

Stacey Wofford, MSW

California Department of Education

Stacey Wofford is an Education Programs Consultant with the Special Education Division at the California Department of Education (CDE). Ms. Wofford has been with the Special Education Division for almost 2 years and specializes in interagency coordination for delivering special education and related services to students, including mental health services. Prior to her work at CDE, Ms. Wofford worked for the California Department of Mental Health for 2 ½ years administering the AB 3632 program at the state level, along with other mental health service entitlement programs, such as Medi-Cal. Ms. Wofford holds a Master's Degree in Social Work from California State University, Stanislaus, and completed her clinical field work as a psychiatric social worker intern with Kaiser Permanente.





Overview of Changes related to AB 114

Transition from AB 3632 to IDEA
PENT Forum
February 16, 2012

CALIFORNIA DEPARTMENT OF EDUCATION
Tom Torlakson, State Superintendent of Public Instruction



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2011-12 Budget Act and AB 114

- The 2011-12 Budget Act and AB 114 created a significant change in the way that services are delivered to students with emotional and behavioral needs.
- The 2011-12 Budget Act was signed June 30, 2011 and focused funds for services on SELPAs and LEAs
- AB 114 (a trailer bill to the 2011-12 Budget Act) was signed June 30, 2011 and eliminated the state statutory structure for mental health service delivery through CMH



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2011-12 Budget Act

- Provided funding for “educationally related mental health services”

Department of Education

- \$31 million (Item 6110-161-0001 – Provision 18)
- \$218.8 million (Item 6110-161-0001 – Provision 26)
- \$69 million (Item 6110-161-0890 – Provision 9)

Department of Mental Health

- \$98.5 million (Item 4440-295-3085) [one-time Proposition 63/ Mental Health Services Act funds]



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AB 114

Made the technical changes to code to eliminate state required mental health services provided under Chapter 26.5 of the Government Code and to leave responsibility for special education and related services as it is required under the Individuals with Disabilities Education Act (IDEA)

CHAPTER 43

An act to amend Sections 1240, 1622, 2558.46, 8201, 8208, 8263.2, 8263.4, 8447, 8499, 42127, 42238.146, 44955.5, 56325, and 69432.7 of to amend and renumber Section 60422.3 of, to amend and repeal Sections 56139 and 56233 of, to amend, repeal, and add Sections 8303.5, 41202, and 76300 of, to add Sections 41202.5, 41210, 41211, 42251, and 46201.3 to, and to repeal and add Section 42606 of, the Education Code, to amend Section 7911 of the Family Code, to amend Sections 7579, 7589, 7593, 75440.1, and 75803 of, to amend and repeal Sections 7576.2, 7576.3, 7576.4, 7576.5, 7586.5, 7586.6, and 7586.7 of, and to repeal Section 7586 of the Government Code, and to amend Sections 4551 and 11323.7 of, to amend and repeal Sections 4701.8 and 4701.6 of, to add and repeal Section 18350.1 of, and to repeal Chapter 26.5 of, commencing with Section 18350 of Part 6 of Division 9 of the Welfare and Institutions Code, relating to education finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor June 30, 2011. Filed with Secretary of State June 30, 2011.]

