

AB3632(AB2726) REFERRAL CRITERIA

The criteria for AB3632 referrals to DMH are as follows:

The pupil is either eligible for Special Education OR suspected of needing Special Education, during initial Special Education assessment by school district.

The pupil has emotional or behavioral characteristics that:

Are observed by qualified educational staff in educational and other settings, as appropriate.

Are significant, as indicated by the rate of occurrence and intensity.

Impede the pupil from benefiting from educational services.

Are associated with a condition that cannot be described solely as a social maladjustment or temporary adjustment problem, and cannot be resolved with short-term counseling.

The pupil's level of functioning, including cognitive functioning, is at a level sufficient to enable the pupil to benefit from mental health services.

The local education agency has provided counseling and other educational services prior to referral, and the individualized education team has determined that the services do not meet the child's educational needs, unless these services are clearly inappropriate.

The program is not designed for use in psychiatric emergencies or other situations requiring immediate response.

**From: Chapter 26.5 of the CA Government Code INTERAGENCY
RESPONSIBILITIES FOR PROVIDING SERVICES TO HANDICAPPED
CHILDREN**

SPECIAL EDUCATION AND AB3632 MENTAL HEALTH SERVICES

GLOSSARY

Special Education-is a specially designed educational plan that addresses the individual learning and developmental needs of the pupil whose educational needs cannot be met with modification of the regular instruction program, and includes necessary related services, provided to the student at no cost to the parent.

IEP-Individualized Education Program-The IEP is a written document which describes the pupil's qualifying condition(s) for Special Education, current academic and social/emotional levels of performance, and states the educational and other remedial services and interventions to be implemented for the student, with specified goals and objectives that are to be reviewed within a stated timeline. The official meeting where this planning occurs with parent/guardian, educational and treatment providers is referred to as "the IEP" or the "IEP meeting".

AB3632 Mental Health Assessment-Assembly Bill also known as AB2726 or Chapter 26.5 of the California Government Code, that mandates the County Departments of Mental Health in California to be responsible for the assessment and provision of mental health services to Special Education-eligible pupils referred for mental health services by their home school district.

DMH cannot process referrals received directly from parent/guardians, or any other public agency, other than home school district of parent/legal guardian/educational surrogate, or the Los Angeles County Office of Education. Federal and State law prohibit public agency employees such as Children's Social Workers (CSWs), Deputy Probation Officers (DPOs), or DMH/DMH-contractor therapists from representing student's interest in the IEP process.

DMH will process referrals signed by parent/guardian/educational surrogate for pupils currently served by the Los Angeles County Office of Education, (e.g. pupils in shelters, Juvenile Hall) or referred from school districts currently serving children pre-placed in an out-of-home placement, but the implementation of any Special Education and AB3632 Mental Health services recommended for pupil by DMH is contingent upon the home school district of the parent/guardian/educational surrogate accepting the responsibility for providing instruction and related services to the pupil, as specified on the IEP.

The scope of AB3632 mental health services is to support the pupil's educational placement in the most appropriate and least restrictive setting, as mandated by the California Code of Regulations. AB3632 is not a comprehensive social service program, and there is no provision for emergency psychiatric services or emergency respite or out of home placement. AB3632 is a funding source for the mental health services recommended to support the pupil's educational program.

AB3632 MENTAL HEALTH SERVICES-or 'outpatient' services provided at DMH clinic, or contracted private agency. Pupils may receive outpatient services at a clinic site in their community, or an outpatient program that may be co-located on the school campus (available at certain locations only). Mental health services are identified in the State regulations as: individual, group, family therapy, case management, medication evaluation and monitoring.

DAY TREATMENT AND DAY REHAB SERVICES-intensive mental health services and rehabilitative services provided in both community-based and residential treatment program settings.

AB3632 RESIDENTIAL PLACEMENT-Out of home placement in a State-licensed residential treatment facility whose school program * has been certified by the California Department of Education as an NPS school, the residential program is operated on a non-profit basis, and who is approved by the Los Angeles County and the home school district for placement. AB3632 Residential placement must be recommended by DMH, and agreed to by the entire IEP team.

Educational services, which include travel and other instructional-related services specified on the IEP, are funded by the school district. DMH authorizes funding for payment of room/board costs and mental health services. Parents are responsible for the provision of medical or healthcare insurance, including financial responsibility for emergency medical treatment, hospitalization, medications, lab work, diagnostic examinations, clothing and personal expenses.

