

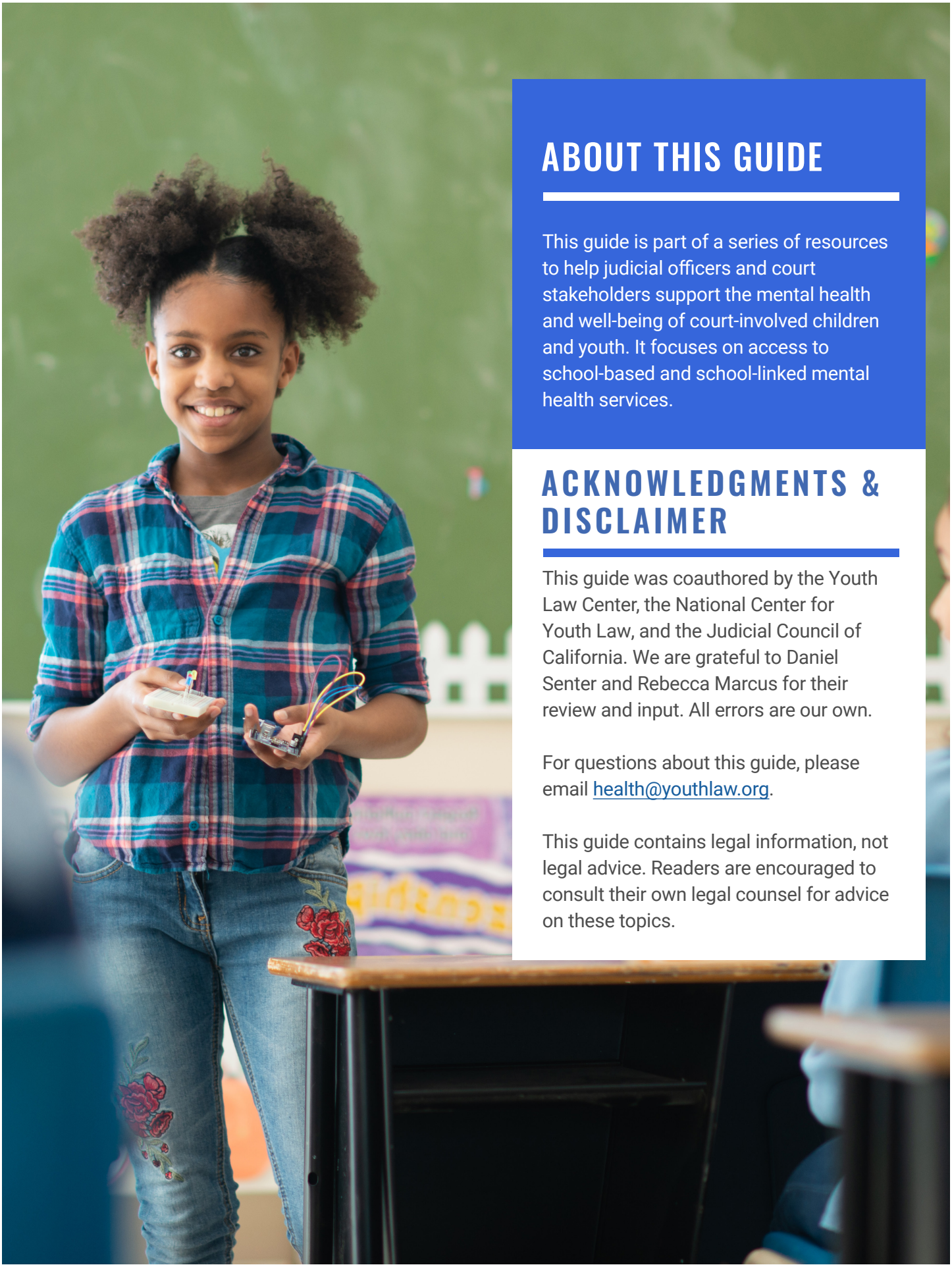
HELPING YOUTH ACCESS SCHOOL-BASED AND SCHOOL-LINKED MENTAL HEALTH SUPPORT

A GUIDE FOR CALIFORNIA COURTS

JUDICIAL COUNCIL OF CALIFORNIA

youth law center

National Center for Youth Law



ABOUT THIS GUIDE

This guide is part of a series of resources to help judicial officers and court stakeholders support the mental health and well-being of court-involved children and youth. It focuses on access to school-based and school-linked mental health services.

