

# MENTAL HEALTH & SPECIAL EDUCATION

PRESENTED BY:  
DISABILITY RIGHTS CALIFORNIA  
2026



## WHAT WE WILL DISCUSS TODAY:

- Special Education Roadmap
- Disability related behaviors/mental health issues
- Possible consequences
- School attendance review board (SARB)
- Inappropriate discipline tactics
- Suspensions
- Manifestation determinations
- Educationally related mental health services
- Learn about the functional behavior assessment
- Learn about the positive behavior intervention plans (BIP)

# Special Education Road Map

All children can be successful in school when their needs are met. Special Education is one way to meet your child's disability-related needs. This road map will help guide you through that process.

**1 Signs Your Child has a Disability Affecting Their Education**

*Request Assessments in Writing.*

**2 Initial Assessments**

- School must provide an Assessment Plan within 15 days of receiving your request.
- Once you consent to the Assessment Plan, the school has 60 days to complete the assessments and hold an IEP Meeting.

**3 Initial IEP Meeting**

The IEP Team (which includes parents) reviews the assessments and decides if your child is eligible for Special Education.

If your child is eligible, the team creates an Individualized Education Program ("IEP").

If your child is found not eligible, but you believe they have unmet disability-related needs, you can:

- Request a 504 Plan
- Request Independent Educational Evaluation

**4 Review IEP**

IEP Team must meet at least once per year to review the IEP.

The IEP Team must also meet:

- Within 30 days of a parent's request.
- Anytime the school wants to change the IEP.
- When your child turns 16 years old to create a Transition Plan.
- If your child is suspended 10+ days or recommended for expulsion to hold a Manifestation Determination Review ("MDR").

*Review and Reassess until Child exits Special Education*

**5 Reassessment**

- Once eligible, the School must reassess your child at least every 3 years.
- Parents can also request a reassessment up to 1x each year.

**6 Exit Special Ed.**

1. IEP team no longer believes child is eligible.
2. Parent no longer consents.
3. Child graduates or ages out at 22 years old.





**DISABILITY RELATED BEHAVIORS/MENTAL  
HEALTH ISSUES**

# COMMON POSSIBLE DISABILITY RELATED BEHAVIORS/MENTAL HEALTH ISSUES



# COMMON CONSEQUENCES

Citations/write ups

Suspensions

Truancies

Missed Educational Opportunity

School Attendance Review Board (SARB)

