

117TH CONGRESS
1ST SESSION

S. 3356

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

DECEMBER 9, 2021

Mr. MERKLEY (for himself, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Mr. CASEY, Mr. COONS, Ms. DUCKWORTH, Mr. DURBIN, Mr. HEINRICH, Mr. KING, Ms. KLOBUCHAR, Mr. PADILLA, Ms. ROSEN, 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) SCHOOL-BASED MENTAL HEALTH SERVICES
20 PROVIDER.—The term “school-based mental health
21 services provider” includes a State-licensed or State
22 certified school counselor, school psychologist, school
23 social worker, community-based mental health pro-
24 vider organization, or other State licensed or cer-
25 tified mental health professional qualified under

1 State law to provide mental health services to chil-
2 dren and adolescents.

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

5 **SEC. 4. GRANTS AND SUBGRANTS.**

6 (a) PROGRAM AUTHORIZED.—

7 (1) IN GENERAL.—The Secretary shall award
8 formula grants, from allotments made under sub-
9 section (b), to State educational agencies to enable
10 the State educational agencies to award subgrants to
11 local educational agencies in order to increase access
12 to school-based mental health services providers at
13 high-need schools served by the local educational
14 agencies.

15 (2) DURATION.—A grant awarded under this
16 section shall be for a 5-year period and may be re-
17 newed for additional 5-year periods upon a showing
18 of adequate progress on meeting the goals of the
19 grant, as determined by the Secretary.

20 (b) FORMULA GRANTS.—

21 (1) IN GENERAL.—

22 (A) FORMULA.—From the total amount
23 made available under section 5 for a fiscal year,
24 the Secretary shall allot to each such State that
25 submits a complete application an amount that

bears the same relationship to such total amount as the amount received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) by such State for such fiscal year bears to the amount received under such part for such fiscal year by all States.

(B) SMALL STATE MINIMUM.—No State receiving an allotment under this paragraph shall receive less than one-half of 1 percent of the total amount allotted under this paragraph.

(2) MATCHING REQUIREMENTS.—In order to receive an allotment under this paragraph, a State shall agree to provide matching funds, in an amount equal to 20 percent of the amount of the allotment, toward the costs of the activities carried out under the grant.

(c) APPLICATION.—A State educational agency desiring a grant under this section shall submit an application at such time, in such manner, and containing such information as the Secretary may require. Each application shall include, at a minimum—

(1) a description of how the State educational agency will award subgrants to local educational agencies under subsection (d);

1 (2) a description of how the State educational
 2 agency will disseminate, in a timely manner, infor-
 3 mation regarding the subgrants and the application
 4 process for such subgrants to local educational agen-
 5 cies; and

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

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

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

19 (d) SUBGRANTS.—

20 (1) IN GENERAL.—A State educational agency
 21 receiving a grant under this section shall use grant
 22 funds to award subgrants, on a competitive basis, to
 23 local educational agencies in the State, to enable the
 24 local educational agencies to—

1 (A) employ school-based mental health
2 services providers or contract with community
3 mental health centers to work at high-need
4 schools served by the local educational agency;
5 and

6 (B) work toward effectively staffing the
7 high-need schools of the State with school-based
8 mental health services providers, including by
9 meeting the recommended maximum ratios of—

10 (i) 250 students per school counselor;

11 (ii) 500 students per school psycholo-
12 gist; and

13 (iii) 250 students per school social
14 worker.

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

19 (3) APPLICATION.—A local educational agency
20 desiring a subgrant under this subsection shall sub-
21 mit an application to the State educational agency
22 at such time, in such manner, and containing such
23 information as the State educational agency may re-
24 quire, including information on how the local edu-
25 cational agency will prioritize assisting high-need

1 schools with the largest numbers or percentages of
 2 students from low-income families.

3 (e) GRANT AND SUBGRANT REQUIREMENTS.—

4 (1) SUPPLEMENT, NOT SUPPLANT.—Amounts
 5 provided under a grant or subgrant under this sec-
 6 tion shall supplement, and not supplant, any other
 7 funds available to a State educational agency or
 8 local educational agency for school-based mental
 9 health services.

10 (2) COMBINING FUNDS ALLOWED.—A State
 11 educational agency receiving a grant under this sec-
 12 tion may combine funds made available under this
 13 section with State or local funds to carry out the ac-
 14 tivities described in subsection (d)(1).

15 (f) REPORTS.—

16 (1) LOCAL EDUCATIONAL AGENCIES.—A local
 17 educational agency that receives a subgrant under
 18 this section shall submit a report to the State on the
 19 activities carried out with the subgrant funds.

20 (2) STATE.—A State educational agency receiv-
 21 ing a grant under this section shall annually prepare
 22 and submit a report to the Secretary that—

23 (A) evaluates the progress made in achiev-
 24 ing the purposes of the grant;

1 (B) includes the most recent student to
 2 provider ratios, in the aggregate and
 3 disaggregated as provided in subsection (c)(3),
 4 for public elementary schools and secondary
 5 schools in the State that were assisted under
 6 the grant under this section; and

7 (C) describes any other resources needed
 8 to meet the required recommended maximum
 9 student to school-based mental health services
 10 provider ratios.

11 (3) PUBLIC AVAILABILITY.—The Secretary
 12 shall make all reports submitted under this sub-
 13 section available to the public, including through the
 14 website of the Department.

15 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

16 In order to provide school-based mental health serv-
 17 ices providers in high-need schools in the States, there are
 18 authorized to be appropriated to carry out this Act—

19 (1) \$5,000,000,000 for fiscal year 2022; and

20 (2) such sums as may be necessary for each
 21 succeeding fiscal year.

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