

AMENDED IN ASSEMBLY AUGUST 17, 2004

AMENDED IN ASSEMBLY AUGUST 9, 2004

SENATE BILL

No. 1895

Introduced by Senator Burton

March 3, 2004

An act to add Sections 56139 and 56331 to the Education Code, to amend Section 7576 of, and to add Sections 7576.2 and 7576.3 to, the Government Code, and to add Section 5701.6 to the Welfare and Institutions Code, relating to special education, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1895, as amended, Burton. Special education: mental health services.

(1) Existing law requires school districts, county offices of education, and special education local plan areas to comply with state laws that conform to the federal Individuals with Disabilities Education Act, in order that the state may qualify for federal funds available for the education of individuals with exceptional needs. Existing law requires school districts, county offices of education, and special education local plan areas to identify, locate, and assess individuals with exceptional needs and to provide those pupils with a free appropriate public education in the least restrictive environment, with special education and related services as reflected in an individualized education program.

This bill would authorize a local educational agency to refer a pupil suspected of needing mental health services to a community mental health service in accordance with specified provisions. The bill would

prescribe certain requirements relating to making those referrals and providing related services.

(2) Existing law requires the Superintendent of Public Instruction to administer the special education provisions of the Education Code and to be responsible for assuring provision of, and supervising, education and related services to individuals with exceptional needs as required pursuant to the federal Individuals with Disabilities Education Act.

This bill would provide that the superintendent is responsible for monitoring local educational agencies to ensure compliance with the requirement to provide mental health services to individuals with exceptional needs and to ensure that funds provided for this purpose are appropriately utilized. The bill would require the superintendent to submit a report to the Legislature by April 1, 2005, that includes specified information and recommendations relating to the provision and monitoring of mental health services, as provided. The bill would require the superintendent to collaborate with the Director of the State Department of Mental Health in preparing the report and to convene at least one meeting of appropriate stakeholders and organizations to obtain input.

(3) Existing law makes the State Department of Mental Health or any community mental health service designated by the department *responsible* for the provision of mental health services when required in a child's individualized education program. Existing law authorizes an individualized education program team or local educational agency to make a referral for mental health services for a pupil to a community mental health service when certain criteria are met and to provide certain documentation when making that referral.

This bill would revise certain provisions of the criteria and of the documentation requirements.

This bill would provide that the Director of the State Department of Mental Health is responsible for monitoring county mental health agencies to ensure compliance with the requirement to provide mental health services to disabled pupils and to ensure that funds provided for this purpose are appropriately utilized. The bill would require the director to submit a report to the Legislature by April 1, 2005, that includes specified information and recommendations relating to the provision and monitoring of mental health services, as provided. The bill would require the director to collaborate with the Superintendent of Public Instruction in preparing the report and to convene at least one meeting of appropriate stakeholders and organizations to obtain input.



This bill would declare the intent of the Legislature that the director collaborate with an entity with expertise in children's mental health to collect, analyze, and disseminate best practices, as provided, for delivering mental health services to disabled pupils.

(4) Existing law provides that counties are to continue to receive reimbursement from specifically appropriated funds for costs necessarily incurred in providing psychotherapy and other mental health services for handicapped and disabled pupils and that counties are not required to provide any share of those costs or to fund the cost of any part of these services with money ~~receive~~ *received* from the Local Revenue Fund for reimbursement claims for services delivered in the 2001–02 fiscal year and thereafter to handicapped and disabled pupils.

This bill would authorize counties to utilize money received from the Local Revenue Fund to fund the costs of any part of those mental health services and would provide that counties who use money from that fund for those services are eligible for reimbursement from the state, as provided. The bill would provide that these provisions are declaratory of existing law.

(5) Existing law requires, if the Commission on State Mandates determines that an act contains costs mandated by the state, that reimbursement to local agencies and school districts for those costs be made, as specified.

This bill would require the Commission on State Mandates to, on or before December 31, 2005, reconsider its decision relating to administrative and travel costs associated with certain mental health services provided to disabled pupils, and its parameters and guidelines for calculating the state reimbursements for these costs.

(6) The Budget Act of 2004 requires that \$31,000,000 of certain funds appropriated to the State Department of Education for special education programs for exceptional children to be used to provide mental health services required by an individual education plan pursuant to the federal Individuals with Disabilities Education Act and pursuant to legislation enacted in the 2003–04 Regular Session that clarifies the manner in which the services are to be provided.

