

118TH CONGRESS
2D SESSION

H. R. 7489

To increase the recruitment and retention of school-based mental health services providers by low-income local educational agencies.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 29, 2024

Ms. CHU (for herself, Mr. FITZPATRICK, Ms. BROWN, Mr. PANETTA, Mr. GRIMALVA, Ms. DEAN of Pennsylvania, Mr. SOTO, Mr. COURTNEY, Ms. PINGREE, Mr. DESAULNIER, Mr. LYNCH, Mrs. NAPOLITANO, Mr. KILDEE, Mr. GARCÍA of Illinois, Ms. TOKUDA, Ms. KUSTER, Mr. BACON, Mr. PAYNE, Mr. THOMPSON of Mississippi, Ms. MCCLELLAN, Ms. CRAIG, Mrs. CHERFILUS-MCCORMICK, Mr. KRISHNAMOORTHY, Mr. TRONE, Mrs. HAYES, Ms. STRICKLAND, Mrs. RAMIREZ, Mr. THANEDAR, and Ms. LEE of California) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To increase the recruitment and retention of school-based mental health services providers by low-income local educational agencies.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Increasing Access to
5 Mental Health in Schools Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **BEST PRACTICES.**—The term “best prac-
4 tices” means a technique or methodology that,
5 through experience and research related to profes-
6 sional practice in a school-based mental health field,
7 has proven to reliably lead to a desired result.

8 (2) **ELIGIBLE GRADUATE INSTITUTION.**—The
9 term “eligible graduate institution” means an insti-
10 tution of higher education that offers a program of
11 study that leads to a masters or other graduate de-
12 gree—

13 (A) in school psychology that is accredited
14 or approved by the National Association of
15 School Psychologists’ Program Approval Board
16 (or its successor) or the Commission on Accred-
17 itation of the American Psychological Associa-
18 tion and that prepares students in such pro-
19 gram for the State licensing or certification ex-
20 amination in school psychology;

21 (B) in school counseling that prepares stu-
22 dents in such program for the State licensing or
23 certification examination in school counseling;

24 (C) in school social work that is accredited
25 by the Council on Social Work Education and
26 that prepares students in such program for the

1 State licensing or certification examination in
2 school social work;

3 (D) in another school-based mental health
4 field that prepares students in such program
5 for the State licensing or certification examina-
6 tion in such field, if applicable; or

7 (E) in any combination of study described
8 in subparagraphs (A) through (D).

9 (3) ELIGIBLE PARTNERSHIP.—The term “eligi-
10 ble partnership” means—

11 (A) a partnership between 1 or more low-
12 income local educational agencies and 1 or more
13 eligible graduate institutions; or

14 (B) in any region in which local edu-
15 cational agencies may not have a sufficient ele-
16 mentary school and secondary school student
17 population to support the placement of all par-
18 ticipating graduate students, a partnership be-
19 tween a State educational agency, on behalf of
20 1 or more low-income local educational agen-
21 cies, and 1 or more eligible graduate institu-
22 tions.

23 (4) INSTITUTION OF HIGHER EDUCATION.—The
24 term “institution of higher education” has the
25 meaning given such term in section 102 of the High-

1 er Education Act of 1965 (20 U.S.C. 1002), but ex-
2 cludes any institution of higher education described
3 in section 102(a)(1)(C) of such Act.

4 (5) LOCAL EDUCATIONAL AGENCY.—

5 (A) IN GENERAL.—The term “local edu-
6 cational agency” means a public board of edu-
7 cation or other public authority legally con-
8 stituted within a State for either administrative
9 control or direction of, or to perform a service
10 function for, public elementary schools or sec-
11 ondary schools in a city, county, township,
12 school district, or other political subdivision of
13 a State, or of or for a combination of school
14 districts or counties that is recognized in a
15 State as an administrative agency for its public
16 elementary schools or secondary schools.

17 (B) ADMINISTRATIVE CONTROL AND DI-
18 RECTION.—The term includes any other public
19 institution or agency having administrative con-
20 trol and direction of a public elementary school
21 or secondary school.

