

CMP BOARD OF DIRECTORS:

April 8, 2013 Board Meeting

Contents of Mental Health Services Packet

- I. ASSEMBLY BILL 114: USE OF MENTAL HEALTH FUNDS IN THE BUDGET ACT OF 2011-12**
January 5, 2012 Letter from Tom Torlakson, State Superintendent of Public Instruction,
Department of Education
- II. California Montessori Project Mental Health Plan**
- III. Mental Health Supports and Services:** Framework of supports – building a
comprehensive program
- IV. Yuba County SELPA 2011/2012 Mental Health Funding Sources**

California Department of Education (<http://www.cde.ca.gov/sp/se/ac/useofmfunds.asp>)
 Page Generated: 4/3/2013 11:08:03 AM



TOM TORLAKSON
 STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

January 5, 2012

Dear County and District Superintendents, Special Education Local Plan Area Directors, Special Education Administrators at County Offices of Education, Charter School Administrators, Principals, and Nonpublic School Directors:

ASSEMBLY BILL 114: USE OF MENTAL HEALTH FUNDS IN THE BUDGET ACT OF 2011-12

The purpose of this letter is to provide background and guidance regarding the use of funds authorized in the Budget Act of 2011-12 restricting the use of certain funds to "educationally related mental health services."

General Funds

Pursuant to Assembly Bill (AB) 114, Section 54 (Chapter 43, Statutes of 2011), and provisions 18 and 26 of Item 6110 161-0001 of the Budget Act of 2011-12 funds must be used for:

... educationally related mental health services, including out-of-home residential services for emotionally disturbed pupils, required by an individualized education program pursuant to the federal Individuals with Disabilities Education Act (IDEA) of 2004 (20 U.S.C. Sec. 1400 et seq.) and as described in Section 56363 of the California *Education Code* (EC). The State Superintendent of Public Instruction shall allocate these funds to special education local plan areas in the 2011-12 fiscal year based upon an equal rate per pupil using the methodology specified in Section 56836.07 of the EC.

These provisions have been assigned Resource Code 6512, which differentiates these funds from Resource Code 6500, special education general fund programs. These funds shall be exclusively available for these services only for fiscal year (FY) 2011-12 and FY 2012-13.

Federal Funds

Pursuant to AB 114, Section 54 (Chapter 43, Statutes of 2011), provision 9 of Item 6110 161 0890 of the Budget Act of 2011-12, funds shall be available only for the purpose of providing:

... educationally related mental health services, including out-of-home residential services for emotionally disturbed pupils, required by an individualized education program pursuant to the federal IDEA of 2004 (20 U.S.C. Sec. 1400 et seq.) and as described in Section 56363 of the EC.

These funds were allocated to special education local plan areas (SELPAs) on a one-time basis in the 2011-12 fiscal year using data available from the California Special Education Management Information System (CASEMIS) as of December 1, 2010. If funds are appropriated for the purpose of providing the educationally related mental health services for the 2012-13 fiscal year, they will be allocated based on an equal rate per pupil using a methodology specified in Section 56836.07 of the EC and using average daily attendance for the 2011-12 fiscal year.

Definition of Educationally Related Mental Health Services

As noted in the provisions above, educationally related mental health services are described in 30 EC Section 56363. Section 56363 defines the term "designated instruction and services" to mean "related services" as that term is defined in Section 1401 (26) of Title 20 of the *United States Code* and Section 300.34 of Title 34 of the *Code of Federal Regulations* (CFR).

Related services under IDEA are defined in Section 300.34 of Title 34 of the CFR:

Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training. (34 CFR 300.34(a))

Section 300.34 of Title 34 of the *CFR* further defines individual related services terms. The following list represents some of the services that may be appropriate when addressing the emotional and behavioral needs of students with disabilities:

- Counseling services (34 *CFR* 300.34(c)(2)) and California *EC* 56363(b)(9)
- Parent counseling and training (34 *CFR* 300.34(c)(8)) and California *EC* 56363(b)(11)
- Psychological services (34 *CFR* 300.34(c)(10)) and California *EC* 56363(b)(10)
- Social work services in schools (34 *CFR* 300.34(c)(14)) and California *EC* 56363(b)(13)

Refer to 34 *CFR* Section 300.34 for the complete list of individual related services terms. Residential placement is not listed as a related service in Section 300.34 of Title 34 of the *CFR*. However, residential placement is addressed elsewhere in the IDEA:

If placement in a public or private residential program is necessary to provide special education and related services to a child with a disability, the program, including non medical care and room and board, must be at no cost to the parents of the child (34 *CFR* 300.104).

