AB 39 (Beall) – Special education: funding

Introduced December 6, 2010

Existing law, the Mental Health Services Act, an initiative measure enacted by the voters as Proposition 63, establishes the Mental Health Services Fund to fund specified county mental health programs. The act provides that all moneys in the Mental Health Services Fund are continuously appropriated to the State Department of Mental Health. The act may be amended only by a 2/3 vote of both houses of the Legislature and only so long as the amendment is consistent with and furthers the intent of the act.

This bill would require the department to allocate $57,000,000 of those moneys to county mental health departments for purposes of providing special education services, thereby making an appropriation.

This bill also would require the Superintendant of Public Instruction and county mental health directors to jointly convene a technical working group to develop a transitional program to transfer the responsibilities associated with providing special education services from county mental health departments to the State Department of Education.

This bill would declare that it furthers the purposes of the Mental Health Services Act and declares that it is to take effect immediately as an urgency statute.

ASSEMBLY BILL No. 39

Introduced by Assembly Member Beall

December 6, 2010

An act relating to special education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 39, as introduced, Beall. Special education: funding.

Existing law, the Mental Health Services Act, an initiative measure enacted by the voters as Proposition 63, establishes the Mental Health Services Fund to fund specified county mental health programs. The act provides that all moneys in the Mental Health Services Fund are continuously appropriated to the State Department of Mental Health. The act may be amended only by a ⅔ vote of both houses of the Legislature and only so long as the amendment is consistent with and furthers the intent of the act.

This bill would require the department to allocate $57,000,000 of those moneys to county mental health departments for purposes of providing special education services, thereby making an appropriation. The bill also would require the Superintendent of Public Instruction and county mental health directors to jointly convene a technical working group to develop a transitional program to transfer the responsibilities associated with providing special education services from county mental health departments to the State Department of Education.

This bill would declare that it furthers the purposes of the Mental Health Services Act.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ⅔. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) From the moneys continuously appropriated
2 from the Mental Health Services Fund pursuant to Section 5890
3 of the Welfare and Institutions Code, the State Department of
4 Mental Health shall allocate the sum of fifty-seven million dollars
5 ($57,000,000) to county mental health departments for purposes
6 of providing special education services.
7 (b) The Superintendent of Public Instruction and county mental
8 health directors shall jointly convene a technical working group
9 to develop a transitional program to transfer the responsibilities
10 associated with providing special education services from county
11 mental health departments to the State Department of Education.
12 SEC. 2. The Legislature finds and declares that this act further
13 the purposes of the Mental Health Services Act.
14 SEC. 3. This act is an urgency statute necessary for the
15 immediate preservation of the public peace, health, or safety within
16 the meaning of Article IV of the Constitution and shall go into
17 immediate effect. The facts constituting the necessity are:
18 In order for pupils to continue to receive all of the special
19 education services they need at the earliest possible time, it is
20 necessary for this act to take effect immediately.

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