Child refuses to go to school

Constant calls home

Calls for parent/guardian to pick student up

Expulsion

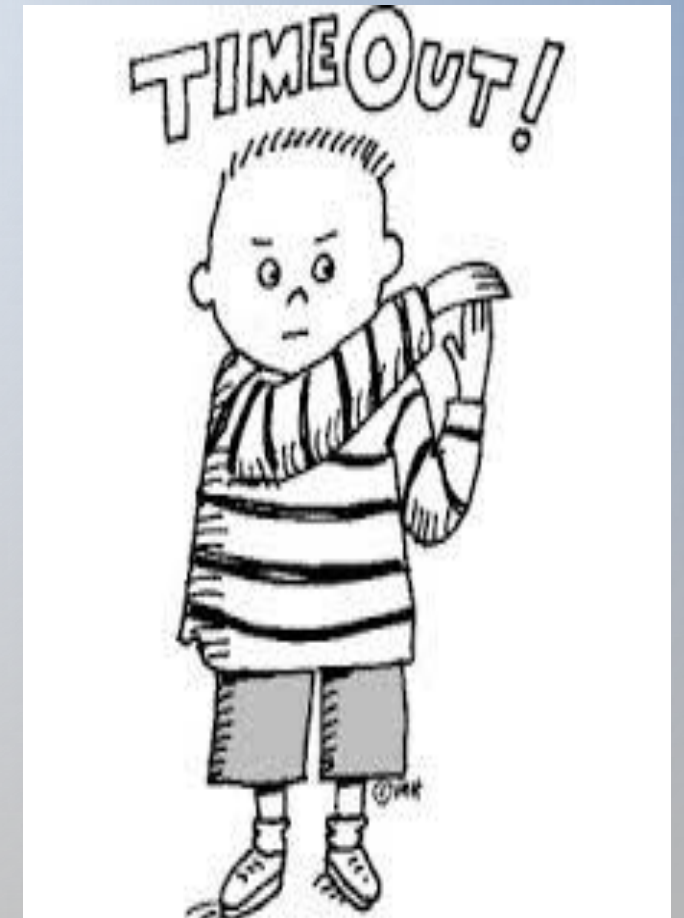
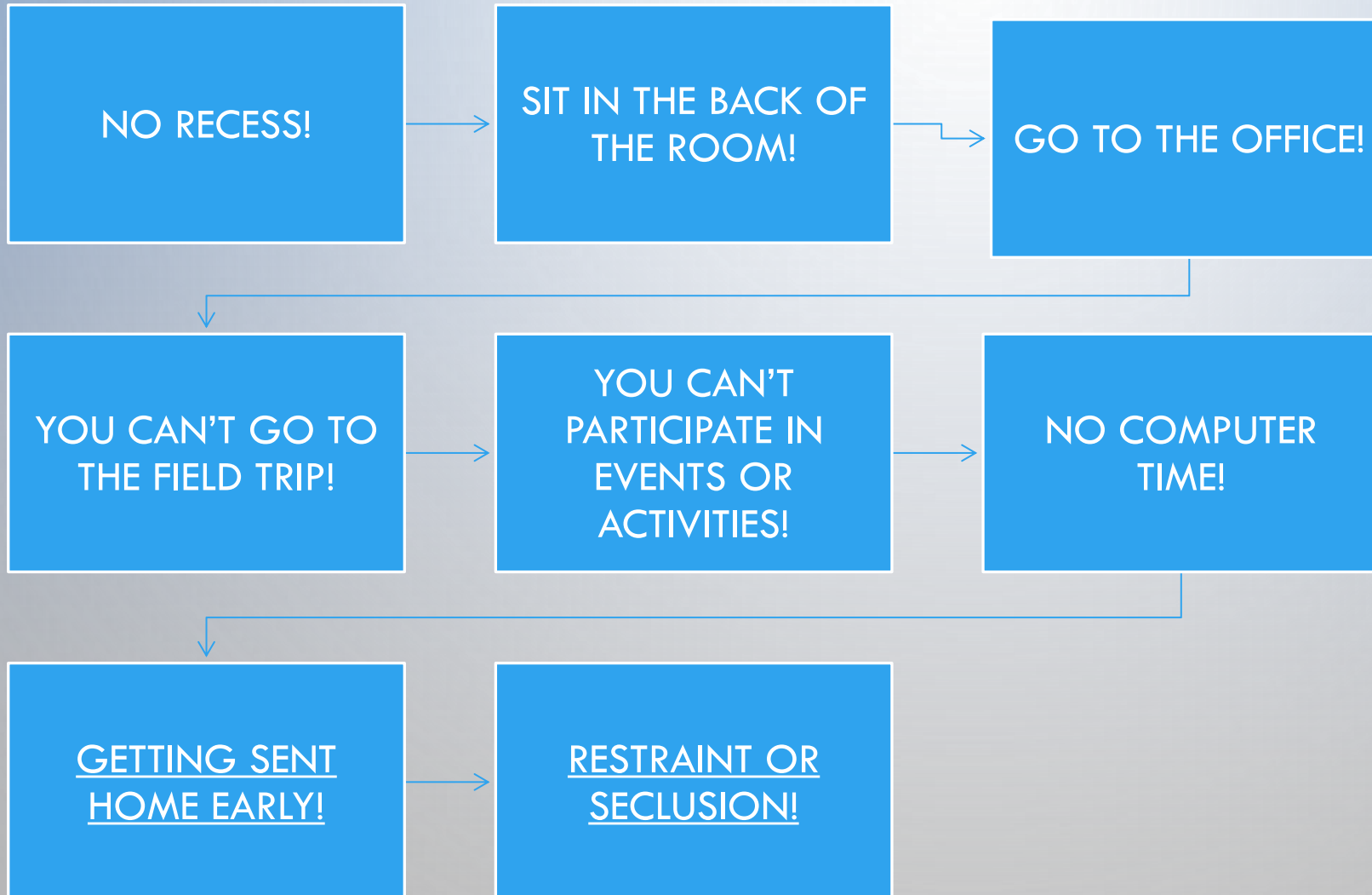


