

108TH CONGRESS  
1ST SESSION

# H. R. 2284

To amend the Elementary and Secondary Education Act of 1965 to direct the Secretary of Education to make grants to States for assistance in hiring additional school-based mental health and student service providers.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 2, 2003

Ms. LEE (for herself, Mr. BROWN of Ohio, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Mr. KENNEDY of Rhode Island, Mrs. JONES of Ohio, Mr. GEORGE MILLER of California, Mr. PAYNE, Mr. GUTIERREZ, Mr. RODRIGUEZ, Mr. MARKEY, Ms. CORRINE BROWN of Florida, Mr. HASTINGS of Florida, Mr. FROST, Ms. KAPTUR, Ms. WOOLSEY, Mr. FATTAH, Mr. NADLER, Mr. MCGOVERN, Mr. RUSH, Ms. SCHAKOWSKY, and Mr. MENENDEZ) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Elementary and Secondary Education Act of 1965 to direct the Secretary of Education to make grants to States for assistance in hiring additional school-based mental health and student service providers.

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. SCHOOL-BASED MENTAL HEALTH AND STU-**  
2 **DENT SERVICE PROVIDERS.**

3 (a) IN GENERAL.—Subpart 14 of title V of the Ele-  
4 mentary and Secondary Education Act of 1965 (20 U.S.C.  
5 7269 et seq.) is amended—

6 (1) by inserting after the subpart heading the  
7 following:

8 **“CHAPTER A—SYSTEMS INTEGRATION;**  
9 **PROMOTION OF SCHOOL READINESS”;**

10 and

11 (2) by adding at the end the following:

12 **“CHAPTER B—SCHOOL-BASED MENTAL**  
13 **HEALTH AND STUDENT SERVICE PRO-**  
14 **VIDERS**

15 **“SEC. 5545. FINDINGS.**

16 “Congress finds the following:

17 “(1) The Surgeon General of the Public Health  
18 Service has found that although 1 in 10 children  
19 and adolescents suffer from mental illness severe  
20 enough to cause some level of impairment, in any  
21 given year fewer than 1 in 5 of these children re-  
22 ceives needed treatment. The short- and long-term  
23 consequences of untreated childhood mental dis-  
24 orders are costly, in both human and fiscal terms.

25 “(2) School counselors, school social workers,  
26 and school psychologists are needed to help these

1 children and to provide a variety of crucial support  
2 services.

3 “(3) Across the United States, there are insuffi-  
4 cient resources for school-based counseling profes-  
5 sionals, and often students do not get the help they  
6 need. The current national average ratio of students  
7 to school counselors in elementary and secondary  
8 schools is 561 to 1.

9 “(4) United States schools need more mental  
10 health professionals, and they need the flexibility to  
11 hire the professionals that will best serve their stu-  
12 dents.

13 “(5) According to the Institute of Medicine of  
14 the National Academy of Sciences, the maximum  
15 recommended ratio of—

16 “(A) students to school counselors is 250  
17 to 1;

18 “(B) students to school psychologists is  
19 1,000 to 1; and

20 “(C) students to school social workers is  
21 800 to 1.

22 “(6) In some States, 1 school counselor typi-  
23 cally serves over 1,000 students. Ratios for school  
24 psychologists and school social workers are also ex-  
25 tremely high. In some schools, no school-based men-

1 tal health and student service provider is available to  
2 assist students in times of crisis, or at any other  
3 time.

4 “(7) The number of students is expected to  
5 grow significantly over the next few years. During  
6 this time, many school-based mental health profes-  
7 sionals who currently serve the Nation’s youth will  
8 retire.

9 “(8) Model programs using school-based mental  
10 health and student service providers have reduced  
11 school suspensions, reduced referrals to the prin-  
12 cipal’s office, reduced the use of weapons, force, and  
13 threats, and increased students’ feelings of safety.

