

115TH CONGRESS  
2D SESSION

# S. 3427

To effectively staff the public elementary schools and secondary schools of the United States with school-based mental health services providers.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2018

Mr. MERKLEY (for himself, Mr. WYDEN, Mr. BLUMENTHAL, Mr. BENNET, Mr. VAN HOLLEN, and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To effectively staff the public elementary schools and secondary schools of the United States with school-based mental health services providers.

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 “Elementary and Sec-  
5       ondary School Counseling Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) One in 5 children ages 13 through 18 have,  
9       or will have, a serious mental illness.

1           (2) 11 percent of youth have a mood disorder,  
2           10 percent of youth have a behavior or conduct dis-  
3           order, and 8 percent of youth have an anxiety dis-  
4           order.

5           (3) 50 percent of all lifetime cases of mental ill-  
6           ness begin by age 14. 37 percent of students with  
7           a mental health condition age 14 and older drop out  
8           of school, which is the highest school dropout rate  
9           of any disability group.

10          (4) 70 percent of youth in State and local juve-  
11          nile systems have a mental illness.

12          (5) Youth with access to mental health services  
13          in school-based health centers are 10 times more  
14          likely to seek care for mental health or substance  
15          abuse than youth without access.

16          (6) The leading counseling, guidance, and men-  
17          tal health organizations, including the American  
18          School Counselor Association, the National Associa-  
19          tion of School Psychologists, the National Associa-  
20          tion of Social Workers, and the School Social Work  
21          Association of America, recommend that schools  
22          maintain—

23                 (A) a maximum student to school coun-  
24                 selor ratio of 250 to 1;

1 (B) a maximum student to school psychol-  
2 ogist ratio of 500–700 to 1; and

3 (C) a maximum student to school social  
4 worker ratio of 250 to 1.

5 **SEC. 3. DEFINITIONS.**

6 In this Act:

7 (1) ESEA DEFINITIONS.—The terms “elemen-  
8 tary school”, “local educational agency”, “secondary  
9 school”, “State”, and “State educational agency”  
10 have the meanings given the terms in section 8101  
11 of the Elementary and Secondary Education Act of  
12 1965 (20 U.S.C. 7801).

13 (2) SCHOOL-BASED MENTAL HEALTH SERVICES  
14 PROVIDER.—The term “school-based mental health  
15 services provider” has the meaning given the term in  
16 section 4102 of the Elementary and Secondary Edu-  
17 cation Act of 1965 (20 U.S.C. 7112).

18 (3) SECRETARY.—The term “Secretary” means  
19 the Secretary of Education.

20 **SEC. 4. GRANTS.**

21 (a) PROGRAM AUTHORIZED.—

22 (1) IN GENERAL.—From the amounts made  
23 available under section 5 for a fiscal year, the Sec-  
24 retary shall award grants, in amounts determined  
25 under subsection (b), to State educational agencies

1 to enable the State educational agencies to award  
2 subgrants to local educational agencies in order to  
3 provide school-based mental health services providers  
4 at public elementary schools and secondary schools  
5 served by the local educational agencies.

6 (2) DURATION.—A grant awarded under this  
7 section shall be for a 5-year period and may be re-  
8 newed for additional 5-year periods upon a showing  
9 of adequate progress, as determined by the Sec-  
10 retary.

11 (b) AMOUNTS OF GRANTS.—

12 (1) BASE AMOUNT ALLOTMENT.—

13 (A) BASE AMOUNT.—The Secretary shall  
14 use \$2,000,000,000 of the amounts made avail-  
15 able under section 5 for a fiscal year to provide  
16 a base grant for such fiscal year to each State  
17 educational agency that submits a complete ap-  
18 plication, on a proportional basis based on the  
19 number of elementary school and secondary  
20 school students in each State, subject to sub-  
21 paragraph (C).

22 (B) RATABLE REDUCTION.—If the  
23 amounts made available under section 5 are less  
24 than \$2,000,000,000, the Secretary shall rat-  
25 ably reduce the amount provided under sub-

1 paragraph (A) to each State, subject to sub-  
2 paragraph (C).

3 (C) MANDATORY MINIMUM.—No State  
4 shall receive less than \$1,000,000 under sub-  
5 paragraph (A) for a fiscal year.

6 (2) NEED-BASED ADDITIONAL FUNDING.—

7 (A) IN GENERAL.—In any fiscal year for  
8 which the funds made available under section 5  
9 are greater than \$2,000,000,000, the Secretary  
10 shall use such additional funds to provide, on a  
11 competitive basis, additional amounts for the  
12 grants provided under this section to State edu-  
13 cational agencies that agree to meet the match-  
14 ing requirement under subparagraph (B).

