Legally Defensible, Compliant, and Consistent Mental Health Documentation System For California Public Schools

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Bio

Natasha King is a Program Development Coordinator for the San Mateo County Special Education Local Planning Area (SELPA). She currently holds her Master's in Clinical Psychology and Marriage and Family Therapy. She received her Bachelor's in Psychology with an emphasis on Child Development. Natasha currently supports a broad range of 23 districts to develop, leverage, and/or fine tune their mental health program development. She crafted policy and procedures to be utilized system wide for IEP documentation with the focus on mental health services. Natasha has developed and maintained a SELPA wide mental health handbook with best practices, policies and procedures, service page ratings, and examples of tiered levels of support. She was an administrator in the public school system for eight years where she directed and directed her mental health program at a regional school district. She has experience in providing mental health/behavioral services in residential, public and nonpublic school based settings, and in the adolescent judicial system. In addition to her experience in writing policy and procedures, Natasha has experience in providing education plans, treatment plans, conflict resolution, anger management, crisis management, staff training, social skills training, and parent training for classrooms, issues of inclusion, principles of behavior analysis, and strategies for maximizing student learning. She is a trainer of trainers for several crisis intervention programs. Natasha has a passion for working with individuals with disabilities, particularly with complex families and various professionals in the education setting.

Natasha is highly skilled in providing clear behavioral plans for school and home based settings, assessing behavioral and mental health needs, implementing appropriate interventions, and assessing/supervising the prudent implementation of behavior plans/interventions. She is proficient at lesioning administration, child, student, and parent sessions, conflict resolution, anger management, crisis management, social skills training, and family consultation. Natasha is highly skilled in using systems and strategies of behavior analysis, and strategies for maximizing student learning. She is a trainer of trainers for several crisis intervention programs. Natasha has a passion for working with individuals with disabilities, particularly with complex families and various professionals in the education setting.

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Agenda

➢ How we are structured in California, What’s a SELPA?
➢ Having a clear cut understanding of your Goals and Accountability
➢ When considering Documentation, what happens first?
➢ When considering Documentation in the 21st Century, what happens next?
➢ How do you spread the word?
➢ Summary
What is a SELPA?

In 1977, all school districts and county school offices were mandated to form consortiums in geographical regions of sufficient size and scope to provide for all special education service needs of children residing within the region boundaries. Each region, Special Education Local Plan Area (SELPA), developed a local plan describing how it would provide special education services.

SELPAs are dedicated to the belief that all students can learn and that special needs students must be guaranteed equal opportunity to become contributing members of society. SELPAs facilitate high quality educational programs and services for special needs students and training for parents and educators. The SELPA collaborates with county agencies and school districts to develop and maintain healthy and enriching environments in which special needs students and families can live and succeed.

Video Clip: SELPA Video

SELPA Team

Anjanette Pelletier – Senior SELPA Administrator
Karen Breslow – SELPA Program Coordinator
Dr. Ben Loewy – SELPA Program Coordinator
Natasha King – SELPA Program Development Coordinator

Lilian Flores – Administrative Assistant
Manny Topacio – Administrative Assistant
Minette Manio – Fiscal Services

SELPA Responsibilities Mandated by Ed Code

➢ Fiscal oversight and grant implementation
➢ Service delivery and program evaluation
➢ Professional development
➢ Interagency coordination
➢ Compliance support
➢ Community and parent interaction
SELPA Goals for 2016 - 2017

➢ Support LEAs in continued monitoring and implementation of high-quality, compliant programs. Focus on issues related to Significant Disproportionality, Least Restrictive Environment (LRE) and Common Core State Standards.

➢ Support LEAs in provision of service delivery in the area of mental health supports, including development of quality services related to Cognitive Behavioral Therapy.

➢ Provide LEAs professional development related to the shift from discrepancy model to Pattern of Strengths and Weaknesses (PSW) assessment practices for identification of students with Specific Learning Disabilities.

SELPA Goals for 2016 - 2017

➢ Provide training and leadership in budget planning and oversight to LEA Directors.

➢ Coordinate facilitation skills training to enhance mediation and alternative dispute resolution skills throughout the SELPA within all levels of staff.

➢ Provide ongoing alternative dispute resolution support in response to compliance complaints and as preventative measures in the SELPA.

When Considering Documentation, what Happens First?