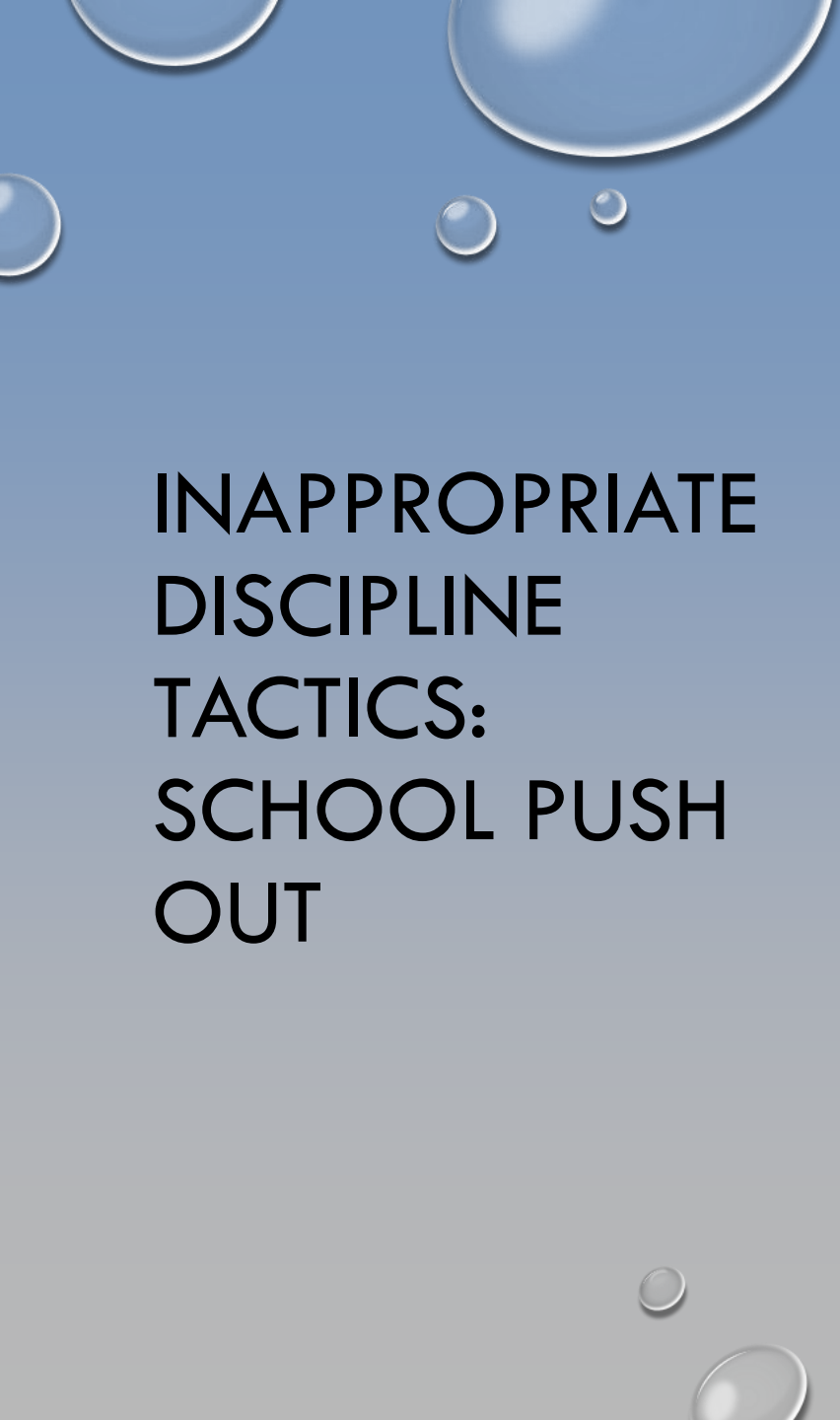
# WHAT IS THE STUDENT ATTENDANCE REVIEW BOARD

- The SARB is developed to:
  - Identify why a child is not attending school.
  - Get the child to attend school
  - Prevent student from falling through the cracks
- California education code section 48200, requires all students ages 6-18 to compulsory full-time education.

# INAPPROPRIATE DISCIPLINE TACTICS

NOT OKAY





# INAPPROPRIATE DISCIPLINE TACTICS: SCHOOL PUSH OUT

Is illegal!

- Early dismissals should only be caused by sickness or suspension.
- Early dismissal should be considered a suspension each time it happens.
- Students have a right to attend their local comprehensive school unless formally expelled.
- Parents cannot be forced to sit at school with their children to deal with their behavior.

# SUSPENSIONS

- Always request notice of suspension.
- Right to a manifestation determination meeting after 10 days of suspension in one school year.
- Suspensions cannot be counted as truancies!
- Students under a 504 plan have the same rights in suspension procedures
- Your child can only be denied to return to school without procedures if there was a weapon involved in the incident, drugs involved, or severe injury.