This bill would provide that those funds shall be allocated to local educational agencies on a per average daily attendance basis to implement ~~Section 2 of this act~~ *the provisions authorizing local educational agencies to refer pupils suspected of needing mental health services to community mental health service agencies.*



(7) The Budget Act of 2004 requires that, pursuant to legislation enacted in the 2003–04 Regular Session, \$69,000,000 of certain funds appropriated to the State Department of Education for special education programs for exceptional children to be used exclusively to support mental health services provided during the 2004–05 fiscal year by county mental health agencies, as provided.

This bill would provide that those funds shall be used exclusively to support mental health services that were both included within an individualized education program and that were provided during the fiscal year by county mental health agencies pursuant to specified provisions. The bill would provide that this funding shall not be provided for services that are not required pursuant to the federal Individuals with Disabilities Education Act and shall offset any mandate reimbursement claims for the fiscal year that may be filed by a county pursuant to specified provisions. The bill would require the \$69,000,000 to be distributed consistent with an allocation plan formulated by the State Department of Mental Health. The bill would require the State Department of Mental Health to submit an allocation plan to the Department of Finance for approval, as provided, and to the Joint Legislative Budget Committee. The bill would specify the manner ~~in which the allocation of each county is to be distributed~~ *of allocation to county offices of education for allocation to county mental health agencies.*

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

Vote: ~~majority~~ ^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

- 1 SECTION 1. Section 56139 is added to the Education Code,
- 2 to read:
- 3 56139. (a) The superintendent is responsible for monitoring
- 4 local educational agencies to ensure compliance with the
- 5 requirement to provide mental health services to individuals with
- 6 exceptional needs pursuant to Chapter 26.5 (commencing with
- 7 Section 7570) of Division 7 of Title 1 of the Government Code and
- 8 to ensure that funds provided for this purpose are appropriately
- 9 utilized.



1 (b) The superintendent shall submit a report to the Legislature
2 by April 1, 2005, that includes all of the following:

3 (1) A description of the data that is currently collected by the
4 department related to pupils served and services provided pursuant
5 to Chapter 26.5 (commencing with Section 7570) of Division 7 of
6 Title 1 of the Government Code.

7 (2) A description of the existing monitoring processes used by
8 the department to ensure that local educational agencies are
9 complying with Chapter 26.5 (commencing with Section 7570) of
10 Division 7 of Title 1 of the Government Code, including the
11 monitoring performed to ensure the appropriate use of funds for
12 programs identified in Section 64000.

13 (3) Recommendations on the manner in which to strengthen
14 and improve monitoring by the department of the compliance by
15 a local educational agency with the requirements of Chapter 26.5
16 (commencing with Section 7570) of Division 7 of Title 1 of the
17 Government Code, on the manner in which to strengthen and
18 improve collaboration and coordination with the State Department
19 of Mental Health in monitoring and data collection activities, and
20 on the additional data needed related to Chapter 26.5
21 (commencing with Section 7570) of Division 7 of Title 1 of the
22 Government Code.

23 (c) The superintendent shall collaborate with the Director of
24 the State Department of Mental Health in preparing the report
25 required pursuant to subdivision (b) and shall convene at least one
26 meeting of appropriate stakeholders and organizations, including
27 a representative from the State Department of Mental Health and
28 mental health directors, to obtain input on existing data collection
29 and monitoring processes, and on ways to strengthen and improve
30 the data collected and monitoring performed.

31 SEC. 2. Section 56331 is added to the Education Code, to
32 read:

33 56331. (a) A pupil who is suspected of needing mental health
34 services may be referred to a community mental health service in
35 accordance with Section 7576 of the Government Code.

