



September 13, 2011

Dear County and District Superintendents, Mental Health Agency Administrators, and Other Entities Providing Related Services to Special Education Students:

**REQUIREMENTS FOR SECURING THE SERVICES OF MENTAL HEALTH PROFESSIONALS TO PROVIDE RELATED SERVICES TO SPECIAL EDUCATION STUDENTS**

On June 30, 2011, Assembly Bill 114, Chapter 43, Statutes of 2011 was signed into law. Under AB 114, several sections of Chapter 26.5 of the California *Government Code* (GC) were amended or rendered inoperative, thereby, ending the state mandate on county mental health agencies to provide mental health services to students with disabilities. With the passage of AB 114, it is clear that local educational agencies (LEAs) are now solely responsible for ensuring that students with disabilities receive special education and related services, including some services previously arranged for or provided by county mental health agencies. The following information is provided to guide LEAs in employing or contracting for the provision of related services. This information has been reviewed by both the California Department of Education (CDE) and the California Commission on Teacher Credentialing (CTC) to ensure that it reflects both agencies' interpretation of applicable federal and state law.

**1. For LEAs directly employing mental health professionals to provide related services**

Many mental health professionals, such as clinical psychologists and marriage and family therapists, are employed to provide services that are not authorized by credentials or other certifications issued by the CTC, and instead are generally licensed by other state agencies such as the Office of Consumer Affairs. In such cases, these individuals would not be included in assignment monitoring conducted by county offices of education (COE) and the CTC. However, LEAs must ensure that such employees possess required licensure or training as established in state law. All individuals employed to provide related services must hold a valid credential issued by CTC with the appropriate authorization for those services, or otherwise be authorized to provide services based on another section of statute or regulation, and must be appropriately supervised.

For information on obtaining a credential or other authorization from CTC, please contact CTC credential staff at (888) 921-2682, or by e-mail at [credentials@ctc.ca.gov](mailto:credentials@ctc.ca.gov). For information on the appropriate certification for

specific assignments, please contact CTC's assignment unit at (916) 322-5038, or by e-mail at [cawassignments@ctc.ca.gov](mailto:cawassignments@ctc.ca.gov).

### **Supervision**

Individuals possessing an Administrative Services Credential are authorized to supervise and evaluate these personnel. Given the specialized nature of the work of mental health professionals, an administrator who has a background in providing related services, such as a person dually-certified in Pupil Personnel Services and Administrative Services, may be particularly well-suited to supervise these personnel, but any holder of an Administrative Services Credential is authorized to supervise mental health professionals employed by an LEA.

In addition, *Education Code* Section 44270.2 allows the holder of a pupil personnel services credential to supervise a pupil personnel service program.

"Any person who administers a pupil personnel program shall hold a services credential with a pupil personnel or administrative specialization."

Employers should note that pupil personnel services credentials do not authorize the holder to evaluate staff. Caution should be used when determining who will supervise and evaluate staff.

## **2. For LEAs contracting with community-based mental health professionals to provide related services**

Community-based mental health professionals are broadly defined as any individuals licensed and assigned to provide mental health services that may be self-employed, employed by a private agency, or employed by a public agency such as a county mental health agency. Individuals and entities that are employees, contractors or vendors of these public agencies have been authorized to provide the specific services to which they have been assigned, and that authorization qualifies them to contract directly with LEAs to provide those same services. When contracting with such individuals and entities, LEAs should ensure that they are currently contractors or vendors of the public agencies for the same related services for which the LEA is contracting. Individuals and entities that are not current contractors or vendors of the public agencies described above must hold Nonpublic School (NPS) or Nonpublic Agency (NPA) certification in order to be eligible to provide related services (see below).

## **Supervision**

In all cases, community-based mental health professionals must be supervised in their school-based activities by an individual possessing a Pupil Personnel Services (PPS) Credential. The term "supervised" in this context means that the PPS credential holder has oversight of the school-based activities undertaken by a community-based mental health provider for the purpose of ensuring that these services are consistent with the needs of students served and are coordinated with other student services to allow for the provision of an efficient and comprehensive Pupil Personnel Services Program. The requirement for community based service providers to be supervised by a PPS credential holder is established in Section 80049.1(c) of Title 5, California Code of Regulations, which states:

Nothing in this section shall be construed to preclude school districts from utilizing community-based service providers, including volunteers, individuals completing counseling-related internship programs, and state licensed individuals and agencies to assist in providing pupil personnel services, provided that such individuals and agencies are supervised in their school-based activities by an individual holding a pupil personnel services authorization.

## **Nonpublic School or Agency Certification**

Pursuant to Section 3051 of Title 5, *California Code of Regulations*, any community-based mental health agency or individual that is not "an employee, vendor, or contractor of the State Departments of Health Services or Mental Health or designated local public health or mental agency" must be certified by the CDE as a Nonpublic School (NPS) or Nonpublic Agency, (NPA). Information on obtaining NPA or NPS Certification is available at <http://www.cde.ca.gov/sp/se/ds/npsactapp.asp>, or you may contact the Interagency-Nonpublic Schools/Agencies Unit, Special Education Division, CDE, by phone at 916-327-0141, or by e-mail at [npsa@cde.ca.gov](mailto:npsa@cde.ca.gov).

If you have any questions about this subject, please contact Jim Alford, Education Programs Consultant, Special Education Division, by phone at 916-327-8877 or by e-mail at [jalford@cde.ca.gov](mailto:jalford@cde.ca.gov).

Sincerely,

*Original signed by Fred Balcom. Hard copy of the signed document is available by contacting the Special Education Division's Director's Office at 916-445-4602.*

Fred Balcom, Director  
Special Education Division

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