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10 Attorneys for Defendants
11 Los Angeles Unified School District;
and Ramon Cortines, Superintendent
12

13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA
15

16 A.C. by and through his *guardian ad*
17 *litem* Gail Campos; et al.,

18 Plaintiffs,

19 vs.

20 ARNOLD SCHWARZENEGGER,
in his official capacity as Governor
21 of the State of California;
CALIFORNIA DEPARTMENT OF
22 EDUCATION; JACK
O'CONNELL, in his official
23 capacity as California State
Superintendent of Public
24 Instruction; et al.,

25 Defendants.
26

Case No.: 2-CV-10-07956-GW (AGR_x)

**ORDER RE STIPULATION RE
TEMPORARY RESTRAINING
ORDER**

27 Based upon the agreement and stipulation of the Parties, it is hereby ordered
28 that a temporary restraining order issue upon the following terms:

1 1. Plaintiffs contend that each of them and similarly situated students
2 within the County of Los Angeles are eligible for special education and who have
3 been or will be referred to, assessed for, found eligible for, and/or provided
4 educationally-related mental health services pursuant to the Individuals with
5 Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400, *et seq.* and Section 26.5 of
6 Division 7 of the California Government Code, section 7570-7590, commonly
7 known as "AB 3632".

8 2. Los Angeles County Mental Health Department ("LACDMH") has
9 been providing educationally-related mental health assessments and services to
10 eligible special education students upon referrals by local educational agencies
11 ("LEA") in Los Angeles County, including those made by defendants Los Angeles
12 County Office of Education ("LACOE"), Los Angeles Unified School District
13 ("LAUSD") and Torrance Unified School District ("TUSD") pursuant to Section
14 26.5 of Division 7 of the California Government Code, section 7570-7590,
15 commonly known as "AB 3632" and IDEA. As defined by IDEA and AB3632,
16 these mental health services include: individual or group psychotherapy, collateral
17 services, medication monitoring, intensive day treatment, day rehabilitation, case
18 management, transportation, and residential placement.

19 3. On October 8, 2010, Defendant Governor Schwarzenegger
20 ("Governor") vetoed a 2010-11 appropriation for educationally-related mental
21 health services mandated by AB 3632, and stated that "[t]his mandate is
22 suspended."

23 4. The Plaintiffs allege that the interruption in the provision of
24 educationally-related mental health services to eligible special education students
25 who need them is the basis for this Stipulation.

26 5. Plaintiffs have assured the parties to this Stipulation that California
27 Department of Education (CDE) and State Superintendent of Public Instruction
28 (SPI) have agreed to release to county offices of education the 76 million dollars in

1 IDEA funds currently in the State budget. If CDE and/or SPI fail to issue the grant
2 letter identifying the funds to be distributed to LACOE by November 5, 2010, this
3 Stipulation terminates and defendants' oppositions to plaintiffs' Application for
4 Temporary Restraining Order will be filed within two court days. \$13.8 million is
5 Los Angeles County's expected portion of the \$76,000,000 for state level activities
6 during fiscal year 2010-2011. These funds are passed through LACOE and
7 designated for educationally-related mental health services in Los Angeles County,
8 in accordance with 34 C.F.R. 300.704(b)(4)(iii).

9 6. The parties agree that LACOE will disburse those funds to LACDMH
10 in accordance with the practices and procedures for distribution of funds existing
11 before October 8, 2010, and the memorandum of understanding between them
12 attached hereto as Exhibit 1. LACDMH and LACOE, by agreeing to be guided by
13 this Exhibit 1, do not waive their rights to challenge the legal basis and validity of
14 Exhibit 1.

15 7. As long as LACDMH is paid for its costs in providing such, and upon
16 notification to LACDMH of LACOE's receipt of the grant letter, LACDMH will
17 resume and continue to provide and monitor educationally-related mental health
18 services, as defined in Paragraph 2 above, and attend IEP meetings and authorize
19 services, and complete assessments, upon referral by LEAs in Los Angeles County,
20 including defendants LACOE, LAUSD and TUSD, and in accordance with the
21 interagency agreements, policies and practices for carrying out AB 3632 that
22 existed prior to October 8, 2010, until either the funding identified in Paragraphs 5
23 and 6 is exhausted, the underlying Preliminary Injunction is resolved, or January
24 14, 2011, whichever of these events occurs first.

25 8. All parties hereto reserve their respective rights, remedies and defenses
26 in and to this legal action, notwithstanding this stipulated order, including without
27 limitation their right to petition or move the Court to dissolve same. This
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1 Stipulation shall not in any way be construed as an admission by the parties to any
2 wrongful acts or violations of law and defendants specifically disclaim any liability.

3 IT IS SO ORDERED:
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6 DATED: November 1, 2010



Judge George H. Wu
United States District Judge

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