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SPECIAL EDUCATION FISCAL & PROGRAM UPDATES
DEBUG MEETING
February 24, 2017

Educationally Related Mental Health Services (ERMHS):

- The Finance Committee made a recommendation for approval by the Superintendents Council on the ERMHS Allocation Plan for the 2016-17 Fiscal Year only, as follows:
 - ◆ Board & Care Cost for Students in a Residential Placement in the amount of \$1.5 Million
 - ◆ SCOE Emotional/Behavioral Disorders (EBD) Programs in the amount of \$596,778
 - ◆ Remaining Allocation to be distributed to LEAs based on the average of the current year December 1st & April 1st of the students with mental health services on their IEPs reported in SEIS
- The Finance Committee will be working throughout the year with the assistance of the Steering Committee to address programmatic issues and develop a more in depth ERMHS Allocation Plan

Special Education Revenue:

- 2016-17 First Principal (P1) Apportionment:
 - ◆ Statewide Target Rate is \$532.68 per ADA
 - ◆ Proration Factor of 0.9670266275 was applied to the Base Entitlement
 - ◆ Preschool Allocation is based on the 2015-16 P2 K-6 ADA
 - ◆ ADA Allocation is based on the 2015-16 P2 ADA
 - ◆ Severe Allocation is based on the December 1, 2016, Pupil Count of students with a severe disability
 - ◆ Special Education Revenue Projections will be mailed out next week

Special Education Data Reporting:

- Special Education Information System (SEIS):
 - ◆ LEAs that have students attending a Consortium, SCOE or another LEA's Program can review their students in the SEIS
 - ◆ Your LEA's CASEMIS Manager, can search for these student by adding the optional filter "Include students who are not served in the 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 February 2017

| DOR | 6-22 PUPIL COUNT | 6-22 STUDENTS WITH SHARED DOR | PRESCHOOL PUPIL COUNT |
|---|------------------------|-------------------------------------|-----------------------------|
| 4970599 Alexander Vly | | | |
| 4970607 West Co. | 13 | | |
| 4970615 Bellevue | 24 | | 6 |
| 4970623 Bennett Vly | 2.5 | | 2 |
| 4970649 Cinnabar | | | |
| 4970656 Cloverdale | 8.5 | | |
| 4970672 Dunham | 1 | | |
| 4970680 Forestville | 1 | | |
| 4970698 Fort Ross | 1 | | |
| 4970706 Geyserville | | | |
| 4970714 Gravenstein | 3 | | |
| 4970722 Guerneville | 1 | | |
| 4970730 Harmony | 1 | | |
| 4970763 Horicon | | | |
| 4970888 Kashia | | | |
| 4970789 Kenwood | 1 | | |
| 4970797 Liberty | 1 | | |
| 4970805 Mark West | 5.5 | | 1 |
| 4970813 Monte Rio | | | |
| 4970821 Montgomery | | | |
| 4970839 Oak Grove | 4 | | 1 |
| 4970847 Old Adobe | 7 | | 3 |
| 4970854 Petaluma Elem | 6 | | |
| 4970862 Petaluma High | 24.5 | | |
| 4970870 Piner Olivet | 2 | | 1 |
| 4970896 Rincon Vly | 11.5 | | 2 |
| 4970904 Roseland | 8.5 | | 2 |
| 4970912 SRCS Elem | 46 | | 19 |
| 4970920 SRCS High | 104 | | |
| 4970938 Sebastopol | 7 | | |
| 4970953 Sonoma Valley | 12 | | 3 |
| 4970961 Twin Hills | 1 | | |
| 4970979 Two Rock | | | |
| 4970995 Waugh | | | |
| 4971001 West Side Union | | | |
| 4971035 Wright | 8 | | |
| 4973882 CRPUSD | 32 | | 2 |
| 4971019 Wilmar | | | |
| 4975358 Windsor | 5 | | 1 |
| 4975390 Healdsburg | 7 | | 1 |
| Marin County | 1 | | 2 |
| Napa County | 2 | | |
| FEBRUARY 1, 2017 PUPIL COUNT | 352 | | 46 |