22 (C) BUREAU OF INDIAN EDUCATION
23 SCHOOLS.—The term includes an elementary
24 school or secondary school funded by the Bu-
25 reau of Indian Education but only to the extent

1 that including the school makes the school eligi-
2 ble for programs for which specific eligibility is
3 not provided to the school in another provision
4 of law and the school does not have a student
5 population that is smaller than the student pop-
6 ulation of the local educational agency receiving
7 assistance under this Act with the smallest stu-
8 dent population, except that the school shall not
9 be subject to the jurisdiction of any State edu-
10 cational agency other than the Bureau of In-
11 dian Education.

12 (D) EDUCATIONAL SERVICE AGENCIES.—
13 The term includes educational service agencies
14 and consortia of those agencies.

15 (E) STATE EDUCATIONAL AGENCY.—The
16 term includes the State educational agency in a
17 State in which the State educational agency is
18 the sole educational agency for all public
19 schools.

20 (6) LOW-INCOME LOCAL EDUCATIONAL AGEN-
21 CY.—The term “low-income local educational agen-
22 cy” means a local educational agency—

23 (A) for which not less than 20 percent of
24 the students served by such agency are from
25 families with incomes below the poverty line as

1 determined by the Bureau of the Census on the
2 basis of the most recent satisfactory data avail-
3 able; and

4 (B) that, as of the date of application for
5 a grant under this Act, has ratios of school
6 counselors, school social workers, and school
7 psychologists to students served by the agency
8 that are not more than 1 school counselor per
9 275 students, not more than 1 school psycholo-
10 gist per 500 students, and not more than 1
11 school social worker per 250 students.

12 (7) PARTICIPATING ELIGIBLE GRADUATE INSTI-
13 TUTION.—The term “participating eligible graduate
14 institution” means an eligible graduate institution
15 that is part of an eligible partnership awarded a
16 grant under section 3.

17 (8) PARTICIPATING GRADUATE.—The term
18 “participating graduate” means an individual who—

19 (A) has received a masters or other grad-
20 uate degree in a school-based mental health
21 field from a participating eligible graduate in-
22 stitution and has obtained a State license or
23 credential in the school-based mental health
24 field; and

1 (B) as a graduate student of a school-
2 based mental health field, was placed in a
3 school served by a participating low-income
4 local educational agency to complete required
5 field work, credit hours, internships, or related
6 training as applicable.

7 (9) PARTICIPATING LOW-INCOME LOCAL EDU-
8 CATIONAL AGENCY.—The term “participating low-in-
9 come local educational agency” means a low-income
10 local educational agency that is part of an eligible
11 partnership awarded a grant under section 3.

12 (10) SCHOOL-BASED MENTAL HEALTH
13 FIELD.—The term “school-based mental health
14 field” means each of the following fields:

15 (A) School counseling.

16 (B) School social work.

17 (C) School psychology.

18 (D) Any other field of study that leads to
19 employment as a school-based mental health
20 services provider.

21 (11) SCHOOL-BASED MENTAL HEALTH SERV-
22 ICES PROVIDER.—The term “school-based mental
23 health services provider” has the meaning given the
24 term in section 4102 of the Elementary and Sec-
25 ondary Education Act of 1965 (20 U.S.C. 7112).

1 (12) SECRETARY.—The term “Secretary”
2 means the Secretary of Education.

3 (13) STATE EDUCATIONAL AGENCY.—The term
4 “State educational agency” has the meaning given
5 the term in section 8101 of the Elementary and Sec-
6 ondary Education Act of 1965 (20 U.S.C. 7801).

7 (14) STUDENT SUPPORT PERSONNEL TARGET
8 RATIOS.—The term “student support personnel tar-
9 get ratios” means the ratios of school-based mental
10 health services providers to students recommended
11 to enable such personnel to effectively address the
12 needs of students, including—

13 (A) at least 1 school counselor for every
14 250 students (as recommended by the American
15 School Counselor Association and American
16 Counseling Association);

17 (B) at least 1 school psychologist for every
18 500 students (as recommended by the National
19 Association of School Psychologists); and

20 (C) at least 1 school social worker for
21 every 250 students (as recommended by the
22 School Social Work Association of America).

