



## Legislation Details (With Board Report)

<b>File #:</b>	A 21-499	<b>Name:</b>	SELPA MOU FY 2021-22
<b>Type:</b>	BoS Agreement	<b>Status:</b>	Passed - Health Department
<b>File created:</b>	9/30/2021	<b>In control:</b>	Board of Supervisors
<b>On agenda:</b>	10/19/2021	<b>Final action:</b>	10/19/2021

**Title:**

- a. Approve and authorize the Director of Health or Assistant Director of Health to execute a Memorandum of Understanding (“MOU”) with Monterey County Special Education Local Plan Area for reimbursement to the County for the provision of mental health and residential treatment services pursuant to a student’s Individualized Education Plan, for a total amount not to exceed \$4,732,162 for the term July 1, 2021 through June 30, 2022; and
- b. Approve and authorize the Director of Health or Assistant Director of Health to execute an Interagency Agreement, Exhibit A to the MOU, with Monterey County Special Education Local Plan Area for the term July 1, 2021 through June 30, 2022; and
- c. Accept the Director of Health’s recommendation to incorporate non-standard indemnification, limitation of liability, and insurance provisions to the MOU; and
- d. Approve and authorize the Director of Health or Assistant Director of Health to approve up to three (3) future amendments to the MOU that do not exceed ten percent (10%) (\$473,216.20) of the original MOU amount and do not significantly change the scope of services.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Memorandum of Understanding, 3. Completed Board Order Item No. 32

Date	Ver.	Action By	Action	Result
10/19/2021	1	Board of Supervisors	approved - health department	

- a. Approve and authorize the Director of Health or Assistant Director of Health to execute a Memorandum of Understanding (“MOU”) with Monterey County Special Education Local Plan Area for reimbursement to the County for the provision of mental health and residential treatment services pursuant to a student’s Individualized Education Plan, for a total amount not to exceed \$4,732,162 for the term July 1, 2021 through June 30, 2022; and
- b. Approve and authorize the Director of Health or Assistant Director of Health to execute an Interagency Agreement, Exhibit A to the MOU, with Monterey County Special Education Local Plan Area for the term July 1, 2021 through June 30, 2022; and
- c. Accept the Director of Health’s recommendation to incorporate non-standard indemnification, limitation of liability, and insurance provisions to the MOU; and
- d. Approve and authorize the Director of Health or Assistant Director of Health to approve up to three (3) future amendments to the MOU that do not exceed ten percent (10%) (\$473,216.20) of the original MOU amount and do not significantly change the scope of services.

**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

- a. Approve and authorize the Director of Health or Assistant Director of Health to execute a Memorandum of Understanding (“MOU”) with Monterey County Special Education Local Plan Area for reimbursement to the County for the provision of mental health and residential treatment services pursuant to a student’s Individualized Education Plan, for a total amount not to exceed \$4,732,162 for the term July 1, 2021 through June 30, 2022; and

- b. Approve and authorize the Director of Health or Assistant Director of Health to execute an Interagency Agreement, Exhibit A to the MOU, with Monterey County Special Education Local Plan Area for the term July 1, 2021 through June 30, 2022; and
- c. Accept the Director of Health's recommendation to incorporate non-standard indemnification, limitation of liability, and insurance provisions to the MOU; and
- d. Approve and authorize the Director of Health or Assistant Director of Health to approve up to three (3) future amendments to the MOU that do not exceed ten percent (10%) (\$473,216.20) of the original MOU amount and do not significantly change the scope of services.

SUMMARY/DISCUSSION:

The Special Education Local Plan Area (SELPA) acknowledges that its member Local Education Agencies are mandated to provide students a free and appropriate public education (FAPE), including mental health services, Home Alternative to Residential Treatment, Residential Treatment, and Residential Monitoring pursuant to students' Individualized Education Plan (IEP). For a number of years SELPA entered into a MOU with the Monterey County Behavioral Health Bureau (MCBHB) for the provision of these services to special education students and seeks to continue its partnership with MCBHB. Through this MOU, MCBHB will deploy Psychiatric Social Workers ("Therapist") to School Districts to provide an array of services including individual and group counseling provided to a student; individual or group counseling provided to parents of special education students; consultation services provided to parents, students, teachers and other school personnel; and planning and implementing a program of psychological counseling for special education students and parents. SELPA agrees to pay the non-Federal Financial Participation (FFP) portion of the mental health service since MCBHB is reimbursed FFP directly by Department of Health Care Services; and reimburse the full cost of the provision of HART, Residential Treatment services, and Residential Monitoring.

The MOU between SELPA and the County expired on June 30, 2020. Since prior to the expiration of the former MOU, the MCBHB has been working on the new MOU to revise the fiscal provisions to align with the actual billing structure. To ensure continuity in the provision of services pursuant to student's IEP, the Department seeks authorization to execute a MOU with SELPA retroactive to July 1, 2021. This MOU is presented late to the Board due to MOU fiscal analysis, and delay in receiving the signature pages due to SELPA's approval process that requires the SELPA Executive Committee's approval prior to SELPA's signature to the MOU.

This work supports the following Monterey County Health Department 2018-2022 Strategic Plan Initiative: 3. Ensure access to culturally and linguistically appropriate, customer-friendly, quality health services. It also supports one of the ten essential public health services, specifically: 7. Link people to needed personal health services and assure the provisions of health care when otherwise unavailable.

OTHER AGENCY INVOLVEMENT:

The office of the County Counsel and Auditor-Controller have reviewed and approved this Agreement as to legal form and fiscal provisions, respectively. Risk Management has approved the non-standard insurance provisions of this Agreement.

FINANCING:

The costs of this agreement are funded by Special Education Local Plan Area reimbursement (SELPA 100%). The associated revenue and expenditures, \$4,732,162 are included in the Health Department's Behavioral Health (HEA 012, Unit 8410) Fiscal Year (FY) 2021-22 Adopted Budget.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Check the related Board of Supervisors Strategic Initiatives:

Economic Development:

- Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

Administration:

- Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

Health & Human Services:

- Improve health and quality of life through County supported policies, programs, and services; promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.

Infrastructure:

- Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

Public Safety:

- Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

Prepared by: Charise Walters, Management Analyst II, 755-4703

Approved by:

Date: \_\_\_\_\_

Elsa Mendoza Jimenez, Director of Health, 755-4526

Attachment:

Memorandum of Understanding