What are Educationally-Related Mental Health Services and when should I ask for them?

Federal special education law requires that children with qualifying disabilities receive a free and appropriate public education (FAPE). This means that, if your child has a disability that interferes with her ability to benefit from the education she receives, she may be entitled to additional educational services for free to help her make progress in school. These “FAPE” services are described in an Individualized Education Program (IEP) that is developed at an IEP team meeting. The IEP team consists of school staff and the parent. You as parent are an important member of the IEP team. You help the team make decisions appropriate to meet your child’s educational needs.

If your child has emotional or behavior problems, she may be entitled to educationally-related mental health services as part of the FAPE to which she is entitled under the law. The school district is responsible for assuring, coordinating and providing these educationally-related mental health services.

When should I ask for educationally-related mental health services?

There are many different situations that arise that can indicate the need for an educationally-related mental health service assessment. Some of these triggers include:

- One or more inpatient psychiatric hospitalization;
- Suspension from school;
- Marked isolation of your child and social impairment, e.g., difficulty making and maintaining friendships and relationships;
- Self-injurious behavior such as cutting;
- Aggression toward people and/or animals;
- Pattern of repeated negative or defiant behaviors;
- Significant negative impact on school performance by home and living environments;
- Depression; and/or
- Frequency and duration of counseling insufficient to meet student needs.

What are educationally-related mental health services?

Placements in which educationally-related mental health services can be provided…

Since the law requires that FAPE services be provided in the least restrictive setting, the district needs to make every effort to develop a complement of services that will enable your child to remain in the regular education classroom or at her regular school of attendance, depending upon her needs. Sometimes this is not possible. Educationally-related mental health services can be provided as part of FAPE regardless of the educational placement designated in your child’s IEP.

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Some of those possible educational placements made by IEP teams include:

- General education;
- Special day class or program;
- Nonpublic school, a school that contracts with school districts to provide therapeutic educational services to students with specific disabilities; or
- Residential treatment center, a program at which a child resides that has an onsite or related school campus through which educational and therapeutic services are provided.

Related Services included in an IEP as educationally-related mental health services…

If your child needs educationally-related mental health services (ERMHS) to support her education, you will need to request an assessment for these services. ERMHS services include:

- Outpatient mental health counseling services provided by qualified psychologists, guidance counselors, social workers or other trained and qualified personnel;
- Parent counseling and training to assist you with developing the skills necessary to enable you to support implementation of your child’s IEP, obtaining information about child development and your child’s own developmental challenges and understanding your child’s disability and special needs;
- Family therapy;
- Coordinated planning and case management provided by a therapeutic team, sometimes called wrap-around services;
- Social work services;
- Therapeutic services that are integrated into the school day at a nonpublic school (NPS) placement (an NPS is a special school that contracts with the school district to provide education to your child when other placement alternatives do not work);
- Combination of day treatment and nonpublic school therapeutic services;
- Transportation;
- While the school district is not required to provide strictly medical services, a licensed physician may provide medical services necessary to diagnose and evaluate your child’s medically-related disability that cause her to need special education or as part of an integrated program of educational and related services;
- Some combination of these services.

Because of recent changes in the law, disagreements between parents and school districts may develop about the district’s obligation to provide a psychiatrist to prescribe and manage your child’s medication. A state regulation that requires medication monitoring remains in effect so, while the prior California system of providing mental health services under IEPs has changed, this regulation has not. Further, psychiatric services, including medication management, must be provided by the district if they are part of an integrated program of educational, medical, emotional and behavioral services designed to meet your child’s education needs.

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)