ACKNOWLEDGMENTS & DISCLAIMER

This guide was coauthored by the Youth Law Center, the National Center for Youth Law, and the Judicial Council of California. We are grateful to Daniel Senter and Rebecca Marcus for their review and input. All errors are our own.

For questions about this guide, please email health@youthlaw.org.

This guide contains legal information, not legal advice. Readers are encouraged to consult their own legal counsel for advice on these topics.

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SCHOOL MENTAL HEALTH BASICS: WHAT COURTS SHOULD KNOW

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BRIEF BACKGROUND

Learning and mental health are intrinsically linked, and both are critically important to a young person's growth and development. School connectedness is a protective factor for mental health, and unmet mental health needs create barriers to learning and academic achievement. Schools are where children and youth spend much of their waking hours, and where they learn, play, and interact with their peers. Schools are also, increasingly, one of the primary places that children and youth receive mental health services. State policy efforts, such as the ongoing Children & Youth Behavioral Health Initiative (CYBHI), have recognized the growing importance of schools in addressing youth mental health needs, and have included investments in school-health partnerships to increase access to care. There are also growing opportunities for schools to seek Medicaid reimbursement when they provide students with mental health services, making schools an increasingly important player in mental health care for young people. For more information, see the CYBHI Multi-Payer Fee Schedule for Behavioral Health Services.

SCHOOL FUNDING BASICS

Schools are funded through a combination of federal, state, and local sources, and state funding. State funding (the largest source) is allocated through the Local Control Funding Formula (LCFF), which provides additional funds to districts with high percentages of "consistently low-performing student groups." Although the goal of LCFF is to improve outcomes by providing more resources to meet the education needs of these students, challenges remain in overcoming long-standing inequities across the state in terms of school funding and quality.

One key source of state funding for school-based and school-linked mental health has been delivered through the Mental Health Services Act (MHSA), and the Mental Health Student Services Act (MHSSA). Note that MHSA was modified via Proposition 1 in 2024, and is now the Behavioral Health Services Act (BHSA).

SCHOOL GOVERNANCE BASICS

Having a basic grasp on education governance in California is useful in understanding how to help students access support through schools.

- **State level:** The California Department of Education (CDE) , led by the State Superintendent of Public Instruction, oversees schools' compliance with state education laws and regulations, collects data, allocates funding, and provides support to districts and counties. The State Board of Education (SBE) , whose members are appointed by the Governor, is CDE's governing and policymaking arm, focusing on educational standards, curriculum, assessments, and accountability. CDE also directly runs a small number of schools, serving students with specific needs (e.g., blind or deaf students, students in juvenile justice facilities) .

- **County level:** County Offices of Education (COEs) , county superintendents, and county boards of education provide monitoring, oversight, and support at the county level. COEs also provide educational instruction directly to a subset of students, including those with juvenile justice involvement or participating in "alternative education"[1] programs (sometimes referred to as "county community schools" or "community day schools") following school expulsion.

- **Local level:** Special education local plan areas (SELPAs) are geographic consortiums that plan and deliver special education services for a large school district or for regional groups of school districts. Most special education funding flows through SELPAs. School districts (which, along with COEs and charter schools, are often referred to as local education agencies or LEAs) are led by district superintendents and overseen by local school boards. They are typically (but not always) composed of multiple school sites, led by principals and staffed by teachers, certificated (state credentialed) staff, and classified (not state credentialed) staff.

For more in-depth information about school governance and funding, please see pages 12–15 of this *School Mental Health 101* resource.

KEY LEGAL ENTITLEMENTS FOR STUDENTS RELATED TO MENTAL HEALTH

In California, approximately one tenth of public school students have been identified as having a disability that impacts their education, and are eligible for special education services (SPED) .[2] Statewide, in a given year, approximately 22,000 children and youth up to the age 22 receive special education services based on a disability classification of "Emotional Disturbance," and 119,000 do so based on a disability classification of "Other Health Impairment."[3] Students have several educational legal entitlements that are relevant to mental health needs.

- Students are entitled to a free appropriate public education (FAPE) in the least-restrictive environment (LRE).

- Under the federal Individuals with Disabilities Education Act (IDEA), students with a qualifying disability are entitled to receive SPED. Examples of qualifying disabilities include emotional disturbance,[4] specific learning disability, and other health impairment (including ADHD). Special education services may include educationally related mental health services (sometimes referred to as **ERMHS,** sometimes referred to as school-based mental health services). This is documented in an individual education program (IEP) plan.[5] An overview of timelines governing special education assessments, IEP development, IEP meetings, and IEP reviews is from Disability Rights California.[6]

WHAT ARE SOME EXAMPLES OF SERVICES THAT A STUDENT MIGHT BE ENTITLED TO RECEIVE RELATED TO MENTAL HEALTH?

