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13 *A.C., et al.*

14
15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA**

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

19 **Plaintiffs,**

20
21 **v.**

22 **ARNOLD SCHWARZENEGGER, in**
23 **his official capacity as Governor of the**
24 **State of California, *et al.*,**

25 **Defendants.**

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

CLASS ACTION

**STIPULATION AND NOTICE OF
WITHDRAWAL**

Hearing: None Set

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1 **STIPULATION AND NOTICE OF WITHDRAWAL**

2 1. On October 28, 2010, Plaintiffs A.C. et al., filed an *Ex Parte* Application for a
3 Temporary Restraining Order (“TRO”) against a number of Defendants, including Jack
4 O’Connell in his official capacity as State Superintendent of Schools, and the
5 California Department of Education (“State Education Defendants”). In this
6 application, Plaintiffs requested an order compelling the State Education Defendants
7 to take the following actions:

- 8 (a) Monitoring and tracking any changes in local policies and practices
9 regarding access to educationally-related mental health services after October 8,
10 2010 and providing a joint report to the Court regarding these developments on
11 the date that oppositions from Defendants are due to be filed;
- 12 (b) Exercising the authority delineated in Cal. Code of Regs, Tit 5, § 4670 to
13 compel all local education agencies to ensure that students continue to receive
14 educationally-related mental health services without delay or interruption, and
- 15 (c) Disbursing federal IDEA funds including but not limited to those
16 specifically designated for mental health services, to all of the Special Education
17 Local Plan Areas in the state, on the same basis as these funds were distributed
18 prior to October 8, 2010, as soon as these funds are available.

19 2. On October 29, 2010, Mr. O’Connell announced that the Department of
20 Education was releasing \$76 million in federal special education funds reserved for
21 state-level activities to be allocated under 20 U.S.C. § 1411(e)(2)(c)(iii) to county
22 offices of education for the provision of educationally-related mental health services
23 by county mental health agencies, consistent with prior practice. Plaintiffs and the
24 State Education Defendants agree that this action renders moot this portion of the
25 request for relief.

26 3. Plaintiffs and the State Education Defendants also agree that the release of these
27 funds will increase the likelihood that local education agencies will comply with their
28 obligation to ensure that special education students continue to receive educationally-

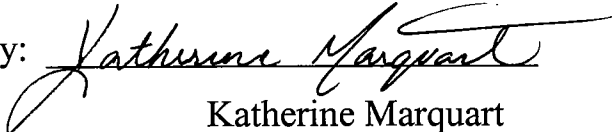
1 related mental health services. In addition, the State Education Defendants intend to
2 issue new directives in the next seven days regarding the obligation of local education
3 agencies to provide or pay for related mental health services when a non-educational
4 agency fails to do so. Plaintiffs and the State Education Defendants have agreed that
5 Plaintiffs will inform the State Education Defendants immediately of any information
6 they obtain regarding non-compliance by a local education agency, and that the State
7 Education agencies will continue to exercise the authority delineated in relevant
8 statutes and regulations to ensure compliance regarding access to related mental health
9 services.

10 4. In light of these agreements, Plaintiffs hereby withdraw their *Ex Parte*
11 Application for a TRO against the State Education Defendants.

12 5. Nothing in this stipulation or stipulated withdrawal shall constitute an
13 admission by any party in connection with the determination of prevailing parties for
14 the purposes of any motion or application for attorneys' fees.

15 DATED: October 29, 2010

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24 By: 
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DATED: 10.29.10

Peter Stubbs
CALIFORNIA DEPARTMENT OF
EDUCATION

By: 
Peter Stubbs

Attorney for Defendants California Department
of Education and Jack O'Connell

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