## SUSPENSION FROM SCHOOL BUS

- If your child is suspended from the school bus the district must provide an alternative form of transportation at no cost to the parent until the child is allowed to go back.

# Manifestation Determination Review

The law protects students with disabilities from being punished for disability-related behaviors. Schools must hold a Manifestation Determination Review (MDR) before expelling or repeatedly suspending a student with an IEP or 504 Plan.



## What is an MDR?

- An MDR is an IEP Team meeting where the team figures out whether the student's behavior is a manifestation of their disability.
- A school must hold an MDR if it recommends a student with a disability for expulsion or suspends the student for more than 10 days in a school year for a pattern of behavior.

## The IEP Team must answer 2 questions:

1. Was the behavior caused by the student's disability?

*For example, if a student's ADHD causes them to act impulsively, an incident where they impulsively hit another student could have been **caused by** their ADHD.*

2. Was the behavior caused by the school's failure to implement the IEP/504 Plan?

*For example, if a student threatens to hurt a teacher after the teacher refused to give them time to cool down, as required by their IEP, the threat could have been **caused by** the failure to implement the IEP.*

If the IEP Team answers **YES** to either question, the student's behavior is a **manifestation of their disability**, and the school **cannot** expel or suspend the student for more than 10 days for this behavior.

# MANIFESTATION DETERMINATION REVIEW (MDR)

Before a student with an IEP or 504 Plan is excluded for **more than 10 days**, the school **must** hold an MDR.



FROM THE INDIVIDUALS WITH DISABILITIES IN  
EDUCATION ACT ("IDEA") ...

All children with disabilities are entitled to...

“ [A] free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living. ”

# WHAT IS SPECIAL EDUCATION?

- Special education is not a place.
- Special education is access to additional services, supports and resources.