- Mental health assessments
- Mental health counseling
- Functional behavioral assessment (FBA) to determine what is triggering and enabling the student's behavior, and how best to modify the behavior
- Development of a behavioral intervention plan (BIP) that includes positive behavior interventions and supports
- Placement in specialized school environments (e.g. day treatment, non-public school, or residential school placements), although students are to be placed in the least restrictive setting, as noted above

> Under Section 504 of the federal Rehabilitation Act, students with disabilities are entitled to accommodations to ensure nondiscriminatory access to education, which may include ERMHS.[7] This is documented in a 504 accommodations plan (or "504 plan"). Examples of mental health disabilities include depression, anxiety, and post-traumatic stress disorder (PTSD).

> Students who attend middle schools or high schools that offer a health course are entitled to receive education on mental health, as described in Education Code section 51925,[8] as part of that course. (This is *not* limited to students with an IEP or 504.)

These school-based entitlements exist *in addition to, but do not diminish,* legal entitlements to health care under federal Medicaid law. Medicaid-eligible children and youth under age 21 are entitled to the Early and Periodic Screening, Diagnostic, and Treatment benefit (EPSDT), which includes screening and treatment for mental health conditions. *Resource Guide #1, "CalAIM Reforms To Help Court-Involved Youth Access Mental Health Services And Supports,"* in this series describes mental health services available through Medi-Cal, California's Medicaid program.

Students with juvenile dependency or delinquency court involvement also have a variety of additional legal protections related to education, which may have implications for their overall mental health and well-being. For an overview, see the California Foster Youth Education Law Fact Sheets and Youth Law Center's 2023 *Out of Sight, Out of Mind* report regarding education in California's juvenile court schools.

DELIVERY OF SCHOOL-BASED AND SCHOOL-LINKED MENTAL HEALTH SERVICES

While all students hold these legal entitlements, districts vary in their compliance, and in how they structure and provide support and services to students. CDE recommends, and many schools have adopted, a multi-tiered system of support (MTSS) framework with tiered school-wide, targeted, and individualized supports. Some schools provide mental health services through school-employed staff (e.g., school psychologists), through partnerships with



external providers, or a combination of both. Recent state policy initiatives have also created new types of providers, such as certified wellness coaches, to work in a variety of settings, including schools.

Service delivery structure can have important implications for student privacy by affecting which federal information-sharing law applies the Family Educational Rights and Privacy Act (FERPA), or the Health Insurance Portability and Accountability Act (HIPAA). Generally, school health records created by a provider who is a school employee or agent are covered by FERPA, while records created by an outside provider that is a "covered entity" are covered by HIPAA; however, it is important to carefully consider with legal counsel the particular situation and what its implications are for specific scenarios and questions.[9]

School-based mental health care also implicates legal questions regarding *consent*. There are a few different types of consent, including: (1) consent to treatment/services; (2) consent (or authorization) to release of information; and (3) consent to insurance billing. Each type has distinct legal requirements—including whether the consent must be written, who may provide consent, and what elements or language the consent must include. For consent to treatment, in general a parent or guardian must provide consent for medical services for children and youth under age 18. However, in California, minors ages 12 and older may self-consent to receive outpatient mental health services when the provider determines they are mature enough to participate intelligently in the services, as described in California Family Code section 6929[10] and Health and Safety Code section 124260.[11]

MENTAL HEALTH AND SCHOOL DISCIPLINE

When children and youth are coping with trauma or experiencing unmet mental health needs, this may manifest as negative behaviors in school. This is one reason that it is critical to ensure students' needs are identified, and an IEP assessment process initiated, as soon as possible, when appropriate for the student. Many students with unmet needs are subjected to punitive and exclusionary discipline practices, such as suspension and expulsion, that are inappropriate and that can profoundly negatively impact their educational and life trajectories. These include decreasing a student's instructional and learning time by removing them from the classroom; decreasing school connectedness and engagement (mental health protective factors); separating the student from their peers, both physically and by creating shame and stigma; and exacerbating the student's existing social, emotional, and mental health needs. Moreover, exclusionary school discipline disproportionately impacts students of color and students with system involvement.[12] Some students struggling with unmet mental health needs also experience push-out from traditional school settings and are moved to alternative education settings that further isolate them from their peers and do not offer the same learning opportunities.