(Pupils receiving educational services through Special Education have the right to receive instruction in the least restrictive environment, which may be a regular education curriculum in a public school, with accommodations as determined appropriate by the IEP team.)

DMH will complete assessments and present the clinical recommendations for referred children under the jurisdiction of the Children's and Juvenile Courts (DCFS and Probation). Implementation of recommendations for residential placement is contingent upon clarification of legal status, identification of the responsible school district of parent/guardian/educational surrogate, and approval from the supervising Court.

Please see notes on INTERSECTION OF DMH/AB3632/DCFS at back of hand-out.

Emergency Mental Health Services-There is no provision in AB3632 to provide emergency mental health services (crisis intervention), emergency in-patient hospitalization, or emergency respite care or residential placement to children/youth who may be an imminent danger to selves, others, or gravely disabled. Pupils needing crisis intervention and evaluation for hospitalization should be referred to their treatment or healthcare provider, or nearest DMH crisis unit.

The DMH Access Line at 1-800-854-7771 is open 24/7 and can provide linkage to emergency and community mental health programs.

REFERRAL PROCESS FOR SPECIAL EDUCATION

- A written request should be delivered to the school district currently serving pupil. Parent/guardian/educational surrogate should state that the request is for a psycho-educational assessment of student in all areas of suspected disabilities, with a description of the areas of difficulty for the student.
- Request should be delivered to the Director of Special Education of the school district, and principal of school of attendance. Whenever possible, obtain proof of delivery, in order to establish a timeline and paper trail.
- CA law provides that parent of referred student be given in writing, a proposed assessment plan within 15 calendar days of receipt of letter-exceptions would be if parent waives timelines, or other exceptions as stated in regulations, e.g. winter/spring/summer breaks.
- After parent approves/signs assessment plan, district must complete assessment within 60 calendar days.
- Assessments may not be done without written parental authorization-exceptions to this rule may be a condition or ruling from a Special Education Due Process decision. Please consult with Special Education attorney for specific case issues.

REFERRAL PROCESS FOR AB3632 ASSESSMENT

- For pupils already receiving Special Education services, the parent/or school district personnel should request that an IEP meeting be convened to document the pupil's difficulties, and the pre-referral interventions that the team has provided/or considered and found to be insufficient to address pupil's needs.
- District will have parent sign consent form authorizing the school district which is serving the pupil to send educational records, and other required documentation.
- DMH screens referrals to ensure all required documentation has been received. School district and parent are sent a written confirmation of receipt of the referral. Referrals are logged in by date, and assigned a case number.
- Parents are contact by DMH, in order of referral received. DMH representative will explain the assessment procedures, and make arrangements with parent to sign the DMH authorizations for the assessment, and release of information that permits DMH assessor to speak with pupil, current therapist, teachers, etc.
- Pupil may be assessed by the school district and DMH at the same time, for eligibility for Special Education at the same time, if the referral IEP contains required information addressing the requirement for pre-referral interventions.

- Upon date of parental signature, DMH has 60 days by law, to complete the assessment, advise parent and school district of recommendations and provide written assessment report to parents and school district, prior to the IEP, unless the parent waives timeline.
- If parent disagrees with DMH recommendation, parent is referred to Parents Rights Handbook for information on how to resolve disputes over placement and services.

MORE INFORMATION/RESOURCES

STATE: Welcome to California Homepage. Click link for Education, to access information pertaining to Special Education.

LA COUNTY: [www. dmh@lacounty.gov](http://www.dmh@lacounty.gov) for information on services and providers in LA County.

ADVOCACY: To obtain information and assistance to access public funded services:

