

117TH CONGRESS
1ST SESSION

H. R. 6214

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 HOUSE OF REPRESENTATIVES

DECEMBER 9, 2021

Ms. CLARK of Massachusetts (for herself, Mrs. HAYES, Mr. LIEU, Ms. SÁNCHEZ, and Ms. UNDERWOOD) introduced the following bill; which was referred to the Committee on Education and Labor

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:

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

1 (2) 11 percent of youth have a mood disorder,
2 10 percent of youth have a behavior or conduct dis-
3 order, and 8 percent of youth have an anxiety dis-
4 order.

5 (3) 50 percent of all lifetime cases of mental ill-
6 ness begin by age 14. 37 percent of students with
7 a mental health condition age 14 and older drop out
8 of school, which is the highest school dropout rate
9 of any disability group.

10 (4) 70 percent of youth in State and local juve-
11 nile systems have a mental illness.

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

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

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

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

3 (C) a maximum student to school social
4 worker ratio of 250 to 1.

5 **SEC. 3. DEFINITIONS.**

6 In this Act:

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

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

17 (3) SCHOOL-BASED MENTAL HEALTH SERVICES
18 PROVIDER.—The term “school-based mental health
19 services provider” includes a State-licensed or State
20 certified school counselor, school psychologist, school
21 social worker, community-based mental health pro-
22 vider organization, or other State licensed or cer-
23 tified mental health professional qualified under
24 State law to provide mental health services to chil-
25 dren and adolescents.

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

3 **SEC. 4. GRANTS AND SUBGRANTS.**

4 (a) PROGRAM AUTHORIZED.—

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

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

18 (b) FORMULA GRANTS.—

19 (1) IN GENERAL.—

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

1 title I of the Elementary and Secondary Edu-
2 cation Act of 1965 (20 U.S.C. 6311 et seq.) by
3 such State for such fiscal year bears to the
4 amount received under such part for such fiscal
5 year by all States.

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

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

16 (c) APPLICATION.—A State educational agency desir-
17 ing a grant under this section shall submit an application
18 at such time, in such manner, and containing such infor-
19 mation as the Secretary may require. Each application
20 shall include, at a minimum—

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

24 (2) a description of how the State educational
25 agency will disseminate, in a timely manner, infor-

1 mation regarding the subgrants and the application
2 process for such subgrants to local educational agen-
3 cies; and

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

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

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

17 (d) SUBGRANTS.—

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

23 (A) employ school-based mental health
24 services providers or contract with community
25 mental health centers to work at high-need

1 schools served by the local educational agency;
2 and

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

7 (i) 250 students per school counselor;

8 (ii) 500 students per school psycholo-
9 gist; and

10 (iii) 250 students per school social
11 worker.

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

16 (3) APPLICATION.—A local educational agency
17 desiring a subgrant under this subsection shall sub-
18 mit an application to the State educational agency
19 at such time, in such manner, and containing such
20 information as the State educational agency may re-
21 quire, including information on how the local edu-
22 cational agency will prioritize assisting high-need
23 schools with the largest numbers or percentages of
24 students from low-income families.

25 (e) GRANT AND SUBGRANT REQUIREMENTS.—

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

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

12 (f) REPORTS.—

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

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

20 (A) evaluates the progress made in achiev-
 21 ing the purposes of the grant;

22 (B) includes the most recent student to
 23 provider ratios, in the aggregate and
 24 disaggregated as provided in subsection (c)(3),
 25 for public elementary schools and secondary

1 schools in the State that were assisted under
2 the grant under this section; and

3 (C) describes any other resources needed
4 to meet the required recommended maximum
5 student to school-based mental health services
6 provider ratios.

7 (3) PUBLIC AVAILABILITY.—The Secretary
8 shall make all reports submitted under this sub-
9 section available to the public, including through the
10 website of the Department.

11 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

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

15 (1) \$5,000,000,000 for fiscal year 2022; and

16 (2) such sums as may be necessary for each
17 succeeding fiscal year.

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