Students with IEPs have legal protections to prevent schools from punishing them for behavior that stems from their disability. If a student with a disability is recommended for expulsion or school placement change, their IEP team must convene within 10 days to make a manifestation determination – that is, to determine whether the behavior at issue was caused by or had a direct and substantial relationship to the student's disability, and whether the behavior was the direct result of the district's failure to implement the student's IEP. If either is true, the student may not be expelled, with exceptions for specific serious offenses, and the school must conduct a behavioral assessment and adjust the behavior plan as appropriate.[13]

When a child is in care, their education rights holder, attorney, and social worker (county and tribal, if applicable) have the right to receive notices of manifestation determinations, as well as notices of suspension, expulsion, and involuntary transfer, and related documents and information, so they can support and advocate for the student.[14]

In lieu of exclusionary discipline practices, there are many other strategies a school should employ to address student behavior, including counseling, assessment, positive behavior supports, and restorative justice.[15]



COURTS AND SCHOOLS: WHAT COURTS CAN DO

Children and youth with court involvement have high rates of experiencing unmet educational and mental health needs; many do not receive services they are legally entitled to receive.

Courts have an important role to play in ensuring access to school-based and school-linked services.

WHAT LEGAL MECHANISMS CAN JUVENILE COURTS USE TO ENSURE STUDENTS CAN ACCESS SERVICES?

Inquiries and Monitoring

- ❒ Is there an education rights holder (ERH) who is actively aware of and involved in the youth's educational and mental health needs? *See* Cal. Rules of Ct. 5.534(f) (2024); Cal. Welf. & Inst. Code § 319, 361, 366, 366.27, 726, 727.2; Cal. Gov't Code §§ 7579.5–7579.6
  - ❒ Does the ERH understand that they are responsible for making decisions regarding school-based mental health services, such as those in an IEP?

- ❒ Are educational needs and related mental health needs being assessed, identified, and addressed? *See* Cal. Rules of Court, rule 5.651 (2024).
  - ❒ Are services being provided in the least restrictive environment (LRE)?
  - ❒ Are services individually tailored to the student's needs?
  - ❒ Are services being coordinated by one or more supportive adults?
  - ❒ Has a "Katie A." team meeting been convened?

- ❒ Does the court report reflect the youth's mental health and developmental needs, and whether the youth has physical, mental, or learning-related disabilities or other characteristics indicating a need for developmental services or special education and related services, as provided by state or federal law?
  - ❒ *Note:* California's 21 regional centers (community-based nonprofit organizations that contract with the California Department of Developmental Services) are also an important source of services for children with developmental disabilities, including special education and early intervention services for young children from birth through age three.
  - ❒ If the young person a survivor of commercial sexual exploitation/trafficking, are they receiving supports and services related to this abuse and trauma? For more information on supporting survivors, see this Toolkit.

- ❒ Has the child been assessed for any disabilities or delays that may impact their learning?
  - ❒ *Note: This is important for young children, too!*
  - ❒ Children up to 2 years old may qualify for early interventions under IDEA, Part C. Children ages 3+ may qualify for services through their local school district through Part B (early childhood special education).
  - ❒ Children in foster care have eligibility and priority for federally funded programs like Early Head Start (0-3) and Head Start (3-4), that help with school readiness and social and cognitive development.



- ❒ Are there reasons to refer the youth for an evaluation in school? Indicators of a need for a school assessment include that the youth is behind grade level, is having disciplinary issues, or has been diagnosed in another setting.

- ❒ Have any determinations of school placement changes taken into account the social and emotional impact on the child? *See* Cal. Rules of Court, rule 5.651 (2024).

- ❒ During times of transition in home or school placements, is there a plan for continuity in delivery of school-based or school-linked services (e.g., continuation of IEP/504 services, including educationally related mental health services (ERMHS))?
  - ❒ *See also* Judicial Council of California, "Navigating Transitions" *in* Judicial Bench Card Series: Supporting the Mental Health & Well-Being of Court-Involved Youth (2023).

- ❒ Is the youth engaging in school activities, such as sports or clubs, and forming connections that can serve as mental health protective factors? Are there supportive adults encouraging this involvement? *See* Cal. Rules of Court, rule 5.651 (2024).
  - ❒ If there are any barriers to the student's participation, have they been addressed? For example, for students with disabilities and/or special needs, have reasonable accommodations to enable participation been provided and documented in the IEP or 504 plan?

