



Buelow Vetter

Buikema Olson & Vliet, LLC

The Solution Starts Here.

Checklist for Students Admitted to Mental Health Treatment Facility

As we celebrate National Children's Mental Health Awareness Day today, it is important to reflect upon the legal requirements and best practices relating to the education of children with mental health disorders. This is a complex matter, as it involves the intersection of legal issues, educational issues, and medical issues. A child's mental health disorder may carry over into the school environment and have a significant impact on the child's educational performance. While school districts are not mental health providers, school districts have an obligation to be alert to student health conditions that have an impact in school.

We often receive questions regarding the steps a school district should take when it learns that a student has been admitted to a psychiatric hospital or treatment facility. The school district's response in this situation is critical, not only for the child's well-being, but also for protecting the school district from liability in the event of a health and safety emergency or IDEA or Section 504 complaint.

Upon learning that a student has been admitted to a psychiatric treatment facility, the following steps should be taken:

- Ask the parents for consent to obtain relevant, limited information from the treatment facility. In particular, the school district should ask for evaluation reports and/or exit reports containing diagnoses and recommendations that would assist the school in educating the child and ensuring the child's needs are met.
- Parents may be hesitant to provide the requested information, as it may contain sensitive medical information relating to the student and family members. Engage in a dialogue with the parents and explain why the requested information will help the school educate their child. If the parents refuse to give consent, document the requests for consent and the parents' refusal.
- Ask the parents whether the child is able to receive academic instruction at the hospital, and consider sending assignments for the child to work on, as appropriate.
- Consider a Section 504 or IDEA referral. The evaluation should consider any information obtained from the treatment facility, and additional assessments should be conducted if appropriate (particularly if it was not possible to obtain information from the treatment facility).
- If the student already has a Section 504 Plan or IEP, the team should reconvene to consider the need for a re-evaluation, as well as the development or revision of a Behavior Intervention Plan.
- The Section 504 or IEP team should also discuss and develop a plan for the child's transition back to school after he or she is released from the treatment facility. If the

student does not have a Section 504 Plan or IEP, the transition plan should be developed by a team of people with knowledge about the student, with input from the parents.

This checklist should be used as a guide; the particular steps taken will vary depending on the child's unique needs.

If you have any questions about the information in this Legal Update, please contact Alana Leffler at aleffler@buelowvetter.com or 262-364-0267 or your Buelow Vetter attorney.