In addition, the list of related services in the IDEA is not exhaustive or finite. The individualized education program (IEP) team must decide what related services are necessary to provide a free appropriate public education (FAPE) to each student with a disability.

To maintain clear and understandable terminology based upon existing statute, the California Department of Education (CDE) will be using the term "related services for students who have emotional and behavioral needs" in place of "educationally related mental health services."

Frequently Asked Questions

What limitations are on the use of state and federal funds provided in the Budget Act of 2011–12 for educationally related mental health services?

The legislature was clear that these funds are targeted for related services and that the funds are made available to local educational agencies (LEAs) to provide services formerly provided by the County Mental Health agencies and the Department of Social Services. The funds **cannot** be spent on educational services that have historically been provided by LEAs for students with emotional or behavioral needs.

What are allowable uses of the state and federal funds due to the term "educationally related mental health services"?

These funds may be used for:

The salaries of certificated supervisors and administrators; and clerical, technical, and office staff salaries associated with administering related services for students with emotional or behavioral needs.

The room and board cost of residential placement if it is included in the student's IEP.

Professional and consulting service (e.g., case management, medical services, day treatment, individual therapy, family therapy, group therapy, group rehabilitation, therapeutic behavior services, assessment, psychological services, and residential placement) costs for students with emotional or behavioral needs.

Rental and/or lease of office space to provide professional and consulting services for students with emotional or behavioral needs.

Transportation costs of student to receive related services from a provider.

Books and supplies related to providing related services.

If you have any questions regarding this subject, please contact Chris Essman, Education Programs Consultant, Special Education Division, by phone at 916-327-3507 or by e-mail at cessman@cde.ca.gov.

Sincerely,

Original signed by Fred Balcom. Hard copy of the signed document is available by contacting the Special Education Division's Director's Office at 916-445-4602.

Fred Balcom, Director
Special Education Division

FB:rb

Last Reviewed: Monday, January 09, 2012

California Montessori Project Mental Health Plan

Introduction

As of July 1, 2011, California AB 114 repeals portions of the California Government Code, Family Code, Education Code and Welfare and Institutions Code to clarify that local education agencies (LEAs) are now responsible for addressing the mental health needs of Individuals with Disabilities Education Act (IDEA) eligible students.

Under AB 114, the funding structure for special education mental health services shifts from county mental health agencies to special education local plan areas (SELPAs). Funds are distributed to districts based on formulas, LEA plans and documented provision of service.

The purpose of this LEA Mental Health plan is to map resources, including linkage of service, within the LEA for pre-referral activities and to map connecting points to county, regional, NPA and NPS resources, and to outline the process and documentation for program and fiscal accountability.

The LEA, California Montessori Project (CMP), is a network of charter schools organized with one administrative unit in Carmichael, CA, with charters in San Juan Unified, Sacramento City, Elk Grove Unified and Buckeye Elementary Districts. CMP has been approved by California State School Board and Department of Education as an out-of-geographic area member of Yuba County SELPA.

Pre-referral Activities

Description: Prior to referral to special education mental health services, CMP staff members implement pre-referral interventions.

Resources: Tier 1 classroom and school based services or Tier 2 school-based services. See the Universal and Secondary Intervention section of the Mental Health framework.

Examples of Tier 1 might include contracts and reward systems within the classroom, parent conferences, nursing and health intervention.

Examples of Tier 2 might include behavior plans within the IEP, accommodations across the classroom settings.

At the school level, a Behavior Intervention Case Manager (BICM) may be considered as a resource.

Documentation:

- Behavior monitoring
- Tutoring monitoring
- Grade monitoring
- Attendance monitoring
- Meeting notes from Parent Conferences

Forms:

- Teacher log of time in case management
- Student contact documentation
- Parent contact documentation
- Reports from Aeries
- Teacher reports
- Behavior Plans
- Behavior Contracts

Referral Activities

Description:

If pre-referral activities do not result in the expected change over a period of time, a referral may be made to district, county or regional resources.

