



Supporting and Protecting the Rights of Students at Risk of Self-Harm in the Era of COVID-19

The COVID-19 pandemic has caused more than a year of loss, isolation, and uncertainty for many people, including students, across the country. For some students, these stressors may have caused a mental health disability to worsen. Others may be experiencing mental health disabilities for the first time. In some situations, there may be a risk that a student will engage in self-harm or consider suicide.

A student with a condition such as anxiety, depression, or a substance use disorder can have a mental health disability. Students with mental health disabilities are protected by Federal civil rights laws, including [Section 504 of the Rehabilitation Act of 1973](#) (Section 504) and the [Americans with Disabilities Act of 1990](#) (ADA). These laws require K-12 schools and postsecondary institutions to provide students with an equal opportunity to learn, free from discrimination, including during public health crises.

Section 504 and the ADA require schools and postsecondary institutions to make decisions about how to respond to students at risk of self-harm based on an assessment of each student's circumstances rather than on fears, generalizations, or stereotypes about mental illness. In making these decisions, schools and postsecondary institutions generally must provide students who have mental health disabilities with reasonable modifications to school policies, practices, and procedures, as appropriate for an individual student. Public elementary and secondary schools must also provide students with disabilities a free appropriate public education, also known as FAPE, after an evaluation, as described in the [Section 504 regulations](#).

When schools and postsecondary institutions do not meet these responsibilities, the U.S. Department of Education's Office for Civil Rights (OCR) and the U.S. Department of Justice's Civil Rights Division (CRT) can help by enforcing these Federal laws that protect students from discrimination based on disability.

Examples of the kinds of incidents OCR and CRT can investigate:

A college student with bipolar disorder has been struggling with anxiety and is hospitalized for a suicide attempt. Without conducting an individualized assessment, the college's academic dean visits the student in the hospital and informs him that the college's policy requires an immediate medical leave whenever a student is hospitalized for reasons related to mental illness.

A middle school student with autism has been experiencing bullying related to her disabilities by classmates at school. The student's homeroom teacher has noticed the student seems depressed and withdrawn, and the student confides in the teacher that she can't take it anymore and is considering ending her life. Instead of calling the student's parents and contacting the school counselor, the teacher calls the school resource officer, who handcuffs the student and takes her to the hospital.

A public school student has developed severe depression for the first time during the pandemic. Their parent tells the school principal. Despite the school's Section 504 FAPE obligation to evaluate any student who needs or is believed to need special education or related services because of a disability, the principal does not refer the student for evaluation. Instead, the principal says that all students are struggling because of the pandemic and suggests that the parent should hire a private tutor and find a psychologist for the student.

A university student who contracted COVID-19 last year has "long COVID" with severe fatigue, joint pain, and an inability to concentrate, all of which have compounded her preexisting depression. While getting ready to register for classes, the student asked the university's office for disability services for permission to take three instead of five courses and to attend these courses remotely, explaining that her fatigue would hinder her ability to commute and take a full course load. The university did not conduct an individualized assessment and refused to consider the request.

Prolonged isolation and the stress of a close relative dying from COVID-19 exacerbate a college student's depression, leading him to take a voluntary medical leave of absence from his college. When the student applies to return in the next semester, with a supporting letter from his therapist, the college does not conduct an individualized assessment and instead informs him that under the college's policy, he must remain on leave for at least two semesters.



Elementary and secondary schools and postsecondary institutions should recognize and respond to the pervasive impact of the COVID-19 pandemic and related traumas. The following steps, among others, can help schools and postsecondary institutions create an environment supportive of students:

- ❑ Develop trauma-informed crisis management procedures that include an individualized assessment of the student's circumstances.
- ❑ Provide and facilitate access to mental health evaluations and services, including making efforts to reduce or remove barriers and negative consequences, including stigma, associated with receiving mental health services.
- ❑ Reasonably modify policies, such as attendance policies, for individual students as appropriate.
- ❑ Train staff to recognize and respond appropriately to signs of distress and suicidal ideation in students.
- ❑ Review and share the resources below.

If you believe that someone is at risk for suicide or self-harm, contact one or more of the following crisis resources recommended by the U.S. Department of Health and Human Services:

National Suicide Prevention Lifeline: For English, call 1-800-273-TALK. En Español, llame 1-888-628-9454. For TTY Users, use your preferred relay service, or dial 711 then 1-800-273-8255. A **chat function** is also available.

DeafLEAD: A 24-hour crisis line for deaf or hard of hearing individuals available in ASL.

The Trevor Project: 24/7 crisis intervention and suicide prevention services for lesbian, gay, bisexual, transgender, queer, questioning and intersex (LGBTQI+) people under the age of 25 as well as their friends and allies. Call 1-866-488-7386, text "START" to 678678, or use TrevorChat online.

Crisis Text Line: Text 741741 from anywhere in the United States to connect with a trained crisis counselor.

Suicide Prevention Resource Center (for Schools): Data, research, strategies, tools, and interventions to help prevent suicide.



The following resources are from the U.S. Department of Education, U.S. Department of Justice, and the U.S. Department of Health and Human Services:

ED COVID-19 Handbook Vol. 2: Roadmap to Reopening Safely and Meeting All Students' Needs:

Information about the mental health needs of students and staff is available on pages 8-11.

ED COVID-19 Handbook Vol. 3: Strategies for Safe Operation and Addressing the Impact of COVID-19 on Higher Education Students, Faculty, and Staff:

Information about the mental health needs of students and staff is available on pages 42-47.

Education in a Pandemic: The Disparate Impacts of COVID-19 on America's Students: Information on COVID-19's toll on student well-being and mental health is available on pages 2-4; 42-46.

Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools: This resource provides guidance on schools' responsibilities to elementary and secondary students under Section 504 of the Rehabilitation Act of 1973.

The Department of Education's IDEA website: Information on the rights of students under the Individuals with Disabilities Education Act (IDEA).

Guidance on "Long COVID" as a Disability Under the ADA, Section 504, and Section 1557: This guidance explains that long COVID can be a disability under Federal law and provides additional information.

Confronting COVID-19-Related Harassment in Schools: A Resource for Families: This resource provides guidance to families on schools' responsibilities to investigate and address race and national origin discrimination against students.

Emergency Preparedness and Response: A page on the Department of Justice ADA.gov website that discusses topics related to COVID-19 and the ADA.

Addressing Mental Health and Substance Use Issues in Schools: This resource provides information on approaches for mental health and substance use treatment services in schools and potential pathways for Medicaid to cover such services.

If you believe that you or another person has been discriminated against at school based on a mental health disability, consider filing a complaint with the Civil Rights Division of the U.S. Department of Justice at <https://civilrights.justice.gov/> or https://www.ada.gov/fact_on_complaint.htm, or with the Office for Civil Rights at the U.S. Department of Education at <https://www2.ed.gov/ocr/complaintintro.html> (to file a complaint in English) or www.ed.gov/ocr/docs/howto.html (to file a complaint in other languages).

"We recognize the ongoing mental health and emotional impacts of the COVID-19 pandemic on students. The Department of Justice will vigorously enforce the ADA and Section 504 to ensure that all students are given an equal opportunity to learn, free from discrimination."

- Kristen Clarke, Assistant Attorney General for Civil Rights, Department of Justice

"Students' mental and social-emotional health is a top concern for educators, staff, faculty, and families. The Department of Education's Office for Civil Rights is here to help k-12 schools, postsecondary institutions, students, and families ensure that the protections guaranteed to students with mental health disabilities by Section 504 and the ADA are in full force."

- Suzanne B. Goldberg, Acting Assistant Secretary for Civil Rights, Department of Education