

Legal Update

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DOE Issues Resources on Student Mental Health and COVID-19

On Oct. 13, 2021, the U.S. Department of Education (DOE) issued new resources aimed at helping schools and other educational institutions comply with federal civil rights laws that protect students with mental health disabilities. The new resources, which include a fact sheet and letter to educators, focus on issues specifically relating to the COVID-19 pandemic.

Fact Sheet on Students at Risk of Self-Harm

The DOE's new fact sheet, "[Supporting and Protecting the Rights of Students at Risk of Self-Harm in the Era of COVID-19](#)," provides information about:

- What may prompt the DOE to investigate a school or institution for potential violations of civil rights laws relating to mental health;
- How to create an educational environment that is responsive to students with mental health disabilities; and
- How to obtain other resources for students, families and educators.

Letter to Educators on Student Mental Health Disabilities

Similar to the fact sheet, the DOE's new [letter to educators](#) highlights schools' and postsecondary institutions' obligations to students with mental health disabilities under federal civil rights laws.

Prior Report on Pandemic's Impact on Students

The new resources follow an earlier [report](#) issued in June 2021 detailing how the COVID-19 pandemic has had a disproportionately harsh impact on many students. According to the DOE, this effect has created a need for additional information and support for students with mental health disabilities.

Employer Actions

Schools and postsecondary educational institutions should become familiar with the new resources and review their policies and practices to ensure compliance with all applicable laws.

Highlights

COVID-19 Student Impact

The U.S. Department of Education has found that the effects of the COVID-19 pandemic have been particularly harsh on students.

Applicable Federal Laws

Federal anti-discrimination laws require educators to provide equal opportunities to students with mental health disabilities.

New Resources

The DOE has issued new guidance on school obligations to students with mental health disabilities during the COVID-19 pandemic.

The new resources aim to help schools recognize and respond to student mental health risks arising from COVID-19 and related traumas.

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