

AMENDED IN SENATE APRIL 14, 2016  
AMENDED IN SENATE APRIL 12, 2016  
AMENDED IN SENATE MARCH 28, 2016

**SENATE BILL**

**No. 1113**

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**Introduced by Senator Beall**

February 17, 2016

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An act to add Section 56601.3 to the Education Code, ~~and to add Section 5846.5 to~~, and to add Part 6 (commencing with Section 5920) to Division 5 ~~of~~, *of* the Welfare and Institutions Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1113, as amended, Beall. Pupil health: mental health.

Existing law requires school districts, county offices of education, and special education local plan areas (SELPAs) to comply with state laws that conform to the federal Individuals with Disabilities Education Act, in order that the state may qualify for federal funds available for the education of individuals with exceptional needs. Existing law requires school districts, county offices of education, and SELPAs to identify, locate, and assess individuals with exceptional needs and to provide those pupils with a free appropriate public education in the least restrictive environment, and with special education and related services, including mental health services, as reflected in an individualized education program.

Existing law contains provisions governing the operation and financing of community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. Existing law, the Mental

Health Services Act (MHSA), an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, funds a system of county mental health plans for the provision of mental health services, as specified. The MHSA establishes the Mental Health Services Oversight and Accountability Commission to oversee the administration of various provisions of the act.

This bill would specifically authorize a county and a local educational agency to enter into a partnership that includes, among other things, an agreement between the county mental health plan and the local educational agency that establishes a Medi-Cal mental health provider that is county operated or county contracted for the provision of mental health services to pupils of the local educational agency and in which there are provisions for the delivery of campus-based mental health services through qualified ~~mental health clinicians~~ *providers or qualified professionals* to provide on-campus support to identify pupils not in special education who a teacher believes may require those services and, with parental consent, to provide mental health services to those pupils. The bill would ~~require the commission to provide guidance and best practices guidelines for counties that choose to implement partnership programs for early intervention and prevention with local educational agencies and public schools pursuant to these provisions.~~ *create the County and Local Educational Agency Partnership Fund in the State Treasury, which would be available, upon appropriation by the Legislature, to the State Department of Education for the purpose of funding these partnerships, as specified, and would require the State Department of Education to fund these partnerships through a competitive grant program.*

The bill would require funds made available in the annual Budget Act for the purpose of providing educationally related mental health services required by an individualized education program to be used only for that purpose unless the State Board of Education grants a waiver allowing those funds to be expended for other purposes.

Existing law requires, pursuant to specified provisions of federal law, each SELPA to annually report to the Superintendent of Public Instruction the number of pupils receiving special education services participating in the regular school and district assessments and the number participating in an alternate assessment process.

This bill would require the State Department of Education to expand its reporting system for mental health services provided pursuant to an individualized education program pursuant to the federal Individuals

with Disabilities Education Act for children with a primary mental health diagnosis as emotional disturbance to include academic performance and any measures included within the State Department of Health Care Services' Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) mental health services performance outcome system within 18 months after those measures have been adopted by the State Department of Health Care Services. The bill would also require the State Department of Education to enter into an agreement with the State Department of Health Care Services to provide *relevant* academic performance—~~data data, as determined by the State Department of Education~~, to the State Department of Health Care Services for utilization in its performance outcome system regarding individuals enrolled in Medi-Cal and special education who receive mental health services.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 56601.3 is added to the Education Code,  
2 to read:  
3 56601.3. (a) The State Department of Education shall expand  
4 its reporting system for mental health services provided pursuant  
5 to an individualized education program pursuant to the federal  
6 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400  
7 et seq.) for children with a primary mental health diagnosis as  
8 emotional disturbance to include academic performance and any  
9 measures included within the State Department of Health Care  
10 Services' Early and Periodic Screening, Diagnosis, and Treatment  
11 (EPSDT) mental health services performance outcome system  
12 *described in Section 14707.5 of the Welfare and Institutions Code*  
13 within 18 months after those measures have been adopted by the  
14 State Department of Health Care Services.  
15 (b) The State Department of Education shall enter into an  
16 agreement with the State Department of Health Care Services to  
17 provide *relevant* academic performance—~~data data, as determined~~  
18 *by the State Department of Education*, to the State Department of  
19 Health Care Services for utilization in its performance outcome  
20 system *described in Section 14707.5 of the Welfare and Institutions*

1 *Code* regarding individuals enrolled in Medi-Cal and special  
2 education who receive mental health services.

3 ~~SEC. 2. Section 5846.5 is added to the Welfare and Institutions~~  
4 ~~Code, to read:~~

5 ~~5846.5. The commission shall provide guidance and~~  
6 ~~best practices guidelines for counties that choose to implement~~  
7 ~~partnership programs for early intervention and prevention with~~  
8 ~~local educational agencies and public schools pursuant to Section~~  
9 ~~5920.~~

10 ~~SEC. 3.~~

11 *SEC. 2.* Part 6 (commencing with Section 5920) is added to  
12 Division 5 of the Welfare and Institutions Code, to read:

13  
14 PART 6. COUNTY AND LOCAL EDUCATIONAL AGENCY  
15 PARTNERSHIPS  
16

17 5920. (a) Notwithstanding any other law, a county and a local  
18 educational agency may enter into a partnership that includes all  
19 of the following:

20 (1) An agreement between the county mental health plan and  
21 the local educational agency that establishes a Medi-Cal mental  
22 health provider that is county operated or county contracted, for  
23 the provision of mental health services to pupils of the local  
24 ~~educational agency and in which there are agency.~~ *The agreement*  
25 *may include* provisions for the delivery of campus-based mental  
26 health services through qualified ~~mental health clinicians~~ *providers*  
27 *or qualified professionals* to provide on-campus support to identify  
28 pupils not in special education who a teacher believes may require  
29 those services and, with parental consent, to provide mental health  
30 services to those pupils.