Through the IEP process, document the pre-referral activities in case manager report. The IEP team: administrator, case manager, parent, student and general education representative, determine next steps. The student may be referred for additional pre-referral activities with different rate and intensity, or a referral for Mental Health Assessment may be required to determine the student's needs.

The basis of a Mental Health referral is that the student has documented social and emotional characteristics:

1. observed in educational settings
2. which impede benefit of special education services
3. significant as indicated by rate of occurrence or intensity
4. are associated with a condition not described solely as social maladjustment or temporary adjustment problem.

Additional consideration is that the student is of a cognitive level to benefit from counseling services and supports. If not, district or county programs may be considered as another option.

Resources:

Student records and Pre-referral activities

Education history

Health History

Documentation:

Current assessment

Current IEP

Copies of pertinent student records

Referral documentation including identifying information, pre-referral activities, grades, attendance

Forms:

HIPAA form to release information if referral is to assessor or program outside of district

Assessment Plan if referral is for Mental Health Assessment

Procedural Safeguards

Teacher log of referral documentation development

Teacher developed Referral Packet with required documentation (use Level II checklist on SELPA Manager as guide)

Educational and Mental Health Services

Description: Following referral and assessment, an IEP is held to review assessment report. Providers of Mental health service providers may include district or regional programs accessed through charter districts or contracted resources through non-public agencies (NPAs) or non-public schools (NPSs).

At the IEP meeting with education and mental health services representation, the student's present levels of performance, needs, goals and services will be discussed.

Recommendations for services will be documented in the IEP. With agreement of parent and school administrator, the following changes may be made: goals, behavior supports, services and/or placement.

The LEA and case manager will monitor goals and services recommended.

The LEA will monitor that providers meet the criteria for service set forth by CDE for credentialing.

If a change of school is recommended, the IEP team may provide for a time for the parent and student to visit following the change of program recommendation.

The change of placement is finalized in the administrative placement and 30 day review.

Extended School Year services should be considered for students with documented issues with regression or difficulty recouping skills.

If CMP staff members have difficulty locating resources, the SELPA administrator and charter district special education administrator will be consulted.

Resources:

CASEMIS list of Mental Health service descriptions for IEPs
CDE advisories on provision of service
NPA contact list
Countywide school contact list
Guidelines for Prior Written Notice

Documentation:

Provider and case manager reports
IEP determination of goals and services and monitoring
Superintendent and Board approval of contracts and service agreements

Educational and Mental Health Services, cont.

Forms:

Prior Written Notice, if change of placement is considered

Master Contract for NPA or NPS

Individual Service Agreement for NPA or NPS

Monitoring documentation by LEA

If change of placement, administrative placement form

Residential Placement

Description:

When an IEP team has determined that residential placement may be the appropriate option for a student the following process is recommended:

The district will assign a case manager familiar with residential system.

The case manager will seek a placement in a facility located as close to the county of residence as possible.

Only after local resources and placements have been considered and found unavailable or inappropriate, are out-of-state placements considered.

The placing LEA will monitor the residential placement according to the agency linkage services outlined in the IEP. Quarterly face-to-face contacts at the residential facility at a minimum are recommended. Quarterly reports will be provided to the IEP team members. Extended School year (ESY) services are a part of most residential program.

Parent transportation may be necessary to participate in family counseling and to bring the student home for visits. The IEP team will establish the frequency, length and reimbursement rates for family visits.

The case manager will work with NPS residential site to ensure that the student has access to the core curriculum and required testing.

The case manager will collaborate with the IEP team in establishing criteria for return of student to less restrictive school setting. Quarterly reports may be designed to report student progress toward transition to less restrictive placement.

Resources:

CASEMIS list of Mental Health service descriptions for IEPs

Residential Status 50 Residential Facility, pg 1

Federal code 460 Residential facility, pg 5B

Residential Services may include Sp Academic Instruction 330, Residential Treatment services 545, Social Work 525, Agency Linkage 865, other services as appropriate (510, 515, 520, 535), pg 5a

Residential Facility 360, pg 5a

Non-public Residential School in CA 71, pg 5a

Non-public Residential School outside CA 72, pg 5a

CDE advisories on provision of service

SELPA NPS contact list and CDE NPS website

Guidelines for Prior Written Notice

Documentation:

Provider and case manager quarterly reports

IEP determination of goals and services and monitoring

Superintendent and Board approval of contracts and service agreements

Residential Placement, cont.

