



Highlights of [GAO-08-346](#), a report to the Chairman, Committee on Education and Labor, House of Representatives

Why GAO Did This Study

Federal funding to states supported more than 200,000 youth in residential facilities in 2004, many seeking help to address behavioral or emotional challenges. However, federal investigations have identified maltreatment and civil rights abuses in some facilities. GAO was asked to provide national information about (1) the nature of incidents that adversely affect youth well-being in residential facilities, (2) how state licensing and monitoring requirements address youth well-being in these facilities, and (3) what factors affect federal agencies' ability to hold states accountable for youth well-being in residential facilities. GAO conducted national Web-based surveys of state child welfare, health and mental health, and juvenile justice agencies and achieved an 85 percent response rate for each of the three surveys. We also visited four states, interviewed program officials, and reviewed laws and documentation.

What GAO Recommends

GAO recommends that the Secretary of Health and Human Services (HHS) work to address state barriers in reporting maltreatment data for residential facilities, that the Attorney General work with federal agencies to access information for targeting civil rights investigations, and that the Attorney General and the Secretaries of HHS and Education work to enhance their state oversight efforts. GAO also discusses the implications of options that states, federal agencies, and Congress may use to safeguard and improve the civil rights and well-being of youth in residential facilities. While HHS and the Department of Justice (DOJ) generally agreed with our recommendations and suggested further action that could be taken, Education did not directly respond to the recommendations in its comments.

To view the full product, including the scope and methodology, click on [GAO-08-346](#). To view the e-supplement online, click on [GAO-08-631SP](#). For more information, contact Kay Brown, (202) 512-7215 or brownke@gao.gov.

RESIDENTIAL FACILITIES

Improved Data and Enhanced Oversight Would Help Safeguard the Well-Being of Youth with Behavioral and Emotional Challenges

What GAO Found

Youth in some residential facilities have experienced maltreatment including sexual assault, physical and medical neglect, and bodily assault that sometimes resulted in civil rights violations, hospitalization, or death. Survey respondents from 28 states reported at least one death in residential facilities in 2006. National data submitted to HHS from states show that 34 states reported 1,503 incidents of youth abuse and neglect by facility staff in 2005, but these data are understated due to state barriers in collecting and reporting facility-level information. Specific facility information that was reported and that could help target federal investigations was generally not shared with relevant agencies, such as DOJ's Civil Rights Division, because there was no formal mechanism to share this information.

All states have processes in place to license and monitor certain types of residential facilities, but state agencies reported several oversight gaps. Some government and private facilities—particularly juvenile justice facilities and boarding schools—are often exempt from licensing requirements by law or regulation. In addition, licensing standards do not always address some of the most common risks to youth well-being, such as suicide. State officials reported that they are unable to conduct annual on-site reviews at facilities, in part because of fluctuating levels of staff resources. Few state agencies reported suspending or revoking a facility's operating license, in some cases due to lack of alternatives in placing the displaced youth.

Number of State Agencies Reporting That They Do Not Exempt or Exempt Private Residential Facilities from Licensing Requirements, 2006

Facility type	Not exempt	Exempt
Residential schools and academies ^a	19 15 14	18 10 14
Detention center	14	11 n/a n/a
Boot camp	10 6 4	6 2 3
Wilderness camp	24 16 13	3 3 1
Treatment facility	39 35	1 0 n/a

Child welfare
 Health and mental health
 Juvenile justice

Source: GAO analysis of state agencies' responses to survey.

Note: Other agency responses included no such facility in the state, don't know, and no response.

^aResidential schools and academies includes both government and private facilities.

HHS, DOJ, and Education hold states accountable for youth well-being under federal grant programs, but their authority is limited and monitoring practices are inconsistent. These agencies do not have the legal authority to hold states accountable for youth well-being in private residential facilities unless they serve youth under programs that receive federal funds. Agency officials also said they lack authority to require suicide prevention, and other requirements were inconsistent across programs. Agencies did not always include facilities in their state oversight reviews, and were inconsistent in addressing state noncompliance.