

Mental Health Services FAQ

Frequently asked questions about services previously provided through County Mental Health Agencies for students with Individualized Education Programs

In 1984 Assembly Bill (AB) 3632 statutorily required a partnership between school districts and county mental health agencies to deliver mental health services to students with individualized education programs (IEPs). In 2011, the California Legislature passed Assembly Bill (AB) 114, which repeals the state mandate on special education and county mental health agencies and eliminates related references to mental health services in California statute. As a result of this new legislation, school districts are solely responsible for ensuring that students with disabilities receive special education and related services to meet their needs according to the Individuals with Disabilities Education Act (IDEA) of 2004.

Given this recent change to state laws, the Frequently Asked Questions (FAQs) below are offered to provide students, parents, educators, and other stakeholders with information about services for students with disabilities that were formerly provided by county mental health agencies.

1. My student's current IEP lists mental health services ("AB 3632" services). Do these services end on July 1, 2011?

No. School districts are responsible for ensuring that students continue to receive their services as documented in their IEPs. The provision of any service does not end until an IEP team determines that the student no longer requires the service. The IEP must then be amended with the consent of the parent, guardian, or other holder of the student's educational rights.

2. My student does not currently have mental health services in his/her IEP, but he/she needs such services. What do I do?

According to state and federal laws and regulations, students must be assessed in all areas related to their suspected disabilities. You may therefore request that your school district assess your student to determine the services that your child may require. Be sure to put this request in writing and save a copy. The school district must respond to your request in 15 days. For more information, contact the Special Education Office in your school district.

3. May services be denied, changed, or limited due to changes in funding?

No. Federal law says that districts must provide a free appropriate public education (FAPE) to students with disabilities identified according to the IDEA. The services noted in your student's IEP must be provided without regard to changes in funding.

4. Does the county mental health agency have a role in providing any of the services listed in my student's IEP? What is the role of the school district in determining this role?

The school district is ultimately responsible for ensuring that all students receive the services noted in their IEPs. Some school districts may contract with county mental health agencies for the provision of some services. Districts may also hire their own professionals, contract with organizations or professionals in the community, or use a combination of approaches to ensure services continue.

5. I have a compliance complaint that was opened in fiscal year 10/11 but that is not yet completed. What is the status of my complaint?

California Department of Education (CDE) Special Education Division (SED) staff will continue to investigate complaints remaining open from the prior fiscal year. According to federal law, the investigator has 60 days to complete an investigation. A report of the investigation findings will be mailed to the complainant and the district.

6. I have a complaint in due process that was opened in fiscal year 10/11, but a decision has not yet been rendered. What is the status of my due process hearing?

If you have a complaint in due process, you should contact the Office of Administrative Hearings (OAH). Please see telephone number and Web site links at the end of this document.

7. What if I have a new complaint related to the mental health services that my student receives?

Contact the special education office of your local school district to discuss the issues. You may also need to convene your student's IEP team and discuss your concerns during an IEP team meeting. If your complaints are not resolved, you may file a request for investigation through the CDE SED Procedural Safeguards Referral Service (PSRS) unit. If you and the school district disagree about the services your student receives, you may also