



## Educationally-Related Mental Health Services and Your Child's Education

### **My Child Needs Help.**

### **What Can I Do?**

## How do I request an Educationally-Related Mental Health Services (ERMHS) assessment for my child?

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When children have mental health issues, they often experience behavior and other problems in the classroom that interfere with their educational progress. Your child's educational performance is not limited to her academic performance so your school is required to assess your child when her educational progress is affected by social and emotional issues, communication challenges and certain other factors. If your child has mental health problems that are making it difficult for her to succeed in school, you may need to obtain from the school district an assessment for educationally-related mental health services (ERMHS). The process to obtain an assessment is explained below.

*If your child does not have an Individualized Education Program (IEP) or if her IEP does not include educationally-related mental health services...*

If your child does not have an IEP but begins to exhibit problems including social isolation, aggression, patterns of defiance, marked depression, suspensions, or acute inpatient mental health hospitalization, your child may have a disability that would benefit from special education services. The disability may involve emotional or behavior problems. If your child already has an IEP but begins experiencing such problems, you may need to request an assessment for ERMHS services to be included in your child's IEP.

*If your child does not have an IEP..*

- Write a letter to the school principal requesting that your child be evaluated for special education services. Be as specific as you can about the learning problems your child has at school. **Make sure that you specifically ask for an assessment for educationally-related mental health services because of the emotional or behavior problems your child has.** Sign and date the letter and include your child's name and date of birth. The letter can be hand-written or typed, in Spanish, English or your native language.
- Make a copy of the letter to keep for your records. This is very important.
- Deliver the letter to the public school that your child attends. You do not have to take the letter to the district office. Ask the school staff to stamp both the original and the copy of the letter received with the date noted.
- The school district has 15 days to respond to your request. This 15-day timeline does not include days between the regular school sessions or days of vacation in excess of 5 school days.
- At the end of 15 days, the district must provide you with an assessment plan or give you written notice that it will not assess. The assessment form lists the areas in which your child will be tested and the possible tests that will be administered. The school cannot do the testing unless you authorize the testing by signing

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the form. **Before you sign the form, make sure that it includes testing for educationally-related mental health services that you requested.** If the school refuses to assess your child, it must put this decision in writing and give you notice of your right to appeal the school's decision.

*If your child has an IEP..*

If your child has an IEP but begins experiencing emotional or behavior problems that interfere with her ability to learn, follow the same steps identified above, except that your letter will acknowledge that your child has an IEP, but that you need an ERMHS assessment because your child's educational needs have changed.

Within 15 days, the school district must provide an assessment plan or refuse to do so in writing. If the district refuses to do the assessment, you have a right to request an independent educational evaluation.

## **About the Assessment Process and Independent Educational Evaluations (IEE)**

When you request an ERMHS assessment, your child's school district cannot refuse to assess her because the problems she is having are not strictly academic. Educational progress depends upon more than academic success and includes social and emotional development and communication skills. When you request an assessment, you want to make sure that the assessment is conducted by someone who can determine mental health needs. A classroom teacher or administrator would not necessarily have that expertise.

If the school district completes an ERMHS assessment and you disagree with the assessment that is presented at the IEP meeting, you can request an independent educational evaluation (IEE) that the school district must pay for. When you request an IEE, the school district must fund the IEE or file a due process complaint to defend the assessment it completed. It must take one of these two steps without unnecessary delay. Make sure that the district includes your request for an IEE in the IEP document. If the IEP team does not agree to the IEE, make sure that your request for an IEE is noted in the IEP document and immediately put your IEE request in writing in a letter to the district. Keep a copy.

Remember, the school is required to respond to your request for an IEE without unnecessary delay. If the school fails to take any action, such as giving you referrals to independent evaluators or filing for due process, within 15 to 30 days, you may be able to file a compliance complaint with the State.

### ***What kinds of educationally-related mental health services are available?***

ERMHS services provided depend upon your child's needs, but can include outpatient mental health counseling, family therapy, parent counseling and training, day treatment, therapeutic services provided at a nonpublic school, and coordinated, case-managed mental health service provided by a therapeutic team, sometimes called wrap-around services.

***Still have questions? Call Mental Health Advocacy Services at 213-389-2077, or Disability Right California at 800-776-5746 (voice) or 800-719-5798 (TTY)***

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*The Stigma, Discrimination, Reduction and Advancing Policy to Eliminate Discrimination Program (APEDP), is funded by the voter approved Mental Health Services Act (Prop. 63) and administered by the California Mental Health Services Authority (CalMHSA). County MHSA funds support CalMHSA, which is an organization of county governments working to improve mental health outcomes for individuals, families and communities. CalMHSA operates services and education programs on a statewide, regional and local basis. For more information, visit [www.calmhsa.org](http://www.calmhsa.org).*