| Sonoma County SELPA Non-Public School Rates | | | | | | | | | | | | | | | | | with 0% COLA | | Rates effective | | 8/1/16 |
|--|--------------|----------------------|---------------------------|---------------|-------------------|-------------------|----------|---------------------------------|---------------------------------------|---|------------|-------|---------|--------------------------------|---------|------------------------|----------------------|--------------------------------|------------------------|----------------------|------------------|
| | Tuition Rate | Bundled Tuition Rate | Transport. Home to School | Transport. PE | Home and Hospital | Speech & Language | | | | Counseling and Guidance | | | | | | Psychological Services | Vocational Education | Adapted Physical Education APE | Orientation & Mobility | Occupational Therapy | |
| | | | | | | Individual | Group | Temporary Support Assistant TSA | Other Temporary Support Assistant TSA | Behavior Plan Development Management Title 5 Section 3065 | Individual | Group | Family | Additional Individual & Family | Parent | | | | | | Additional Group |
| | Daily | Daily | Daily/Mile | Mile | Hourly | Hourly | Hourly | Hourly | Hourly | Included in Bundled Rate | | | Hourly | Hourly | Hourly | Hourly | Hourly | Hourly | Hourly | | |
| Anova | | \$227.30 | | | | Included | Included | | | Included | | | | \$73.12 | \$36.56 | Included | | Included | | Included | |
| Cypress School | \$193.50 | | \$33.11 Day | Included | | \$95 | \$43.81 | \$24.74 | \$26.81 | | | | | \$73.12 | \$36.56 | \$73.12 | | | \$90 | \$95 | |
| | | \$295.00 | \$33.11 Day | Included | | \$95 | \$43.81 | Included | \$26.81 | | | | | \$73.12 | \$36.56 | \$73.12 | | | \$90 | \$95 | |
| Greenacre Homes | \$157.20 | | \$33.11 Day | \$0.53 | | \$83.19 | \$41.59 | \$17.83 | | | | | | \$73.12 | \$73.12 | \$36.56 | | | | \$87.28 | |
| | | \$208.34 | Included for LCI students | Included | | Included | Included | Included | | 60 | 60 | 60 | \$73.12 | \$73.12 | \$36.56 | | Included | | | \$87.28 | |
| Journey High | \$182 | | \$0.53 | \$0.53 | \$91 | \$90 | \$41.59 | | | | | | | \$73.12 | \$36.56 | | | | | | |
| Lattice Educational Services | \$193.50 | | | | | \$95.09 | \$47.54 | \$21.39 | | | | | | | | | | | | \$95.10 | |
| New Directions Authorized County Mental Health Provider | | \$210 | | Included | | \$83.19 | \$41.59 | Included | | 60 | 60 - 90 | | \$73.12 | \$73.12 | \$36.56 | | Included | | | | |
| New Horizon | \$145 | | | | | | | | | | | | | \$73.12 | \$36.56 | | | | | | |
| North Valley Authorized County Mental Health Provider | | \$196 | Included for LCI students | Included | | \$90 | \$41.59 | Included | \$17.83 | Included | | | | \$73.12 | \$36.56 | | | | | | |
| Plumfield Academy | \$170.79 | | \$0.53 Mile | \$0.53 | | \$83.19 | \$41.59 | | | | | | | \$73.12 | \$36.56 | \$73.12 | | | | \$92.38 | |
| | | \$171.05 | Included for LCI students | Included | | Included | Included | | | 45 | 45 | 60 | \$73.12 | \$36.56 | \$73.12 | | | | | \$92.38 | |
| Sierra School | | \$186.92 | | Included | | Included | Included | \$17.83 | | Included | 30 | | | \$73.12 | \$36.56 | | | | | | |

