



[Honorable/Assembly Member] [FirstName] [LastName]
State Capitol, Room
5050 Sacramento, CA 95814

June 2, 2015

Dear [Senator/Assembly Member] [LastName]:

I am the CEO and founder of River View Christian Academy (RVCA), which is a private, non-discriminatory, 501(c)(3)(r) faith-based residential school. On behalf of RVCA, we respectfully but strongly oppose SB 524.

We appreciate Senator Lara's intent to protect the health and welfare of youth who are enrolled in private residential care facilities. In our 25 year history, we have had not a single formal complaint reported to Social Services and believe this bill places an unnecessary burden on us, parents of students enrolled in our school, Community Care Licensing, and the California State Budget.

I would appreciate if you would read this document and thoughtfully consider our reasons for opposing this SB 524. We would ask that you vote to oppose this bill.

Thank you for your consideration of this matter.

Phil Ludwig
Founder and CEO
River View Christian Academy
31500 Grape St. #326
Lake Elsinore, CA 92532

RIVER VIEW CHRISTIAN ACADEMY (RVCA) OBJECTIONS TO SB 524

Quotes from SB 524 and implied regulations appear in black font.

RVCA's objections and concerns appear in blue italic font.

SECTION 1. The Legislature finds and declares all of the following:

(a) Since the 1990s, hundreds of nontraditional treatment programs that are intended to be less restrictive treatment options for children with significant behavioral issues have been established nationwide, with thousands of allegations of abuse, including death.

1,600 allegations of abuse nationwide were reported in 2005, but no statistics were available to the author of the bill, nor to our researchers, regarding:

- *How many of these were in California?*
- *How many of these programs were already under CCL?*
- *How many of these allegations were founded vs. unfounded?*

(f) Students at these facilities are previous victims of trauma, have experienced parental rejection based on actual or perceived sexual orientation or gender identity, and have mental health and substance use issues.

What statistics support this?

(h) It is the intent of the Legislature that the state license private residential care for youth as a community care facility to ensure the safety of children residing in those facilities.

1. *There is no reason for SB 524 to move RVCA from the DEPARTMENT OF EDUCATION to the DEPARTMENT OF SOCIAL SERVICE/CCL DIVISION as this would only raise our costs, raise parents' costs, and further burden CCL and the State of California both financially and operationally. This would also add unnecessary costs to the California state budget.*
2. *CCL deals primarily with wards of the state, 601's and 300's of the California Welfare code. The children enrolled at RVCA are still under the custody and jurisdiction of their **own parents** who pay for their child/children's tuition. RVCA is completely private and does not receive any state funding.*
3. *There are already sufficient provisions in place to protect children. This bill is redundant and excessive.*
4. *RELIGIOUS DISCRIMINATION: CCL regulations do not permit a curriculum, program or services that are exclusively of the religion of preference.*
5. *CCL Group Home Regulations 84072 (22) To be free to attend religious services or activities of his/her choice and to have visits from the spiritual advisor of his/her choice. Attendance at religious services, in or outside of the facility, shall be on a completely voluntary basis. *Being required to accommodate other religions is a violation of our fundamental right to freedom of religion.**
6. *EQUAL PROTECTION: We believe SB 524 violates our constitutional rights under the Equal Protection Clause of the Fourteenth Amendment. We will pursue any and all legal remedies if this bill is passed.*

7. (10) The facilities plan of operation in accordance with Section 80022 of Title 22 of the California Code of Regulations. *This is the CCL handbook. We oppose being shifted from the Dept. of Education (since we are a school) to CCL, because we are not providing therapeutic care or clinical support that is normally associated with CCL.*

SEC. 2. Section 1502.2 is added to the Health and Safety Code, to read:

1502.2.(a) (5) "Private residential care facility for youth" means any 24-hour residential facility or program operated by a private entity providing nonmedical care, counseling, educational or vocational support to persons from 12 to 18 years of age with social, emotional, behavioral, or mental health issues or disorders, including a program that provides any of the following:

(A) A program with wilderness or outdoor experience, expedition, or intervention. *Our research found no such programs in California.*

(B) A boot camp experience or other experience designed to simulate characteristics of basic military training or correctional regimes. *Our research found no such programs in California.*

(C) A therapeutic boarding school. *Our research found no such programs in California.*

(D) A behavior modification program.

1. *We are the only such program in California.*
2. *The definition of behavior modification is subjective. Any school requires behavior modification in the form of rules and boundaries and consequences for inappropriate behavior.*
3. *Our exemption falls under 80007(a) (6) which exempts residential boarding schools, but does not exempt anything else including but not limited to therapeutic schools, boot camps, wilderness programs, etc. We request that this exemption remain intact as it protects us.*

We have been informed by the authors of SB 524 that this bill would apply to a **new category of residential care programs under CCL that has not yet been defined**, and that the CCL **regulations** that would be enforced by this bill **have not yet been written**. *We question the ethics in passing a bill that will enforce regulations that have not yet been written upon an entity that has not yet been defined.*

*SB 524 makes several **subjective** or **vague** statements about regulations that would be among those applied by the bill:*

Section 2: 1502.2. (C)

(5) Evidence satisfactory to the department of the applicant's ability to meet regulatory requirements for the level of care the facility intends to provide. *This is subjective and vague.*

(6) Evidence satisfactory to the department of adequate knowledge of supportive services and other community supports that may be necessary to meet the needs of youth residents. *This is subjective and vague.*

(9) Any other information as may be required by the department for the proper administration and enforcement of this chapter. *This is subjective and vague.*

Section 2: 1502.2. (i) (2) A staff member of a private residential care facility for youth who supervises residents shall receive appropriate training consisting of 10 hours within the first four weeks of employment and eight hours annually thereafter. This training shall be administered while the staff is working at the facility, or in a classroom setting, or a combination of those settings. *The training is undetermined. This is subjective and vague.*

Section 2: 1502.2. (i) (3)

(B) Psychosocial needs of youth. *This is subjective and vague. Do parents or CCL define this?*

(D) Physical needs for youth residents. *This is subjective and vague.*

(E) Cultural competency and sensitivity in issues relating to the underserved, lesbian, gay, bisexual, and transgender communities. *RVCA does not discriminate on the basis of sexual preference or gender identity. We do not allow fraternizing between students of any preference or gender. Refer to California Penal Code Section 261.5(a). The age of consent is 18.*

(G) The department shall adopt regulations that establish additional subject matter required to be included in this training. *What is "Additional Subject Matter"?*

A residents rights:

(j) A resident of a private residential care facility for youth has all of the following rights:

(2) To be granted a reasonable level of personal privacy in accommodations, medical care, personal care and assistance, visits, written and electronic communications, and telephone conversations.

- *"A reasonable level" is vague.*
- *Parents have the right to have RVCA impose restrictions, limits, and monitoring on who their children communicate with, frequency with which they communicate, and content of their children's communications.*
- *This provision would increase RVCA's liability as an NGO and raise the risk factor to the child.*

(11) To consent to have a relative or other person of the resident's choosing visit or telephone during reasonable hours, privately and without prior notice. *This is dangerous and reckless provision that damages both the child and the family. This provision potentially exposes children to pimps, gang members, drug dealers and pedophiles from whom parents and staff would seek to protect them.*

(13) To receive supportive mental and emotional health-related services from trained staff who are licensed or are overseen by licensed mental health professionals. *This raises our costs and the cost of the program to the parents, because we do not provide nor want to provide treatment services. It is currently against the law to do so under the Department of Education and Title 22 of Section 80007(a).*