

118TH CONGRESS
2D SESSION

S. 4407

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

IN THE SENATE OF THE UNITED STATES

MAY 23, 2024

Mr. MERKLEY (for himself, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Ms. BUTLER, Mr. CASEY, Mr. COONS, Mr. DURBIN, Mr. FETTERMAN, Mr. HEINRICH, Ms. HIRONO, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. MURPHY, Mr. PADILLA, Mr. REED, Mrs. SHAHEEN, Ms. SMITH, Mr. VAN HOLLEN, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To effectively staff the high-need 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:

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

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

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

12 (4) 70 percent of youth in State and local juve-
13 nile systems have a mental illness.

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

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

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

3 (B) a maximum student to school psychol-
4 ogist ratio of 500 to 1; and

5 (C) a maximum student to school social
6 worker ratio of 250 to 1.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) ESEA DEFINITIONS.—The terms “elemen-
10 tary school”, “local educational agency”, “secondary
11 school”, “State”, and “State educational agency”
12 have the meanings given the terms in section 8101
13 of the Elementary and Secondary Education Act of
14 1965 (20 U.S.C. 7801).

15 (2) HIGH-NEED SCHOOL.—The term “high-need
16 school” has the meaning given the term in section
17 2211(b) of the Elementary and Secondary Edu-
18 cation Act of 1965 (20 U.S.C. 6631(b)).

19 (3) OUTLYING AREA.—The term “outlying
20 area” means an outlying area specified in section
21 8101(36)(A) of the Elementary and Secondary Edu-
22 cation Act of 1965 (20 U.S.C. 7801(36)(A)).

23 (4) SCHOOL-BASED MENTAL HEALTH SERVICES
24 PROVIDER.—The term “school-based mental health
25 services provider” includes a State-icensed or State

certified school counselor, school psychologist, school social worker, community-based mental health provider organization, or other State licensed or certified mental health professional qualified under State law to provide mental health services to children and adolescents.

(5) SECRETARY.—The term “Secretary” means the Secretary of Education.

SEC. 4. GRANTS AND SUBGRANTS TO INCREASE ACCESS TO SCHOOL-BASED MENTAL HEALTH SERVICES PROVIDERS AT HIGH-NEED SCHOOLS.

(a) RESERVATIONS AND GRANTS.—

(1) RESERVATIONS.—From the total amount made available under section 5 for a fiscal year, the Secretary shall reserve—

(A) one-half of 1 percent for the Secretary of the Interior for the activities described in subsection (e)(1) in schools operated or funded by the Bureau of Indian Education;

(B) one-half of 1 percent for allotments for the outlying areas to be distributed among the outlying areas on the basis of their relative need for assistance in carrying out the activities described in subsection (e)(1), as determined by the Secretary; and

1 (C) not more than 2 percent for the ad-
2 ministration of this Act, and to provide tech-
3 nical assistance relating to this Act.

4 (2) GRANTS.—

5 (A) IN GENERAL.—From the total amount
6 made available under section 5 for a fiscal year
7 and remaining after funds are reserved under
8 paragraph (1) of this subsection, the Secretary
9 shall award grants to States in accordance with
10 subparagraph (B) to enable the States to award
11 subgrants to local educational agencies in order
12 to increase access to school-based mental health
13 services providers at high-need schools served
14 by the local educational agencies.

15 (B) FORMULA.—Subject to subparagraph
16 (C), the Secretary shall award a grant to each
17 State with an approved application under sub-
18 section (d) in an amount that bears the same
19 relationship to the remaining amount described
20 in subparagraph (A) as the amount such State
21 received under part A of title I of the Elemen-
22 tary and Secondary Education Act of 1965 (20
23 U.S.C. 6311 et seq.), as determined on the
24 basis of the most recent fiscal year for which
25 data are available, bears to the amount received

1 under such part (20 U.S.C. 6311 et seq.) by all
2 States with such an approved application, as so
3 determined.

4 (C) SMALL STATE MINIMUM.—No State re-
5 ceiving a grant under this paragraph shall re-
6 ceive less than one-half of 1 percent of the total
7 grant amount awarded under this paragraph.

8 (b) DURATION.—An allotment awarded under this
9 section shall be for a 5-year period and may be renewed
10 for additional 5-year periods upon a showing of adequate
11 progress on meeting the goals of the allotment, as deter-
12 mined by the Secretary.

13 (c) MATCHING REQUIREMENTS.—In order to receive
14 a grant under this Act, a State shall agree to provide
15 matching funds, in an amount equal to 20 percent of the
16 amount of the grant amount, toward the costs of the ac-
17 tivities carried out under the grant.

