

He also noted that there had been approximately twenty percent (20%) "absenteeism" for the sessions. He explained that this presented issues for the initiative (changed planned activities for some sessions; wait listed registrants had not been allowed to attend) as well as the longer term planning for similar regional activities, as invoicing would occur based upon registrations.

He explained that the All-Cape Day for 2024 was for Election Day (November mid-week).

He also noted that the evaluation by participants was very positive with 93% of respondents rating their workshops "successful" to "very successful".

Mr. Hilton briefly discussed the process for determining the allocation of costs associated with the All-Cape Day

District	Attendees
Barnstable	233
Bourne	15
Cape Cod Collaborative	15
Cape Tech	13
Dennis-Yarmouth	92
Martha's Vineyard	6
Mashpee	50
Upper Cape Tech	1
Nantucket	42
Nauset	24
Provincetown	20
Sandwich	2
Truro	12

Wareham	15
Other	30
Total Attendees	570

- o Curriculum Directors Meeting
 - Dr. Bogden discussed the ongoing, weekly meetings of the Curriculum Coordinators from member districts. He explained that this group has continued to meet to develop coordinated, collaborative opportunities with particular focus recently for workshops regarding Artificial Intelligence.
- O Collaborative Framework for Educator Evaluation (CoFFEE) Dr. Bogden updated the Board regarding the status of this course was regionally designed for new administrators/department heads who are, or will be, responsible for supervision, observation, and / or evaluation. He explained that CoFFEE was designed specifically for Massachusetts and is anchored in the Massachusetts model for educator evaluation and looks at teaching and learning with a lens of cultural proficiency. He noted that the current cohort participating in this course would be attending sessions primarily after school hours.
- SEI Teacher Endorsement Course
 The Collaborative is offering another section (started in October) of
 DESE's mandated SEI endorsement course. He explained that the SEI
 Teacher Endorsement course focuses on current theories and
 evidence-based instructional practices related to the teaching of
 English Language Learners. Dr. Bogden indicated that there was an
 expected loss of \$200 associated with the initiative.
- Other Dr. Bogden noted that there had been ongoing discussions regarding the development of professional development and activities to support the co-teaching and instruction for English Language Learners. He indicated that the structure that was being discussed was for year-long engagement in activities throughout the region.

b. FY24 Budget Update

Mr. Hilton reviewed the status of the review and updates for the FY24 Spending Plan.

He noted a few trends that were being assessed and considered as the school/fiscal year progressed.

- Programs Projected Enrollment & Staffing
 - STAR- Trending above enrollment projection, slightly below staffing projection
 - Waypoint Trending below enrollment projection & significantly below staffing projection
 - Transportation General Education templates in process of review with districts to compare projected expense areas to actual experience to date. Adjustments to be made in later (monthly) invoicing where/when appropriate.

IV. Minutes

a. October 11, 2023

VOTE

Mr. Morris (Dennis-Yarmouth Regional) made a motion to approve the minutes of October 11, 2023 (revised version) . Ms. Lythcott (Provincetown) seconded this motion. **VOTE**

A roll call vote was taken:

Ms. Bent – yes; Ms. Fuller – abstain; Ms. Mecca – yes; Ms. Grady – yes; Mr. Morris – yes; Medeiros – yes; Ms. Ackerman – yes; Mr. Davis – abstain; Ms. Lonsdale – yes; Mr. Mack – yes; Ms. Lythcott – yes; Ms. Brown – yes; Ms. Yingling – abstain; Mr.

McKiernan- yes; Ms. Putnam – yes;

The motion passed

Mr. Mack left the meeting at 6:30PM

V. Old Business

a. FY23 Close-Out - Discussed earlier in Agenda

b. FY24 Warrants

VOTES

- #15 VOTE
- #16 **VOTE**
- #17 **VOTE**
- #18 VOTE

Ms. Putnam (Wellfleet) made a motion to approve the bundling of the Warrants as indicated. Ms. Fuller (Bourne) seconded this motion. **VOTE**

A roll call vote was taken:

Ms. Bent – yes; Ms. Fuller – abstain; Ms. Mecca – yes; Ms. Grady – yes; Mr. Morris – yes; Medeiros – yes; Ms. Ackerman – yes; Mr. Davis – abstain; Ms. Lonsdale – yes; Mr.

 $Mack-yes; Ms.\ Lythcott-yes; Ms.\ Brown-yes; Ms.\ Yingling-abstain; Mr.$

McKiernan- yes; Ms. Putnam – yes;

The motion passed

Mr. Morris (Dennis-Yarmouth Regional) made a motion to approve the Warrants as indicated. Ms. Fuller (Bourne) seconded this motion.

