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Catherine Conrado, Ed.D. SELPA Director

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**SPECIAL EDUCATION FISCAL & PROGRAM UPDATES  
DBUG MEETING  
March 25, 2016**

**Educationally Related Mental Health Services (ERMHS):**

- Revenue Allocation & Allowable Expenses (attached information)
- A payment of 50%, based on the December 1, 2015, Pupil Count of the students with ERMHS on their IEPs will be distributed this month.

**Special Education Revenue:**

- 2015-16 P1 Special Education Revenue Projections:
  - When a student is attending a Charter School, the authorizing District of the Charter School, is the district of residence, not the District where the student physically resides.
  - Please verify the December 1, 2015, Pupil Count to ensure that your LEA is receiving the accurate revenue.
- 2016-17 Fiscal Year:
  - The Special Education Revenue distribution, will be based on the following:
    - Students, Grade K-12, with a severe disability will receive the severe funding rate, based on the current year average of the December 1<sup>st</sup> & April 1<sup>st</sup>, by district of residence
    - Preschool Program – distributed to LEAs by the current year K-6 P2 ADA
    - Remaining revenue will be distributed by the current year P2 ADA only
    - Preschool Federal Grants will be distributed to LEAs by the current year P2 K-6 ADA

**Special Education Data Reporting:**

- Special Education Information System (SEIS):
  - LEAs that have student(s) attending a Consortium, SCOE or another LEA's Program, can review their students in SEIS
  - Your LEA's CASEMIS Manager can search for these students by adding the optional filter "Include students who are not served in this district, but are residents"
  - For access to the SEIS, your CASEMIS Manager can create a "read only" password
- SCOE 6-22 & Preschool Severe Program Monthly Pupil Count
  - Pupil Count Summary for March 1, 2016

SONOMA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

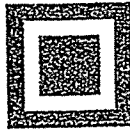
EDUCATIONALLY RELATED MENTAL HEALTH SERVICES (ERMHS)  
ALLOCATION & SERVICES

**Educationally Related Mental Health Services (ERMHS) Allocation:**

- The ERMHS Funds are distributed as follows:
  - ◆ Board & Care Cost Pool for students in a residential placement
  - ◆ SCOE ED Program
  - ◆ Remaining funds are distributed to LEAs
  
- ◆ The ERMHS Allocation is based on the average of the current year December 1st and April 1st, Pupil Count of students with ERMHS on their IEPs reported in the California Special Education Management Information System (CASEMIS). The mental health service codes for funding purposes, are as follows:
  - Code #510 – Counseling Services
  - Code #515 – Counseling and Guidance (group)
  - Code #520 – Parent Counseling and Training
  - Code #525 – Social Work Services in Schools
  
- ◆ Any unspent ERMHS funds are subject to the recapture language in accordance with the SELPA Funding Allocation Plan

**Educationally Related Mental Health Services:**

- The ERMHS includes the following related services:
  - ◆ Counseling
  - ◆ Counseling & Guidance
  - ◆ Parent Counseling & Training
  - ◆ Psychological Services
  - ◆ Social Work Services in Schools
  - ◆ Behavioral Intervention – pertaining to mental health needs
  - ◆ Residential Placements
  
- The allowable uses of the ERMHS are as follows:
  - ◆ Cost of direct services to students provided by either an employee or Agency (certified by CDE)
  - ◆ Salaries & Benefits of the following employees associated with administering ERMHS:
    - Supervisors or Administrators
    - Clerical/Office Staff
  - ◆ Rental or lease of space to provide professional & consulting services to students due to mental health needs
  - ◆ Books & Supplies to provide ERMHS
  - ◆ Transportation cost for students to receive ERMHS
  - ◆ Board & Care cost for a residential placement



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March 19, 2015

Via Email: [bmorton@placcrcoe.k12.ca.us](mailto:bmorton@placcrcoe.k12.ca.us)

Barbara Morton  
Executive Director, SELPA  
Placer County Office of Education  
360 Nevada Street  
Auburn, CA 95603

Re: Mental Health Funds

Dear Ms. Morton:

You requested our opinion regarding whether school districts within the Placer County SELPA may use mental health funds provided as a result of Assembly Bill 114 for behavioral assessment and/or intervention services. You also asked whether those funds could be used for crisis counseling.

### SHORT ANSWER

The California Department of Education ("CDE") has stated that school districts may only use AB 114 funds for services formerly provided by local mental health agencies under Assembly Bills 3632 and 2726. Consequently, we caution against the use of such funds for behavioral assessments and interventions that have traditionally been provided by districts, separate and apart from mental health interventions provided under AB 3632/2726.

### BACKGROUND

CDE has clarified that AB 114 funds may not be used for services historically provided by local educational agencies to address the emotional and behavioral needs of students. We believe that it is helpful to review that restriction in a historical context, which we provide below.

- **1984:** AB 3632 passed by California Legislature. AB 3632 relieved school districts of responsibility for providing mental health services and delegated such responsibility to the State Department of Mental Health and its local county agencies.

California Department of Education (<http://www.cde.ca.gov/sp/se/ac/useofmfunds.asp>)  
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CALIFORNIA  
DEPARTMENT OF  
EDUCATION

**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](mailto: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

DOR	6-22 PUPIL COUNT	6-22 STUDENTS WITH SHARED DOR	PRESCHOOL PUPIL COUNT
4970599 Alexander Vly			
4970607 West Co.	17		
4970615 Bellevue	15		8
4970623 Bennett Vly	1		
4970649 Cinnabar			
4970656 Cloverdale	8		
4970672 Dunham			
4970680 Forestville	1.5		
4970698 Fort Ross	1		
4970706 Geyserville			
4970714 Gravenstein	3		
4970722 Guerneville			1
4970730 Harmony	1		
4970763 Horicon			1
4970888 Kashia			
4970789 Kenwood			
4970797 Liberty			1
4970805 Mark West	6		
4970813 Monte Rio			
4970821 Montgomery			
4970839 Oak Grove	3		
4970847 Old Adobe	5		1
4970854 Petaluma Elem	2		4
4970862 Petaluma High	24		
4970870 Piner Olivet	8		
4970896 Rincon Vly	18		3
4970904 Roseland	2.5		
4970912 SRCS Elem	47		25
4970920 SRCS High	119		
4970938 Sebastopol	1		2
4970953 Sonoma Valley	17		4
4970961 Twin Hills	2		
4970979 Two Rock	1		
4970995 Waugh			1
4971001 West Side Union			
4971035 Wright	9		
4973882 CRPUSD	41		3
4971019 Wilmar			
4975358 Windsor	9		
4975390 Healdsburg	8		1
Marin County	1		2
Napa County	1		
<b>MARCH 1,2016 COUNT</b>	<b>372</b>		<b>57</b>