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PUBLIC EDUCATION'S POINT OF REFERENCE FOR MAKING EDUCATED DECISIONS

Ask SSC . . . Are Out-of-Home Care Funds Restricted to Services for Group Home Pupils?

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Q. My county office is saying that the special education funding for pupils in licensed children's institutions (LCIs) and foster care, commonly known as Out-of-Home Care Funding, is restricted to special education services for such pupils. Is this right?

A. No. We have reviewed the relevant Education Code Sections–56836.165 et seq.–the sections that prescribe the calculation of the apportionment for the Out-of-Home Care Funding. There is nothing in this Article of the Education Code that restricts the use of this funding to the pupils in group homes or foster family homes. Contrast that with Education Code Section 56836.25, which restricts the funding for Program Specialists/Regionalized Services to the purposes specified in Education Code Section 56836.23. In short, if the Legislature wanted to restrict the Out-of-Home Care funds it certainly would have done so.

Furthermore, just to be sure, I checked with the California Department of Education, and was informed that the Department agrees that there is no restriction on the use of the Out-of-Home Care funding in that it does not need to be spent on the population used to determine the funding. But, of course, this money is still special education funding, and so must be spent on some special education purpose.

–Paul Goldfinger