36 (b) Prior to referring a pupil to a county mental health agency
37 for services, the local educational agency shall follow the
38 procedures set forth in Section 56320 and conduct an assessment
39 in accordance with Sections 300.530 to 300.536, *inclusive*, of
40 Title 34 of the Code of Federal Regulations. If an individual with



1 exceptional needs is identified as potentially requiring mental
2 health services, the local educational agency shall request the
3 participation of the county mental health agency in the
4 individualized education program. A local educational agency
5 shall provide any specially-designed instruction required by an
6 individualized education program, including related services such
7 as counseling services, parent counseling and training,
8 psychological services, or social work services in schools as
9 defined in Section 300.24 of Title 34 of the Code of *Federal*
10 Regulations. If the individualized education program of an
11 individual with exceptional needs includes a functional behavioral
12 assessment and behavior intervention plan, in accordance with
13 Section 300.520 of Title 34 of the Code of Federal Regulations, the
14 local educational agency shall provide documentation upon
15 referral to a county mental health agency. Local educational
16 agencies shall provide related services, by qualified personnel, as
17 defined by Section 300.23 of Title 34 of the ~~Federal Code of~~ *Code*
18 *of Federal* Regulations, unless the individualized education
19 program team designates a more appropriate agency for the
20 provision of services. Local educational agencies and community
21 mental health services shall work collaboratively to ensure that
22 assessments performed prior to referral are as useful as possible to
23 the community mental health service in determining the need for
24 mental health services and the level of services needed.

25 SEC. 3. Section 7576 of the Government Code is amended to
26 read:

27 7576. (a) The State Department of Mental Health, or any
28 community mental health service, as defined in Section 5602 of
29 the Welfare and Institutions Code, designated by the State
30 Department of Mental Health, are responsible for the provision of
31 mental health services, as defined in regulations by the State
32 Department of Mental Health, developed in consultation with the
33 State Department of Education, if required in the individualized
34 education program of a pupil. A local educational agency is not
35 required to place a pupil in a more restrictive educational
36 environment in order for the pupil to receive the mental health
37 services specified in ~~the~~ his or her individualized education
38 program if the mental health services can be appropriately
39 provided in a less restrictive setting. It is the intent of the
40 Legislature that the local educational agency and the community



1 mental health service vigorously attempt to develop a mutually
2 satisfactory placement that is acceptable to the parent and
3 addresses the educational and mental health treatment needs of the
4 pupil in a manner that is cost-effective for both public agencies,
5 subject to the requirements of state and federal special education
6 law, including the requirement that the placement be appropriate
7 and in the least restrictive environment. For purposes of this
8 section, “parent” is as defined in Section 56028 of the Education
9 Code.

10 (b) A local educational agency, individualized education
11 program team, or parent may initiate a referral for assessment of
12 the social and emotional status of a pupil, pursuant to Section
13 56320 of the Education Code. Based on the results of assessments
14 completed pursuant to Section 56320 of the Education Code, an
15 individualized education program team may refer a pupil who has
16 been determined to be an individual with exceptional needs as
17 defined in Section 56026 of the Education Code and who is
18 suspected of needing mental health services to a community
19 mental health service if the pupil meets all of the criteria in
20 paragraphs (1) to (5), inclusive. Referral packages shall include all
21 documentation required in subdivision (c), and shall be provided
22 immediately to the community mental health service.

23 (1) The pupil has been assessed by school personnel in
24 accordance with Article 2 (commencing with Section 56320) of
25 Chapter 4 of Part 30 of the Education Code. Local educational
26 agencies and community mental health services shall work
27 collaboratively to ensure that assessments performed prior to
28 referral are as useful as possible to the community mental health
29 service in determining the need for mental health services and the
30 level of services needed.

31 (2) The local educational agency has obtained written parental
32 consent for the referral of the pupil to the community mental health
33 service, for the release and exchange of all relevant information
34 between the local educational agency and the community mental
35 health service, and for the observation of the pupil by mental
36 health professionals in an educational setting.

37 (3) The pupil has emotional or behavioral characteristics that
38 are all of the following:

39 (A) Are observed by qualified educational staff in educational
40 and other settings, as appropriate.



1 (B) Impede the pupil from benefiting from educational
2 services.

3 (C) Are significant as indicated by their rate of occurrence and
4 intensity.

5 (D) Are associated with a condition that cannot be described
6 solely as a social maladjustment or a temporary adjustment
7 problem, and cannot be resolved with short-term counseling.

8 (4) As determined using educational assessments, the pupil's
9 functioning, including cognitive functioning, is at a level
10 sufficient to enable the pupil to benefit from mental health
11 services.

