

**What Are AB 3632 (AB 2726) Services and How Are They Provided?**

AB 3632 (also referred to as 26.5 or AB 2726) services are mental health services provided as part of a youth's Individualized Education Program (IEP) to ensure that the youth benefits from his/her education. AB 3632 services are "related" services (see *special education fact sheet*). *GC §7572*

Common types of services include: individual, group or family psychotherapy; day treatment services; residential placement.

**Who Provides AB 3632 Services?**

Mental health services are provided through the County Department of Mental Health (DMH). *GC §§7572, 7576*

**Eligibility for Mental Health/AB 3632 Services**

There are two eligibility requirements that must be met for a youth to receive AB 3632 mental health services:

- The youth must be eligible for special education services. *GC §7576*
- The youth must need mental health services in order to benefit from his/her special education program. *GC §7572*

NOTE: A student does not need to be eligible for special education services through the "emotionally disturbed" Individual's with Disabilities Education Act (IDEA) category in order to receive AB 3632 services. He/she need only be eligible for special education services in *any* category.

However, to receive residential placement AB 3632 services, the youth must be made eligible for special education because of his/her "emotional disturbance." In addition, to receive residential placement, the child must require a 24-hour therapeutic program in order to benefit from his/her educational program. *2 CCR §60100*

**Obtaining AB 3632 Services: Referral Process and Timeline****Who Makes the Referral?**

In order to obtain AB 3632 mental health services, a school must make a referral to the county department of mental health (DMH). *2 CCR § 60040*. The school usually makes the referral after the IEP team has met and decided that such a referral is appropriate. However, the school psychologist may make the referral without an IEP team meeting.

Once DMH has received the referral, it must provide the person who holds educational rights with an assessment plan (see *fact sheet on educational rights*). *2 CCR §60045(b)*. DMH cannot conduct the assessment for AB 3632 services until the person



who holds education rights has given written consent to the assessment. *2 CCR §60045*

The person who holds educational rights may request that the school psychologist make the referral to DMH without an IEP meeting. If the school refuses, the person who holds educational rights may request that an IEP meeting be held within 30 days of his/her request. These requests should be in writing. *EC §56343.5*

At the IEP meeting, a request for an AB 3632 DMH assessment may be made and

should appear in writing on the IEP, whether or not the team agrees. *2 CCR §60040*

Generally speaking, the school district must first attempt to meet the child's mental health needs through "appropriate counseling and guidance services, psychological services, parent counseling and training, social work services or behavioral intervention." *GC §7576(b)(5)*

**Exception:** Where school counseling, parent counseling/training, social work services, and behavioral intervention would clearly be inappropriate and ineffective. In these cases, the IEP Team must document what services were considered and why they were rejected. *2 CCR §60040(b)(4); GC §7576(b)(5)*

**How Long Does DMH Have to Complete the Assessment after the Request by the School is Made?**

The assessment must be completed and an IEP meeting held to discuss the assessment within 50 days of the DMH receiving the signed assessment plan. *2 CCR §60045(e)*

*The California Foster Youth Education Task Force is a coalition of more than 35 organizations dedicated to improving educational outcomes for foster youth. For more information, please contact Erin Saberi, Casey Family Programs, at 916.503.2950 or esaberi@casey.org.*

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