

**INSTRUCTIONS/NOTES
REGARDING A REQUEST FOR
EDUCATIONALLY RELATED MENTAL HEALTH (ERMHS) ASSESSMENT**

INSTRUCTIONS/NOTES to Parents/Guardians and Educators

Local Educational Agencies are Responsible for the Assessment for and Provision of Educationally-Related Mental Health Services.

When a child needs educationally related mental health related services, IDEA and its implementing regulations are clear that evaluations must be “sufficiently comprehensive to identify all of the child’s special education and related service needs, whether or not commonly linked to the disability category in which the child has been classified.” 34 C.F.R. § 300.304(c)(6). Evaluations must utilize a “variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child.” 34 C.F.R. § 300.304(b)(1).

IDEA and California law require that local educational agencies (school districts) provide students the special education and related services that each child with a disability requires to benefit from their education, including but not limited to:

- assessment of mental health needs, including interpretation of such assessments and integration of information in service planning;
- consultation with the student, family, and staff to develop an appropriate program to serve the youth;
- individual, group, family, and parent counseling;
- individual, group, family, and parent psychotherapy;
- parent counseling to assist parents in understanding their child, provide parents with information about their child’s development, and help parents acquire skills to enable them to support implementation of their child’s IEP;
- day treatment;
- planning, providing, and managing positive behavior intervention, including one-on-one behavioral aides if necessary;
- therapeutic behavioral services;
- identifying and securing community resources;
- assessment for, and administration and management of medications; and
- residential placement.

34 C.F.R. §§ 300.34(a), .34(c)(2), .34(c)(8), .34(c)(10), .34(c)(14), .104; Cal. Educ. §§ 56363(a), (b)(9), (b)(10), (b)(11), (b)(13); 2 C.C.R. §60020(i). Of course, this list is illustrative, not exhaustive. Cal. Educ. § 56363(b); See *also* 34 C.F.R. § 300.34.

The California Department of Education (CDE) has a web page providing guidance to school districts and families regarding students with mental health needs:

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

Included is CDE Frequently Asked Questions (FAQ) guidance regarding educationally related mental health services that echoes and explains the above requirements:

Question 2. My student does not currently have mental health services in his/her IEP, but he/she needs such services. What do I do?

Answer: According to state and federal laws and regulations, students must be assessed in all areas related to their suspected disabilities. You may therefore request that your school district assess your student to determine the services that your child may require. Be sure to put this request in writing and save a copy. **The school district must respond to your request in 15 [calendar] days.** For more information, contact the Special Education Office in your school district.

The California legislature has provided financial support to local educational agencies to ensure that students are assessed for and provided with educationally-related mental health services.

Budget Act of 2011, S.B. 87, e.g. §§ 4440-295-3085, prov. 1, 6110-161-0001, provs. 18, 26, and 27, and § 6110-161-0890, prov. 9.

Once a parent/guardian consents to an Assessment Plan proposed by the local educational agency (school district), a mental health assessment must be performed by staff who are qualified -- trained and knowledgeable in the area of mental health. The assessment should be tailored to the unique needs of the child and integrate information about the child's past and present behaviors and mental health status (including assessment of quality of speech, cognitive ability, memory, thought, insight, etc.). A quality assessment would objectively and comprehensively: discuss how services can be provided in the least restrictive setting; discuss whether medication or a referral for a medication evaluation is appropriate; and include: an interview with the parent and the student (conducted separately), reports from teachers identifying problem behaviors and their relationship to student success, reports or interviews from outpatient mental health providers (if applicable), family history, information about any physical conditions (such as side effects of medication or allergies) that may impact social-emotional state, information regarding substance abuse, social history, and a self-care assessment. All assessments must be completed and an IEP team meeting held **within 60 calendar days* from the date the Assessment Plan was signed.**

*Calendar days means that weekend days are also counted.

Be aware that when school is closed from regular session greater than 5 school days, assessment timelines will pause and then resume when school is back in regular session. Longer school breaks (often Winter, sometimes Spring, and summer breaks) interrupt assessments. Plan ahead with regard to requests for assessment with this in mind.