14 **“SEC. 5546. PURPOSES.**

15 “The purposes of this chapter are to assist States and  
16 local educational agencies in hiring additional school-based  
17 mental health providers, including additional school coun-  
18 selors, school psychologists, and school social workers to  
19 achieve each of the following:

20 “(1) To reduce the ratios of school-based men-  
21 tal health and student service providers to students  
22 in elementary and secondary schools in the United  
23 States to the following minimum ratios rec-  
24 ommended by the Institute of Medicine of the Na-

1 tional Academy of Sciences in its 1997 report  
2 ‘Schools and Health: Our Nation’s Investment’:

3 “(A) 1 school counselor for every 250 stu-  
4 dents;

5 “(B) 1 school psychologist for every 1,000  
6 students; and

7 “(C) 1 school social worker for every 800  
8 students.

9 “(2) To provide school-based mental health and  
10 student services.

11 “(3) To remove emotional, behavioral, and psy-  
12 chosocial barriers to learning so as to enhance stu-  
13 dents classroom preparedness and ability to learn.

14 “(4) To support school staff and teachers in  
15 improving classroom management, conducting be-  
16 havioral interventions to improve school discipline,  
17 and developing the awareness and skills to identify  
18 early warning signs of violence and the need for  
19 mental health services.

20 “(5) To support parental involvement in im-  
21 proving the school behavior and academic success of  
22 their children.

23 **“SEC. 5547. DEFINITIONS.**

24 “In this chapter, the following definitions apply:

1           “(1) CHILD.—The term ‘child’ means an indi-  
2           vidual who is not less than 5 years old and not more  
3           than 17 years old.

4           “(2) CHILD IN POVERTY.—The term ‘child in  
5           poverty’ means a child from a family with an income  
6           below the poverty line.

7           “(3) MENTAL HEALTH AND STUDENT SERVICE  
8           PROVIDER.—The term ‘mental health and student  
9           service provider’ means a qualified individual who  
10          provides mental health and student services, includ-  
11          ing any individual who is a qualified school coun-  
12          selor, a qualified school psychologist, or a qualified  
13          school social worker.

14          “(4) MENTAL HEALTH AND STUDENT SERV-  
15          ICES.—The term ‘mental health and student serv-  
16          ices’ includes direct, individual, and group services  
17          provided to students, parents, and school personnel  
18          by mental health and student service providers, and  
19          the coordination of prevention strategies in schools  
20          or community-based programs.

21          “(5) POVERTY LINE.—The term ‘poverty line’  
22          means the poverty line (as defined by the Office of  
23          Management and Budget, and revised annually in  
24          accordance with section 673(2) of the Community

1 Services Block Grant Act (42 U.S.C. 9902(2)) appli-  
2 cable to a family of the size involved.

3 “(6) SCHOOL COUNSELOR.—The term ‘school  
4 counselor’ means an individual who has documented  
5 competence in counseling children and adolescents in  
6 a school setting and who—

7 “(A) possesses State licensure or certifi-  
8 cation granted by an independent professional  
9 regulatory authority;

10 “(B) possesses national certification in  
11 school counseling or a specialty of counseling  
12 granted by an independent professional organi-  
13 zation; or

14 “(C) holds a minimum of a master’s de-  
15 gree in school counseling from a program ac-  
16 credited by the Council for Accreditation of  
17 Counseling and Related Educational Programs  
18 or the equivalent.

19 “(7) SCHOOL PSYCHOLOGIST.—The term  
20 ‘school psychologist’ means an individual who—

21 “(A) possesses a minimum of 60 graduate  
22 semester hours in school psychology from an in-  
23 stitution of higher education and has completed  
24 1,200 clock hours in a supervised school psy-

1           chology internship, of which 600 hours shall be  
2           in a school setting;

3           “(B) possesses State licensure or certifi-  
4           cation in school psychology in the State in  
5           which the individual works; or

6           “(C) possesses national certification by the  
7           National School Psychology Certification Board.

8           “(8) SCHOOL SOCIAL WORKER.—The term  
9           ‘school social worker’ means an individual who—

10           “(A) holds a master’s degree in social work  
11           from a program accredited by the Council on  
12           Social Work Education;

13           “(B) is licensed or certified by the State in  
14           which services are provided; or

15           “(C) possesses a national credential or na-  
16           tional certification as a school social work spe-  
17           cialist granted by an independent professional  
18           organization.

