

Dec. 3, 2019

Hon. Bobby Scott
Chair, House Committee on Education
and Labor
1201 Longworth House Office Bldg.
Washington, DC 20515

Hon. Virginia Foxx
Ranking Member, House Committee on
Education and Labor
2462 Rayburn House Office Building
Washington, DC 20515

Hon. Katie Porter
1117 Longworth House Office Building
Washington DC 20515

Dear Chairman Scott, Ranking Member Foxx, and Representative Porter:

The undersigned national organizations representing individuals with disabilities, family members, mental health and addiction providers, advocates and other stakeholders, write to express our strong support for H.R. 5204, the Student Mental Health Rights Act, introduced by Representative Porter. This bill identifies a critical need for information concerning how to effectively support students with mental health disabilities on college campuses, and for guidance to colleges and universities concerning their obligations to these students under the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and the Fair Housing Act.

In 2017, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding policies, programs, practices, and procedures that affect people with disabilities, issued an extensive report detailing widespread concerns about the discriminatory treatment of students with mental health disabilities on college and university campuses. Among other things, NCD found that:

- Colleges are struggling to provide adequate mental health services and supports for students with mental health disabilities;
- Federal civil rights agencies have not provided guidance to colleges concerning campus mental health issues;
- College faculty, staff, and administrators need training to support students with mental health disabilities and provide reasonable modifications and accommodations;
- College counselors do not typically reflect the diversity of the student populations that they serve;
- Colleges have evicted students from their dormitories or placed them on involuntary leave in response to concerns that they will harm themselves;

- Colleges have also encouraged voluntary or involuntary hospitalization for students in response to mental health crises, leading students not to seek help for fear of being forced to leave school;
- Without considering students' individual circumstances, disciplinary charges or mandatory leaves of absence are imposed on students who appear to have self-injurious behaviors or thoughts and/or seek psychiatric treatment.
- Such practices have interrupted students' academic progress and created negative economic consequences including jeopardized scholarships, financial aid eligibility, and student loans, and lost tuition.¹

The Student Mental Health Rights Act would bring attention to these issues and improve compliance with federal disability rights laws. It would require the Secretary of Education to study and report on best practices for supporting students with mental health disabilities and, in consultation with the Department of Justice, to issue guidance concerning the obligations of institutions of higher education toward these students under the ADA, Section 504, and the Fair Housing Act. These steps are much needed.

College is a critical time in the lives of young people, and it is important that we ensure that students with mental health disabilities do not experience discrimination, including inappropriate exclusion from school. We stand ready to work with Representative Porter and the Committee on Education and Labor to support passage of this significant legislation.

Sincerely,

American Art Therapy Association

American Association for Psychoanalysis in Clinical Social Work

American Psychological Association

American Psychiatric Association

Anxiety and Depression Association of America

Bazelon Center for Mental Health Law

¹ National Council on Disability, *Mental Health on College Campuses: Investments, Accommodations Needed to Address Student Needs*, at 16, 33, 34, 35 (2017), https://ncd.gov/sites/default/files/NCD_Mental_Health_Report_508_0.pdf.

Behavioral Health Association of Providers

California Consortium of Addiction Programs & Professionals

Children and Adults with Attention-Deficit/Hyperactivity Disorder

Depression and Bipolar Support Alliance

Faces and Voices of Recovery

Global Alliance for Behavioral Health and Social Justice

Illinois Association of Behavioral Health

International OCD Foundation

The Kennedy Forum

Mental Health America

The National Alliance to Advance Adolescent Health

National Association for Children's Behavioral Health

National Association of State Mental Health Program Directors

National Council for Behavioral Health

National Disability Rights Network

National Eating Disorders Association

National Federation of Families for Children's Mental Health

National Register of Health Service Psychologists

School Social Work Association of America