



California School Boards Association

**NEWS**Release

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**Schools File Lawsuit Against State to Restore Student Mental Health Services**

**West Sacramento, Calif.** – The California School Boards Association and its Education Legal Alliance, in collaboration with the Los Angeles Unified School District and Manhattan Beach Unified School District filed a lawsuit today requesting the Governor's "suspension" of mandated mental health services by county offices of mental health (AB 3632 requirements) and veto of funding for that mandate be declared void and set aside.

On October 8, Governor Schwarzenegger vetoed \$133 million to reimburse counties for providing mandated mental health services for special education students (as required by AB 3632) incurred through fiscal year 2008-09, and funding intended to continue the mandate for 2010-11. School districts are expected to fill this budget gap at a time when education funding has already been reduced nearly \$18 billion in the past two years and districts have long since finalized their budgets for the current fiscal year.

CSBA/ELA v. Schwarzenegger argues that according to Proposition 1A, the governor does not have the authority to suspend the mandate. Only the Legislature can authorize such a suspension.

"The governor's decision to use his veto authority to deny millions of dollars in child mental health services is appalling," said CSBA President Frank Pugh. "Cuts to our schools and students have reached an all-time high. Students already face larger class sizes, fewer counselors and less support staff on campus. It is unthinkable to now eliminate the very services that provide assistance to students struggling with mental health issues."

The governor's veto of this mandate funding and suspension of AB 3632 violates Article XIII B, Section 6 of the California Constitution as amended by Proposition 1A in 2004. In his May Revised Budget, the governor proposed that the Legislature suspend the mandate, resulting in an opposing response of the Legislative Analyst's Office, which advised the Legislature that, in accordance with proposition 1A, the State owed counties \$133 million for AB 3632 services. The LAO also advised that eliminating this funding as proposed by the governor would potentially violate the federal maintenance of effort requirements.

The suspension of AB 3632 has resulted in chaos. Several county mental health agencies have already notified school districts that they will no longer accept new referrals of children with mental health needs.

"We currently have 834 students receiving AB 3632 services through county mental health. These services range from counseling to residential placements. AB 3632 services are critical for a vulnerable population of students who require mental health services." Sharyn Howell, executive director of the Division of Special Education for the Los Angeles Unified School District.

"Most school agencies do not have the capacity, expertise or infrastructure to provide these services, especially since the school year has already begun," said Bob Farran, director of the Southwest Special Education Local Plan Area in Los Angeles County. "School agencies have neither adequate funding to cover these new costs nor the ability to draw down the federal Medi-Cal matching funds currently afforded to county mental health agencies."

"On behalf of the students we serve, the district will not respond to this challenge with silence," said Dr. Michael Matthews, superintendent of schools in the Manhattan Beach Unified School District. "Mental health services are vital for some of our most emotionally fragile students."

CSBA/ELA v. Schwarzenegger was filed in the Court of Appeal, Second Appellate District in Los Angeles County. CSBA's Education Legal Alliance will seek a preliminary order to reinstate funding pending further legal action.

For more information, please contact Brittany McKannay, CSBA's Public Information Officer, at (916) 669-3244.

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