15 (B) MATCHING REQUIREMENTS.—In order  
16 to receive additional funding under this para-  
17 graph, a State educational agency shall agree to  
18 provide matching funds, in an amount equal to  
19 not less than one-half of the additional amount  
20 provided under subparagraph (A), toward the  
21 costs of the activities carried out under this  
22 grant.

23 (C) AWARD BASIS.—The Secretary shall  
24 award the additional amounts under subpara-  
25 graph (A) based on the need for school-based

1           mental health services providers in the public  
2           elementary schools and secondary schools in the  
3           State and the Secretary's assessment of the ra-  
4           tios included in each application under sub-  
5           section (c)(3).

6           (3) AMOUNT LIMITATION.—In no case shall the  
7           total amount awarded under this subsection exceed  
8           the amount needed to meet the recommended max-  
9           imum student-to-provider ratios described in sub-  
10          section (d)(1)(B) in all public elementary schools  
11          and secondary schools in the State.

12          (c) APPLICATION.—A State educational agency desir-  
13          ing a grant under this section shall submit an application  
14          at such time, in such manner, and containing such infor-  
15          mation as the Secretary may require. Each application  
16          shall include—

17               (1) a description of how the State educational  
18               agency will award subgrants to local educational  
19               agencies under subsection (d) consistent with the  
20               consideration described in subsection (b)(2)(C);

21               (2) a description of how the State educational  
22               agency will disseminate, in a timely manner, infor-  
23               mation regarding the subgrants and the application  
24               process for such subgrants to eligible local edu-  
25               cational agencies; and

1           (3) the ratios, as of the date of application, of  
2 students to school-based mental health services pro-  
3 viders in each public elementary school and sec-  
4 ondary school in the State, in the aggregate and  
5 disaggregated to include—

6           (A) the ratios of students to school coun-  
7 selors, school psychologists, and school social  
8 workers; and

9           (B) as applicable, the ratios of students to  
10 other school-based mental health services pro-  
11 viders not described in subparagraph (A), in the  
12 aggregate and disaggregated by type of pro-  
13 vider.

14 (d) SUBGRANTS.—

15           (1) IN GENERAL.—A State educational agency  
16 receiving a grant under this section shall use grant  
17 funds to award subgrants, on a competitive basis, to  
18 local educational agencies in the State, to enable the  
19 local educational agencies to—

20           (A) employ a school-based mental health  
21 services provider at each public elementary  
22 school and secondary school served by the local  
23 educational agency; and

24           (B) work toward effectively staffing the  
25 public elementary schools and secondary schools

1 of the State with school-based mental health  
2 services providers, including by meeting the rec-  
3 ommended maximum ratios of—

4 (i) 250 students per school counselor;

5 (ii) 500 to 700 students per school  
6 psychologist; and

7 (iii) 250 students per school social  
8 worker.

9 (2) APPLICATION.—A local educational agency  
10 desiring a subgrant under this subsection shall sub-  
11 mit an application to the State educational agency  
12 at such time, in such manner, and containing such  
13 information as the State educational agency may re-  
14 quire.

15 (e) GRANT AND SUBGRANT REQUIREMENTS.—

16 (1) SUPPLEMENT, NOT SUPPLANT.—Amounts  
17 provided under a grant or subgrant under this sec-  
18 tion shall supplement, and not supplant, any other  
19 funds available to a State educational agency or  
20 local educational agency for school-based mental  
21 health services.

22 (2) COMBINING FUNDS ALLOWED.—A State  
23 educational agency receiving a grant under this sec-  
24 tion may combine funds made available under this



1 section with State or local funds to carry out the ac-  
2 tivities described in subsection (d)(1).

3 (f) REPORT.—

4 (1) IN GENERAL.—A State educational agency  
5 receiving a grant under this section shall annually  
6 prepare and submit a report to the Secretary that—

7 (A) evaluates the progress made in achiev-  
8 ing the purposes of the grant;

9 (B) includes the most recent student to  
10 provider ratios, in the aggregate and  
11 disaggregated as provided in subsection (c)(3),  
12 for public elementary schools and secondary  
13 schools in the State that were assisted under  
14 the grant under this section; and

15 (C) describes any other resources needed  
16 to meet the required recommended maximum  
17 student to school-based mental health services  
18 provider ratios.

19 (2) PUBLIC AVAILABILITY.—The Secretary  
20 shall make all reports submitted under paragraph  
21 (1) available to the public, including through the  
22 website of the Department.

23 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

24 In order to provide school-based mental health serv-  
25 ices providers in public elementary schools and secondary

1 schools in the States, there are authorized to be appro-  
2 priated to carry out this section—

3           (1) \$5,000,000,000 for fiscal year 2019; and

4           (2) such sums as may be necessary for each  
5 succeeding fiscal year.

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