23 (15) UNACCOMPANIED YOUTH.—The term “un-
24 accompanied youth” has the meaning given such

1 term in section 725 of the McKinney-Vento Home-
2 less Assistance Act (42 U.S.C. 11434a).

3 **SEC. 3. GRANT PROGRAM TO INCREASE THE NUMBER OF**
4 **SCHOOL-BASED MENTAL HEALTH SERVICES**
5 **PROVIDERS EMPLOYED BY LOW-INCOME**
6 **LOCAL EDUCATIONAL AGENCIES.**

7 (a) GRANT PROGRAM AUTHORIZED.—From amounts
8 made available to carry out this section, the Secretary
9 shall award grants, on a competitive basis and after input
10 from the peer review panel under subsection (d), to eligible
11 partnerships, to enable the eligible partnerships to carry
12 out pipeline programs to increase the number of school-
13 based mental health services providers employed by low-
14 income local educational agencies by carrying out any of
15 the activities described by subsection (f).

16 (b) GRANT PERIOD.—A grant awarded under this
17 section shall be for a 5-year period and may be renewed
18 for additional 5-year periods upon a showing of adequate
19 progress, as determined by the Secretary.

20 (c) APPLICATION.—To be eligible to receive a grant
21 under this section, an eligible graduate institution, on be-
22 half of an eligible partnership, shall submit to the Sec-
23 retary a grant application. The application shall contain
24 such information as the Secretary may require, includ-
25 ing—

1 (1) an assessment of the existing (as of the
2 date of application) ratios of school-based mental
3 health services providers (in the aggregate and
4 disaggregated by profession) to students enrolled in
5 schools in each low-income local educational agency
6 that is part of the eligible partnership; and

7 (2) a detailed description of—

8 (A) a plan to carry out a pipeline program
9 to train, place, and retain school-based mental
10 health services providers in low-income local
11 educational agencies; and

12 (B) the proposed allocation and use of
13 grant funds to carry out activities described in
14 subsection (f).

15 (d) PEER REVIEW PANEL.—

16 (1) ESTABLISHMENT OF PANEL.—The Sec-
17 retary shall establish a peer review panel to evaluate
18 applications submitted under subsection (c) and
19 make recommendations to the Secretary regarding
20 such applications.

21 (2) EVALUATION OF APPLICATIONS.—In mak-
22 ing its recommendations, the peer review panel shall
23 take into account the purpose of this Act and the
24 application requirements under subsection (c), in-

1 including the quality of the proposed pipeline program
2 described in subsection (c)(2)(A).

3 (3) CONSIDERATION OF PANEL'S RECOMMENDA-
4 TION.—

5 (A) IN GENERAL.—The Secretary may
6 award grants under this section to eligible part-
7 nerships only after taking into consideration the
8 recommendations of the peer review panel pro-
9 vided under this subsection.

10 (B) EXPLANATION.—In any case where
11 the Secretary decides to not follow the rec-
12 ommendations of the peer review panel, the
13 Secretary shall provide a written explanation of
14 the decision to the panel and to the Committee
15 on Health, Education, Labor, and Pensions of
16 the Senate and the Committee on Education
17 and the Workforce of the House of Representa-
18 tives.

19 (4) MEMBERSHIP OF PANEL.—

20 (A) IN GENERAL.—The peer review panel
21 shall include at a minimum the following mem-
22 bers:

23 (i) One clinical, tenured, or tenure
24 track faculty member at an institution of
25 higher education with a current appoint-

1 ment, as of the time of service on the
2 panel, to teach courses in the subject area
3 of school counselor education.

4 (ii) One clinical, tenured, or tenure
5 track faculty member at an institution of
6 higher education with a current appoint-
7 ment, as of the time of service on the
8 panel, to teach courses in the subject area
9 of school social worker education.

10 (iii) One clinical, tenured, or tenure
11 track faculty member at an institution of
12 higher education with a current appoint-
13 ment, as of the time of service on the
14 panel, to teach courses in the subject area
15 of school psychology education.

16 (iv) One clinical, tenured, or tenure
17 track faculty member at an institution of
18 higher education with a current appoint-
19 ment to teach courses in the subject area
20 of teacher education.

