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SB-884 Special education: mental health services. (2015-2016)

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Senate Bill No. 884

CHAPTER 835

An act to add Sections 14509 and 56415 to the Education Code, relating to special education.

[Approved by Governor September 29, 2016. Filed with Secretary of State September 29, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 884, Beall. Special education: mental health services.

Existing law requires the Superintendent of Public Instruction to administer the special education provisions of the Education Code and ensure provision of, and supervise, education and related services to individuals with exceptional needs, as required pursuant to the federal Individuals with Disabilities Education Act. Existing law provides for the establishment of Family Empowerment Centers on Disability to, among other things, ensure that children and young adults with disabilities receive the necessary educational support and services they need to complete their education.

Existing law separately requires the Controller, in consultation with the Department of Finance, the State Department of Education, and specified other entities, to propose the content of an audit guide for purposes of carrying out financial and compliance audits for local educational agencies.

This bill would require the audit guide to include audit procedures to review whether specified funding, which the bill would subject to existing state and federal audit requirements, for educationally related mental health services required by an individualized education program received by local educational agencies was used for its intended purpose in the 2016–17 fiscal year, and would require these audit procedures to be included in future fiscal years if recommended by the Controller, as specified. The bill would require the State Department of Education to include a link on the sample procedural safeguards maintained on its Internet Web site to the page on its Internet Web site that lists family empowerment centers and to include the link on specified forms. The bill would require the department to submit 2 reports, as specified, relating to the provision of mental health services to pupils through an individualized education program to the appropriate fiscal and policy committees of the Legislature by June 30, 2017.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 14509 is added to the Education Code, to read:

14509. The funding appropriated in Item 6100-161-0001 of the annual Budget Act for mental health services shall be subject to existing state and federal audit requirements. Audit procedures shall be included in the audit guide to review whether funding for educationally related mental health services pursuant to this item was used by local educational agencies for its intended purposes in the 2016–17 fiscal year. These audit procedures shall be included in future fiscal years if the addition of these procedures is recommended by the Controller pursuant to subdivision (a) of Section 14502.1. If any mental health audit findings

are generated through this process, the Superintendent shall ensure that the local educational agency has either corrected or developed a plan of correction for state and federal mental health funds pursuant to subdivision (m) of Section 41020.

SEC. 2. Section 56415 is added to the Education Code, to read:

56415. The department shall include a link on the sample procedural safeguards maintained on its Internet Web site to the page on its Internet Web site that lists family empowerment centers. The department shall include this link on all sample procedural safeguard forms for which it maintains translations.

SEC. 3. The State Department of Education shall create a report on its compliance findings and corrective action plans related to the provision of mental health services for pupils with individualized education programs using data the department collects through its verification and comprehensive reviews, including those targeted and any randomly chosen for review. The department shall send this report to the appropriate fiscal and policy committees of the Legislature by June 30, 2017.

SEC. 4. (a) The State Department of Education shall create a report on pupil outcomes for pupils receiving mental health services through an individualized education program. The data used to create this report shall already be maintained by the department and shall be reported to the extent permitted under state and federal laws regarding the privacy of pupil information. These outcomes shall include all of the following:

- (1) Graduation rates.
- (2) Dropout rates.
- (3) Statewide assessment results.
- (4) Suspension and expulsion rates.
- (5) Participation in general education classes.
- (6) Postschool outcomes.

(b) The department shall send this report to the appropriate fiscal and policy committees of the Legislature by June 30, 2017.