

CDCAN DISABILITY RIGHTS REPORT CALIFORNIA DISABILITY COMMUNITY ACTION NETWORK



#113-2010 – JUNE 15, 2010 - TUESDAY

Advocacy Without Borders: One Community – Accountability With Action - California Disability Community Action Network Disability Rights News goes out to over 55,000 people with disabilities, mental health needs, seniors, traumatic brain & other injuries, veterans with disabilities and mental health needs, their families, workers, community organizations, including those in Asian/Pacific Islander, Latino, African American communities, policy makers and others across California.

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California Budget Crisis:

Budget Conference Committee Meets At 1 PM Tuesday - Will Begin With AB 3632 Mental Health Special Education Mandate – Hopes To Complete Going Through Education Agenda Today

SACRAMENTO, CALIF (CDCAN) [Updated 06/15/2010 07:45 AM (Pacific Time)] - The Budget Conference Committee, chaired by Sen. Denise Ducheny (Democrat – San Diego) will meet again today (June 15th) at 1:00 PM, at the State Capitol in Room 4203 and will continue with education agenda items, and will begin with the AB 3632 Mental Health Special Education mandate. That agenda item was not part of the original budget conference committee education agenda, but was added in, as page 25.1 (errata) of the 50 page education budget conference committee agenda (see CDCAN website for copies, at www.cdcan.us).

The budget conference committee met yesterday afternoon, going through the first 25 pages of that agenda and is hoping to finish going through the education agenda today.

The issue of suspending the 1984 legislation authored by then Assembly Speaker Willie Brown (Democrat – San Francisco), is considered critical by mental health and disability advocates because they contend special education students would face loss or disruption of critical mental health services. The issue covers and impacts three different budget areas – Department of Mental Health, Commission on State Mandates and the Department of Education. Last week the budget conference committee, when going through health budget items on Thursday (June 10) delayed action on the AB 3632 issue saying it would be taken up when the committee begins going through the education budget items agenda.

All hearings are televised on CalChannel (check local cable listings) and webcast live on the CalChannel website at www.calchannel.com All budget conference committee hearings are open to the public - though public testimony is not taken at these hearings (public testimony was taken during the budget subcommittee process – though people can submit written comments and letters to the Budget Conference Committee and to their own legislators who represent them).

JUNE 15, 2010 – TUESDAY

BUDGET CONFERENCE COMMITTEE

1:00 PM – State Capitol – Room 4203

Note: Meeting times can change

Fourth conference committee hearing on the budget – AB 190

AGENDA AVAILABLE: YES – copies of education (and other) budget items can be viewed and downloaded from the CDCAN website at www.cdcan.us

PUBLIC TESTIMONY AT THESE HEARINGS: No – but all hearings are open to the public and people can comment on budget items and issues by writing the conference committee members, the legislative leadership and also their own legislators.

PRIORITY: **VERY HIGH**

CDCAN COMMENT:

The Budget Conference Committee only considers budget items where the Assembly and State Senate took different actions on a specific budget item.

Mental Health Special Education Mandate Issue Before Conference Committee

The Governor proposed suspending the AB 3632, that places a requirement or mandate on the counties to provide mental health related services for students in special education. The suspension would mean the K-12 schools would be responsible for providing these mental health services for its special education students.

The proposed suspension would eliminate \$52 million in State general funds and also delay (defer) \$133 million in State general funds in unpaid claims for this purpose that the counties have already made to the State (to the Commission on State Mandates).

The State Senate kept \$51.9 million in the Department of Mental Health budget and \$79 million of the \$133 million in unpaid claims to the counties, in the Commission on State Mandates budget

The Assembly rejected the Governor's proposal entirely, and restored \$52 million in the Department of Mental Health budget for the AB 3632 mental health special education mandates and \$132 million in unpaid claims owed to counties in the Commission on State Mandates budget.

AB 3632 Was Authored by Then Assembly Speaker Willie Brown

The federal Individuals with Disabilities Education Act (IDEA) entitles all students with disabilities and/or mental health needs to a “free, appropriate public education” that prepares them to live and work in the community. That federal law includes a requirement for mental health services for children in special education in order to benefit from public education. Under federal law, these children can receive services regardless of their parents' income level.

Prior to 1984, schools were entirely responsible for providing these mental health services for students in special education who needed them. With major concerns that students with mental health needs were not receiving needed and necessary mental health services as required by federal law, in 1984, then Assembly Speaker Willie Brown (Democrat – San Francisco) authored AB 3632 required the counties to provide these services for students who qualify for them.

Like other state mandates or requirements, the State has not fully reimbursed the counties for these services, forcing them to use other funding. The Department of Mental Health reported to the Legislature that claims for the past three State budget years totaled \$211.9 million, of which the State paid \$51.2 million from the 2009-2010 claim, leaving a balance of \$160.7 million still owed to the counties.

