



**LEGISLATION & PUBLIC
INFORMATION UNIT**
1029 J Street, Suite 150
Sacramento, CA 95814
Tel: (916) 497-0331
TTY: (916) 497-0835
Fax: (916) 497-0813
www.disabilityrightsca.org

California's protection and advocacy system

**FACT SHEET on California's Budget Cuts to Mental Health Services
for Children in Special Education
(AB 3632) – Updated October 13, 2010**

Suspension of AB 3632 Mandate

In 1986, the California Legislature decided to use state and county agencies — other than the school district — to provide certain related services. They did this to maximize and better coordinate public resources to support students with disabilities receiving special education services. Rather than have districts responsible for mental health services, the Legislature passed a bill to enter into an interagency agreement with county mental health to provide psychological or mental health services. This interagency service agreement is usually referred to as Assembly Bill (AB) 3632 services. Interagency mental health services include case management, counseling, medication management, and residential placement and sometimes out-of-state residential placement.

How did the law change?

On October 8, 2010 the governor vetoed the \$133 million the California Legislature had included in its budget package to reimburse county mental health for back claims owed to them for providing AB 3632 services. He also stated that he was suspending the AB 3632 mandate on counties to provide mental health services for special education students. This means that county mental health is no longer required to provide mental health related services. School districts will have to ensure mental health related services identified in an Individualized Education Plan (IEP) are provided.

Can my school district refuse to provide my child with mental health services identified in the IEP because county mental health is no longer required to provide them?

No. School districts are responsible for providing these related services, if not provided by other agencies, as long as they are needed so a student can benefit from special education. **Districts cannot refuse to put services in an IEP just because a funding source is not identified.**

Psychological services are listed as a special education related service under state law when they are necessary for *educational* reasons. These services must be provided by school districts if they are necessary for a child to benefit from special education, even when county mental health does not provide them. In addition if county mental health stops providing them for any reason, the school district must assume responsibility.

What should I do to ensure my child gets needed mental health services?

You should always make sure these services are listed in the IEP. They should be listed as educationally necessary — or necessary for a student to benefit from special education.

What do I do if I'm told the services have to stop?

Depending on the circumstances, you can file a compliance complaint or file for a due process hearing.

- A compliance complaint is used when the school district stops providing a related service that is listed in the IEP or refuses to assess for the service.

- You can file for a due process hearing when you disagree with the school district about whether, where, what type and how often a related service will be provided.

For more information check our website:

http://www.disabilityrightsca.org/issues/specialeducation_pubs.html

Is Disability Rights California doing anything about the suspension of the AB 3632 mandate?

Disability Rights California is reviewing the governor's actions regarding AB 3632. You should check our website (www.disabilityrightsca.org) regularly for updates on the issue.