

National Association for Behavioral Healthcare



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18 June 2020

To: Chairman Lamar Alexander, U.S. Senate Committee on Health, Education, Labor & Pensions
Ranking Member Patty Murray, U.S. Senate Committee on Health, Education, Labor & Pensions
Chairman Bobby Scott, U.S. House Committee on Education & Labor
Ranking Member Virginia Foxx, Ranking Member, U.S. House Committee on Education & Labor
U.S. Senate Committee on Health, Education, Labor & Pensions Members and Staff
U.S. House Committee on Education & Labor Members and Staff

Re: Education Funding for Children and Adolescents with Severe Behavioral and/or Emotional Conditions

The National Association of Behavioral Healthcare (NABH) represents healthcare systems that provide a wide range of mental health and addiction treatment, including inpatient, residential, partial hospitalization, and outpatient services. Many of our members also provide educational services and supports for children and adolescents with the most severe behavioral and/or emotional conditions in residential settings, specialized day schools, and other settings. These therapeutic settings offer these children and adolescents a safe and stable environment to receive treatment and develop skills to enable them to transition back to their families and communities and local schools successfully. The education services and supports our members provide are particularly critical for maintaining structure and positive reinforcement for these children and adolescents during the Covid-19 pandemic.

Residential treatment centers focus on helping children and youth with the most serious emotional and/or behavioral conditions. These children and adolescents usually have experienced many hardships in their short lives. Many have suffered abuse, including sexual abuse, human trafficking, traumatization, substance abuse, and multiple failed community placements. Their emotional and behavioral conditions severely impair the ability of these children and youth to function and relate successfully to others in their communities, at home, and at school. They are at greater risk for dropping out of school, considering or dying by suicide, and committing crimes. These young people have needs that are so complex they require intensive 24-hour out-of-home treatment to help them succeed.

The residential treatment programs, specialized day schools, and other therapeutic settings our members operate aim to provide a nurturing and safe environment for the children and youth they serve, improve their socialization skills, prevent out-of-home placements or stabilize these placements, improve academic achievement, increase self-esteem, and prevent involvement with juvenile justice. The child welfare, juvenile justice, and education systems which often identify these children and youth as having serious emotional or behavioral conditions do not have the expertise or time to address their needs.

In most instances, our members' employ the principals, teachers, and support staff to provide educational services in their residential and other specialized settings. During the Covid-19 crisis, the principals, teachers, and support staff in the residential settings have continued to provide crucially needed education services and supports for these children and adolescents even while regular schools across the United States have been closed.

In some locations, the local school district sends teachers into the residential settings and schools. During this time, however, these teachers are not providing direct instruction. They have transitioned to remote

900 17th Street, NW, Suite 420
Washington, DC 20006-2507

Phone: 202.393.6700
Email: nabh@nabh.org
Web: www.nabh.org

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learning, with some providing packets of work and others providing on-line learning. This distance-learning model is much harder for the students and the staff in the residential treatment settings. Moreover, in this model, the local school districts still receive the funding to pay for the teachers' services, but the facility is not paid for the additional supports they provide to these students.

Unfortunately, Covid-19 has significantly affected the educational services and supports our members are able to provide to children and adolescents with severe behavioral and/or emotional conditions. The usual routines have been disrupted and visitation has been limited to protect the students and staff from infection. Our members' residential and other treatment settings and specialized schools are incurring increased costs for technology, additional cleaning, other infection control measures, curriculum materials, and additional safety measures. These facilities need more support to continue providing critical education services and supports to some of our most vulnerable children and adolescents.

So far, many of these residential and other specialized settings for children and youth have not received any funding to support education that Congress provided in the *Coronavirus Aid, Relief, and Economic Security (CARES) Act* (Pub. L. 116-136). One reason for being found ineligible for CARES Act funding is that some residential facilities are set up as a for-profit entity, and, by default, their school falls under that tax structure. The current CARES Act Equitable Services provision states that a school must be non-profit entity to be found eligible. We have spoken with officials at the Department of Education who indicated they do not have authority to target funding to education services for children and youth with serious behavioral and/or emotional conditions in residential or other specialized therapeutic settings.

We request that Congress clarify that funding for state education agencies from the Elementary and Secondary School Emergency Relief Fund that the CARES Act authorized should be allocated equitably to both non-profit and for-profit residential and other therapeutic settings including specialized day schools that provide care for children and adolescents with serious behavioral and/or emotional conditions.

We also recommend that Congress dedicate funding in any upcoming legislation addressing the Covid-19 pandemic to providing education services and supports for children and adolescents with serious behavioral and/or emotional conditions. An appropriation of \$37.5 million for education services in residential and other treatment settings and specialized day schools would ensure these settings are able to provide digital devices, internet access, and online school content to these children and adolescents with special needs. There are approximately 500 residential facilities serving 25,000 children and adolescents with serious behavioral and/or emotional conditions nationwide and this would ensure that this population is also included and treated equitably.

Thank you for your attention to these concerns. If you have questions, please contact me directly at shawn@nabh.org or 202-875-4272, or contact NABH Director of Policy and Regulatory Affairs Kirsten Beronio at kirsten@nabh.org or 202-680-3095.

Sincerely,

Shawn Coughlin, President and CEO

900 17th Street, NW, Suite 420
Washington, DC 20006-2507

Phone: 202.393.6700
Email: nabh@nabh.org
Web: www.nabh.org