

117TH CONGRESS
2D SESSION

S. 5325

To amend the Public Health Service Act to direct the Secretary of Health and Human Services to develop best practices for the establishment and use of behavioral intervention teams at schools, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 20, 2022

Mr. CORNYN (for himself and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Public Health Service Act to direct the Secretary of Health and Human Services to develop best practices for the establishment and use of behavioral intervention teams at schools, and for other purposes.

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 “Behavioral Interven-
5 tion Guidelines Act of 2022”.

1 **SEC. 2. BEST PRACTICES FOR BEHAVIORAL AND MENTAL**
 2 **HEALTH INTERVENTION TEAMS.**

3 The Public Health Service Act is amended by insert-
 4 ing after section 520G of such Act (42 U.S.C. 290bb–38)
 5 the following new section:

6 **“SEC. 520H. BEST PRACTICES FOR BEHAVIORAL AND MEN-**
 7 **TAL HEALTH INTERVENTION TEAMS.**

8 “(a) IN GENERAL.—The Secretary, acting through
 9 the Assistant Secretary for Mental Health and Substance
 10 Use, and in consultation with the Secretary of Education,
 11 shall submit to the Health, Education, Labor, and Pen-
 12 sions Committee of the Senate and the Energy and Com-
 13 merce Committee of the House of Representatives a report
 14 that identifies best practices related to using behavioral
 15 and mental health intervention teams, which may be used
 16 to assist elementary schools, secondary schools, and insti-
 17 tutions of higher education interested in voluntarily estab-
 18 lishing and using such teams to support students exhib-
 19 iting behaviors interfering with learning at school or who
 20 are at risk of harm to self or others.

21 “(b) ELEMENTS.—The report under subsection (a)
 22 shall assess evidence supporting such best practices and,
 23 as appropriate, include consideration of the following:

24 “(1) How behavioral and mental health inter-
 25 vention teams might operate effectively from an evi-
 26 dence-based, objective perspective while protecting

1 the constitutional and civil rights and privacy of in-
2 dividuals.

3 “(2) The use of behavioral and mental health
4 intervention teams—

5 “(A) to identify and support students ex-
6 hibiting behaviors interfering with learning or
7 posing a risk of harm to self or others; and

8 “(B) to implement evidence-based interven-
9 tions to meet the behavioral and mental health
10 needs of such students.

11 “(3) How behavioral and mental health inter-
12 vention teams can—

13 “(A) access evidence-based professional de-
14 velopment to support students described in
15 paragraph (2)(A); and

16 “(B) ensure that such teams—

17 “(i) are composed of trained, diverse
18 stakeholders with expertise in child and
19 youth development, behavioral and mental
20 health, and disability; and

21 “(ii) use cross validation by a wide-
22 range of individual perspectives on the
23 team.

24 “(4) How behavioral and mental health inter-
25 vention teams can help mitigate inappropriate refer-

1 ral to mental health services or law enforcement by
2 implementing evidence-based interventions that meet
3 student needs.

4 “(c) CONSULTATION.—In carrying out subsection
5 (a), the Secretary shall consult with—

6 “(1) the Secretary of Education;

7 “(2) the Director of the National Threat As-
8 sessment Center of the United States Secret Service;

9 “(3) the Attorney General;

10 “(4) teachers (which shall include special edu-
11 cation teachers), principals and other school leaders,
12 school board members, behavioral and mental health
13 professionals (including school-based mental health
14 professionals), and parents of students;

15 “(5) local law enforcement agencies and campus
16 law enforcement administrators;

17 “(6) privacy, disability, and civil rights experts;
18 and

19 “(7) other education and mental health profes-
20 sionals as the Secretary deems appropriate.

21 “(d) PUBLICATION.—The Secretary shall publish the
22 report under subsection (a) in an accessible format on the
23 internet website of the Department of Health and Human
24 Services.

25 “(e) DEFINITIONS.—In this section:

1 “(1) The term ‘behavioral and mental health
2 intervention team’ means a multidisciplinary team of
3 trained individuals who—

4 “(A) are trained to identify and assess the
5 behavioral health needs of children and youth
6 and who are responsible for identifying, sup-
7 porting, and connecting students exhibiting be-
8 haviors interfering with learning at school, or
9 who are at risk of harm to self or others, with
10 appropriate behavioral health services; and

11 “(B) develop and facilitate implementation
12 of evidence-based interventions to—

13 “(i) mitigate the threat of harm to
14 self or others posed by a student described
15 in subparagraph (A);

16 “(ii) meet the mental and behavioral
17 health needs of such students; and

18 “(iii) support positive, safe, and sup-
19 portive learning environments.

20 “(2) The terms ‘elementary school’, ‘parent’,
21 and ‘secondary school’ have the meanings given to
22 such terms in section 8101 of the Elementary and
23 Secondary Education Act of 1965.

1 “(3) The term ‘institution of higher education’
2 has the meaning given to such term in section 102
3 of the Higher Education Act of 1965.”.

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