19           “(9) STATE.—The term ‘State’ means each of  
20           the several States, the District of Columbia, and the  
21           Commonwealth of Puerto Rico.

22   **“SEC. 5548. SCHOOL-BASED MENTAL HEALTH AND STU-**  
23           **DENT SERVICE PROVIDER GRANT PROGRAM.**

24           “(a) IN GENERAL.—In accordance with this chapter,  
25           the Secretary shall make grants to eligible States to assist

1 local educational agencies in those States in hiring addi-  
2 tional school-based mental health and student service pro-  
3 viders.

4 “(b) ALLOCATION OF FUNDS.—From the total  
5 amount appropriated for a fiscal year to carry out this  
6 chapter, the Secretary shall—

7 “(1) make available 1 percent of such amount  
8 to the Secretary of the Interior (on behalf of the Bu-  
9 reau of Indian Affairs) and the outlying areas for  
10 activities that carry out the purposes of this chapter;  
11 and

12 “(2) make available in the form of grants to  
13 each eligible State an amount equal to the sum of—

14 “(A) an amount that bears the same rela-  
15 tionship to 50 percent of such total amount as  
16 the number of children in poverty who reside in  
17 the State bears to the number of such children  
18 in all States; and

19 “(B) an amount that bears the same rela-  
20 tionship to 50 percent of such total amount as  
21 the number of children enrolled in public and  
22 private nonprofit elementary schools and sec-  
23 ondary schools in the State bears to the number  
24 of children enrolled in all such schools in all  
25 States.

1       “(c) MINIMUM GRANT.—Notwithstanding subsection  
2 (b), no grant under this section shall be for an amount  
3 less than \$1,000,000.

4       “(d) REALLOCATION.—The Secretary shall reallocate  
5 to States that have received approval under subsection  
6 (e)(2) any funds allocated under subsection (b) to a State  
7 that fails to submit an application that is approved by the  
8 Secretary.

9       “(e) APPLICATION BY STATE.—

10           “(1) IN GENERAL.—To be eligible to receive a  
11 grant under this chapter, a State shall submit an  
12 application to the Secretary at such time, in such  
13 manner, and containing such information as the Sec-  
14 retary may require.

15           “(2) APPROVAL.—The Secretary may not ap-  
16 prove an application under this subsection unless the  
17 State submitting the application—

18                   “(A) presents a plan, which the Secretary  
19 considers to be reasonable, under which the  
20 State will make grants, in accordance with the  
21 purposes of this chapter, to local educational  
22 agencies to fund the hiring of additional school  
23 counselors, school psychologists, and school so-  
24 cial workers; and

1           “(B) provides an assurance that the State  
2           will provide the matching amount required  
3           under subsection (g).

4           “(f) USE OF FUNDS BY STATE.—

5           “(1) IN GENERAL.—In accordance with this  
6           subsection, the total of the amounts made available  
7           to a State under this section and the amounts of the  
8           non-Federal match required under subsection (g)  
9           may only be used by a State to make grants to local  
10          educational agencies to assist such agencies in hiring  
11          additional school-based mental health and student  
12          service providers.

13          “(2) ADMINISTRATIVE COSTS.—In each fiscal  
14          year, a State may use not more than 5 percent of  
15          the assistance made available to it under this chap-  
16          ter for the administrative costs of the State in car-  
17          rying out the State’s responsibilities under this  
18          chapter.

19          “(3) ALLOCATION OF FUNDS.—In making  
20          grants in accordance with this subsection, the State  
21          shall allocate from the total described in paragraph  
22          (1) to each local educational agency an amount  
23          equal to the sum of—

24                  “(A) an amount that bears the same rela-  
25                  tionship to 50 percent of such total as the num-

1           ber of children in poverty who reside in the  
2           school district served by the local educational  
3           agency bears to the number of such children  
4           who reside in all the school districts in the  
5           State; and

6                   “(B) an amount that bears the same rela-  
7                   tionship to 50 percent of such total as the num-  
8                   ber of children enrolled in public and private  
9                   nonprofit elementary schools and secondary  
10                  schools in the school district served by the local  
11                  educational agency bears to the number of chil-  
12                  dren enrolled in all such schools in the State.