Counseling



Parent counseling / training



Social work services



1-on-1 or small group academic support



Transportation



Speech & language services



School health services



Physical & Occupational Therapy

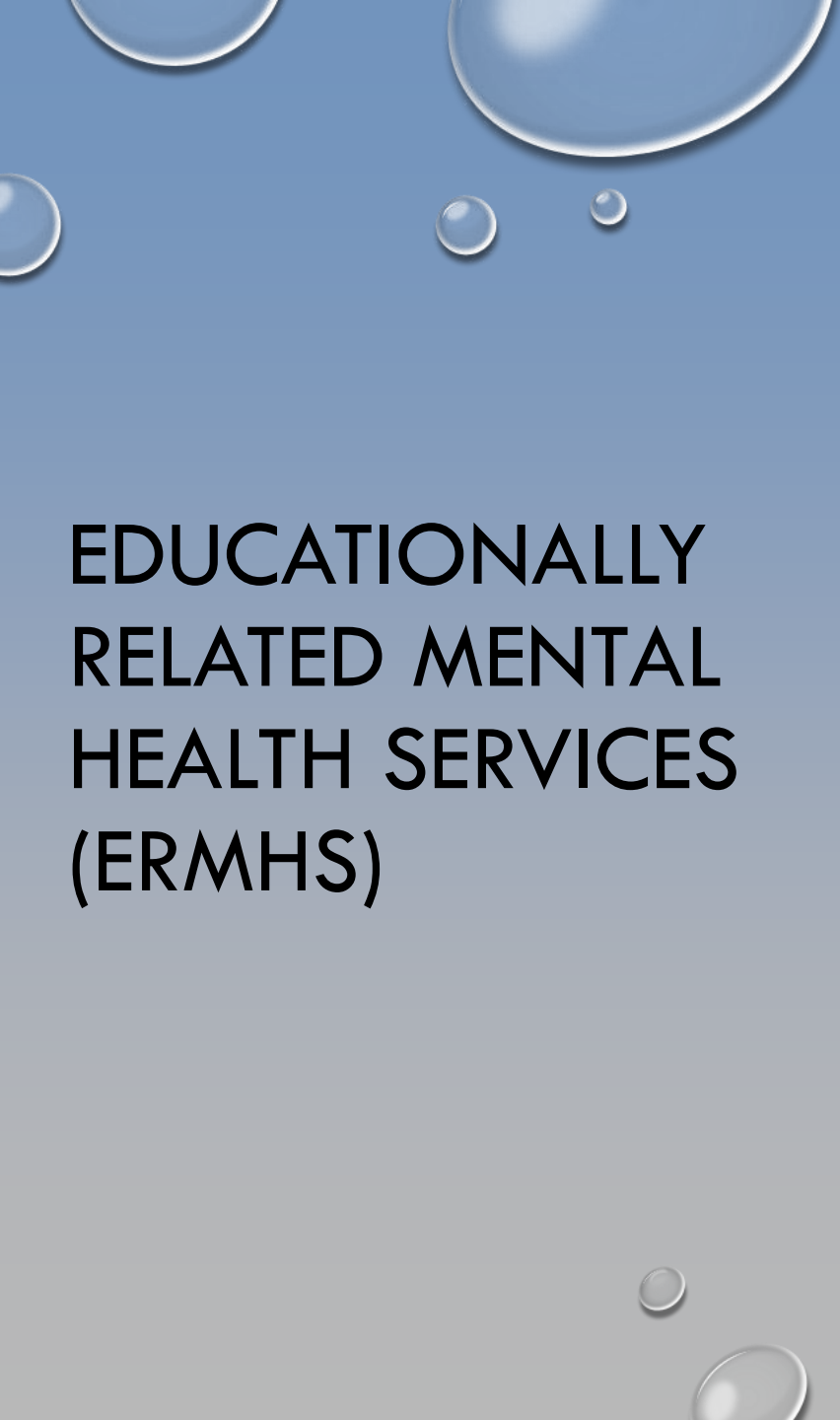


Supports & strategies for disability-related behaviors



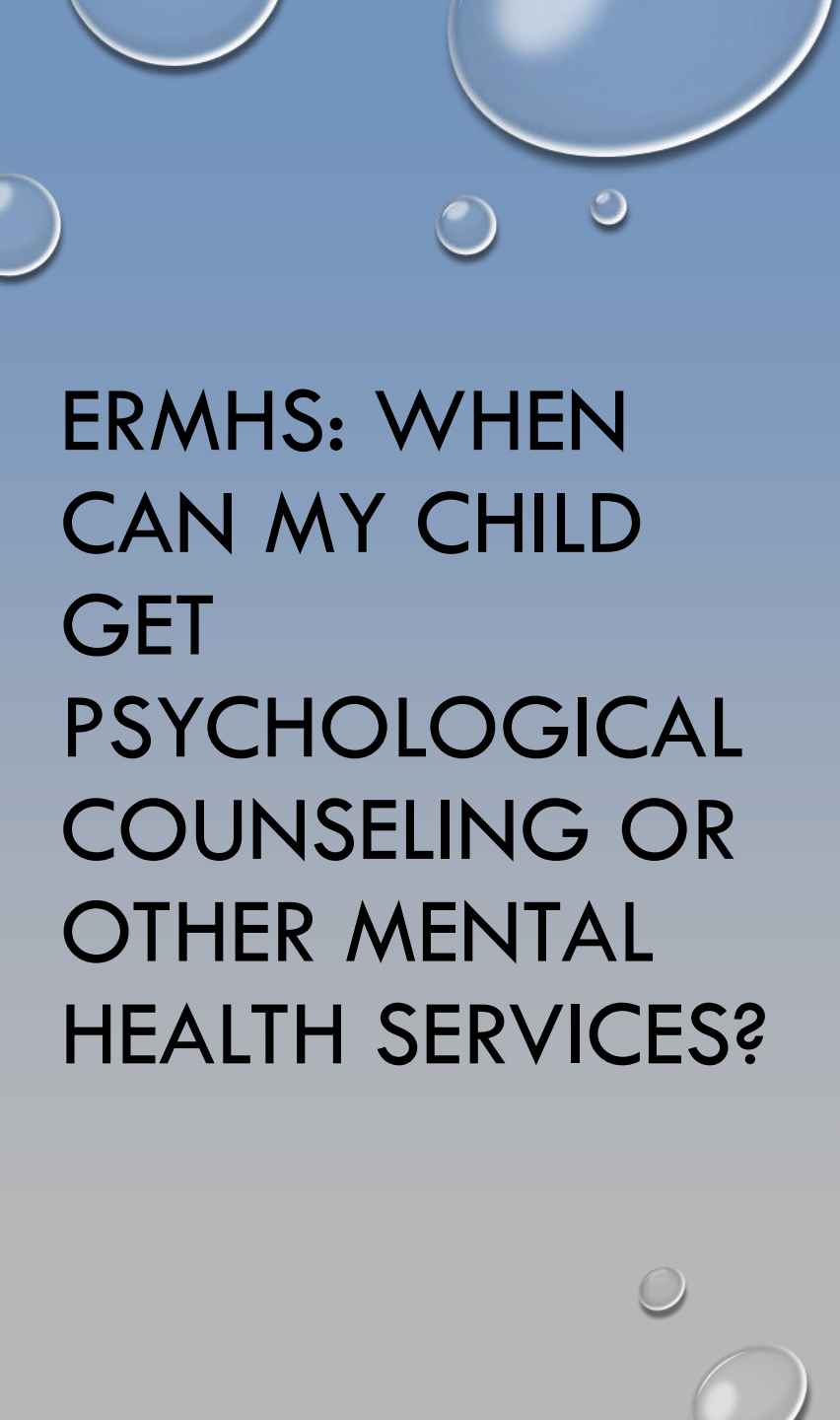
The background features a light blue gradient with several realistic water droplets of various sizes scattered across it. Faint, semi-transparent text in the background reads "Disability Rights California".