Mental Health Advocacy, Inc.
213-484-1624

California Disability Rights (formerly Protection & Advocacy)
213-427-8747

NOTES ON THE INTERSECTION OF DMH/AB3632/DCFS

- There are many programs under the DMH Children's System of Care "umbrella". Wraparound, TBS, D-Rate Assessments, RCL-14 Certification, Mental Health Units at Juvenile Hall, DMH Interagency Screening Committee, Full-Service Partnership, Transitional Age Youth, etc, that children/youth being serviced by DCFS, Probation, and DMH can access, in addition to AB3632.
- Clients eligible for and receiving AB3632 mental health services may also qualify for other programs, but being a client of these other programs under the DMH "umbrella" does not automatically qualify a client for AB3632.
- AB3632 is based in Special Education, and is not a comprehensive family support, social service or mental health treatment program. The basis for AB3632 services is to support the student's current Special Education program.
- Per state regulations, DMH may only process referrals for AB3632 services which have been sent from the local education agency (or school district) currently serving the student. Children's Court Judges and Referees may order the caregiver or CSW to request on the student's behalf assessments for Special Education/AB3632 Assessment, but the Court does not have jurisdiction over the administration of Special Education services, i.e. ordering that a child be placed into a residential treatment program, via AB3632.
- The IEP team, which includes the appropriate school staff, parent/or educational surrogate, and other necessary parties, reviews the assessments that are required for all Special Education services, and then authorizes the instruction and related services the student is to receive.
- Children residing in placements through Court order and who are Special Education-eligible may be referred for an AB3632 assessment from their current school district, with the consent of the adult recognized or authorized by the district, e.g. caregiver or educational surrogate. If the student is having difficulty maintaining in the home, and the caregiver is seeking placement for the child in a residential treatment program, caregivers who receive the foster care/D-Rate payments need to know that if the child goes into placement pursuant to AB3632, the foster care parent will no longer receive the monthly foster care/D-Rate payments-but would be expected to maintain their participation in the child's treatment, attend IEP meetings, and be the "go-to" adult for children needing medical services, clothing items, other attention that caregivers normally attend to.

- Foster care placement funds are only paid to one placement at a time. DCFS Special Payments will not be able to maintain two foster care placement budgets for one child at the same time.

Caregivers may be foster parents, kinship-caregivers, legally appointed guardians, or adoptive parents. As long as the primary caregiver is receiving a monthly foster care payment for the child, that payment will be terminated, if the child goes into residential placement. Caregivers of children with dependency status in foster care placements, must notify the CSW of a pending residential treatment per AB3632, if the child is currently placed on a Suitable Placement Order.

- The DMH assessor will discuss the findings and recommendations of the AB3632 evaluation with the foster care provider, which includes a description of the mental health service being offered to provide the child treatment in the most appropriate and least restrictive setting possible, in accordance with the AB3632.
- AB3632 services do not include the provision of Medi-Cal, or healthcare insurance, which all treatment agencies require for admission. Children whose DCFS budget is closed once the child is admitted into a placement through DMH AB3632 may lose their Medi-Cal, unless specific arrangements to keep the Medi-Cal episode open are coordinated for approval by the DCFS case carrier.

MORE NOTES ON THE INTERSECTION OF DMH/AB3632/DCFS

- Public agency case carriers may not sign consent for AB3632 assessments or treatment.
- Caregivers or appointed educational surrogates may change, if the child goes through multiple placements, which impact the school district of responsibility.
- LA County Office of Education at the Juvenile Halls, other sites in LA County may facilitate an AB3632 referral, and should also notify the home district of student's parent or guardian of any IEP that has been scheduled to review the recommendations by DMH for AB3632 services. LACOE does not continue to fund Special Education for students discharged from Juvenile Hall, and placed by their parent or surrogate into a residential treatment program via AB3632.
- DMH has obligation to meet statutory and regulatory guidelines to ensure assessments are completed in accordance with mandatory timelines-60 days upon signed consent of assessment plan by parent.
- Full coverage Medi-Cal provides a greater array of immediately accessible mental health services without regard to parent residency, Special Education or legal status, and can be accessed upon request from client and parent/caregiver.

Medi-Cal

School District not involved.

Beneficiaries are eligible for a broad menu of health and mental health services, regardless of residence. Special Education eligibility is not required to access services.

Uses triage to determine immediate need for service.

Crisis intervention/assessment/treatment can be provided on an emergency basis.

Funds a broad array of services, e.g. therapy, medications, lab work, diagnostic examinations, dentistry, hospitalization, therapeutic behavioral services, rehab services.

AB3632

Issue of residency/school district responsibility.

Mandate is to provide mental health services to students receiving Special Education. Student must have current IEP, and meet criteria in order to be assessed and approved for AB3632 mental health services.

Unable to triage referrals to serve critical or emergency clients first. All referrals are processed in order received, and incomplete referrals are returned to the school district with a description of missing documentation, prior to assessment.

Timelines allow DMH 60 days to complete assessment.

AB3632 is not a funding stream, or comprehensive family social service program. AB3632 mental health services are an adjunct to a current IEP.

Disputes or complaints regarding DMH AB3632 recommendation or services must go through Due Process procedures, which may take months to resolve, contingent upon issues and participants in litigation.