



August 15, 2011

Dear County and District Superintendents, Mental Health Agency Administrators, and Other Entities Providing Related Services to Special Education Students:

Requirements for Securing the Services of Mental Health Professionals to Provide Related Services to Special Education Students

Recent changes to state law require Local Education Agencies (LEAs) to provide necessary related services for special education students. As LEAs assume responsibilities for ensuring that eligible students receive required services, several questions have arisen concerning employing or contracting with mental health professionals to deliver those services. This notice provides guidance on options for LEAs to secure the services of individuals qualified to provide specific related services called for in students' Individualized Education Programs. The information provided has been reviewed by both the California Department of Education (CDE) and the California Commission on Teacher Credentialing (CTC) to ensure that it reflects both agencies' interpretation of applicable federal and state law.

I. For LEAs directly employing mental health professionals to provide related services

Many mental health professionals, such as clinical psychologists and Marriage and Family Therapists, are employed to provide services that are not authorized by credentials or other certification issued by the CTC, and instead are generally licensed by other state agencies. In such cases, these individuals would not be identified as certificated staff and would not be included in assignment monitoring conducted by county offices of education and the CTC. However, LEAs must ensure that such employees possess required licensure or training as established in state law and must be appropriately supervised. Individuals possessing an Administrative Services Credential are authorized to supervise and evaluate these personnel. Given the specialized nature of the work of mental health professionals, an administrator who has a background in providing related services, such as a person dually-certified in Pupil Personnel Services and Administrative Services, may be particularly well-suited to supervise these personnel, but any holder of an Administrative Services Credential is authorized to supervise mental health professionals employed by an LEA.

In addition, Education Code section 44270.2 allows the holder of a pupil personnel services credential to supervise a pupil personnel service program.

The services credential with a specialization in administrative services shall authorize the holder to perform administrative services at all grade levels.

Any person who administers a pupil personnel program shall hold a services credential with a pupil personnel or administrative specialization.

For individuals employed to provide services that require certification authorized by a credential issued by CTC, those individuals must hold a valid California credential with an appropriate authorization for the services provided or be otherwise authorized to serve on the basis of another section of statute or regulations.

II. For LEAs contracting with community-based mental health professionals to provide related services

Supervision

Community-based mental health professionals are broadly defined as any individuals licensed and assigned to provide mental health services who may be self-employed, employed by a private agency, or employed by a public agency such as a county mental health agency. In all cases, community-based mental health professionals must be supervised in their school-based activities by an individual possessing a Pupil Personnel Services (PPS) Credential. The term "supervised" in this context means that the PPS credential holder has oversight of the school-based activities undertaken by a community-based mental health provider for the purpose of ensuring that these services are consistent with the needs of students served and are coordinated with other student services to allow for the provision of an efficient and comprehensive Pupil Personnel Services Program. The requirement for community based service providers to be supervised by a PPS credential holder is established in Section 80049.1(c) of Title 5, California Code of Regulations, which states:

Nothing in this section shall be construed to preclude school districts from utilizing community-based service providers, including volunteers, individuals completing counseling-related internship programs, and state licensed individuals and agencies to assist in providing pupil personnel services, provided that such individuals and agencies are supervised in their school-based activities by an individual holding a pupil personnel services authorization.

Nonpublic Agency Certification

Any community-based mental health agency or individual not working directly for an LEA, another public agency, or an affiliate of a state or local agency as described in *Education Code* Section 56035, must also be certified by the CDE as a Nonpublic School (NPS) or Nonpublic Agency (NPA) pursuant to Section 3051 of Title 5, California Code of Regulations. For information on how to be certified as an NPS or NPA, please

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contact the CDE's Interagency Nonpublic Schools and Agencies Unit, Special Education Division, by phone at (916) 327-0141, or by e-mail at NPSA@cde.ca.gov.

If you have any questions about this subject, please contact Jim Alford, Education Programs Consultant, Special Education Division by phone at (916) 327-8877, or by e-mail at jalford@cde.ca.gov.

Sincerely,

Fred Balcom, Director
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