## EDUCATIONALLY RELATED MENTAL HEALTH SERVICES (ERMHS)



## EDUCATIONALLY RELATED MENTAL HEALTH SERVICES (ERMHS)

- Is an assessment for children with or suspected mental health disabilities.
- The assessment helps determine how a mental health disability interferes with the student's education.
- This is not to make a diagnosis but finding the supports necessary and accommodations to help the student benefit from his/her/their education.
- The local educational agency (lea) has the obligation to coordinate mental health services with outside organizations and county mental health for any additional supports available.
- Under idea, the lea must consider outside evaluations/information, so consider asking your child's medical professional for input.



## ERMHS: WHEN CAN MY CHILD GET PSYCHOLOGICAL COUNSELING OR OTHER MENTAL HEALTH SERVICES?

- Psychological counseling and other mental health services may be available when your child's emotional status has a negative effect on her educational performance and are required for the child to benefit from special education. Other mental health services such as "residential placement" can also be provided. [34 c.F.R. Sec. 300.104.]

## FUNCTIONAL BEHAVIOR ASSESSMENTS (FBAS) & BEHAVIOR INTERVENTION PLANS (BIP)

- An FBA is an assessment to understand what the behavior is and why it is occurring.
- A bip is a formal, written plan that identifies how to effectively prevent and respond to the behavior, including:
  - Environmental changes
  - Skill building & strategies for the student and staff
  - Protocols staff must follow to effectively prevent and respond to the behavior

# Supports & strategies for disability-related behaviors



# FUNCTIONAL BEHAVIORAL ASSESSMENT



Request an FBA in writing.



District has 15 days to provide you an assessment plan under special education law.



District has 60 days to complete assessment after receiving your consent to assess.



You can ask for interim behavior plan during testing period.



After assessment is complete, have a meeting to discuss.



Request assessment results to review before the meeting. Request far in advance if you need it in another language other than English. (You always have to request it!)

# Behavior Intervention Plan



Learning  
Lab

## BEHAVIORAL INTERVENTION PLAN

- A BIP is a plan that is unique to your child.
- It is designed to help identify, correct and replace inappropriate behaviors.
- This plan should be based on FBA results and recommendations.
- If appropriate, include the child in this process.
- If student has an IEP or 504 plan, it should be part of the plan.
- Bip goals should match behavioral goals in the IEP or 504 plan.

# MEDICAL INFORMATION

# MEDICAL

- Engage your child's doctor for recommendations!
- Medical appointments or being ill due to a chronic illness.
- Consider giving the school information about chronic illness when it affects attendance.
- Provide medical documentation that indicates the student's needs.





## FINAL TAKE-AWAYS

- Document everything
- If it affects your child's learning, it's an IEP issue!
- You have the right to call an iep meeting at any time – start there

## Resources

- Educationally Related Mental Health Services (ERMHS)  
<https://www.disabilityrightsca.org/publications/educationally-related-mental-health-services-ermhs>
- Special Education Rights and Responsibilities (SERR) (5.1) What are related services?  
<https://serr.disabilityrightsca.org/serr-manual/chapter-5-information-on-related-services/5-1-what-are-related-services/>
- Behavior and Discipline Toolkit  
<https://www.disabilityrightsca.org/resources/special-education/behavior-and-discipline-toolkit>



QUESTIONS?

DISABILITY RIGHTS CALIFORNIA

INTAKE LINE 1-800-776-5746

WEBSITE: [www.disabilityrightsca.org](http://www.disabilityrightsca.org)