18 (d) APPLICATION.—For any State desiring to receive
19 a grant under this Act, the State educational agency shall
20 submit an application at such time, in such manner, and
21 containing such information as the Secretary may require.
22 Each application shall include, at a minimum—

23 (1) an assurance that the State will use the al-
24 lotment only for the activities described in sub-
25 section (e)(1);

1 (2) a description of how the State will award
2 subgrants to local educational agencies under sub-
3 section (e);

4 (3) a description of how the State will dissemi-
5 nate, in a timely manner, information regarding the
6 subgrants and the application process for such sub-
7 grants to local educational agencies; and

8 (4) the ratios, as of the date of application, of
9 students to school-based mental health services pro-
10 viders in each public elementary school and sec-
11 ondary school in the State, in the aggregate and
12 disaggregated to include—

13 (A) the ratios of students to school coun-
14 selors, school psychologists, and school social
15 workers; and

16 (B) as applicable, the ratios of students to
17 other school-based mental health services pro-
18 viders not described in subparagraph (A), in the
19 aggregate and disaggregated by type of pro-
20 vider.

21 (e) SUBGRANTS.—

22 (1) IN GENERAL.—A State receiving a grant
23 under this Act shall use such grant to award sub-
24 grants, on a competitive basis, to local educational

1 agencies in the State, to enable the local educational
2 agencies to—

3 (A) recruit and retain school-based mental
4 health services providers or contract with com-
5 munity mental health centers to work at high-
6 need schools served by the local educational
7 agency; and

8 (B) work toward effectively staffing the
9 high-need schools served by the local edu-
10 cational agency with school-based mental health
11 services providers, including by meeting the rec-
12 ommended maximum ratios of—

13 (i) 250 students per school counselor;

14 (ii) 500 students per school psycholo-
15 gist; and

16 (iii) 250 students per school social
17 worker.

18 (2) PRIORITY.—In awarding subgrants under
19 this subsection, a State shall give priority to local
20 educational agencies that serve a significant number
21 of high-need schools.

22 (3) APPLICATION.—A local educational agency
23 desiring a subgrant under this subsection shall sub-
24 mit an application to the applicable State at such
25 time, in such manner, and containing such informa-

tion as the State may require, including information on how the local educational agency will prioritize assisting high-need schools with the largest numbers or percentages of students from low-income families.

(f) ALLOTMENT AND SUBGRANT REQUIREMENTS.—

(1) SUPPLEMENT, NOT SUPPLANT.—Amounts provided as a grant to a State or as a subgrant to a local educational agency under this section shall supplement, and not supplant, any other funds available to such State or local educational agency for school-based mental health services.

(2) COMBINING FUNDS ALLOWED.—A State receiving a grant under this section may combine funds made available under this section with State or local funds to carry out the activities described in subsection (e)(1).

(g) REPORTS.—

(1) LOCAL EDUCATIONAL AGENCIES.—A local educational agency that receives a subgrant under this section shall submit an annual report to the State that awarded such subgrant on the activities carried out with the subgrant funds. Each such report shall—

(A) describe the activities carried out using subgrant funds;

(B) enumerate the number of school-based mental health services providers (in the aggregate and disaggregated by each type of provider listed in subsection (d)(4)) who—

(i) were employed by or otherwise served in high-need public elementary and secondary schools under the jurisdiction of the local educational agency for the year covered by the report; and

(ii) were supported with funds from the subgrant or matching funds during such year; and

(C) include the most recent student to school-based mental health services provider ratios listed in subsection (d)(4) for each high-need school under the jurisdiction of the local educational agency that was supported with the subgrant.

(2) STATE EDUCATIONAL AGENCIES.—A State receiving a grant under this section shall annually prepare and submit a report to the Secretary that—

(A) evaluates the progress made in achieving the recommended maximum student to school-based mental health services provider ratios described in subsection (e)(1)(B);

1 (B) includes the most recent student to
2 provider ratios, in the aggregate and
3 disaggregated as provided in subsection (d)(4),
4 for public elementary schools and secondary
5 schools in the State that were assisted with
6 such allotment; and

7 (C) describes any other resources needed
8 to meet the recommended maximum student to
9 school-based mental health services provider ra-
10 tios described in subsection (e)(1)(B).

11 (3) PUBLIC AVAILABILITY.—The Secretary
12 shall—

13 (A) submit to the Committee on Health,
14 Education, Labor, and Pensions of the Senate
15 and the Committee on Education and the
16 Workforce of the House of Representatives,
17 each report received under paragraph (2); and

18 (B) make such reports available to the
19 public, including through the website of the De-
20 partment.

21 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated to carry out
23 this Act—

24 (1) \$5,000,000,000 for fiscal year 2025; and

- 1 (2) such sums as may be necessary for each
- 2 succeeding fiscal year.

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