21 (v) One individual with expertise in
22 school counseling who works or has worked
23 in public schools.

1 (vi) One individual with expertise in
2 school social work who works or has
3 worked in public schools.

4 (vii) One individual with expertise in
5 school psychology who works or has
6 worked in public schools.

7 (viii) One administrator who works or
8 has worked for a low-income local edu-
9 cational agency.

10 (ix) One qualified and effective teach-
11 er who has substantial experience working
12 for a low-income local educational agency.

13 (x) One community mental health pro-
14 vider.

15 (B) CLINICAL FACULTY MEMBER.—At
16 least 1 of the members described in subpara-
17 graph (A) shall be a clinical faculty member.

18 (e) AWARD BASIS.—In awarding grants under this
19 section, the Secretary shall—

20 (1) award the first 5 grants to eligible partner-
21 ships from 5 different States; and

22 (2) give priority to eligible partnerships that—

23 (A) propose to use the grant funds to
24 carry out the activities described under para-
25 graphs (1) through (3) of subsection (f) in

1 schools that have higher numbers or percent-
2 ages of low-income students and students not
3 achieving a proficient level of academic achieve-
4 ment, as determined by the State, on the an-
5 nual assessments required under section
6 1111(b) of the Elementary and Secondary Edu-
7 cation Act of 1965 (20 U.S.C. 6311(b)) in com-
8 parison to other schools that are served by the
9 low-income local educational agency that is part
10 of the eligible partnership;

11 (B) include 1 or more low-income local
12 educational agencies that have fewer school-
13 based mental health services providers, in the
14 aggregate or for a particular school-based men-
15 tal health field, per student than other eligible
16 partnerships;

17 (C) include 1 or more eligible graduate in-
18 stitutions that offer the greatest number of
19 graduate programs in the greatest number of
20 different school-based mental health fields; and

21 (D) propose to collaborate with other insti-
22 tutions of higher education with similar pro-
23 grams, including sharing facilities, faculty mem-
24 bers, and administrative costs.

1 (f) USE OF GRANT FUNDS.—Grant funds awarded
2 under this section may be used—

3 (1) to pay the administrative costs (including
4 supplies, office and classroom space, supervision,
5 mentoring, and transportation stipends as necessary
6 and appropriate) related to—

7 (A) having graduate students of programs
8 in school-based mental health fields placed in
9 schools served by participating low-income local
10 educational agencies to complete required field
11 work, credit hours, internships, or related train-
12 ing as applicable for the degree, license, or cre-
13 dential program of each such student; and

14 (B) offering required graduate coursework
15 for students of a graduate program in a school-
16 based mental health services field on the site of
17 a participating low-income local educational
18 agency;

19 (2) for not more than the first 3 years after a
20 participating graduate receives a masters or other
21 graduate degree from a program in a school-based
22 mental health field, or obtains a State license or cre-
23 dential in a school-based mental health field, to hire
24 and pay all or part of the salary of the participating
25 graduates working as a school-based mental health

1 services provider in a school served by a partici-
2 pating low-income local educational agency;

3 (3) to increase the number of school-based men-
4 tal health services providers per student in schools
5 served by participating low-income local educational
6 agencies, in order to work toward the student sup-
7 port personnel target ratios;

8 (4) to recruit, hire, and retain culturally or lin-
9 guistically under-represented graduate students of
10 programs in school-based mental health fields for
11 placement in schools served by participating low-in-
12 come educational agencies;

13 (5) to recruit, hire, and pay faculty as nec-
14 essary to increase the capacity of a participating eli-
15 gible graduate institution to train graduate students
16 in school-based mental health fields;

17 (6) to develop coursework that will—

18 (A) encourage a commitment by graduate
19 students in school-based mental health fields to
20 work for low-income local educational agencies;

21 (B) give participating graduates the knowl-
22 edge and skill sets necessary to meet the needs
23 of—

24 (i) students and families served by
25 low-income local educational agencies; and

1 (ii) teachers, administrators, and
2 other staff who work for low-income local
3 educational agencies;

4 (C) enable participating graduates to meet
5 the unique needs of students at risk of negative
6 educational outcomes, including students who—

7 (i) are English language learners;