13                  “(4) MINIMUM GRANT.—Notwithstanding para-  
14                  graph (3), no grant made by a State in accordance  
15                  with this subsection shall be for an amount less than  
16                  \$50,000.

17                  “(5) SOURCE OF DATA.—For purposes of para-  
18                  graph (3), the State shall use data from the most  
19                  recent fiscal year for which satisfactory data are  
20                  available, except that the State may adjust such  
21                  data, or use alternative child poverty data, if the  
22                  State demonstrates to the Secretary’s satisfaction  
23                  that such adjusted or alternative data more accu-  
24                  rately reflect the relative incidence of children who

1 are living in poverty and who reside in the school  
2 districts in the State.

3 “(6) APPLICATION BY LOCAL EDUCATIONAL  
4 AGENCIES.—A State may require that, in order to  
5 be eligible for a grant made by the State in accord-  
6 ance with this subsection, a local educational agency  
7 shall submit an application to the State at such  
8 time, in such manner, and containing such informa-  
9 tion as the State may require.

10 “(g) MATCHING FUNDS.—

11 “(1) IN GENERAL.—As a condition of receiving  
12 a grant under this section, the Secretary shall re-  
13 quire that a State provide from non-Federal sources  
14 an amount equal to the amount of the grant.

15 “(2) LOCAL CONTRIBUTION.—In making grants  
16 to local educational agencies in accordance with this  
17 subsection, a State may require that a local edu-  
18 cational agency match a portion of the amount of  
19 the grant made to the agency.

20 “(3) FORM.—The non-Federal share required  
21 by this subsection may be provided in cash or in  
22 kind, fairly evaluated, and may include facilities,  
23 equipment, or services.

24 “(h) FUNDS TO BE SUPPLEMENTARY.—Assistance  
25 made available under this chapter shall be used to supple-

1 ment, and may not supplant, Federal, State, or local funds  
2 used for employing school-based mental health and stu-  
3 dent service providers.

4 “(i) DATA COLLECTION AND REPORT.—

5 “(1) IN GENERAL.—For each fiscal year for  
6 which it receives assistance under this chapter, a  
7 State shall collect data describing how the assistance  
8 is used.

9 “(2) REPORT.—Not later than 1 year after as-  
10 sistance is made available to a State under this  
11 chapter, the State shall transmit to the Secretary a  
12 report on the data described in paragraph (1), in-  
13 cluding information with respect to each local edu-  
14 cational agency to which the State made a grant  
15 with assistance made available under this chapter—

16 “(A) the number of school counselors,  
17 school psychologists, and school social workers  
18 employed by local educational agency; and

19 “(B) the ratio of students to school coun-  
20 selors, the ratio of students to school psycholo-  
21 gists, and the ratio of students to school social  
22 workers.

23 “(3) SOURCE OF FUNDS.—A State may use a  
24 portion of the assistance permitted to be used for

1 administrative costs to carry out its responsibilities  
2 under this subsection.

3 “(4) PUBLICATION.—The Secretary shall make  
4 data received under this subsection publicly available  
5 on an annual basis.

6 **“SEC. 5549. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to be appropriated to carry out  
8 this chapter \$100,000,000 for each of fiscal years 2004  
9 through 2008.”.

10 (b) CLERICAL AMENDMENTS.—The table of contents  
11 for the Elementary and Secondary Education Act of 1965  
12 (20 U.S.C. 6301 et seq.) is amended by amending the  
13 items relating to subpart 14 of title V to read as follows:

“Subpart 14—Grants to Improve the Mental Health of Children

“CHAPTER A—SYSTEMS INTEGRATION; PROMOTION OF SCHOOL READINESS

“Sec. 5541. Grants for the integration of schools and mental health systems.

“Sec. 5542. Promotion of school readiness through early childhood emotional  
and social development.

“CHAPTER B—SCHOOL-BASED MENTAL HEALTH AND STUDENT SERVICE  
PROVIDERS

“Sec. 5545. Findings.

“Sec. 5546. Purposes.

“Sec. 5547. Definitions.

“Sec. 5548. School-based mental health and student service provider grant pro-  
gram.

“Sec. 5549. Authorization of appropriations.”.

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