Forms:

Prior Written Notice

Release of information

Master Contract for NPS

Individual Service Agreement for NPS

Monitoring documentation by LEA

If change of placement, administrative placement form

Out of state placement report form, if needed

Mileage and travel agreements with parent

Mental Health Supports and Services

Framework of supports-building a comprehensive program

Values:

Build on student strengths

Positive reinforcement of desired behavior

Meet student needs within the school, family and community environments

Collect and analyze data for on-going planning and instruction

Utilize team approach

Universal level: preventative and pro-active Level I—general supports and monitoring

- School level supports 80-90%
 1. Normalization for first 6 weeks of school
 2. Individual work plans and group instruction
 3. Staff to student ratio averages 2:20
 4. Academic engagement in classroom
 5. Curriculum interventions available across grade levels
 6. Parent engagement and involvement-daily contact for transportation
 7. Yoga, breath control, body awareness, Brain Gym incorporated into class activities
 8. Peace curriculum
 9. Circle time, class meetings
 10. Club M afterschool
 11. Support Services team available for consult
 12. Access to school administration
 13. Attendance monitoring
 14. Student and Parent handbooks of expectations
 15. Parent conferences
 16. Peer conflict resolution
 17. On-going staff training in de-escalation; behavior management; school site plan for CPI
 18. Monitor school-wide data collection: assessments, grade, referrals
- Continued concern---Refer to SST

Secondary Interventions: students at-risk 5-10% Level II—individual monitoring and data collection

- Continue appropriate interventions from Level I—monitor through SST process
- Health care referral or plan as appropriate
- Attendance monitoring
- Behavior monitoring/reward system or contract
- Academic intervention is appropriate

- Periodic conferencing with parents
- Teach organization, planning, coping skills or social skills identified as needs
- Behavior contract; social stories
- May develop 504 plan for implementation in general ed environment
- Consider referral to special education if appropriate based on response to intervention

Individual intervention—1-5% Level III—more intensive services and supports

- Continue appropriate interventions from Level I and Level II
- Summarize interventions and results in referral to school psychologist
- Assessment of academic, health and behavioral needs; strengths and needs
- Develop behavior plan for individual student, measure progress on goals
- BICM assessment and support, if appropriate
- Community based counseling-clinics or private providers
 - Develop binder of CDE advisories on school based Mental Health
 - Develop provider list
 - Develop methodology of reimbursement for non-insurance covered services
 - Develop plan for supervision of mental health providers-PPS or admin credential
- Consider community based referral to Mental Health
- Referral to district or county programs, if appropriate
- Utilize master contract for NPA and NPS providers; monitor provision of services
- Code IEP services with CASEMIS codes for mental health supports and services to track service costs
- Provide parent training and supports
- On-going communication plan between providers, student and family; utilize Contact lists, Communication logs for tracking needs and services
- Follow SELPA guidelines for services and documentation

Yuba County SELPA
2011/12 Mental Health Funding Sources
50% allocation based on Estimated P2 ADA allocation
January 26, 2012

LEA	Fund#	2011/12 Estimated ADA	Resource 6512	Resource 3327
			July 2011-June 2012 \$309,870	July 2011- Sept 2013 \$99,725
Marysville	440	9,178.90	\$192,303.82	\$61,888.85
Plumas	400	1,015.00	\$21,264.90	\$6,843.65
Wheatland High	410	711.02	\$14,896.32	\$4,794.06
Wheatland Elem	420	1,205.75	\$25,261.23	\$8,129.78
* CMP	421	1,718.55	\$36,004.72	\$11,587.35
Camptonville	530	46.37	\$971.48	\$312.65
Camptonville Academy-CORE	536	348.50	\$7,301.30	\$2,349.77
ADA TOTAL		14,224.09	\$298,003.77	\$95,906.11
Estimated per ADA amount			\$20.95	\$6.74
Yuba COE-Regional	497	140.91	\$2,952.15	\$950.09
Yuba COE-Alt Ed/Charter	497	425.48	\$8,914.08	\$2,868.80
		14,790.48	\$11,866.23	\$3,818.89
			\$309,870.00	\$99,725.00

YCOE ONLY:

10.6512.0.5001.9200.7221.000.2500
10.3327.0.5001.9200.7221.000.2500