

School districts, not counties, now responsible for school-related mental health services for special education students

Notice to parents of special education students with mental health needs

July 8, 2011

For many years, California has provided school-related mental health services to special education students through county mental health agencies. This program is known as AB 3632 services, or in some counties, Chapter 26.5 or AB 2726 services.

Last week, California passed a law that returns legal responsibility to school districts for providing school related mental health services to special education students. This does not change your children's right to receive mental health services that they need to benefit from education.

What has changed? The change in this law means that your school district will now be responsible for all of the services that used to be provided jointly by your school and your county department of mental health. School districts are receiving millions of dollars from the federal and state governments to provide these services to your children. The program for providing mental health services has **NOT** ended. Some school districts may enter into agreement with a county, so that the county mental health agency will continue to provide the services. Other school districts will provide the mental health services directly or contract with another agency to provide the service.

Does this mean my child will have fewer services? Under federal law, your child still has the right to receive mental health services needed to benefit from education. If your child's IEP includes mental health services, your child should continue to receive the same services unless you and the rest of your child's IEP team agree that your child no longer needs the same type, frequency or level of mental health services. We are hopeful that this change in the law will mean improvements in services, quicker services, and additional services for your children, **not** fewer services or changes in providers!

Can the school district change services? Your school district **CANNOT** change any of your child's services until they hold an IEP meeting **and you**

agree with the changes they propose. If you don't agree with the changes proposed by the school district, your child has a right to continue to get the services. This right is called "stay put" because it is your child's right to stay put with their current services and placement until you and the school agree on new placements or services. If you do not agree with the changes your school proposes, **you have the right to say no. You can refuse to sign the IEP or other documents that would change your child's placement or service. You have the right to request that your child stay in her current placement with her current services.**

For example, if your school district staff says: Because of the change in the law, your child can no longer see his current mental health therapist or your child can no longer stay at his residential placement due to the change in law, you may say no and assert your child's right to "stay put." If the school district refuses to keep your child in the same placement or with the same services, you may need to file a due process hearing to protect your child's stay put rights and to resolve the placement or service issues.

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Where can I get help if I need it? If you have any questions about this change in the law or if the school district will not agree to keep your child in stay put or you run into any other problems - call Disability Rights California at 1-800-776-5746 for advice. The California Office of Administrative Hearings also keeps a list of free and low-cost attorneys who can help parents. You can call them to request a copy at (916) 263-0550, or if you have internet access, a copy is available online at:

<http://www.documents.dgs.ca.gov/oah/SE/SE%20advocacy%20list.pdf>

How do I find out more about this? You should ask your child's special education coordinator how the school district plans to provide mental health services to special education students. You should check this website for updates on this issue.