SONOMA COUNTY
SPECIAL EDUCATION LOCAL PLAN AREA

EDUCATIONALLY RELATED MENTAL HEALTH SERVICES (ERMHS)
DETAILED ALLOWABLE USAGES

The ERMHS Allocation is based on the average of the current year December 1st & April 1st pupil count of the students with mental health services on their IEP reported in SEIS. The mental health service codes are as follows:

- Code #510 – Counseling Services
- Code #515 – Counseling & Guidance (group)
- Code #520 – Parent Counseling & Training
- Code #525 – Social Work Services in Schools

- ERMHS includes the following related services:
 - ◆ Counseling
 - ◆ Counseling & Guidance
 - ◆ Parent Counseling & Training
 - ◆ Psychological Services
 - ◆ Social Work Services in Schools
 - ◆ Behavioral Intervention – pertaining to the mental health needs of the student

- The detailed allowable usages of the ERMHS, are as follows:
 - ◆ Cost of direct services to students, can be provided by:
 - Employee
 - Nonpublic Agency (NPA)
 - Nonpublic School (NPS)
 - Contract with another Local Educational Agency (LEA)

 - ◆ Cost of an Administrator, Supervisor and Clerical Staff:
 - Percentage of the Administrator or Supervisor salary & benefits who is supervising the employee providing ERMHS
 - Percentage of the Clerical Staff salary & benefits for scheduling counseling and assessment appointments, filing, etc.....

 - ◆ Rental Cost:
 - Providing or renting space for a Counselor, Psychologist to provide the services listed above

 - ◆ Books & Supplies:
 - Office Supplies
 - Testing and Assessment tools to provide ERMHS
 - Supplies and/or tools to calm students

 - ◆ Transportation Cost:
 - Cost to transport students to receive ERMHS
 - Mileage reimbursement for Counselors and Psychologist traveling between school sites to provide ERMHS

 - ◆ Board & Care cost for students in a Residential Placement is not a related service, however, it is an allowable expenditure



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**California Department of Education
Official Letter**

September 13, 2011

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: RELATED SERVICES UNDER THE INDIVIDUALS WITH
DISABILITIES EDUCATION ACT**

With the changes to state statute outlined in Assembly Bill 114 (Chapter 43, Statutes of 2011), which relieved county mental health agencies of the responsibility to provide mental health services to students with disabilities, local educational agencies (LEAs) must rely on the Individuals with Disabilities Education Act (IDEA) for guidance on the requirements for providing related services, including those that may have previously been provided by county mental health agencies (CMHAs). Related services under IDEA are defined in Section 300.34 of Title 34 of the *Code of Federal Regulations (CFR)*:

34 CFR 300.34(a)

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.

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 (refer to 34 *CFR* Section 300.34 for the complete list of individual related services terms):

Counseling Services (34 CFR 300.34(c)(2))

Counseling services means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

Parent Counseling and Training (34 CFR 300.34(c)(8))

- (i) Parent counseling and training means assisting parents in understanding the special needs of their child;
- (ii) Providing parents with information about child development; and
- (iii) Helping parents to acquire the necessary skills that will allow them to support the implementation of their child's individualized education program (IEP) or individualized family service plan (IFSP).

Psychological Services (34 CFR 300.34(c)(10))

Psychological services includes:

- (i) Administering psychological and educational tests, and other assessment procedures;
- (ii) Interpreting assessment results;
- (iii) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;
- (iv) Consulting with other staff members in planning school programs to meet the special educational needs of children as indicated by psychological tests, interviews, direct observation, and behavioral evaluations;
- (v) Planning and managing a program of psychological services, including psychological counseling for children and parents; and
- (vi) Assisting in developing positive behavioral intervention strategies.

Social Work Services in Schools (34 CFR 300.34(c)(14))

Social work services in schools includes:

- (i) Preparing a social or developmental history on a child with a disability;
- (ii) Group and individual counseling with the child and family;
- (iii) Working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school;
- (iv) Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and
- (v) Assisting in developing positive behavioral intervention strategies.