- ❒ Has the placing agency administered a Child and Adolescent Needs and Strengths (CANS) assessment?
  - ❒ Have the results been shared with the Child and Family Team (CFT)?
  - ❒ Have the results informed the youth's educational and mental health needs and plans for accessing services?

- ❒ Is the Health and Education Passport (HEP) attached to the court report?
  - ❒ Does it reflect relevant mental health history, conditions, and medications?

- ❒ Are the youth's parents/caregivers/guardians aware of school mental health entitlements and empowered to help the youth access services?

- ❒ Is the youth exhibiting any negative behaviors at school that may be an indication of trauma and unmet mental health needs?
  - ❒ What supports need to be put in place so that the youth has the help needed to address these behaviors?
  - ❒ If the case involves exposure to violence, are there any measures that need to be taken at or with the youth's school to ensure their safety there? How will this be coordinated with the school?

Findings and Orders

- ❒ At every dispositional and detention hearing, and at all subsequent hearings that may affect a youth's receipt of education or developmental services, determine whether the youth's mental health needs, including any need for special education and related services, are being met.[16]

- ❒ Findings and orders must address whether needs are being met, and what services, assessments, or evaluations the youth may need.[17]
  - ❒ If the court determines a child is in need of mental health assessments, evaluations or services, the court "must direct an appropriate person to take necessary steps to request those assessments, evaluations, or services."[18]
  - ❒ If the court finds that the youth needs a regional center or special education screen, the court may direct the rights holder to take appropriate steps.[19]

- ❒ The court may make an order limiting a parent's right to make health and educational decisions for a youth, and must clearly and specifically set forth those limitations.[20] The court must identify the educational rights holder at each hearing.[21]

- ❒ When reviewing proposed placement change impacting school of origin (SOO), the court must make findings and orders needed to enforce those rights--for example, an order to set a hearing under Welfare and Institutions Code section 362 to join the necessary agencies regarding provision of services (see below), including the provision of transportation services, so that the child or youth may remain in his or her school of origin.[22]

Joinders

Joinder is another avenue that may be necessary, in some cases, to ensure a student with court involvement receives the school-based mental health support and services they are legally entitled to. Courts can use joinders to enforce these legal obligations and to bring agencies together to coordinate and facilitate services for the student.

At any time following a petition being filed, the court may join in the proceedings an agency that it determines has failed to meet a legal obligation to provide services to a child or nonminor dependent youth subject to a petition under Welfare and Institutions Code sections 300, 601, or 602, to the extent duties are legally required.[23]

Educational agencies fall within the definition of "agency" in Welfare and Institutions Code section 362 ("any governmental agency or any private service provider or individual that receives federal, state, or local governmental funding or reimbursement for providing services directly to a child, nonminor, or nonminor dependent.")[24]

Joinders may be initiated by a party, counsel, court appointed special advocate (CASA), or through the court's own motion. The court may set a hearing and require that the agency or provider subject to joinder be given notice, using *Notice of Hearing on Joinder-Juvenile* (form JV-540). It must include a statement of the legal obligation, information about the agency's failure to meet the legal obligation, and issues or questions that the agency should be prepared to address at hearing, which must take place within 30 calendar days following notice. Notice must be served on the agency, all parties, attorneys of record, CASA, any other person entitled under sections 291 or 658, and (when the hearing may address educational and/or developmental services issues) the education rights holder (ERH).[25]

Prior to the hearing, either on their own initiative or at the request of the court (via section 8 of form JV-540), the agencies may meet to coordinate service delivery for the student, and submit a written response to the court. Joinder hearings are governed by California Rules of Court 5.570 (h)–(i) (conduct of hearing).

The court may order the agency to deliver services that the student has been determined eligible for through the agency's administrative process, or it may order the child's social worker or probation officer to ensure that the agency complies with its obligations to the student.[26] When the services at issue are mental health assessment, treatment, and case management pursuant to a special education plan, the court is limited to determining compliance with applicable legal requirements.[27] Moreover, joinders should not be maintained beyond their specific purpose—to ensure that the student receives the services and supports they are legally entitled to.

SAMPLE ORDER LANGUAGE:[28]

Without joinder, order the county social worker or probation o icer to take action to ensure the school district meets its obligations:

"The court orders that the county placing agency refer the child/youth to the school district for a special education assessment. *(If applicable:)* Consent for that assessment is hereby granted by the court."

With joinder, order the school district to take action:

"The court orders that the child/youth be referred for _____(e.g., school-based mental health services, school-based behavioral support services)."

