^{116TH CONGRESS} 2D SESSION H.R. 1109

AN ACT

To amend the Public Health Service Act to revise and extend projects relating to children and to provide access to school-based comprehensive mental health programs.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the "Mental Health Services3 for Students Act of 2020".

4 SEC. 2. AMENDMENTS TO THE PUBLIC HEALTH SERVICE 5 ACT.

6 (a) TECHNICAL AMENDMENTS.—The second part G
7 (relating to services provided through religious organiza8 tions) of title V of the Public Health Service Act (42
9 U.S.C. 290kk et seq.) is amended—

10(1) by redesignating such part as part J; and11(2) by redesignating sections 581 through 584

12 as sections 596 through 596C, respectively.

(b) SCHOOL-BASED MENTAL HEALTH AND CHIL14 DREN.—Section 581 of the Public Health Service Act (42
15 U.S.C. 290hh) (relating to children and violence) is
16 amended to read as follows:

17 "SEC. 581. SCHOOL-BASED MENTAL HEALTH; CHILDREN 18 AND ADOLESCENTS.

19 "(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Education, shall, through grants, 20 21 contracts, or cooperative agreements awarded to eligible 22 entities described in subsection (c), provide comprehensive 23 school-based mental health services and supports to assist 24 children in local communities and schools (including schools funded by the Bureau of Indian Education) deal-25 ing with traumatic experiences, grief, bereavement, risk of 26

1	suicide, and violence. Such services and supports shall
2	be—
3	"(1) developmentally, linguistically, and cul-
4	turally appropriate;
5	((2) trauma-informed; and
6	"(3) incorporate positive behavioral interven-
7	tions and supports.
8	"(b) ACTIVITIES.—Grants, contracts, or cooperative
9	agreements awarded under subsection (a), shall, as appro-
10	priate, be used for—
11	"(1) implementation of school and community-
12	based mental health programs that—
13	"(A) build awareness of individual trauma
14	and the intergenerational, continuum of impacts
15	of trauma on populations;
16	"(B) train appropriate staff to identify,
17	and screen for, signs of trauma exposure, men-
18	tal health disorders, or risk of suicide; and
19	"(C) incorporate positive behavioral inter-
20	ventions, family engagement, student treatment,
21	and multigenerational supports to foster the
22	health and development of children, prevent
23	mental health disorders, and ameliorate the im-
24	pact of trauma;

"(2) technical assistance to local communities
 with respect to the development of programs de scribed in paragraph (1);

"(3) facilitating community partnerships among 4 5 families, students, law enforcement agencies, edu-6 cation agencies, mental health and substance use 7 disorder service systems, family-based mental health 8 service systems, child welfare agencies, health care 9 providers (including primary care physicians, mental 10 health professionals, and other professionals who 11 specialize in children's mental health such as child 12 and adolescent psychiatrists), institutions of higher 13 education, faith-based programs, trauma networks, 14 and other community-based systems to address child 15 and adolescent trauma, mental health issues, and vi-16 olence; and

17 "(4) establishing mechanisms for children and
18 adolescents to report incidents of violence or plans
19 by other children, adolescents, or adults to commit
20 violence.

21 "(c) REQUIREMENTS.—

"(1) IN GENERAL.—To be eligible for a grant,
contract, or cooperative agreement under subsection
(a), an entity shall be a partnership that includes—

4

5

"(A) a State educational agency, as de-1 2 fined in section 8101 of the Elementary and 3 Secondary Education Act of 1965, in coordina-4 tion with one or more local educational agen-5 cies, as defined in section 8101 of the Elemen-6 tary and Secondary Education Act of 1965, or 7 a consortium of any entities described in sub-8 paragraph (B), (C), (D), or (E) of section 9 8101(30) of such Act; and "(B) at least 1 community-based mental 10 11 health provider, including a public or private 12 mental health entity, health care entity, family-13 based mental health entity, trauma network, or 14 other community-based entity, as determined by 15 the Secretary (and which may include addi-16 tional entities such as a human services agency, 17 law enforcement or juvenile justice entity, child 18 welfare agency, agency, an institution of higher 19 education, or another entity, as determined by 20 the Secretary). "(2) COMPLIANCE WITH HIPAA.—Any patient 21 22 records developed by covered entities through activi-

ties under the grant shall meet the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