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:

Residential Placement (34 *CFR* 300.104)

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.

In addition, the list of related services in the IDEA is not exhaustive or finite. The IEP team must decide what related services are necessary to provide a free appropriate public education (FAPE) to each student with a disability. The federal Office of Special Education Programs (OSEP) provides further guidance in the "Analysis of Comments and Changes" section of the final IDEA regulations, pertaining to Section 300.34 (excerpt below):

Comment

We received numerous requests to revise § 300.34 to add specific services in the definition of related services. A few commenters recommended including marriage and family therapy. One commenter recommended adding nutrition therapy and another commenter recommended adding recreation therapy. A significant number of commenters recommended adding art, music, and dance therapy. One commenter recommended adding services to ensure that medical devices, such as those used for breathing, nutrition, and other bodily functions, are working properly. One commenter requested adding programming and training for parents and staff as a related service. A few commenters requested clarification on whether auditory training and aural habilitation are related services. One commenter asked whether hippotherapy should be included as a related service. Other commenters recommended adding language in the

regulations stating that the list of related services is not exhaustive. A few commenters asked whether a service is prohibited if it is not listed in the definition of **related services**.

Discussion (Response from OSEP)

Section 300.34(a) and Section 602(26) of the Act state that related services include other supportive services that are required to assist a child with a disability to benefit from special education. We believe this clearly conveys that the list of services in § 300.34 is not exhaustive and may include other developmental, corrective, or supportive services if they are required to assist a child with a disability to benefit from special education. It would be impractical to list every service that could be a related service, and therefore, no additional language will be added to the regulations.

Consistent with §§ 300.320 through 300.328, each child's IEP team, which includes the child's parent along with school officials, determines the instruction and services that are needed for an individual child to receive FAPE. In all cases concerning related services, the IEP team's determination about appropriate services must be reflected in the child's IEP, and those listed services must be provided in accordance with the IEP at public expense and at no cost to the parents. Nothing in the Act or in the definition of related services requires the provision of a related service to a child unless the child's IEP team has determined that the related service is required in order for the child to benefit from special education and has included that service in the child's IEP.

A child is eligible for special education and related services if they are evaluated in accordance with state and federal law and it is determined the child meets the definition of a "child with a disability," pursuant to Section 300.8 of Title 34 of the *CFR* and/or the definition of an "individual with exceptional needs," pursuant to Section 56026 of the *California Education Code*. To the extent that the IEP team determines that a child with a disability needs a related service to address a mental health need in order to benefit from special education, the service should be provided in accordance with the IEP. There has been some confusion regarding whether or not a student with a disability must meet the criteria for an "emotional disturbance," pursuant to Section 300.8(c)(4) of Title 34 of the *CFR*, before he/she is eligible for mental health services as part of his/her IEP¹. Though mental health needs may be a significant consideration when developing an IEP for a child who meets the criteria for an "emotional disturbance," eligibility for related services is not contingent on a particular disabling condition and should be determined based on an assessment that reveals an individualized need for the service. Similarly, a mental health diagnosis or designation as "seriously emotionally disturbed," pursuant to Section 5600.3(a)(2) of the *Welfare and Institutions Code*, does not automatically indicate eligibility for special education and related services.

If you have any questions regarding this subject, please contact the Policy and Program Services Unit of the Special Education Division by phone at 916-323-2409.

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

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Footnotes

¹ 34 *CFR* §300.8(c)(4)(i) **Emotional disturbance** means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

- (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.
- (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- (C) Inappropriate types of behavior or feelings under normal circumstances.
- (D) A general pervasive mood of unhappiness or depression.
- (E) A tendency to develop physical symptoms or fears associated with personal or school problems.

(ii) Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance under paragraph (c)(4)(i) of this section.

Last Reviewed: Tuesday, March 8, 2016