"The court orders that the child/youth's IEP team convene a meeting within __ days to address the unmet need for _____(e.g., educationally related mental health services.)"

"The court orders the child/youth's school district to immediately implement the services and supports documented in the IEP/504 plan, and that an IEP/504 meeting be held to address ongoing support needs."

SCENARIOS FOR DISCUSSION

MATTEO'S STORY

Matteo is 15 years old and currently under probation supervision, living at home with his mother in Alameda County. Matteo is struggling in school, with both academics and behavior. Six months ago, he had a thorough psychological evaluation conducted by a provider at UCSF, and received a mental health diagnosis of PTSD, which the evaluator felt was having a major impact on his behavior. But it seems that this was never communicated to Matteo's school. He has an IEP based on a learning disability, but has yet to receive any mental health services whatsoever through his school.

QUESTIONS AND IDEAS FOR DISCUSSION

What can Matteo's attorneys, parents, caregivers, and providers do to address this situation?

- Facilitate communication with Matteo's school, ensuring they are aware of his needs, the evaluation findings, and the connection to his behavior at school.
- Request an IEP meeting to update Matteo's IEP and determine what educationally related mental health services he could benefit from.
- Also consider requesting a functional behavioral assessment and a behavior intervention plan, or, if he already has one, requesting updates to reflect his needs.

What can the court do to help ensure Matteo receives school-based mental health services?

- If the school does not provide Matteo with appropriate services to address his needs, consider joining the district to the case.
- See the "Findings and Orders" section of this resource guide for more information and sample language.
- At each hearing, inquire about whether and what services Matteo is receiving, and whether they are meeting his needs.

How can information be shared with Matteo's school while maintaining his privacy?

- Student health records maintained by a school or school employee, such as evaluations, treatment records, and IEP assessments, become part of a student's education file, which is subject to the confidentiality protections of the Family Educational Rights and Privacy Act (FERPA). For information about when and to whom FERPA permits the disclosure of a student's education file, see *A Primer on Sharing School Health Information in California*. The Individuals with Disabilities Act (IDEA) incorporates FERPA and includes further provisions to protect the privacy of students receiving special education services, as described at this link.

KALEY'S STORY

Kaley is a 7-year-old child with complex social-emotional needs, and is under dependency court jurisdiction in Fresno County. She has an IEP, and for the past year has received regular mental health counseling through the IEP, which has helped a lot. When Kaley's home placement changed abruptly six weeks ago, she was enrolled in a new school, in a new district. She has yet to receive any mental health counseling or other services to support her emotionally or behaviorally. A few days ago, her teacher sent her to the school office for being disruptive in class and unable to focus, and she spent the remainder of the school day there. When Kaley's caregiver objected to this and asked for help supporting Kaley, the school administrator dismissed her, saying it was not the school's responsibility and that Kaley would need to adjust her behavior to meet the school's rules and expectations.

QUESTIONS AND IDEAS FOR DISCUSSION

What is Kaley entitled to from her new school?

- Kaley is entitled to continue receiving a free appropriate public education in the least restrictive environment, regardless of changes in her home or school placement, and is entitled to equal access to school services.
- Kaley is entitled to immediate enrollment in and timely records transfer to her new school.
- Kaley is entitled to receive the supports and services in her IEP at her new school, including educationally related mental health services.
- Kaley is entitled to an IEP meeting held within 30 days of her enrollment in her new school.

What steps were missed in this transition process?

- The county placing agency should have provided notice at least 10 days prior to the placement change. This should have included notice to the special education office of Kaley's potential new district.
- Educational stability must be considered in making home placement change decisions. It's not clear if that happened here. There's also no indication that a "school of origin" determination was made. Kaley should have been entitled to remain in her school of origin if it was in her best interest to do so, as determined by her education rights holder. If the decision was made for Kaley to remain in her school of origin, a transportation plan should have been set.
- If a decision was appropriately made that Kaley would change schools, steps should have been taken to ensure a smooth transition, including timely transfer of her records to her new school. Kaley's social worker should have worked with both schools on this transfer process.
- Kaley's new caregiver should have been provided with her Health and Education Summary. It's unclear if this happened here.
- Kaley's new school should have reviewed her IEP, and implemented her IEP services. Kaley's social worker should have contacted the new school to ensure the IEP was in fact being implemented.
- All of these missed steps resulted in avoidable disruption, harms, and lost instructional time for Kaley.

What actions can the court take to ensure Kaley receives the support and services she is legally entitled to?