8 (ii) have a parent or caregiver who is
9 a migrant worker;

10 (iii) have a parent or caregiver who is
11 a member of the Armed Forces, including
12 the National Guard, who has been de-
13 ployed or returned from deployment;

14 (iv) are homeless, including unaccom-
15 panied youth;

16 (v) have come into contact with the
17 juvenile justice system or adult criminal
18 justice system, including students currently
19 or previously held in juvenile detention fa-
20 cilities or adult jails and students currently
21 or previously held in juvenile correctional
22 facilities or adult prisons;

23 (vi) have been identified as eligible for
24 services under the Individuals with Disabil-
25 ities Education Act (20 U.S.C. 1400 et

1 seq.) or the Rehabilitation Act of 1973 (29
2 U.S.C. 701 et seq.);

3 (vii) have been a victim to or wit-
4 nessed domestic violence or violence in
5 their community;

6 (viii) have been exposed to substance
7 misuse at home or in the community; or

8 (ix) are foster care youth, youth aging
9 out of foster care, or former foster youth;
10 and

11 (D) utilize best practices determined by the
12 American School Counselor Association, Na-
13 tional Association of Social Workers, School So-
14 cial Work Association of America, and National
15 Association of School Psychologists and other
16 relevant organizations;

17 (7) to provide tuition credits to graduate stu-
18 dents participating in the pipeline program; and

19 (8) for similar activities to fulfill the purpose of
20 this Act, as the Secretary determines appropriate.

21 (g) SUPPLEMENT NOT SUPPLANT.—Funds made
22 available under this section shall be used to supplement,
23 not supplant, other Federal, State, or local funds available
24 for the activities described in subsection (f).

25 (h) REPORTING REQUIREMENTS.—

1 (1) IN GENERAL.—Each eligible partnership
2 that receives a grant under this section shall prepare
3 and submit to the Secretary an annual report on the
4 progress of the eligible partnership in carrying out
5 the grant. Such report shall include a description
6 of—

7 (A) actual service delivery provided
8 through the grant funds, including—

9 (i) characteristics of the participating
10 eligible graduate institution, including de-
11 scriptive information on the educational
12 model used and the actual academic pro-
13 gram performance;

14 (ii) characteristics of graduate stu-
15 dents participating in the pipeline program
16 supported under the grant, including—

17 (I) performance on any examina-
18 tions required by the State for
19 credentialing or licensing;

20 (II) demographic characteristics;

21 and

22 (III) graduate student retention
23 rates;

24 (iii) characteristics of students of the
25 participating low-income local educational

1 agency, including performance on any tests
2 required by the State educational agency,
3 demographic characteristics, and pro-
4 motion, persistence, and graduation rates,
5 as appropriate;

6 (iv) an estimate of the annual imple-
7 mentation costs of the pipeline program;
8 and

9 (v) the numbers of students, schools,
10 and graduate students participating in the
11 pipeline program;

12 (B) outcomes that are consistent with the
13 purpose of the grant program under this Act,
14 including—

15 (i) internship and post-graduation
16 placement of the participating graduate
17 students;

18 (ii) graduation and professional career
19 readiness indicators; and

20 (iii) characteristics of the partici-
21 pating low-income local educational agency,
22 including changes in the hiring and reten-
23 tion of qualified and effective teachers and
24 school-based mental health services pro-
25 viders;

1 (C) the instruction, materials, and activi-
2 ties being funded under the grant; and

3 (D) the effectiveness of any training and
4 ongoing professional development provided—

5 (i) to students and faculty in the ap-
6 propriate departments or schools of the
7 participating eligible graduate institution;

8 (ii) to the faculty, administration, and
9 staff of the participating low-income local
10 educational agency; and

11 (iii) to the broader community of pro-
12 viders of social, emotional, behavioral, and
13 related support to students and to those
14 individuals who train such providers.

15 (2) PUBLICATION.—The Secretary shall publish
16 the annual reports submitted under paragraph (1)
17 on the website of the Department of Education.