31 (2) The county mental health plan and the local educational  
32 agency utilize designated governmental funds as required match  
33 for eligible Medi-Cal Early and Periodic Screening, Diagnosis,  
34 and Treatment (EPSDT) reimbursement for services provided to  
35 pupils enrolled in Medi-Cal, for mental health service costs for  
36 non-Medi-Cal enrolled pupils in special education with  
37 individualized education programs (IEPs) pursuant to the federal  
38 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400  
39 et seq.), and for pupils not part of special education if the services  
40 are provided by a provider specified in paragraph (1).

1 ~~(3) The county mental health plan provider bills non-Medi-Cal~~  
2 ~~insurers for services to pupils with health insurance for~~  
3 ~~non-IEP-related covered services, and the relevant insurer~~  
4 ~~reimburses the provider for these services at the usual rates paid~~  
5 ~~for out-of-network mental health services.~~

6 ~~(4)~~

7 (3) The local educational agency, with permission of the pupil's  
8 parent, provides the county mental health plan provider with the  
9 information of the health insurance carrier for each pupil.

10 ~~(5)~~

11 (4) *The agreement between the county mental health plan and*  
12 *the local educational agency covers addresses how to cover the*  
13 *costs of mental health provider services not reimbursed by funds*  
14 *pursuant to paragraph (2) or (3) in the event that mental health*  
15 *service costs exceed the agreed-upon funding outlined in the*  
16 *partnership agreement between the county mental health plan and*  
17 *the local educational agency following a yearend cost reconciliation*  
18 *process, and in the event that the local educational agency does*  
19 *not elect to provide the services through other means.*

20 (5) *The agreement between the county mental health plan and*  
21 *the local educational agency fulfills reporting requirements under*  
22 *state and federal Individuals with Disabilities Education Act (20*  
23 *U.S.C. Sec. 1400 et seq.) and Medi-Cal EPSDT provisions, and*  
24 *measures the effect of the mental health intervention and how that*  
25 *intervention meets the goals in a pupil's IEP or relevant plan for*  
26 *non-IEP pupils.*

27 (6) The county mental health plan participates in any  
28 performance outcome system established by the State Department  
29 of Health Care Services ~~or the Mental Health Services Oversight~~  
30 ~~and Accountability Commission~~ *Services, including reporting*  
31 *requirements pursuant to Section 14707.5, to measure results of*  
32 *services provided under the partnership agreement between the*  
33 *county mental health plan and the local educational agency.*

34 (7) (A) The local educational agency participates in any  
35 performance system established by the State Department of  
36 Education pursuant to Section 56601.3 of the Education Code to  
37 measure performance of special education mental health services  
38 and other mental health services provided under the partnership  
39 agreement between the county mental health plan and the local  
40 educational agency.

1 (B) *The local educational agency also reports applicable*  
2 *information to the performance outcome system established by the*  
3 *State Department of Health Care Services described in Section*  
4 *14707.5 for those pupils whose information is not reported*  
5 *pursuant to paragraph (6).*

6 (8) A plan to establish a partnership described in this section in  
7 at least ~~three schools~~ *one school* within the local educational agency  
8 in the first year and to expand the partnership to three additional  
9 schools ~~in the second year~~ *within three years*.

10 ~~(b) Funds made available in the annual Budget Act for the~~  
11 ~~purpose of providing educationally related mental health services,~~  
12 ~~including out-of-home residential services for emotionally~~  
13 ~~disturbed pupils, required by an individualized education program~~  
14 ~~shall be used only for that purpose unless the State Board of~~  
15 ~~Education grants a waiver allowing those funds to be expended~~  
16 ~~for other purposes.~~

17 (e)

18 (b) For purposes of this section, “local educational agency” has  
19 the same meaning as that term is defined in Section 56026.3 of  
20 the Education Code.

21 (c) *Where applicable, and to the extent mutually agreed to by*  
22 *a school district and a plan or insurer, it is the intent of the*  
23 *Legislature that a health care service plan or a health insurer be*  
24 *authorized to participate in the partnerships described in this part.*

25 5921. (a) *The County and Local Educational Agency*  
26 *Partnership Fund is hereby created in the State Treasury. Moneys*  
27 *in the fund are available, upon appropriation by the Legislature,*  
28 *to the State Department of Education for the purpose of funding*  
29 *the partnerships described in this part. The State Department of*  
30 *Education shall fund partnerships described in this part through*  
31 *a competitive grant program.*

32 (b) (1) *For the 2017–2018 fiscal year and each fiscal year*  
33 *thereafter, to the extent there is an appropriation in the annual*  
34 *Budget Act for purposes of educationally related mental health*  
35 *services, the Superintendent of Public Instruction shall allocate*  
36 *funds from that appropriation to the County and Local Educational*  
37 *Agency Partnership Fund.*

38 (2) *Other funds identified and appropriated by the Legislature*  
39 *may also be deposited into the County and Local Educational*

1 *Agency Partnership Fund and used for the purposes specified in*  
2 *subdivision (a).*  
3 *(c) Funds made available in the annual Budget Act for the*  
4 *purpose of providing educationally related mental health services,*  
5 *including out-of-home residential services for emotionally*  
6 *disturbed pupils, required by an individualized education program,*  
7 *shall be used only for that purpose unless the State Board of*  
8 *Education grants a waiver allowing those funds to be expended*  
9 *for other purposes.*

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