1 "(3) COMPLIANCE WITH FERPA.—Section 444 2 of the General Education Provisions Act (commonly 3 known as the 'Family Educational Rights and Pri-4 vacy Act of 1974') shall apply to any entity that is 5 a member of the partnership in the same manner 6 that such section applies to an educational agency or 7 institution (as that term is defined in such section). 8 "(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary 9 shall ensure that grants, contracts, or cooperative agree-10 ments under subsection (a) will be distributed equitably among the regions of the country and among urban and 11 rural areas. 12

"(e) DURATION OF AWARDS.—With respect to a
grant, contract, or cooperative agreement under subsection (a), the period during which payments under such
an award will be made to the recipient shall be 5 years,
with options for renewal.

18 "(f) EVALUATION AND MEASURES OF OUTCOMES.—
19 "(1) DEVELOPMENT OF PROCESS.—The Assist20 ant Secretary shall develop a fiscally appropriate
21 process for evaluating activities carried out under
22 this section. Such process shall include—

23 "(A) the development of guidelines for the
24 submission of program data by grant, contract,
25 or cooperative agreement recipients;

1	"(B) the development of measures of out-
2	comes (in accordance with paragraph (2)) to be
3	applied by such recipients in evaluating pro-
4	grams carried out under this section; and
5	"(C) the submission of annual reports by
6	such recipients concerning the effectiveness of
7	programs carried out under this section.
8	"(2) Measures of outcomes.—The Assistant
9	Secretary shall develop measures of outcomes to be
10	applied by recipients of assistance under this section
11	to evaluate the effectiveness of programs carried out
12	under this section, including outcomes related to the
13	student, family, and local educational systems sup-
14	ported by this Act.
15	"(3) SUBMISSION OF ANNUAL DATA.—An eligi-
16	ble entity described in subsection (c) that receives a
17	grant, contract, or cooperative agreement under this
18	section shall annually submit to the Assistant Sec-
19	retary a report that includes data to evaluate the
20	success of the program carried out by the entity
21	based on whether such program is achieving the pur-
22	poses of the program. Such reports shall utilize the
23	measures of outcomes under paragraph (2) in a rea-
24	sonable manner to demonstrate the progress of the
25	program in achieving such purposes.

7

"(4) EVALUATION BY ASSISTANT SECRETARY.— 1 2 Based on the data submitted under paragraph (3), the Assistant Secretary shall annually submit to 3 4 Congress a report concerning the results and effectiveness of the programs carried out with assistance 5 received under this section. 6 "(5) LIMITATION.—An eligible entity shall use 7 8 not more than 20 percent of amounts received under 9 a grant under this section to carry out evaluation 10 activities under this subsection. 11 "(g) INFORMATION AND EDUCATION.—The Sec-12 retary shall disseminate best practices based on the find-13 ings of the knowledge development and application under this section. 14 15 "(h) Amount of Grants and Authorization of 16 APPROPRIATIONS.— 17 "(1) AMOUNT OF GRANTS.—A grant under this 18 section shall be in an amount that is not more than 19 \$2,000,000 for each of the first 5 fiscal years fol-20 lowing the date of enactment of the Mental Health 21 Services for Students Act of 2019. The Secretary 22 shall determine the amount of each such grant based

area to be served under the grant.

on the population of children up to age 21 of the

23

"(2) AUTHORIZATION OF APPROPRIATIONS.—
 There is authorized to be appropriated to carry out
 this section, \$130,000,000 for each of fiscal years
 2021 through 2024.".

5 (c) CONFORMING AMENDMENT.—Part G of title V of
6 the Public Health Service Act (42 U.S.C. 290hh et seq.),
7 as amended by subsection (b), is further amended by strik8 ing the part designation and heading and inserting the
9 following:

10 "PART G-SCHOOL-BASED MENTAL HEALTH".

Passed the House of Representatives September 29, 2020.

Attest:

Clerk.

116TH CONGRESS H. R. 1109 2D Session H. R. 1109

AN ACT

To amend the Public Health Service Act to revise and extend projects relating to children and to provide access to school-based comprehensive mental health programs.