18 (i) EVALUATIONS.—

19 (1) INTERIM EVALUATIONS.—The Secretary
20 may conduct interim evaluations to determine
21 whether each eligible partnership receiving a grant
22 under this section is making adequate progress as
23 the Secretary considers appropriate. The contents of
24 the annual report submitted to the Secretary under
25 subsection (h) may be used by the Secretary to de-

1 terminate whether an eligible partnership receiving a
2 grant is demonstrating adequate progress.

3 (2) FINAL EVALUATION.—The Secretary shall
4 conduct a final evaluation to—

5 (A) determine the effectiveness of the
6 grant program in carrying out the purpose of
7 this Act; and

8 (B) compare the relative effectiveness of
9 each of the various activities described by sub-
10 section (f) for which grant funds may be used.

11 (j) REPORT.—Not earlier than 5 years nor later than
12 6 years after the date of enactment of this Act, the Sec-
13 retary shall submit to Congress a report containing—

14 (1) the findings of the evaluation conducted
15 under subsection (i)(2); and

16 (2) such recommendations as the Secretary con-
17 siders appropriate.

18 (k) AUTHORIZATION OF APPROPRIATIONS.—

19 (1) IN GENERAL.—There is authorized to be
20 appropriated to the Secretary to carry out the pro-
21 gram under this section, \$200,000,000 for fiscal
22 year 2022 and for each succeeding fiscal year.

23 (2) RESERVATION FOR EVALUATION.—From
24 the total amount appropriated to carry out this sec-
25 tion each fiscal year, the Secretary shall reserve not

1 more than 3 percent for evaluations under sub-
2 section (i).

3 **SEC. 4. STUDENT LOAN REPAYMENT FOR SCHOOL-BASED**
4 **MENTAL HEALTH SERVICES PROVIDERS.**

5 (a) ESTABLISHMENT OF PROGRAM.—The Secretary
6 shall establish and carry out a program to provide repay-
7 ment of student loans made, insured, or guaranteed under
8 parts B, D, and E of title IV of the Higher Education
9 Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., and
10 1087aa et seq.) to individuals who are employed by low-
11 income local educational agencies as school-based mental
12 health services providers.

13 (b) AGREEMENT.—In carrying out subsection (a), the
14 Secretary shall enter into agreements with individuals to
15 make payments in accordance with this section on the
16 principal of, and interest on, any eligible loan and the indi-
17 viduals agree to complete a 5-year period of consecutive
18 employment by a low-income local educational agency as
19 a school-based mental health services provider and facili-
20 tate verification of such employment annually by the Sec-
21 retary.

22 (c) ELIGIBLE INDIVIDUAL.—In order to be eligible
23 under this section, an individual shall—

24 (1) be a recent graduate of an institution of
25 higher education or a mid-career professional newly

1 embarking on a career as a school-based mental
2 health provider; and

3 (2) submit an application to the Secretary at
4 such time, in such manner, and containing such in-
5 formation as the Secretary may require.

6 (d) ELIGIBLE LOANS.—The loans eligible for repay-
7 ment under this section include the following:

8 (1) Any Federal Family Education Loan under
9 part B of title IV of the Higher Education Act of
10 1965 (20 U.S.C. 1071 et seq.).

11 (2) Any Federal Direct Stafford Loan, Federal
12 Direct PLUS Loan, or Federal Direct Unsubsidized
13 Stafford Loan, or Federal Direct Consolidation
14 Loan (as such terms are used in section 455 of the
15 Higher Education Act of 1965 (20 U.S.C. 1087e)).

16 (3) Any Federal Perkins Loan under part E of
17 title IV of the Higher Education Act of 1965 (20
18 U.S.C. 1087aa et seq.).

19 (4) Any other Federal loan made, insured, or
20 guaranteed under part B, D, or E of title IV of the
21 Higher Education Act of 1965 (20 U.S.C. 1071 et
22 seq., 1087a et seq., and 1087aa et seq.).

23 (e) PAYMENTS.—

24 (1) IN GENERAL.—The Secretary shall pay—

1 (A) for each of the first 4 consecutive
2 school years of employment as a school-based
3 mental health services provider by a low-income
4 local educational agency completed, $\frac{1}{5}$ of the
5 principal of, and interest on, each eligible loan
6 of the individual which is outstanding on the
7 date the individual began such employment; and

8 (B) for the 5th consecutive year of such
9 employment completed, the remainder of such
10 principal and interest.