VOTE

A roll call vote was taken:

Ms. Bent – yes; Ms. Fuller – abstain; Ms. Mecca – yes; Ms. Grady – yes; Mr. Morris – yes; Medeiros – yes; Ms. Ackerman – yes; Mr. Davis – abstain; Ms. Lonsdale – yes; Mr.

Mack – yes; Ms. Lythcott – yes; Ms. Brown – yes; Ms. Yingling – abstain; Mr.

McKiernan- yes; Ms. Putnam – yes;

The motion passed

c. FY24 Spending Plan

• Updates **Discussion**

Mr. Murphy provided a brief update regarding the status of the FY24 Spending Plan. He noted that the "monthly" financial analysis has been included with materials for the October meeting.

He explained that it was likely that revisions to the FY24 Spending Plan and Budget will be necessary during the course of the fiscal year.

Personnel

Additions
 VOTE

Transportation

John M Faherty, Jr.
 Wendy Homer
 Thomas Warren
 Robert Rice
 7D Driver - Training
 Monitor - Spare
 CDL - Training
 CDL - Spare

Other

Ariel Folkerts
 Special projects & ASLP

Reductions
 VOTE

• Transportation

David BurnieCDL, Spare - Monomoy

Change of Status

VOTE

- Transportation
 - Bienvenido Ponciano CDL-Training to CDL-Nantucket

Ms. Putnam (Wellfleet) made a motion to approve the bundling of the Personnel Changes as indicated. Mr. Morris (Dennis-Yarmouth Regional) seconded this motion.

VOTE

A roll call vote was taken:

Ms. Bent – yes; Ms. Fuller – abstain; Ms. Mecca – yes; Ms. Grady – yes; Mr. Morris – yes; Medeiros – yes; Ms. Ackerman – yes; Mr. Davis – abstain; Ms. Lonsdale – yes; Ms. Lythcott – yes; Ms. Brown – yes; Ms. Yingling – abstain; Mr. McKiernan- yes; Ms. Putnam – yes;

The motion passed

Ms. Grady (Cape Tech) made a motion to approve the Personnel Changes as indicated. Ms. Putnam (Wellfleet) seconded this motion.

VOTE

A roll call vote was taken:

Ms. Bent – yes; Ms. Fuller – abstain; Ms. Mecca – yes; Ms. Grady – yes; Mr. Morris – yes; Medeiros – yes; Ms. Ackerman – yes; Mr. Davis – abstain; Ms.

Lonsdale – yes; Ms. Lythcott – yes; Ms. Brown – yes; Ms. Yingling – abstain; Mr. McKiernan- yes; Ms. Putnam – yes; The motion passed

d. Employee Benefits

Discussion & VOTE

• Senior Plan Rates for Calendar Year 2024

VOTE

This is the Open Enrollment period for the Collaborative Retirees. (Senior Plans run on a calendar year.)

There are (again) increases in the costs for senior plans offered through the Cape Cod Municipal Health Group (CCMHG).

It is recommended that the Board approve the current rates and offerings for the CCMHG Senior Plans. **VOTE**

Mr. Morris (Dennis-Yarmouth) made a motion to approve the CCCMHG Senior Plans as indicated. Ms. Putnam (Wellfleet) seconded this motion.

A roll call vote was taken:

Ms. Bent – yes; Ms. Fuller – abstain; Ms. Mecca – yes; Ms. Grady – yes; Mr. Morris – yes; Medeiros – yes; Ms. Ackerman – yes; Mr. Davis – abstain; Ms. Lonsdale – yes; Ms. Lythcott – yes; Ms. Brown – yes; Ms. Yingling – abstain; Mr. McKiernan- yes; Ms. Putnam – yes; The motion passed

e. Planning Legislative Breakfast for 2024

Discussion

The Board has annually hosted a regional meeting with Legislators from throughout the region. The Legislative Breakfast usually occurs at the Osterville location during *early February* to coincide with annual legislative deliberations regarding educational funding.

Mr. Hilton recommended that a SubCommittee of the Board be formed to facilitate the coordination and planning of this event with MASC and the Collaborative. Mr. Morris (Dennis-Yarmouth) and Ms. Grady (Cape Tech) were assigned to this SubCommittee.

The Board elected to plan for the meeting to occur on Friday, February 9, 2024. Mr. Morris indicated that Legislators have noted that they find this particular event very valuable.

VI. Executive Session – This item was tabled until the December Meeting

The Board did not enter Executive Session:

VII. Other

VIII. Adjournment

The matters listed above are those reasonably anticipated by the Chair that may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.