12 (5) The local educational agency, pursuant to Section 56331 of
13 the Education Code, has provided any appropriate counseling and
14 guidance services, psychological services, parent counseling and
15 training, or social work services to the pupil pursuant to Section
16 56363 of the Education Code, or behavioral intervention as
17 specified in Section 56520 of the Education Code, as specified in
18 the individualized education program and the individualized
19 education program team has determined that the services do not
20 meet the educational needs of the pupil, or, in cases where these
21 services are clearly inadequate or inappropriate to meet the
22 educational needs of the pupil, the individualized education
23 program team has documented which of these services were
24 considered and why they were determined to be inadequate or
25 inappropriate.

26 (c) If referring a pupil to a community mental health service
27 in accordance with subdivision (b), the local educational agency
28 or the individualized education program team shall provide the
29 following documentation:

30 (1) Copies of the current individualized education program, all
31 current assessment reports completed by school personnel in all
32 areas of suspected disabilities pursuant to Article 2 (commencing
33 with Section 56320) of Chapter 4 of Part 30 of the Education Code,
34 and other relevant information, including reports completed by
35 other agencies.

36 (2) A copy of the parent's consent obtained as provided in
37 paragraph (2) of subdivision (b).

38 (3) A summary of the emotional or behavioral characteristics
39 of the pupil, including documentation that the pupil meets the
40 criteria set forth in paragraphs (3) and (4) of subdivision (b).



1 (4) A description of the counseling, psychological, and
2 guidance services, and other interventions that have been provided
3 to the pupil, as provided in the individualized education program
4 of the pupil, including the initiation, duration, and frequency of
5 these services, or an explanation of the reasons a service was
6 considered for the pupil and determined to be inadequate or
7 inappropriate to meet his or her educational needs.

8 (d) Based on preliminary results of assessments performed
9 pursuant to Section 56320 of the Education Code, a local
10 educational agency may refer a pupil who has been determined to
11 be, or is suspected of being, an individual with exceptional needs,
12 and is suspected of needing mental health services, to a community
13 mental health service if a pupil meets the criteria in paragraphs (1)
14 and (2). Referral packages shall include all documentation
15 required in subdivision (e) and shall be provided immediately to
16 the community mental health service.

17 (1) The pupil meets the criteria in paragraphs (2) to (4),
18 inclusive, of subdivision (b).

19 (2) Counseling and guidance services, psychological services,
20 parent counseling and training, social work services, and
21 behavioral or other interventions as provided in the individualized
22 education program of the pupil are clearly inadequate or
23 inappropriate in meeting his or her educational needs.

24 (e) If referring a pupil to a community mental health service
25 in accordance with subdivision (d), the local educational agency
26 shall provide the following documentation:

27 (1) Results of preliminary assessments to the extent they are
28 available and other relevant information including reports
29 completed by other agencies.

30 (2) A copy of the parent's consent obtained as provided in
31 paragraph (2) of subdivision (b).

32 (3) A summary of the emotional or behavioral characteristics
33 of the pupil, including documentation that the pupil meets the
34 criteria in paragraphs (3) and (4) of subdivision (b).

35 (4) Documentation that appropriate related educational and
36 designated instruction and services have been provided in
37 accordance with Sections ~~300.530 to 300.536~~ 300.24 and 300.26
38 of Title 34 of the Code of Federal Regulations.

39 (5) An explanation as to the reasons that counseling and
40 guidance services, psychological services, parent counseling and



1 training, social work services, and behavioral or other
2 interventions as provided in the individualized education program
3 of the pupil are clearly inadequate or inappropriate in meeting his
4 or her educational needs.

5 (f) The procedures set forth in this chapter are not designed for
6 use in responding to psychiatric emergencies or other situations
7 requiring immediate response. In these situations, a parent may
8 seek services from other public programs or private providers, as
9 appropriate. This subdivision does not change the identification
10 and referral responsibilities imposed on local educational agencies
11 under Article 1 (commencing with Section 56300) of Chapter 4 of
12 Part 30 of the Education Code.

13 (g) Referrals shall be made to the community mental health
14 service in the county in which the pupil lives. If the pupil has been
15 placed into residential care from another county, the community
16 mental health service receiving the referral shall forward the
17 referral immediately to the community mental health service of the
18 county of origin, which shall have fiscal and programmatic
19 responsibility for providing or arranging for provision of
20 necessary services. In no event shall the procedures described in
21 this subdivision delay or impede the referral and assessment
22 process.

