

	<b>MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES BULLETIN</b>  <b>MENTAL RETARDATION BULLETIN</b>  COMMONWEALTH OF PENNSYLVANIA * DEPARTMENT OF PUBLIC WELFARE		
	Issue Date:	Effective Date:	Number:
	10/04/00	Immediately	OMHSAS-00-04
Subject	By	By	
The Roles and Responsibilities of County Mental Health/Mental Retardation Programs in the Development of a Child's Individual Education Program	 <b>Charles G. Curie</b> Deputy Secretary for Mental Health and Substance Abuse Services	 <b>Nancy R. Thaler</b> Deputy Secretary for Mental Retardation	

**SCOPE:**

County Mental Health/Mental Retardation Administrators

Base Service Units

**PURPOSE:**

The purpose of this bulletin is to clarify the roles and responsibilities of the county Mental Health/Mental Retardation (MH/MR) program in the development and implementation of a child's Individual Education Program (IEP).

**BACKGROUND:**

In 1997, Congress amended Part B of the Individuals with Disabilities Education Act (IDEA), 20 U.S. C. § § 1411-1419, relating to special education programs for children age three through twenty-one. The IDEA requires states receiving federal grants under IDEA to adopt procedures regarding interagency cooperation in the provision and funding of services for children with disabilities in special education. IDEA recognizes that local educational agencies (LEAs), such as school districts or intermediate units, are primarily responsible for the implementation of a child's IEP, but that other public agencies may also be responsible to provide or pay for some of the services on a child's IEP that are necessary to appropriately meet the child's needs. Specifically, states are required to have in place an agreement or mechanism to (i) identify the public agency responsible to provide services that are also special education or related services; (ii) specify the terms and conditions under which LEAs may seek reimbursement for services they have provided or paid for, but which were the responsibility of some other agency; (iii) resolve disputes about the reimbursement for such services; and (iv) coordinate the provision of services to students, 20 U. S.C. § 1412(a)(12).

**DISCUSSION:**

Pennsylvania fulfilled its obligation under IDEA in December 1999, by adopting a Memorandum of Understanding (MOU) among the Departments of Education, Public Welfare, Labor and Industry, and Health. The MOU was sent to counties along with a memorandum from Secretary of Public Welfare Feather O. Houstoun on February 29, 2000. As part of the MOU, the Department of Public Welfare (DPW) agreed to inform county MH/MR programs that they should, when requested by an LEA, participate in the child's IEP meeting. In addition, DPW agreed to inform county MH/MR programs that, pursuant to agreed upon local arrangements, they may provide financial support for services to students in special education. The county may use state funds to support the services, provided that the cost of such services falls within the allowable costs for the respective county programs. The MOU confirms that county MH/MR services are not entitlement. However, county programs should continue to provide appropriate services to students consistent with the county's plan, even though these children may also be eligible for services through the LEA.

Participation in IEP Meetings

When requested by either the family or the LEA, counties should send a representative to an IEP meeting. This representative may be a case manager, Child and Adolescent Service System Program (CASSP) Coordinator, or other person who is familiar with the child. At IEP meetings, county representatives should:

- Provide information on eligibility and enrollment procedures in the county MH/MR program,
- Describe available services and supports,

- Ensure that services are coordinated and delivered in a manner which meets the needs of the child and family, and
- Ensure that service recommendations and decisions will be based on delivering services in the least restrictive, least intrusive manner.

This list is not exhaustive, and county representatives should not limit their participation in IEP meetings to these topics if the child's needs require additional input.

#### Funding Services in the IEP

County MH/MR programs may agree, on either a general or case-by-case basis, to provide financial support toward the services needed by children in special education programs. Counties may use state funds for this purpose, as long as they are used to provide services that fall within the allowable costs, as set forth in state regulations. The County MH/MR Fiscal Manual states that, "a service shall qualify for Departmental financial participation if it is authorized by the [MH/MR] Act and is specifically provided for in [55 Pa. Code, Chapter 4300], or approved by the Department in advance of its incorporation in the plan as training, research or another service or program designed to prevent mental disability, or the necessity of committing the mentally disabled to a facility." 55 Pa. Code §4300.22. Some examples of allowable costs include, but are not limited to, community residential services, employment services, vocational services and adult training facilities.

**COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO THE APPROPRIATE OMHSAS OR OMR REGIONAL OFFICE:**

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Visit the Office of Mental Retardation website at [www.dpw.state.pa.us/omr/dpwmr.asp](http://www.dpw.state.pa.us/omr/dpwmr.asp).