

117TH CONGRESS
2D SESSION

H. R. 7370

To direct the Secretary of Education to study student mental health at institutions of higher education and to issue guidance on compliance with the Americans with Disabilities Act of 1990 for mental health and substance use disorder policies of institutions of higher education, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2022

Ms. PORTER (for herself, Mr. CÁRDENAS, Ms. BONAMICI, and Mrs. WATSON COLEMAN) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To direct the Secretary of Education to study student mental health at institutions of higher education and to issue guidance on compliance with the Americans with Disabilities Act of 1990 for mental health and substance use disorder policies of institutions of higher education, 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 “Student Mental Health
5 Rights Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Nearly all institutions of higher education
4 are subject to—

5 (A) the Americans with Disabilities Act of
6 1990 (42 U.S.C. 12101 et seq.);

7 (B) section 504 of the Rehabilitation Act
8 of 1973 (29 U.S.C. 794); or

9 (C) the Fair Housing Act (42 U.S.C. 3601
10 et seq.).

11 (2) The laws described in paragraph (1) pro-
12 hibit discrimination on the basis of disability, de-
13 fined as “with respect to an individual, a physical or
14 mental impairment that substantially limits one or
15 more major life activities of such individual, a record
16 of such an impairment, or being regarded as having
17 such an impairment” under section 3(1) of the
18 Americans with Disabilities Act of 1990 (42 U.S.C.
19 12102(1)).

20 (3) Under section 2(a)(3) of the Americans
21 with Disabilities Act of 1990 (42 U.S.C.
22 12101(a)(3)), Congress found that “discrimination
23 against individuals with disabilities persists in such
24 critical areas as employment, housing, public accom-
25 modations, education, transportation, communica-

1 tion, recreation, institutionalization, health services,
2 voting, and access to public services”.

3 (4) The laws described in paragraph (1) pro-
4 hibit institutions of higher education from discrimi-
5 nating against students with disabilities, including
6 by failing to provide reasonable accommodations or
7 reasonable modifications to such students so that
8 such students are able to fully participate in univer-
9 sity life.

10 (5) The laws described in paragraph (1) pro-
11 hibit institutions of higher education from discrimi-
12 nating against students with a mental health disabil-
13 ities, including by failing to provide the reasonable
14 accommodations or reasonable modifications to such
15 a student.

16 (6) The vast majority of institutions of higher
17 education lack a comprehensive plan for addressing
18 and preventing discrimination against students with
19 mental health disabilities or who are experiencing
20 crises, in many cases—

21 (A) requiring such students to leave the in-
22 stitution of higher education;

23 (B) evicting such students from on-campus
24 housing; and

1 (C) establishing excessive and unnecessary
2 impediments to the return of such students to
3 the institution of higher education.

4 **SEC. 3. STUDY.**

5 (a) REQUIREMENT.—Not later than June 30, 2023,
6 the Secretary shall complete a study on mental health con-
7 ditions and substance use conditions, including—

8 (1) the prevalence of such conditions,
9 disaggregated by type of condition (including dis-
10 ability type), among students at institutions of high-
11 er education and policies to support students with
12 respect to such conditions;

13 (2) the policies of institutions of higher edu-
14 cation with respect to students who, due to such a
15 condition, are considering a voluntary leave of ab-
16 sence or are required to take a mandatory leave of
17 absence, or return from such an absence, and com-
18 pliance by institutions of higher education with such
19 policies; and

20 (3) best practices for supporting students at in-
21 stitutions of higher education in making decisions
22 regarding the management of such conditions, in-
23 cluding the effect such practices have on graduation
24 rates and degree completion.

1 (b) REPORT.—The Secretary shall submit to the
2 Committee on Education and Labor of the House of Rep-
3 resentatives and the Committee on Health, Education,
4 Labor and Pensions of the Senate a report on the findings
5 of the study required by subsection (a).

6 **SEC. 4. GUIDANCE.**

7 Not later than June 30, 2023, the Secretary shall,
8 in consultation with the Assistant Attorney General of the
9 Civil Rights Division of the Department of Justice, issue
10 guidance on—

11 (1) the compliance of institutions of higher edu-
12 cation with the Americans with Disabilities Act of
13 1990 (42 U.S.C. 12101 et seq.) and section 504 of
14 the Rehabilitation Act of 1973 (29 U.S.C. 794) with
15 respect to students with mental health conditions;

16 (2) the legal obligations of institutions of higher
17 education with respect to accommodating students
18 with mental health conditions and students with sub-
19 stance use conditions; and

20 (3) policies of institutions of higher education
21 which may have a discriminatory impact on students
22 with mental health conditions and students with sub-
23 stance use conditions.

1 **SEC. 5. DEFINITIONS.**

2 (a) INSTITUTION OF HIGHER EDUCATION.—The
3 term “institution of higher education” has the meaning
4 given that term in section 101(a) of the Higher Education
5 Act of 1965 (20 U.S.C. 1001(a)).

6 (b) SECRETARY.—The term “Secretary” means the
7 Secretary of Education.

○