



Agenda Date: 10/2/2007
Agenda Placement: 6C

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Shelli Brobst for Randolph F. Snowden - Director
Health & Human Services
REPORT BY: Shelli Brobst, Contracts Analyst, 253-4720
SUBJECT: Memorandum of Understanding with Napa County Special Education Local Plan Area (SELPA)

RECOMMENDATION

Director of Health and Human Services requests approval of and authorization for the Chair to sign a Memorandum of Understanding with the Napa County Special Education Local Plan Area (SELPA) for the term October 2, 2007 until terminated by either party, specifying the roles and responsibilities of each party with respect to the provision of Assembly Bill 3632 mental health services to eligible special education students.

EXECUTIVE SUMMARY

Approval of the requested action will allow HHSA to enter into a Memorandum of Understanding with Napa County Special Education Local Plan Area (SELPA) based on shared responsibilities for special education students who require mental health services to be able to benefit from their special education programs. The intent of the MOU is to provide necessary special education and mental health services to students in the least restrictive environment and in an efficient manner through joint planning, cooperative service delivery, and the use of available resources in accordance with applicable federal and state laws and regulations.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

This Memorandum of Understanding (MOU) is an operating agreement between Napa County Special Education Local Plan Area (SELPA) and HHSA that specifies the roles and responsibilities of each agency. The MOU will ensure that students receiving AB 3632 services, as determined by their Individualized Education Plan (IEP) teams, obtain a free and appropriate public education. There is no monetary value to this MOU, except that compliance with the MOU will ensure that both the County and SELPA are each held to specific areas of accountability and delivery of AB 3632 services and that reimbursement for those services conforms with federal and state regulatory guidelines.

This MOU is intended to provide detailed operating procedures including, but not limited to, the handling of referrals, assessments, IEPs, and documentation for the provision of AB 3632 mandated services as related to two existing MOU's. An MOU currently exists between the County and Napa County Office of Education (NCOE), originally approved by the Board on April 26, 2005, which specifies the transfer of Federal Individuals with Disabilities Act funding for the provision of mandated AB 3632 services. Additionally, a second MOU exists between the County, SELPA and NCOE, originally approved by the Board on January 9, 2007, which specifies the transfer of local special education funding for the County to administer school-based mental health day treatment programs providing AB 3632 mandated services.

No HIPAA Business Associate relationship exists between the County and SELPA. The County is a HIPAA-covered entity; however, SELPA does not receive, have access to, or create any protected health information (PHI) subject to HIPAA. Rather, the individually identifiable information used by SELPA under the terms of the MOU are considered to be "education records" that fall under the confidentiality provisions of the Family Educational Rights and Privacy Act (FERPA).

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Lorenzo Zialcita