23 SEC. 4. Section 7576.2 is added to the Government Code, to
24 read:

25 7576.2. (a) The Director of the State Department of Mental
26 Health is responsible for monitoring county mental health
27 agencies to ensure compliance with the requirement to provide
28 mental health services to disabled pupils pursuant to this chapter
29 and to ensure that funds provided for this purpose are appropriately
30 utilized.

31 (b) The Director of the State Department of Mental Health shall
32 submit a report to the Legislature by April 1, 2005, that includes
33 the following:

34 (1) A description of the data that is currently collected by the
35 State Department of Mental Health related to pupils served and
36 services provided pursuant to this chapter.

37 (2) A description of the existing monitoring process used by the
38 State Department of Mental Health to ensure that county mental
39 health agencies are complying with this chapter.



1 (3) Recommendations on the manner in which to strengthen
2 and improve monitoring by the State Department of Mental Health
3 of the compliance by a county mental health agency with the
4 requirements of this chapter, on the manner in which to strengthen
5 and improve collaboration and coordination with the State
6 Department of Education in monitoring and data collection
7 activities, and on the additional data needed related to this chapter.

8 (c) The Director of the State Department of Mental Health shall
9 collaborate with the Superintendent of Public Instruction in
10 preparing the report required pursuant to subdivision (b) and shall
11 convene at least one meeting of appropriate stakeholders and
12 organizations, including a representative from the State
13 Department of Education, to obtain input on existing data
14 collection and monitoring processes, and on ways to strengthen
15 and improve the data collected and monitoring performed.

16 SEC. 5. Section 7576.3 is added to the Government Code, to
17 read:

18 7576.3. It is the intent of the Legislature that the Director of
19 the State Department of Mental Health collaborate with an entity
20 with expertise in children’s mental health to collect, analyze, and
21 disseminate best practices for delivering mental health services to
22 disabled pupils. The best practices may include, but are not limited
23 to:

24 (a) Interagency agreements in urban, suburban, and rural areas
25 that result in clear identification of responsibilities between local
26 educational agencies and county mental health agencies and result
27 in efficient and effective delivery of services to pupils.

28 (b) Procedures for developing and amending individualized
29 education programs that include mental health services that
30 provide flexibility to educational and mental health agencies and
31 protect the interests of children in obtaining needed mental health
32 needs.

33 (c) Procedures for creating ongoing communication between
34 the classroom teacher of the pupil and the mental health
35 professional who is directing the mental health program for the
36 pupil.

37 SEC. 6. Section 5701.6 is added to the Welfare and
38 Institutions Code, to read:

39 5701.6. (a) Counties may utilize money received from the
40 Local Revenue Fund established by Chapter 6 (commencing with



1 Section 17600) of Part 5 of Division 9 to fund the costs of any part
2 of those services provided pursuant to Chapter 26.5 (commencing
3 with Section 7570) of Division 7 of Title 1 of the Government
4 Code. If money from the Local Revenue Fund is used by counties
5 for those services, counties are eligible for reimbursement from
6 the state for all allowable costs to fund assessments,
7 psychotherapy, and other mental health services allowable
8 pursuant to ~~federal law~~ *Section 300.24 of Title 34 of the Code of*
9 *Federal Regulations* and required by Chapter 26.5 (commencing
10 with Section 7570) of Division 7 of Title 1 of the Government
11 Code.

12 (b) This section is declaratory of existing law.

13 SEC. 7. Notwithstanding any other law, the Commission on
14 State Mandates shall, on or before December 31, 2005, reconsider
15 its decision relating to administrative and travel costs associated
16 with services provided pursuant to Chapter 26.5 (commencing
17 with Section 7570) of Division 7 of Title 1 of the Government
18 Code, and the parameters and guidelines for calculating the state
19 reimbursements for these costs.

20 SEC. 8. The funds identified in Provision 20 of Item
21 6110-161-0001 of Section 2.00 of the Budget Act of 2004
22 (Chapter 208, Statutes of 2004); shall be allocated to local
23 educational agencies on a per average daily attendance basis to
24 implement Section 2 of this act.

