



## Legislation Text

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**File #:** 10-0972, **Version:** 1

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Health Services Department, Mental Health Division and Department of Human Services recommending the Board authorize the Chair to sign non-financial Memorandum of Understanding 093-M1011 with the El Dorado County Office of Education County for a term through June 30, 2011 setting forth the roles of each agency in providing mental health services to students with disabilities in accordance with the student's Individualized Education Program.

**Fiscal Impact/Change to Net County Cost:** None; this is a non-financial Operational Agreement.

**Contract Termination:** This Agreement includes a provision for any party to terminate the Agreement, without cause, upon thirty (30) days written notice.

**Reason for Recommendation:**

The federal Individuals with Disabilities Education Act (IDEA) entitles all children with disabilities to a free and appropriate public education that prepares them to live and work in the community. IDEA entitlement includes mental health treatment for children and adolescents who are less than twenty-two years of age, have an emotional disturbance, and are in need of mental health services. These services are a federal entitlement, and children can receive services irrespective of their parents' income level. Prior to 1984, school districts were responsible for providing all special education services to children.

In 1984, the Legislature enacted AB 3632, the Special Education Pupils Program, which, among other things, transferred responsibility for providing mental health services to special education pupils from school districts to county mental health departments. This program (Chapter 26.5 of the Government Code) was intended to build on the counties' existing responsibilities and expertise in providing mental health treatment, and provide needed collaboration between schools and public mental health in serving students. While counties are required by state law to provide these services, the services they provide are for the purpose of assisting public education to fulfill its mandate under federal law to provide an education to students with special needs in the least restrictive educational environment.

El Dorado County Office of Education is the administrative unit for the Special Education Local Plan Area (SELPA). This Agreement, which covers all Local Education Agencies (LEA's) who participate in the County of El Dorado SELPA, is designed to provide a framework to assure that those individual students diagnosed with exceptional needs have the opportunity to receive the needed services. It is intended to identify the responsibilities of each participating agency in the areas of identification and referrals, assessments, provision of services, financial responsibilities, and residential placements.

It remains uncertain whether AB 3632 services will be continued and adequately funded as a part of the State budget for FY 2010/11. Should the State suspend or repeal the AB 3632 mandate, the responsibility for providing these services would revert back to the schools due to the federal IDEA requirement. This Agreement would need to be reevaluated should this occur.

This Agreement covers the period from date of execution through June 30, 2011.

**Action to be taken following Board approval:**

1. Chair to sign three (3) original Agreements.
2. Board Clerk's Office to return two (2) original Agreements to the Health Services Department, Mental Health Division.
3. Mental Health Division to distribute as appropriate.

**Contact:** Neda West, Health Services

**Concurrences:** This Agreement has been approved by County Counsel and Risk Management and a copy is on file in the Board Clerk's Office.