- At every hearing, inquire about Kaley's health and educational needs, including whether her IEP services are being implemented at the new school, and whether she has additional needs that remain unmet.
- Ensure that Kaley has an appropriate education rights holder, and that everyone has clarity on who that person is.
- Ensure that any potential school placement change is subject to notice and a school of origin determination. This may include steps such as ordering the county placing agency to convene a CFT meeting that includes the education rights holder.
- Order Kaley's social worker to ensure records are transferred properly between her school of origin and her new school.
- Consider using a joinder to bring the school district(s) into court, to resolve disputes, and to ensure Kaley receives the education, support, and services that she is legally entitled to.

What can Kaley's attorneys, parents, caregivers, and school do to get her the services and support she needs as soon as possible, and ensure she is never again disciplined for a manifestation of her unmet emotional needs?

- The school must convene an IEP meeting to ensure the IEP is up-to-date and meets Kaley's needs, and immediately implement the terms and services in the IEP.
- The school should also conduct a functional behavioral assessment and ensure that a Behavior Intervention Plan is developed and implemented.
- Kaley's education rights holder can consider filing a complaint against the district under the Uniform Complaint Procedures Act.
- Everyone should be aware that, if Kaley ever faces a potential expulsion or school placement change due to her behavior, she is entitled to a manifestation determination to assess whether the behavior was related to her disability and/or resulted from the district's failure to implement her IEP.
- The school and district should ensure staff have an understanding of special education law, the rights of youth in foster care, and trauma-informed practices, and should promote a school culture that is supportive, not punitive.

Awareness of and Linkages to Other School-Based Resources

In addition to support and services that schools are legally required to provide to students, many schools offer additional resources that may be relevant to students experiencing court involvement. Court staff can help promote access to these resources by making themselves knowledgeable about the school districts and school sites in their communities, and the resources they offer, and connecting with their county Office of Education's foster youth services coordinating programs (FYSCPs).

Courts can identify school district foster youth education liaisons using the "contact" tab at this link. It is also helpful to know who the school district's McKinney Vento liaison is, as many youth with court involvement may also have past or current experiences with homelessness; liaison contact information is available at this link.

Collaborative Partnerships at the Systems Level

Beyond the individual case level, some juvenile courts have actively participated in multi-year, multi-agency partnerships to increase access to school-based supports and services for court-involved students. For an example, see the Santa Cruz County model.

WHERE TO LEARN MORE:

- About accessing school mental health services and promoting supportive school environments:
  - *School Mental Health 101*
  - *Supportive Schools Toolkit*
  - *Court Companion to the Foster Youth Education Toolkit*
  - *Comprehensive Education Toolkit for Youth Who Are Systems Involved*

- About supporting and promoting mental health of *court-involved* youth:
  - Bench cards
  - Webinar series
  - *A Legal Map of Community and Family-Based Supports for Youth in California*

- About supporting youth in *family court*:
  - Bench Guide

- About supporting youth in *probate court guardianship proceedings*:
  - Bench Guide

- About finding trainings for yourself and your team:
  - Youth Mental Health First Aid from the National Council for Mental Well-Being

- About mental health terms and language:
  - Glossary

ENDNOTES

[1] For more information on alternative education, *see* Stephanie Horwitz, Fellow, Nat'l Ctr. for Youth L., et al., Presentation on Practical Tools to Support California Students Impacted by Alternative Education (May 25, 2021), https://live-ncyl-ci.pantheonsite.io/sites/default/files/wp_attachments/Practical-Tools-to-Support-CA-Students-Impacted-by-Alternative-Education.pdf.

[2] *See The 2018-19 Budget: K-12 Education in Context*, Legis. Analyst's Off. (Jan. 26, 2018), https://lao.ca.gov/Publications/Report/3736.

[3] *See Special Education – CalEdFacts*, Cal. Dep't of Educ., https://www.cde.ca.gov/sp/se/sr/cefspeced.asp (last visited July 8, 2024) (describing 2022–2023 data).

[4] Currently pending California legislation, Assembly Bill 2173 (2024), would change the term "emotional disturbance"
to "Emotional Disability." *See* Assembly Bill 2173, 2024 Leg., Reg. Sess. (Cal. 2024). Historically, the "Emotional Disturbance" has been disproportionately applied to students of color and has carried stigma.

[5] *See* 20 U.S.C. §§ 1400 et seq.

[6] *Special Education Timelines*, Disability Rts Cal. (Aug. 1, 2021), https://www.disabilityrightsca.org/publications/special-education-timelines.