25 SEC. 9. (a) The funds identified in Provision 10 of Item
26 6110-161-0890 of Section 2.00 of the Budget Act of 2004
27 (*Chapter 208, Statutes of 2004*) shall be used exclusively to
28 support mental health services that were both included within an
29 individualized education program pursuant to ~~the federal~~
30 ~~Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400~~
31 ~~et seq.)~~ *Section 300.24 of Title 34 of the Code of Federal*
32 *Regulations* and that were provided during the fiscal year by
33 county mental health agencies pursuant to Chapter 26.5
34 (commencing with Section 7570) of Division 7 of Title 1 of the
35 Government Code. Funding from this item shall not be provided
36 for services that are not required pursuant to the federal Individuals
37 with Disabilities Education Act. Funding provided from this item
38 shall offset any mandate reimbursement claims for the fiscal year
39 that may be filed by a county pursuant to Chapter 26.5
40 (commencing with Section 7570) of Division 7 of Title 1 of the



1 Government Code. The sixty-nine million dollars (\$69,000,000)
2 identified in Provision 10 of that item shall be distributed
3 consistent with an allocation plan formulated by the State
4 Department of Mental Health, in consultation with representatives
5 of county mental health agencies. The allocation plan shall be
6 based on the most accurate available data, including, but not
7 limited to, county cost reports for this program, and include a
8 minimum-based methodology to address small county concerns.

9 (b) The State Department of Mental Health shall submit an
10 allocation plan to the Department of Finance and the Joint
11 Legislative Budget Committee. The Department of Finance shall
12 review the plan and either approve or disapprove the plan within
13 21 days of submission. If the Department of Finance fails to
14 approve or disapprove the plan within the 21 days, the plan shall
15 be deemed to be approved. If the Department of Finance
16 disapproves the plan it shall submit a letter to the Joint Legislative
17 Budget Committee that explains the rationale for disapproval and
18 convene a working group consisting of representatives of the
19 Department of Finance and the State Department of Mental Health
20 and staff of the appropriate policy and fiscal committees of the
21 Legislature. The working group shall jointly develop a revised
22 expenditure plan and submit that plan to the Director of Finance
23 for approval.

24 ~~(e) Not less than 90 percent of the allocation of each county~~
25 ~~shall be distributed no later than 90 days after approval of the~~
26 ~~allocation methodology by the Department of Finance. The~~
27 ~~remaining 10 percent shall be distributed to counties upon final~~
28 ~~cost settlement for fiscal year 2004-05 claims. A county is not~~
29 ~~entitled to receive, after claims are cost settled, more funding than~~
30 ~~was actually expended for this mental health program.~~

31 (c) *Funding identified in Provision 10 of Item 6110-161-0890*
32 *of Section 2.00 of the Budget Act of 2004 (Chapter 208, Statutes*
33 *of 2004) shall be allocated to county offices of education for*
34 *allocation to county mental health agencies pursuant to*
35 *subdivisions (a) and (b). County offices of education shall allocate*
36 *funds to county offices of mental health no later than five business*
37 *days after receipt from the State Department of Education.*
38 *Following the end of the fiscal year, county mental health agencies*
39 *shall provide documentation of actual services and costs to county*
40 *offices of education in a form that permits the county offices of*



1 education to certify that all costs actually incurred are allowable
2 under the federal Individuals with Disabilities Education Act and
3 were provided during the fiscal year by county mental health
4 agencies pursuant to Chapter 26.5 (commencing with Section
5 7570) of Division 7 of Title 1 of the Government Code. Based on
6 this documentation, any county mental health agency allocation
7 that exceeds actual documented costs for allowable services shall
8 be reallocated on a pro rata basis to other counties where actual
9 costs exceed the allocation provided in subdivisions (a) and (b).
10 Not less than 25 percent of the allocation of each county shall be
11 distributed to county offices of education no later than 30 days
12 after approval of the allocation methodology by the Department
13 of Finance. Of the remaining amount, 25 percent shall be
14 distributed each quarter to county offices of education beginning
15 in January 2005, with the final quarter amount, as adjusted for
16 actual costs, distributed upon final cost settlement for 2004–05
17 fiscal year claims. Any amounts reallocated from counties not
18 expending their allocations shall be provided to the other counties
19 no later than January 2006. No county shall be entitled to receive,
20 after claims are cost settled, more funding than was actually
21 expended for this program.

22 SEC. 10. This act is an urgency statute necessary for the
23 immediate preservation of the public peace, health, or safety
24 within the meaning of Article IV of the Constitution and shall go
25 into immediate effect. The facts constituting the necessity are:

26 In order to make the necessary statutory changes to implement
27 the Budget Act of 2004 at the earliest possible time, it is necessary
28 that this act take effect immediately.

