Disability Rights California

California's Protection & Advocacy System

Educationally-Related Mental Health Services Agreements

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On July 1, 2011, local education agencies ("school districts") became responsible for providing mental health services to children who require them to benefit from their education. Many school districts were not prepared to assume the responsibility so they entered into contracts (also referred to as an "MOU" – Memorandum of Understanding) with the county mental health agencies to provide the services for a fee. Not all school districts have entered into these contracts. Moreover, of the school districts that entered into a contract with county mental health agencies, many still refuse to offer students with behaviors and emotional needs services that are available under the contract.

Disability Rights California has compiled a list of the school districts that have contracts with county mental health agencies. This list includes a link directly to the contract /MOU. Parents are encouraged to review the contract used by their student's school district to request services that are covered in the contract/MOU. It is our hope that parents and advocates, armed with a copy of the contract when attending IEP meetings, will be able to challenge the school district staff when they refuse to offer services that have been clearly identified as part of the contract with county mental health agencies. We encourage parents to contact us for further assistance with how to use the MOU to the student's benefit.

How to Use the MOU:

Tip # 1: The new terminology for mental health services in schools is "Educationally-related Mental Health Services" or "ERHMS".

The term “AB 3632” is no longer used for mental health services for students. Schools are using the term “Educationally-related mental health services” or ERHMS. If your child has received AB 3632 services in the past, schools may tell you they no longer have to provide AB 3632. Use the MOU to identify the mental health services that your school district still provides through county mental health agency.

Tip #2: Print a copy of the MOU and find the mental health services that you believe meets your child’s needs in order to discuss them at the IEP meeting.

It is important to understand the services available from county mental health agencies through the MOU because many schools are telling parents that they no longer are required to provide certain mental health services. If you have reviewed the MOU and bring a copy of it to the IEP then you can challenge the IEP team when they claim that the desired mental health service is no longer available. For example, if the IEP team says we do not provide intensive day treatment program, but the MOU lists day treatment as a service covered under the agreement, you can dispute the school district’s claim.

Tip #3: Even if the mental health services that your child needs is not covered in an MOU, ask for it anyway.

Some districts do not have an MOU or the services your child needs is not included in the MOU. The MOU simply lists mental health services that the school district has agreed to pay the county mental health agency to provide. If the student has a need for a service not listed in the MOU, the school district still has the responsibility to provide it as long as it is necessary for the student to benefit from his education.

Chart of all MOUs (pdf)