11 (2) MAXIMUM AGGREGATE.—The total amount
12 of payments under this section to any individual
13 shall not exceed \$200,000 in the aggregate.

14 (3) LIMITATION.—The failure by an individual
15 to complete the full period of employment obligated
16 pursuant to an agreement under subsection (b),
17 taken alone, shall not constitute a breach of the
18 agreement, so long as the individual completed in
19 good faith any year or years of employment for
20 which payments were made to the individual under
21 paragraph (1). An individual who fails to complete
22 the full period of employment obligated pursuant to
23 an agreement under subsection (b) shall not be
24 asked or required to pay back a payment received
25 under such paragraph solely due to such failure.

1 (f) ADDITIONAL ELIGIBILITY PROVISIONS.—

2 (1) CONTINUED ELIGIBILITY.—Any individual
3 who is employed by a local educational agency that
4 meets the requirements of section 2(6) in the 1st
5 year of the 5-year period of consecutive employment
6 required under this section, but in a subsequent year
7 fails to meet such requirements, may continue em-
8 ployment by such local educational agency and shall
9 be eligible for loan repayment under this section.

10 (2) DOUBLE BENEFITS.—A borrower may, for
11 the same employment, receive a benefit under both
12 this section and the public service loan forgiveness
13 program under section 455(m) of the Higher Edu-
14 cation Act of 1965 (20 U.S.C. 1087e(m)). Each year
15 of receipt of a benefit under this section shall be
16 considered 12 months of payments for the purposes
17 of such public service loan forgiveness program.

18 (3) RECONSIDERATION.—In any case where the
19 Secretary has determined that a recipient of assist-
20 ance under this section has failed or refused to com-
21 ply with the employment obligation in the agreement
22 under subsection (b), the recipient may request that
23 the Secretary reconsider such initial determination
24 and may submit additional information to dem-
25 onstrate satisfaction of the employment obligation.

1 Upon receipt of such a request, the Secretary shall
2 reconsider the determination in accordance with this
3 paragraph not later than 90 days after the date that
4 such request was received.

5 (g) **DIRECTORY.**—The Secretary shall maintain a di-
6 rectory that lists the local educational agencies that meet
7 the requirements of section 2(6).

8 (h) **AUTHORIZATION OF APPROPRIATIONS.**—There
9 are authorized to be appropriated to the Secretary such
10 sums as may be necessary to carry out the program under
11 this section.

12 **SEC. 5. FUTURE DESIGNATION STUDY.**

13 (a) **IN GENERAL.**—The Secretary shall conduct a
14 study to identify a formula for future designation of re-
15 gions with a shortage of school-based mental health serv-
16 ices providers to use in implementing grant programs and
17 other programs such as the programs established under
18 this Act or for other purposes related to any such designa-
19 tion.

20 (b) **BASIS OF FORMULA.**—The formula described in
21 subsection (a) shall be based on the latest available data
22 regarding an area served by a low-income local educational
23 agency on—

24 (1) the number of residents under the age of 18
25 in such area;

1 (2) the percentage of the population of such
2 area with incomes below the poverty line;

3 (3) the percentage of residents age 18 or older
4 in such area who have earned secondary school di-
5 plomas;

6 (4) the percentage of students in such area who
7 are identified as eligible for special education serv-
8 ices;

9 (5) the youth crime rate in such area;

10 (6) the current number of full-time-equivalent
11 and active school-based mental health services pro-
12 viders employed by the low-income local educational
13 agency in such area, in the aggregate and
14 disaggregated by profession;

15 (7) the number of students in such area in mili-
16 tary families with parents in the Armed Forces (in-
17 cluding the National Guard and Reserves) who have
18 been alerted for deployment, are currently deployed,
19 or have returned from a deployment in the previous
20 school year; and

21 (8) such other criteria as the Secretary con-
22 siders appropriate.

23 (c) REPORT.—Not later than 2 years after the date
24 of enactment of this Act, the Secretary shall submit to

- 1 Congress a report containing the findings of the study
- 2 conducted under subsection (a).

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