The Governor's proposed suspension would mean the counties would not be responsible for providing these mental health services – with responsibility falling back on the schools. Community mental health advocates from nearly every side of the issue felt suspension would cause “chaos” and “confusion” and loss of critical mental health services for students who need them. Others pointed out that the schools have not been able in the past, prior to AB 3632, to meet the requirements of providing needed mental health services for special education students. Those problems, advocates pointed out, were the main reason in 1984 for AB 3632.

Agendas Available

The agendas for the conference committee total hundreds of pages long, though the budget conference committee has broken up the agendas by general budget areas. The portions specifically focused on education budget items (50 page pdf file), health budget items (46 page pdf file) and education (50 pages pdf file), human services budget issues (9 page pdf file) and transportation (30 page pdf file) and other budget items can be viewed and downloaded from the CDCAN website at www.cdcan.us

Also available are “open items” in each agenda category, and additional information.

Next Steps

- The budget conference committee phase of the budget process is longer than normal – and it is possible the committee could end up meeting through the rest of this month to finish up its work. After the budget conference committee finishes its work, the budget plan, currently contained in AB 190, will go the floors of both the Assembly and State Senate.
- Not clear yet when the budget conference committee will begin to take up “open” items (items that it delayed taking action on earlier last week in order to discuss the issue further), including nearly all the major items in the human services (including In-Home Supportive Services), health (including Medi-Cal, AB 1629 Nursing Home Quality Assurance Fee, regional centers)
- No action by the budget conference committee – or previous actions by the budget subcommittees – are final until a State budget is passed by the Legislature and signed by the Governor. With major differences on how to close the \$20 billion budget gap, no one expects agreement on a budget deal anytime soon.

Budget Conference Committee Members

The budget conference committee is larger than in other years, with a total of 10 members – 5 from the Assembly and 5 from the State Senate, chaired this year by Sen. Denise Ducheny (Democrat – San Diego).

The State Senate budget conference committee members:

Senate Democratic Members (3): *Denise Ducheny (chair of the Senate Budget and Fiscal Review Committee), Mark Leno (chair of the Senate Budget Subcommittee #3 on Health and Human Services) and Alan Lowenthal, (chair of the Senate Transportation and Housing Committee)*

Senate Republican Members (2): *Bob Dutton (vice chair of the Senate Budget and Fiscal Review Committee and incoming Senate Republican Leader) and Sen. Bob Huff (vice chair of the Senate Education Committee).*

The Assembly budget conference committee members:

Assembly Democratic Members (3): *Bob Blumenfield (chair of the Assembly Budget Committee), Felipe Fuentes (chair of the Assembly Appropriations Committee), and Nancy Skinner (chair of the Assembly Rules Committee)*

Assembly Republican Members (2): *Connie Conway (vice chair of the Assembly Appropriations Committee) and Jim Nielsen (vice chair of the Assembly Budget Committee)*

VERY URGENT!!!!

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To continue the CDCAN website, the CDCAN News Reports. sent out and read by over 50,000 people and organizations, policy makers and media across California and to continue the CDCAN Townhall Telemeetings which since December 2003 have connected thousands of people with disabilities, seniors, mental health needs, people with MS and other disorders, people with traumatic brain and other injuries to public policy makers, legislators, and issues.

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paypal on the CDCAN site is not yet working – will be soon.

MANY, MANY THANKS TO the Pacific Homecare Services, Easter Seals, California Association of Adult Day Health Centers, Valley Mountain Regional Center, Toward Maximum Independence, Inc (TMI), Friends of Children with Special Needs, UCP of Los Angeles, Ventura and Santa Barbara Counties, Southside Arts Center, San Francisco Bay Area Autism Society of America, Hope Services in San Jose, FEAT of Sacramento (Families for Early Autism Treatment), RESCoalition, Sacramento Gray Panthers, Easter Seals of Southern California, Tri-Counties Regional Center, Westside Regional Center, Regional Center of the East Bay, UCP of Orange County, Alta California Regional Center, Life Steps, Parents Helping Parents, Work Training, Foothill Autism Alliance, Arc Contra Costa, Pause4Kids, Manteca CAPS, Training Toward Self Reliance, UCP, California NAELA, Californians for Disability Rights, Inc (CDR) including CDR chapters, CHANCE Inc, , Strategies To Empower People (STEP), Harbor Regional Center, Asian American parents groups, Resources for Independent Living and many other Independent Living Centers, several regional centers, People First chapters, IHSS workers, other self advocacy and

family support groups, developmental center families, adoption assistance program families and children, and others across California.