➢ What do you need to document?
➢ What do you know and not know?
➢ How do I find our schools Mental Health issues and trends?
➢ How do I define consistency?
➢ What are the laws and the rules?
Identifying: San Mateo SELPA Mental Health Issues and Trends

Trends
➢ School Phobic vs. School Avoidant
➢ 5150/Risk Assessment
   ○ Who
   ○ How
   ○ When
   ○ Why
➢ Threat Assessment

Issues
➢ School Phobia
➢ School Avoidance
➢ Substance Abuse
➢ Self-Harm
➢ Eating Disorders

Defining: Mental Health Handbook

➢ Concerns with no consistent policy and procedure
➢ A much needed guide to help support the SELPA school districts
➢ Educational and Informational
➢ Legal teams stamped their approval and were extremely relieved to have this document

Counseling in California Schools

➢ If a minor is 11 years old or younger, consent by a parent/guardian is required before providing the minor with outpatient mental health counseling or treatment services.
➢ Family Code 6920–6929 and Health and Safety Code 124260 allow a minor age 12 or older to consent to outpatient mental health counseling or treatment services without parent/guardian consent if, in the opinion of a school psychologist or other professional person, as defined, the minor is mature enough to participate intelligently in the services. However, the child’s parent/guardian must still be involved unless the professional person determines it would be inappropriate.
**Personal or Mental Health Counseling**

- A school counselor, school psychologist, or school social worker may provide individualized personal, mental health, or family counseling to students.
- Such services include support related to the student’s social and emotional development, behavior, substance abuse, mental health assessment, depression, or mental illness.
- This is not a clinic-based setting.

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**When Considering Electronic Documentation, What Happens Next and Why?**

How do we stay consistent with the following:

- Confidentiality
- Continuity of Care
- Legally defensible
- Cross trainings through the whole SELPA
- The marriage between HIPAA and FERPA

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**The Start of a New Partnership between San Mateo SELPA and HealthMaster**
Creation of the Program from Conception

➢ Introduction at the Mental Health Conference in New Orleans
➢ Several information and planning meetings
➢ Meetings between legal teams for the schools and HealthMaster
➢ Beating the busy
➢ One large district to Pilot

HIPAA

➢ As a general rule, HIPAA requires health care providers to protect the confidentiality of “individually identifiable health information” and prohibits them from disclosing it, or allowing others to access it, without signed permission from the patient or the patient’s personal representative. Recognizing the sensitive nature of mental health therapy records in particular, HIPAA provides even greater protection for what it terms “psychotherapy notes.”
➢ However, the HIPAA Privacy Rule explicitly states that its rules do not apply to health information held in an “education record” subject to FERPA. In other words, if FERPA applies, the HIPAA Privacy Rule does not.

FERPA

➢ FERPA allows schools and educational agencies to share information in a student’s education record with “school officials” who have a “legitimate educational interest” in the information without parental consent.
➢ The term “school official” includes school staff, such as teachers, health staff, clerical staff, school police, and attorneys. A school or district also may define this term more broadly so that it also includes the ability to share information with outside consultants, contractors, or volunteers to whom the school has outsourced a school function.
HIPAA and FERPA Distinctions

➢ Discussion regarding related issues with school district employees vs. clinical based contractors
➢ Educating your District Administrators and Wellness Support on these differences and what they mean to you, your District and families.

SELPA Support and Expectations

➢ One person to oversee and monitor
➢ Legally defensible
➢ Compliant
➢ Consistent
➢ Confidential
➢ Transitions from Elementary to High School Districts

Being Comfortable with your Vendor:

➢ What is their mission?
➢ Does it align with yours?
➢ Are they legally defensive?
➢ Do they support HIPAA AND FERPA?
➢ Are there ways for your teams to mandate consistency?
➢ Can you partition for confidentiality?
➢ Will they customize to your State’s policy, privacy and procedures?
➢ How is their Customer Service?
➢ Will they support ongoing change?
Purpose and Goals for Tools

- Advise and help build, support, and leverage legally-defensible programs for all our students.
- Support/train in following areas:
  - progress monitoring
  - data collection
  - documentation
- Circulate Awareness: Build consistency among programs, continuity of care, and communication between providers.

Showing Value and Sustaining Programming

Challenges to Overcome

➢ Change is hard, convincing others to change/learn something new
➢ Districts are busy, finding time
➢ Spreading the word
➢ Getting others involved at the Districts (Heads of Technology)
➢ Ongoing changes with the Legal issues which then affect our documentation policies, practices, and procedures.
**Advantages:**

➢ Data collection  
➢ Statistics  
➢ Administrator Privileges  
➢ School Board Reports  
➢ SELPA Support  
➢ Smoother transitions: from clinician to clinician, school to school, and when transitioning into the feeder district  
➢ Accessibility to records

**Summary**

➢ Where we are today  
➢ Where we plan to go for the remainder of the year  
➢ Future planning...

**QUESTIONS?**