CODE CHANGES RELATED TO MENTAL HEALTH SERVICES

Code	Section	Amend	Repeal	Inoperative Date	Repeal Date
Education Code	56139	X	X	1-Jul-11	1-Jan-12
Education Code	56325	X		N/A	N/A
Education Code	56331	X	X	1-Jul-11	1-Jan-12
Family Code	7911.1	X		N/A	N/A
Government Code	7572	X		N/A	N/A
Government Code	7572.5	X	X	1-Jul-11	1-Jan-12
Government Code	7572.55	X	X	1-Jul-11	1-Jan-12
Government Code	7576	X	X	1-Jul-11	1-Jan-12
Government Code	7576.2	X	X	1-Jul-11	1-Jan-12
Government Code	7576.3	X	X	1-Jul-11	1-Jan-12
Government Code	7576.5	X	X	1-Jul-11	1-Jan-12
Government Code	7582	X		N/A	N/A
Government Code	7585	X		N/A	N/A
Government Code	7586.5	X	X	1-Jul-11	1-Jan-12
Government Code	7586.6	X	X	1-Jul-11	1-Jan-12
Government Code	7586.7	X	X	1-Jul-11	1-Jan-12
Government Code	7588	X	X	30-Jun-11	30-Jun-11
Welfare and Institutions Code	5651	X		N/A	N/A
Welfare and Institutions Code	5701.3	X	X	1-Jul-11	1-Jan-12
Welfare and Institutions Code	5701.6	X	X	1-Jul-11	1-Jan-12
Welfare and Institutions Code	Chapter 6 of Part 6 of Division 9	X	X	1-Jul-11	1-Jan-12



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All references to responsibilities of county mental health agencies and requirements for mental health services for students with IEPs have been eliminated from state law. (only references to state hospitals and surrogate parents remain)

(a) The State Department of Mental Health, or a community health service, as described in Section 5602 of the Welfare and Institutions Code, designated by the State Department of Mental Health as responsible for the provision of mental health services, not in violation of the State Department of Mental Health, in consultation with the State Department of Education, if such an individualized education program of a pupil is a local educational agency is not required to place a pupil in a more restrictive setting if the mental health services are appropriately provided in a less restrictive setting. It is the intent of the law that the local educational agency and the community health service appropriately attempt to provide a mutually beneficial placement that is acceptable to the parent and addresses educational and mental health treatment needs of the pupil in a way that is most effective for both public agencies, subject to compliance of state and federal mental education law, as the requirement that the placement be appropriate and in the least restrictive environment for purposes of this section, as defined in Section 5602 of the Education Code. A local educational agency, in consultation with the community health service, may initiate a referral for assessment of the social history of a pupil pursuant to Section 5602 of the Education Code, based on the results of an assessment completed by a program team that refer a pupil who has been determined to require mental health services, as defined in Section 5602 of the Education Code, and who is suspected of needing mental health services to a community mental health service if the pupil meets all criteria of paragraphs (1) to (5), including a referral to a community mental health service if the pupil meets all criteria of paragraphs (1) to (5), including a referral to a community mental health service if the pupil has been assessed by school personnel in accordance with Section 5602 of the Education Code. Local educational agencies and community mental health services shall work cooperatively to ensure that assessments performed prior to referral are as useful as possible to the community mental health service in determining the need for mental health services and the level of services needed.



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AB 114 Transition Working Group

As a part of the Budget Act of 2011-12, the California Department of Education (CDE) was given funds to support the transition of services from county mental health agencies to LEAs in conjunction with a working group of parents, advocates, local educational agency staff, mental health experts, and legislative personnel.

As such, the CDE convened the AB 114 Transition Working Group on July 27, 2011, to address changes created by the passage of AB 114.



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Primary Focus of the AB 114 Transition Working Group is to Assist LEAs

- minimize disruption and maintain quality of services for pupils through the transition period and in future years;
- develop internal capacity for overseeing, contracting for, and providing quality educationally related mental health services;
- identify best practices and effective models for service delivery;
- identify options for controlling costs and accessing Medi-Cal and other local, state, and federal funds; and
- strengthen linkages between mental health and education services.



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Identify Options

The State Department of Education shall also identify options for:

- improving accountability for effective services and positive pupil outcomes, including
- a system for tracking and reporting outcomes.

Delivery Schedule

Due Date	Initial Recommendations/Product
09/15/11	Baseline Practices and Implementation Target Survey
09/15/11	IDEA Requirements for Providing Services for Students with Disabilities
09/15/11	Funding Streams and Allocations
10/15/11	Fiscal Reporting Requirements
10/15/11	Monitoring, Data Collection and Accountability
11/1/11	Compilation of Service Delivery Models in California
11/1/11	IEP Planning for Students Who Need MHS
11/1/11	Identification and Assessment of Students to Determine MHS Needs
11/15/11	Interagency Collaboration in the Provision of Services
12/1/11	Provision of Services Options for Students Who Need MHS
12/1/11	Hiring and Contracting for Qualified Personnel
2/15/12	Access to Medi-Cal Funds and Services



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How are we doing?

