



C A L I F O R N I A D E P A R T M E N T O F
Mental Health

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June 23, 2008

DMH INFORMATION NOTICE NO.: 08-15

TO: LOCAL MENTAL HEALTH DIRECTORS
LOCAL MENTAL HEALTH PROGRAM CHIEFS
LOCAL MENTAL HEALTH ADMINISTRATORS
COUNTY ADMINISTRATIVE OFFICERS
CHAIRPERSONS, LOCAL MENTAL HEALTH BOARDS

SUBJECT: MENTAL HEALTH REHABILITATION SERVICES FOR CHILDREN
IN THE SPECIAL EDUCATION PUPILS PROGRAM

REFERENCE: CHAPTER 26.5 OF DIVISION 7 OF TITLE 1 OF THE
GOVERNMENT CODE

This letter clarifies the funding of mental health rehabilitation services for children in the Special Education Pupils Program (AB 3632). Any mental health service required by a pupil's Individualized Education Program (IEP) to allow educational benefit must be provided by the appropriate local agency. Mental health services may include mental health rehabilitation services when such services are determined to be the most appropriate in meeting a student's specialized needs.

County mental health agencies may access various funding sources for the provision of mental health rehabilitation services:

Children in AB 3632 with Medi-Cal Eligibility

Counties may bill Medi-Cal for mental health rehabilitation services provided to children in AB 3632 who are Medi-Cal eligible and meet the medical necessity criteria for specialty mental health services when those services are provided pursuant to the child's IEP.

Children in AB 3632 without Medi-Cal Eligibility

Mental health rehabilitation services should be provided regardless of Medi-Cal eligibility to children in AB 3632 when needed to facilitate educational benefit. County mental health agencies may access the following funding sources for these services for children who are not Medi-Cal eligible:

- Counties may use federal Individual with Disabilities Education Act (IDEA) funds, received through County Offices of Education, to support the provision of mental health rehabilitation services pursuant to an IEP. IDEA regulations require that any related service (as defined by Section 300.34 of the Code of Federal Regulations (CFR)), when required by an IEP to assist a student in achieving educational goals, shall be provided.
- Counties that receive a portion of the \$52 million in State General Funds that is distributed by the Department of Mental Health may use those funds to support the provision of mental health rehabilitation services pursuant to an IEP.

Pursuant to Section 300.101 of the CFR, a Free Appropriate Public Education (FAPE) must be available to all children residing in the State between the ages of 3 and 21. The mental health services in an IEP must constitute an offer of FAPE. Pursuant to Section 300.103 (c) of the CFR, there should be no delay in implementing the child's IEP, including any case in which the payment source for providing or paying for special education and related services to the child is being determined.

If you have questions or need additional information, please contact Stacey Wofford at (916) 651-0995 or at Stacey.Wofford@dmh.ca.gov.

Sincerely,

Original signed by

STEPHEN W. MAYBERG, Ph.D.
Director