

It is common to be confused about whether a student should be referred for County-funded behavioral health or special education services through the school district since both offer behavioral health services. One of the key eligibility criteria for special education services is that the student has related school performance issues.

Qualifying Disabilities for Special Education

The Individuals with Disabilities Education Improvement Act (IDEA 2004) is the federal law that provides for the education of children with disabilities. IDEA identifies the following 13 disabilities that may qualify school-age children for special education services:

- **Autism**
- **Deafness**
- **Blindness**
- **Emotional disturbance**
- **Hearing impairment**
- **Traumatic brain injury**
- **Intellectual disability**
- **Multiple disabilities**
- **Orthopedic impairment**
- **Other health impairment**
- **Specific learning disability**
- **Speech or language impairment**
- **Visual impairment, including blindness**

Having one of these 13 disabilities does not necessarily make a student eligible for special education services. Many children have disabilities but they don't need extra educational assistance or individualized programming because they are doing well in school.

On the next page you will find basic information about special education eligibility criteria and processes. Please refer to your school district's special education policy for additional information.

Individuals with Disabilities Education Act (IDEA): IDEA is a federal law that requires school districts to provide a “free appropriate public education” to eligible children with disabilities.

Individualized Education Plan (IEP): An IEP is a written document developed for every student receiving special education services. The IEP details specialized instruction and related services designed to meet that student's unique needs.

Educationally Related Services (ERS): ERS are provided to students with IEPs who demonstrate behavioral health issues impacting their ability to learn. ERS are not restricted to students who have “emotional disturbance” as their identified disability. ERS must be included in the IEP and can include individual counseling, parent counseling, social work services, psychological services, and residential treatment.

504 Plan: A 504 plan is developed for students who do not need specialized instruction or meet the criteria for an IEP, but still need accommodations and/or modifications in a regular classroom setting. 504 plans are monitored by classroom teachers. Examples of 504 accommodations include preferential seating, extended time on tests and assignments, verbal, visual, or technology aids, and behavior management support.

Student Study Team (SST): SSTs help students having difficulty in the regular classroom by examining their academic, behavioral and social-emotional progress and designing a support system. The team usually consists of a teacher, administrator, and support personnel from the school.

Assembly Bill (AB) 114: AB 114 changed the process by which students in Special Education receive mental health services. Previously, under AB 3632, county mental health departments provided services. Under AB 114, all California school districts are solely responsible for ensuring that students with disabilities, as designated by their Individualized Educational Plan (IEP), receive the mental health services necessary to benefit from a special education program. School districts meet the AB 114 requirements by:

- Hiring mental health professionals and providing services through these staff.
- Contracting with community mental health agencies or other qualified professionals to provide services.
- Partnering with county behavioral health departments to leverage existing services or contract for additional services.

Emotional Disturbance

IDEA defines emotional disturbance as a condition exhibiting one or more of the following conditions over an extended period, to a marked degree, that have an adverse effect on educational performance, even after supportive assistance has been provided. Below are conditions of emotional disturbance.

Source: <https://www.parentcenterhub.org/emotionaldisturbance/>



An inability to learn that cannot be explained by intellectual, sensory or health factors.

An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.



Inappropriate types of behavior or feelings under normal circumstances.



A general pervasive mood of unhappiness or depression.



A tendency to develop physical symptoms or fears associated with personal or school problems.



Referrals to Special Education Services

Most schools have a multi-step process for referrals to special education. Collaboration and consultation between providers and school personnel is highly encouraged.



Step 1: Teachers & School Counselors

Providers should first collaborate and address special education related concerns with teachers and school counselors. Providers may also encourage guardians to discuss concerns directly with their child's teacher or school counselor. Teachers may provide targeted classroom interventions to address concerns. School Counselors may trigger additional levels of support to include but not limited to Student Study Team Meetings, Response to Intervention (RTI) strategies, 504 Meetings, and other supports.



Step 2: School Psychologists

If additional support is needed, providers may consult with the School Psychologist. Providers may encourage guardians to consult with the School Psychologist as well.



Step 3: Special Education Assessment Request

Guardians may request a special education assessment at any point and are encouraged to submit the assessment request in writing to the teacher, school psychologist, or principal.

- If families need additional support, they can contact the school district's Office of Ombudspersons. For more information, go to:
<https://www.sandiegounified.org/special-education-ombudspersons>



Step 4: Special Education Assessment Process

Once a student is formally referred for special education assessment, the school district will:

- Within 15 days, provide a Prior Written Notice (PWN) to the guardian indicating whether or not the district will assess the student for special education services, and the associated reasons.
- If the district is in agreement with the assessment request, an assessment plan will be provided to the guardian along with the PWN.
- The guardian needs to sign and return the assessment plan within 15 Days.
- The district has 60 days from receipt of the signed assessment plan to complete a comprehensive assessment in all suspected areas of disability and hold an IEP meeting.



Step 5: Special Education Determination

Once the special education assessment is complete, the District will schedule an Individualized Education Plan (IEP) meeting.

- If the student is found eligible for special education services, school staff will develop an IEP.
- The guardian has the right to consent to all, part or none of the IEP components. IEPs are only implemented with guardian consent.
- IEPs are reviewed annually and the assessment process is repeated every 3 years.
- IDEA and the California Education Code provide a number of educational rights and procedural safeguards for guardians of children with disabilities.

Common Issue

It is important for behavioral health providers to be very aware of their limited role in the IEP process. If invited to participate in a special education evaluation, eligibility meeting or IEP meeting, the provider should limit their input to their observations, diagnoses, and treatment experience with the student. It is not the role of the provider to suggest special education services during the IEP process because it is an educational, rather than behavioral health, process

Resources

- [California School Based Health Alliance's Educationally Related Mental Health Services Overview](#)
- [California Department of Education: Notice of Procedural Safeguards](#)
- [Center for Parent Information and Resources- Emotional Disturbance](#)
- [U.S. Department of Education's IDEA](#)
- [alfrEDU App- Accessing & Leveraging Families Rights to Education](#)
- [San Diego Unified School District's Special Education](#)
- [Understood: For Learning and Attention Issues](#)
- [TASK – Helps families navigate special education, disability services and assistive technology](#)

Key Terms

Behavioral health services: A continuum of prevention, intervention, treatment and recovery support services for mental health and substance use.

County-funded: Services funded through the County of San Diego's Health & Human Services Agency's Behavioral Health Services Division.

Provider: Unless otherwise specified, a County-funded behavioral health provider.

Administrative Information

For administrative information or to provide feedback about the SchoolLink training program, please email BHSContactUs.HHSA@sdcounty.ca.gov with subject line: SchoolLink or call 619-563-2700 and ask to speak with the Deputy Director of Behavioral Health Services for Children, Youth, and Families.