



JIM DESMOND
SUPERVISOR, FIFTH DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS

AGENDA ITEM

DATE: May 18, 2021

TO: Board of Supervisors

SUBJECT

**REAFFIRMING SUPPORT FOR SAN PASQUAL ACADEMY AND OUTLINING
IMMEDIATE DIRECTIVES (DISTRICTS: ALL)**

OVERVIEW

On March 16, 2021 (12), the San Diego County Board of Supervisors unanimously voted to direct staff to request an extension from the California Department of Social Services (CDSS) for the current Memorandum of Understanding (MOU) for San Pasqual Academy (SPA) through June 30, 2022.

It also directed the Chief Administrative Officer and the Child Welfare Services Director to take every possible action with State and Federal officials to gain a permanent licensing carve out for SPA and to enlist former foster youth, the parents advisory board, service providers and others to consider all options for the future of SPA.

On March 24, 2021, Health and Human Services Director (HHSA) Nick Macchione sent a request to CDSS Director Kim Johnson to extend the MOU through June 30, 2022, to allow the County and CDSS to continue to work with all stakeholders to consider options for the Academy and to ensure a supportive and trauma-informed plan for its students.

On May 3, 2021, CDSS responded to the County of San Diego stating they were willing to grant the requested extension subject to four conditions:

1. The County shall not make new residential placements of foster youth at the SPA upon acceptance of this amendment to the MOU.
2. The County must confirm that required child and family team meeting(s) are occurring for each youth in placement at SPA to assist with the transition planning; specifically, reporting on the status of family finding, engagement and support and permanency

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planning. The County should consult with each youth's counsel in this planning, and ensure the youth has access to their counsel.

3. The County must arrange for an independent third-party to engage with all youth currently in placement, other stakeholders, dependency counsel, and the courts to obtain an objective assessment of the youth's experiences.
4. The County must schedule a status update with Angie Schwartz, Children and Family Services Division Deputy Director, every two weeks regarding the transition plans for all youth in placement, that must include a discussion of long-term and transformative plans for the program and/or the facility, if the intended use will serve foster youth or families involved with the child welfare system.

The County of San Diego must accept these conditions and respond back by May 28, 2021 for the June 2022 extension to be granted.

The four conditions outlined above are of tremendous concern to SPA stakeholders, which includes clinicians, former foster youth and community advocates.

Today's recommendation directs the Chief Administrative Officer not to agree to the above terms until May 28, 2021 and in the interim continue a dialogue with State and Federal officials to explore a licensing and funding carve out to keep SPA permanently operating.

**RECOMMENDATIONS
SUPERVISOR JIM DESMOND**

Direct the Chief Administrative Officer to continue seeking a permanent solution to keep San Pasqual Academy viable; and

1. Request an additional 30 days from California Department of Social Services (CDSS) to continue discussions regarding the requirements in the extension.
2. If the additional time is not granted, wait until May 28, 2021 to agree to the terms and continue a dialogue with the California Department of Social Services (CDSS) on ways to allow San Pasqual Academy (SPA) to continue operations until June 30, 2022 and allow for additional flexibility in placing new students, such as siblings, while other licensing waivers and exemptions are being explored.
3. Engage with President Biden's Administration and Federal office holders to seek opportunities for federal funds to be used for the continued operation of SPA and advocate for these actions in accordance with Board Policy M2.

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4. Engage with Governor Newsom's Administration and State office holders to allow San Pasqual Academy to continue operations under the current MOU until June 30, 2022, while alternative long-term solutions are pursued and advocate for these actions in accordance with Board Policy M2.
5. Direct the Chief Administrative Officer to have appropriate staff available to meet with all interested San Pasqual partners including San Pasqual staff, New Alternatives, San Diego County Office of Education and Workforce Partnership on ways to expand use of the San Pasqual campus.
6. Direct the Chief Administrative Officer to explore using existing detached single-family homes on the campus as foster homes for the placement of sibling groups including children under the age of 12 at San Pasqual Academy.
7. Direct the CAO to add to the 2021 Legislative Program Sponsorship Proposals and item to seek legislation to amend State law that would allow San Pasqual Academy to continue operation in its current form in perpetuity.
8. Report back on the progress of items 1 and 2 to the Board of Supervisors (BOS) by May 28, 2021, and report back on all progress quarterly or more frequently as needed.

