

X  INFORMATION

TAB SECTION: A

\_\_\_ ACTION REQUIRED:

DATE OF MEETING: 05/16/13

PREPARED BY: Thompson

DATE MATERIAL  
PREPARED: 06/19/13

---

**AGENDA ITEM:** Mental Health Services for Special Education Pupils (AB 114): Tracking Outcomes

**ENCLOSURES:**

- Assembly Bill 114
- Assembly Bill 114: Local Education Agencies' Responsibility for Providing Related Services to Students with Disabilities
- AB 3632 ---> AB 114 Transition of Educationally Related Mental Health Services Q & A

**OTHER MATERIAL RELATED TO ITEM:**

---

**ISSUE:**

In signing the 2010-11 Budget Bill (SB 870) on October 8, 2010, Governor Arnold Schwarzenegger vetoed \$963 million in General Fund spending that had been approved by the Legislature, including a deletion of approximately \$133 million in funding for the AB 3632 mandate (Chapter 26.5 of Division 7, Title 1, California Government Code) to county mental health departments to provide mental health services for eligible special education students. The Governor "declared" in his veto message that the mandate is suspended for 2010-11. This purported action meant that responsibility for provision of these mental health services to students with individualized education programs (IEP) would fall back onto local educational agencies (LEA), namely school districts.

On October 12, 2010, the County Mental Health Directors Association (CMHDA) sent out a memorandum regarding the Governor's veto of AB 3632 funding. While the CMHDA indicated it would further analyze the impact of the Governor's veto from a programmatic and legal perspective, it set out some options for local county mental health offices to consider in the interim, ranging from ceasing to accept any new referrals for AB 3632 services to reviewing whether any current AB 3632-eligible students could receive mental health services outside of the IEP process, if eligible for Medi-Cal funding.

On October 15, 2010, the California Department of Education's Special Education Director sent correspondence to special education directors and other interested parties across the state reminding them that under the federal Individuals with Disabilities Education Act (IDEA), if an agency other than an LEA fails to provide or pay for the necessary special education and related services for an eligible student, then the LEA must provide or pay for these services in a timely manner.

On June 30, 2011, Assembly Bill 114, Chapter 43, Statutes of 2011 (AB 114), was signed into law. Under AB 114, several sections of Chapter 26.5 of the California *Government Code* (GC) were amended or rendered inoperative, thereby ending the state mandate on county mental health agencies to provide mental health services to students with disabilities.

X INFORMATION

TAB SECTION: A

\_\_\_ ACTION REQUIRED:

DATE OF MEETING: 06/15/11

PREPARED BY: Thompson

DATE MATERIAL  
PREPARED: 05/03/11

---

ISSUE: (cont'd).

With the passage of AB 114, school districts are now solely responsible for ensuring that students with disabilities receive special education and related services, including some services previously arranged for or provided by county mental health agencies.

A representative from the California Department of Education, Danielle Molé, Policy Advocate and Grassroots Advocacy Coordinator, and Lynn Thull, Consultant, Children's Mental Health Policy and Practice Improvement, from the California Alliance of Child and Family Services, and Lorraine Flores, CMHPC, Santa Clara County, will provide a presentation on the AB 114 transition.