To date, the AB 114 Transition Working Group has helped develop guidance for LEAs on various topics related to this transition. All guidance documents and information about workgroup meetings are posted on our webpage:

<http://www.cde.ca.gov/sp/se/ac/ab114twg.asp>



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The CDE has developed guidance for LEAs that includes the following:

- Advisory on LEA's responsibility for providing related services under the IDEA
- Advisories on available funding sources and appropriate use of funds
- Advisory on medication monitoring
- Advisory on Nonpublic Agency certification
- Advisory on residential placement of students with disabilities
- Advisory on the use of insurance for related services



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Continued....

- Advisory on obtaining appropriately certified/licensed staff to provide related services
- Advisory on options for obtaining Medi-Cal reimbursement for services provided to Medi-Cal eligible students
- Guidance on developing a system for the provision of related services
- Several presentations from LEAs/ Special Education Local Plan Area's have been posted to our website, in video format, regarding service delivery models and best practices
- Information about the LEA Medi-Cal Billing Option program is posted to our website



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<http://www.cde.ca.gov/sp/se/ac/ab114twg.asp>

AB 114 Special Education Transition
Transition of Special Education and Related Services Formerly Provided by County Mental Health Agencies (Assembly Bill 114, Chapter 43, Statutes of 2011)

Background

On June 30, 2011, Assembly Bill 114, Chapter 43, Statutes of 2011 (AB 114) (PDF) (Outside Document) was signed into law. Under AB 114, several sections of Chapter 23.5 of the California Government Code (GC) were amended or repealed. Starting January 1, 2012, the state will transition to county mental health agencies to provide mental health services to students with disabilities. With the passage of AB 114, it is clear that school districts are now solely responsible for ensuring that students with disabilities receive appropriate and related services, including some services previously arranged for or provided to county mental health agencies.

AB 114 Transition Implementation Timeline: September 23, 2011 (Fiscal Year 2012)

No measure of changes in the provision of related services to students with disabilities resulting from the transition of responsibilities from mental health agencies to local educational agencies, pursuant to AB 114. Staff also reviewed several documents that provide guidance to the field related to the transition of responsibilities and answer numerous questions submitted to us during the last fiscal year.

AB 114 Transition Stakeholder Focus/Field Presentation (Fiscal Year 2011-2012) (PPT: 16 MB, 50 slides)

Available Materials (Version of the AB 114 Transition Stakeholder Focus/Field Presentation)

Present information presented during the AB 114 Transition Stakeholder Initiative held on September 23, 2011.

Questions and Answers (PPTed 16-Nov-2011)

The following questions and answers are from the first AB 114 Stakeholder Initiative that was conducted on Friday, September 23, 2011.

Recent Guidance from the California Department of Education

Assembly Bill 114 Local Educational Agencies' Responsibilities for Providing Related Services to Students with Disabilities (PPTed 12-Sep-2011)

Frequently Asked Questions About Services Previously Provided Through County Mental Health Agencies for Students with Individualized Education Programs (PPTed 10-May-2011)

Available Funding Sources and Spending Parameters (PPTed 14-Sep-2011)

September 23, 2011: AB 114 County and District Implementation, Special Education Local Plan Area Directors, Special Education Administrators at County Offices of Education, Charter School Administrators, Principals, and Nonpublic School Directors

Individuals with Disabilities Education Act and the Use of Insurance for Related Services (PPTed 14-Sep-2011)

September 23, 2011: AB 114 County and District Implementation, Special Education Local Plan Area Directors, Special



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Ongoing Challenges:

- LEAs may pursue alternative service delivery model options as funding sources shift and fluctuate in future years
- LEA access to Medi-Cal reimbursement for mental health services
