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580,000 California School Children Illegally Denied Mental Health Services

New report details an across-the-state school district failure to implement California's Mental Health for Students Law despite payments of \$400 million per year

APRIL 19, 2016 – A coalition of children's advocacy organizations have released ***Failing Grade: How California's School Districts Have Abandoned Children with Disabilities***, a new report that details how 580,000 children with mental disabilities have been left without help and have, in some cases, been sent to juvenile hall, rather than getting the school based mental health services to which they are legally entitled. This failure is particularly egregious in light of the massive state payments to local school districts that supposedly paid for the services. The full report can be read [here](#).

Among the report's findings are that:

- **School districts have done little to identify the 580,000 children who need and are eligible for mental health services at school but who do not get that help**
- **Only 1 out of 7 children eligible for mental health services receive them**
- **Less than half of the children actually receiving services are receiving the right type of services**
- **Fewer children now receive school based mental health services than did in 2010**
- **Children are being sent to the juvenile justice system rather than being given mental health care**

"We are limiting too many of our children, especially children of color, who can and will do well in school, graduate with their class, and go on to successful careers, if given the right services. We know what the services are, we have providers who can provide them, and we have the funding available for the services," said Antionette Dozier, Senior Attorney at Western Center on Law & Poverty. "California needs to take responsibility for holding school districts accountable for the success of the children in their care."

For 25 years prior to 2011, special education students in California received educationally related mental health services through an interagency partnership between school districts and county mental health agencies. In a dramatic shift in 2011, the state enacted Assembly Bill (AB) 114, eliminating the state mandated partnerships, placing the school districts with the sole responsibility for providing all educationally related mental health services needed by students in special education. "Education is

allocated over \$400 million dollars annually to pay for these mental health services,” noted Jim Preis, the Executive Director of Mental Health Advocacy Services. “While some schools have risen to the challenge and created programs for students with emotional and behavioral problems, too many schools claim that they either lack the funding for these services or providing mental health services is not their responsibility.”

The State, facing concerns that it did not know what was going on at the school district level, conducted a program audit and issued its report in January 2016. That audit found that the California Department of Education, the state entity responsible for AB 114 funds, is tracking neither expenditures nor outcomes. The audit indicated that there was too little data to determine whether the School District Local Education Agencies (LEAs) are meeting their responsibility to provide necessary mental health services to school children in special education.

Janeen Steel, Co-Executive Director of the Learning Rights Center described the challenge facing just one of their many clients. “Edith G has sought services for her 10 year old son with acute social anxiety from Long Beach Unified School District to no avail. Her son’s condition makes it difficult for him to leave the home but the school district refused to assess him for mental health because he cannot get to the district office for an assessment. The family was referred to child welfare services and reported as truant for his failure to attend school. The district still hasn’t provided her son with any help.”

Spurred by the complaints of families, like Edith G, who could not access services for their children, concerns of elected officials and the incomplete findings of the state audit, several advocacy organizations whose focus includes children’s mental health and education issues, led by Western Center on Law & Poverty, Mental Health Advocacy Services, and Learning Rights Law Center, launched their own investigation into the status of mental health services in schools. Sadly, this group’s findings paint a darker picture than is painted in the state audit, and reveal not only the need for increased transparency and accountability, but also the failure to deliver services to hundreds of thousands of children in need.

The report draws upon Public Records Act requests to the CA Department of Education and survey responses from 15 school districts, special education advocates providing services to over 900 children per year, mental health professions in 20 counties and over 70 parents. The analysis was conducted by academics from Cal State University, LA and UCLA.

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