

**Senate Bill No. 1113**

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Passed the Senate August 25, 2016

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*Secretary of the Senate*

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Passed the Assembly August 18, 2016

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2016, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

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

## LEGISLATIVE COUNSEL'S DIGEST

SB 1113, Beall. Pupil health: mental health.

Existing law requires school districts, county offices of education, and special education local plan areas (SELPA) 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 SELPA 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.

This bill would specifically authorize a county, or a qualified provider operating as part of the county mental health plan network, and a local educational agency to enter into a partnership that includes, among other things, an agreement between the county mental health plan, or the qualified provider, 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 providers or qualified professionals to provide on-campus support to identify pupils with a specified education plan and 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 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 and would prohibit those funds from being deposited into the County and Local Educational Agency Partnership Fund.

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

SECTION 1. The Legislature finds and declares that pilot projects are demonstrating that schools have significantly lower special education costs when schools partner with county-funded Medi-Cal mental health services providers to address the mental health problems of pupils in a comprehensive multitiered model that includes services for pupils at the earliest time, usually years before they would require special education, which can often be prevented. Thus, the Legislature encourages the partnerships authorized by this act to, whenever possible, look for opportunities and funding to provide pupils who do not have individualized education programs, but are in need of, and could benefit from, prevention and early intervention services, with those services. The Legislature further encourages the State Department of Education and the State Department of Health Care Services to work toward the development of protocols to identify students who are Medi-Cal beneficiaries receiving educationally related mental health services as part of an individual educational plan for the purposes of data tracking.

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

PART 6. COUNTY AND LOCAL EDUCATIONAL AGENCY  
PARTNERSHIPS

5920. (a) Notwithstanding any other law, a county, or a qualified provider operating as part of the county mental health plan network, and a local educational agency may enter into a partnership that includes all of the following:

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

(2) An agreement between the county mental health plan, or the qualified provider, 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. The agreement may include provisions for the delivery of campus-based mental health services through qualified providers or qualified professionals to provide on-campus support to identify pupils with a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)) and 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.

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

(4) The agreement between the county mental health plan, or the qualified provider, and the local educational agency addresses how to cover the costs of mental health provider services not covered by funds pursuant to paragraph (1) in the event that mental health service costs exceed the agreed-upon funding outlined in the partnership agreement between the county mental health plan, or the qualified provider, and the local educational agency following a yearend cost reconciliation process, and in the event

that the local educational agency does not elect to provide the services through other means.

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

(6) The county mental health plan, or the qualified provider, and the local educational agency participate in the performance outcome system established by the State Department of Health Care Services pursuant to Section 14707.5 to measure results of services provided under the partnership agreement between the county mental health plan, or the qualified provider, and the local educational agency.

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

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

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

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

(b) (1) For the 2017–18 fiscal year and each fiscal year thereafter, to the extent there is an appropriation in the annual Budget Act or another measure for purposes of this part, the Superintendent of Public Instruction shall allocate funds from that appropriation to the County and Local Educational Agency Partnership Fund.

(2) Other funds identified and appropriated by the Legislature may also be deposited into the County and Local Educational Agency Partnership Fund and used for the purposes specified in subdivision (a).

(c) Funds made available in the annual Budget Act for the purpose of providing educationally related mental health services, including out-of-home residential services for emotionally disturbed pupils, required by an individualized education program, shall be used only for that purpose and shall not be deposited into the County and Local Educational Agency Partnership Fund.



Approved \_\_\_\_\_, 2016

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*Governor*