



C A L I F O R N I A D E P A R T M E N T O F

Mental Health

1600 9th Street,, Sacramento, CA 95814
(916) 654-2309

April 15, 2009

DMH INFORMATION NOTICE NO.: 09-04

TO: LOCAL MENTAL HEALTH DIRECTORS
LOCAL MENTAL HEALTH PROGRAM CHIEFS
LOCAL MENTAL HEALTH ADMINISTRATORS
COUNTY ADMINISTRATIVE OFFICERS
CHAIRPERSONS, LOCAL MENTAL HEALTH BOARDS

SUBJECT: RESCISSION OF DMH INFORMATION NOTICE 08-15: MENTAL
HEALTH REHABILITATION SERVICES FOR CHILDREN IN THE
SPECIAL EDUCATION PUPILS PROGRAM

REFERENCE: RESCINDS DMH INFORMATION NOTICE 08-15

Effective April 6, 2009, the California Department of Mental Health (DMH) rescinds DMH Information Notice 08-15.

Certain rehabilitation service activities allowable for reimbursement under the AB 3632 program continue to be under dispute based on rulings by the Commission on State Mandates. DMH is working to resolve these issues with county mental health departments, the California Department of Education, the Commission on State Mandates, and the Office of the State Controller to ensure consistency in the provision of mental health services required by a pupil's Individualized Education Plan (IEP) and the identification of appropriate funding sources.

This rescission notice does not change existing Federal and State requirements governing the AB 3632 program nor does it change existing funding sources. All existing laws and regulations are still applicable when administering the AB 3632 program. The county mental health departments' obligations and responsibilities under Sections 7570 et seq. of Chapter 26.5 of the California Government Code and Sections 60000 et seq. of Division 9 of Title 2 of the California Code of Regulations have not changed. For further guidance on allowable service activities under the AB 3632 program, please see the Consolidated Parameters and Guidelines adopted by the Commission on State Mandates on October 26, 2006 [Enclosure 1].

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Pursuant to Section 300.101 of the Code of Federal Regulations (CFR), a Free Appropriate Public Education (FAPE) must be available to all children residing in the State between the ages of 3 and 21. The mental health services in an IEP must constitute an offer of FAPE. Pursuant to Section 300.103 (c) of the CFR, there should be no delay in implementing the child's IEP, including any case in which the payment source for providing or paying for special education and related services to the child is being determined.

If you have questions or need additional information, please contact your County Technical Assistance representative identified on the following website:
http://www.dmh.ca.gov/Services_and_Programs/Local_Program_Support/County_Technical_Assistance.asp.

Sincerely,

Original signed by

STEPHEN W. MAYBERG, Ph.D.

Director

Enclosure

cc: California Mental Health Directors Association
California Mental Health Planning Council
Mental Health Services Oversight and Accountability Commission