FISCAL IMPACT

There is no fiscal impact regarding this action.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

San Pasqual Academy (SPA) opened in 2001 and is a first-in-the-nation residential education campus designed to meet the unique needs of adolescent youth in the foster care system and to prepare them for self-sufficiency upon exiting care. Through a unique partnership of public and private agencies such as New Alternatives, Inc., San Diego County Office of Education, Access Inc. and through the support of the San Diego Workforce Partnership, and the County of San Diego (County) Health and Human Services Agency, Child Welfare Services (CWS), youth are provided with a seamless delivery of residential, education, work readiness and child welfare case management services.

Federal and State legislation have changed the statutory requirements in favor of keeping children safely with families. In 2015, Assembly Bill 403, Continuum of Care Reform Act (CCR) was

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signed into law with an emphasis that supports keeping children with their families. AB 403 also put congregate care settings into a new licensing category, Short-Term Residential Therapeutic Programs (STRTPs), with a duration of no longer than six months.

AB 403, included language to help preserve SPA and recognizes that the program, though licensed as a group home, was built around a residential education environment that promotes independence and self-sufficiency while focusing on completing high school, preparing for the world of work, practicing independent living skills, and developing relational permanency. As a result of multiple discussions on how to preserve SPA's unique program as permitted through the parameters of CCR, an updated Program Statement for a three-year Pilot Project for the period of December 1, 2018 through December 31, 2021 was approved by California Department of Social Services (CDSS) on August 17, 2018. Subsequently, a Memorandum of Understanding (MOU #18-6017) between CDSS and the County outlined how SPA will promote the principles of CCR and solidified SPA's on-going operation.

In 2018, the federal Family First Prevention Services Act (FFPSA) was signed into law as part of Public Law (P.L.) 115-123. FFPSA paves the way for a family strengthening, prevention focused infrastructure intended to enhance supportive services for families to help keep children safely at home and reduce the reliance on and use of congregate care.

On February 8, 2021, CWS was notified by CDSS that the SPA three-year Pilot Project would terminate effective October 1, 2021 rather than December 31, 2021. CDSS informed the County that because SPA is not amending its operations and programming to convert to a STRTP or any other licensing category available to youth in foster care, its educationally based residential program is unsustainable for foster care under CCR. As of October 1, 2021, the beginning of the federal fiscal year, there will no longer be federal Title IV-E funding authority to operate SPA. On March 16, 2021 (12) the Board of Supervisors supported funding approximately \$1.4 million in additional realignment funds to cover lost Title IV-E federal funding from October 1, 2021 - June 30, 2022.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

This action supports, the Building Better Health, Living Safely, and Thriving initiatives in the County of San Diego's 2021-2026 Strategic Plan as well as the County of San Diego's Live Well San Diego vision by providing a continuum of safe and thriving placement options and accelerated permanency to children and youth interaction with child welfare and juvenile justice systems.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jim Desmond', written over a horizontal line.

JIM DESMOND
Supervisor, Fifth District

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ATTACHMENT(S)

N/A

AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: ☐ Yes ☒ No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED

☐ Yes ☒ No

PREVIOUS RELEVANT BOARD ACTIONS:

March 16, 2021 (12) – Receive Update Regarding San Pasqual Academy and Authorize Request for Extension of Pilot Project.

BOARD POLICIES APPLICABLE:

N/A

BOARD POLICY STATEMENTS:

N/A

MANDATORY COMPLIANCE:

N/A

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION
NUMBER(S):**

N/A

ORIGINATING DEPARTMENT: Supervisor, District 5

OTHER CONCURRENCE(S): N/A

CONTACT PERSON(S):

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