



**COUNTY OF
SAN BERNARDINO**

BOARD OF SUPERVISORS

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February 25, 2009

The Honorable Jim Beall, Jr.
California State Assembly
State Capitol
Sacramento, Ca 95814

RE: **AB 421 (Beall)** – As Introduced 2/23/09 – **SUPPORT**

Dear Assemblyman Beall:

The San Bernardino County Board of Supervisors is pleased to support AB 421, which would provide that state reimbursement for an Aid to Families with Dependent Children-Foster Care (AFDC-FC) rate would be paid for a special education pupil placed in either a nonprofit or a for-profit group home or another nonprofit or for-profit facility, pursuant to an individualized education plan.

As you know, in 1992, the federal government prohibited counties from placing special education pupils out-of-state in for-profit facilities. The 1992 statutory change prohibited any use of public funds for residential placement into “for-profit” facilities, both in California and throughout the country. As a result, in California virtually all placement agencies converted to “not-for-profit” status or ceased working with publicly funded children. California law was subsequently changed to conform. In 1997, the federal government reversed itself and authorized out of state placements in for-profit facilities. However, California did not change its own laws to conform.

Absent a change in the state law to conform to federal law, counties have been forced to find alternative arrangements for hundreds of special education students with mental health needs. Also, counties that have placed and paid for such placements in the past – believing them to be compliant with both state and federal law – are at risk of losing a significant amount of reimbursement for these state and federally mandated services unless California law is changed retroactively. In San Bernardino County alone, the Behavioral Health Department has spent \$280,000 over the last 5 years for unreimbursed placement costs for seriously emotionally disturbed children placed in these facilities, money that could be used for other needed services.

This legislation attempts to address this unanticipated and unfair situation for students, parents and counties by amending state law to allow state reimbursement for a special education pupil placed in either a group home or a for-profit facility that otherwise meets the requirements of the law.

For these reasons, the San Bernardino County Board of Supervisors is in support of AB 421. If you have any questions, please do not hesitate to contact Lance Larson, the County's Director of Legislative Affairs at (909) 387-4821. The Board thanks you for your attention in this matter.

Sincerely,

GARY C. OVITT
Chairman, Board of Supervisors

cc: Members, San Bernardino County Legislative Delegation