[7] *See* U.S. Dep't of Health and Hum. Serv., Off. for C.R., Fact Sheet: Your Rights Under Section 504 of the Rehabilitation Act 1–2 (2006), https://www.hhs.gov/sites/default/files/ocr/civilrights/resources/factsheets/504.pdf.

[8] Cal. Ed. Code, section 51925 (West 2022).

[9] For in-depth information, *see A California Guide for Sharing Student Health and Education Information,* Cal. School-Based Health All., https://www.schoolhealthcenters.org/resources/sbhc-operations/student-records-consent-and-confidentiality/california-guide/ (last visited July 8, 2024).

[10] Cal. Fam. Code, section 6929 (West 2024).

[11] Cal. Health & Safety, section 124260 (West 2019). For details and resources on consent rules, and interactions between consent and confidentiality, see *Consent Publications*, Teen Health L.: NCYL, https://teenhealthlaw.org/~~consent-resources/~~ (last visited July 8, 2024).

[12] *See*, e.g., Daniel J. Losen & Paul Martinez, Lost Opportunities: How Disparate School Discipline Continues to Drive Differences in the Opportunity to Learn 3–5 (2020), https://civilrightsproject.ucla.edu/reports/lost-opportunities-how-disparate-school-discipline-continues-to-drive-differences-in-the-opportunity-to-learn/; Ramon T. Flores & Daniel J. Losen, Lost Instruction Time in California Schools: The Disparate Harm from Post-Pandemic Suspensions 14–15 (2023), https://civilrightsproject.ucla.edu/reports/lost-instruction-time-in-california-schools-the-disparate-harm-from-post-pandemic-punitive-suspensions/

[13] 34 C.F.R. § 300.530(f) (2006); *see also* (1.58) *What is a "Manifestation Determination" Meeting?*, Special Educ. Rts & Responsibilities, https://serr.disabilityrightsca.org/serr-manual/chapter-1-information-on-basic-rights/1-58-what-is-a-manifestation-determination-meeting/ (last visited July 8, 2024).

[14] *See* Cal. Ed. Code, section 48853.5(d) (West 2024).

[15] *See* Cal. Ed. Code, section 48900.5 (West 2024).

[16] Cal. Rules of Court, rule5.651(b)(2) (2024).

[17] Cal. Rules of Court, rule 5.649(d) (2024).

[18] Cal. Rules of Court, rule 5.651(b)(2) (2024).

[19] Cal. Rules of Court, rule 5.651(b)(2)(C) (2024).

[20] *See* Cal. Welf. & Inst. Code, section 361(a), 362, 726–27 (West 2024); Cal. Rules of Ct. 5.695(b) (2024).

[21] *See* Cal. Rules of Court, rule 5.649–5.650 (2024); *Order Designating Educational Rights Holder (JV-535)*, Self-Help Guide to the California Courts (Jan. 1, 2021), https://selfhelp.courts.ca.gov/jcc-form/JV-535.

[22] CAL. RULES OF Court, rule 5.651(f)(1)(D) (2024).

[23] CAL. RULES OF Court, rule 5.575(a) (2024); CAL. WELF. & INST. CODE §§ 362(b), 365, 727 (West 2024).

[24] *See also* CAL. WELF. & INST. CODE, section 727 (West 2024).

[25] CAL. RULES OF CT. 5.575(b) (2024).

[26] CAL. WELF. & INST. CODE, section 362(b) (West 2024).

[27] *See* CAL. WELF. & INST. CODE, section 362(b)(1), 727(b) (West 2024). Note that Welf. Inst. Code, section 362(b)(2), in specifying the scope of the court's authority, states: "With respect to mental health assessment, treatment, and case management services *pursuant to Chapter 26.5 (commencing with Section 7570) of Division 7 of Title 1 of the Government Code*, the court's determination shall be limited to whether the agency has complied with that chapter" (emphasis added). Welf. Inst. Code, section 727(b) states: "With respect to mental health assessment, treatment, and case management services pursuant to an *individualized education program developed pursuant to Article 2 (commencing with Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 of the Education Code*, the court's determination shall be limited to whether the agency has complied with that chapter" (emphasis added).

[28] The sample order language was adapted from the *Court Companion to the Foster Youth Toolkit. See* ALLIANCE FOR CHILDREN'S RTS. ET AL., COURT COMPANION TO THE FOSTER YOUTH EDUCATION TOOLKIT 47–54, https://foster-ed.org/wp-content/uploads/2018/03/CourtCompaniontotheFosterYouthEducationToolkit_V1_2018.pdf.

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