

113TH CONGRESS  
1ST SESSION

# H. R. 320

To amend the Elementary and Secondary Education Act of 1965 to direct the Secretary of Education to make grants to States for assistance in hiring additional school-based mental health and student service providers.

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 18, 2013

Ms. LEE of California (for herself, Mr. RANGEL, Ms. KAPTUR, and Ms. CHU) introduced the following bill; which was referred to the Committee on Education and the Workforce

---

## A BILL

To amend the Elementary and Secondary Education Act of 1965 to direct the Secretary of Education to make grants to States for assistance in hiring additional school-based mental health and student service 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 “Student Support Act”.

1 **SEC. 2. SCHOOL-BASED MENTAL HEALTH AND STUDENT**  
2 **SERVICE PROVIDERS.**

3 (a) IN GENERAL.—Subpart 14 of title V of the Ele-  
4 mentary and Secondary Education Act of 1965 (20 U.S.C.  
5 7269 et seq.) is amended—

6 (1) by inserting after the subpart heading the  
7 following:

8 **“CHAPTER A—SYSTEMS INTEGRATION;**  
9 **PROMOTION OF SCHOOL READINESS”;**

10 and

11 (2) by adding at the end the following:

12 **“CHAPTER B—SCHOOL-BASED MENTAL**  
13 **HEALTH AND STUDENT SERVICE PRO-**  
14 **VIDERS**

15 **“SEC. 5545. FINDINGS.**

16 “The Congress finds the following:

17 “(1) The Surgeon General of the Public Health  
18 Service has found that although 1 in 10 children  
19 and adolescents suffer from mental illness severe  
20 enough to cause some level of impairment, in any  
21 given year fewer than 1 in 3 of these children re-  
22 ceives needed treatment. The short- and long-term  
23 consequences of untreated childhood mental dis-  
24 orders are costly, in both human and fiscal terms.

25 “(2) School counselors, school psychologists,  
26 other qualified psychologists, child and adolescent

1 psychiatrists, and school social workers are needed  
2 to help these children and to provide a variety of  
3 crucial support services.

4 “(3) Across the United States, there are insuffi-  
5 cient resources for school-based counseling profes-  
6 sionals, and often students do not get the help they  
7 need. The current national average ratio of students  
8 to school counselors in elementary and secondary  
9 schools is 471 to 1.

10 “(4) United States schools need more mental  
11 health professionals, and they need the flexibility to  
12 hire the professionals that will best serve their stu-  
13 dents.

14 “(5) According to the leading counseling, guid-  
15 ance, and mental health organizations, including the  
16 American School Counselor Association, the Na-  
17 tional Association of Social Psychologists, the Na-  
18 tional Association of Social Workers, and the School  
19 Social Work Association of America, the maximum  
20 recommended ratio of—

21 “(A) students to school counselors is 250  
22 to 1;

23 “(B) students to school psychologists is  
24 1,000 to 1; and

1                   “(C) students to school social workers is  
2                   250 to 1.

3                   “(6) In some States, 1 school counselor typi-  
4                   cally serves over 1,000 students. Ratios for school  
5                   psychologists and school social workers are also ex-  
6                   tremely high. In some schools, there are no school-  
7                   based mental health and student service providers  
8                   available to assist students in times of crisis, or at  
9                   any other time.

10                  “(7) The number of students is expected to  
11                  grow significantly over the next few years. During  
12                  this time, many school-based mental health profes-  
13                  sionals who currently serve the Nation’s youth will  
14                  retire.

15                  “(8) Model programs using school-based mental  
16                  health and student service providers have reduced  
17                  school suspensions, reduced referrals to the prin-  
18                  cipal’s office, reduced the use of weapons, force, and  
19                  threats, and increased students’ feelings of safety.

20   **“SEC. 5546. PURPOSES.**

21                  “The purposes of this chapter are to assist States and  
22                  local educational agencies in hiring additional school-based  
23                  mental health providers, including additional school coun-  
24                  selors, school psychologists, other qualified psychologists,

1 child and adolescent psychiatrists, and school social work-  
2 ers to achieve each of the following:

3           “(1) To reduce the ratios of school-based men-  
4 tal health and student service providers to students  
5 in elementary and secondary schools in the United  
6 States to the following minimum ratios rec-  
7 ommended by the leading counseling, guidance, and  
8 mental health organizations, including the American  
9 School Counselor Association, the National Associa-  
10 tion of Social Psychologists, the National Associa-  
11 tion of Social Workers, and the School Social Work  
12 Association of America:

13           “(A) One school counselor for every 250  
14 students;

15           “(B) One school psychologist for every  
16 1,000 students; and

17           “(C) One school social worker for every  
18 250 students.

19           “(2) To provide school-based mental health and  
20 student services.

21           “(3) To remove emotional, behavioral, and psy-  
22 chosocial barriers to learning so as to enhance stu-  
23 dents’ classroom preparedness and ability to learn.

24           “(4) To support school staff and teachers in  
25 improving classroom management, conducting be-

1       havioral interventions to improve school discipline,  
 2       and developing the awareness and skills to identify  
 3       early warning signs of violence and the need for  
 4       mental health services.

5               “(5) To support parental involvement in im-  
 6       proving the school behavior and academic success of  
 7       their children.

8       **“SEC. 5547. DEFINITIONS.**

9       “‘In this chapter, the following definitions apply:

10               “(1) CHILD.—The term ‘child’ means an indi-  
 11       vidual who is not less than 5 years old and not more  
 12       than 17 years old.

13               “(2) CHILD AND ADOLESCENT PSYCHIA-  
 14       TRIST.—The term ‘child and adolescent psychiatrist’  
 15       has the meaning given such term in section 5421(e).

16               “(3) CHILD IN POVERTY.—The term ‘child in  
 17       poverty’ means a child from a family with an income  
 18       below the poverty line.

19               “(4) MENTAL HEALTH AND STUDENT SERVICE  
 20       PROVIDER.—The term ‘mental health and student  
 21       service provider’ means a qualified individual who  
 22       provides mental health and student services, includ-  
 23       ing any individual who is a qualified school coun-  
 24       selor, a qualified school psychologist or any other

1 qualified psychologist, a child or adolescent psychia-  
2 trist, or a qualified school social worker.

3 “(5) MENTAL HEALTH AND STUDENT SERV-  
4 ICES.—The term ‘mental health and student serv-  
5 ices’ includes direct, individual, and group services  
6 provided to students, parents, and school personnel  
7 by mental health and student service providers, and  
8 the coordination of prevention strategies in schools  
9 or community-based programs.

10 “(6) OTHER QUALIFIED PSYCHOLOGIST.—The  
11 term ‘other qualified psychologist’ has the meaning  
12 given such term in section 5421(e).

13 “(7) POVERTY LINE.—The term ‘poverty line’  
14 means the poverty line (as defined by the Office of  
15 Management and Budget, and revised annually in  
16 accordance with section 673(2) of the Community  
17 Services Block Grant Act (42 U.S.C. 9902(2)) appli-  
18 cable to a family of the size involved.

19 “(8) SCHOOL COUNSELOR.—The term ‘school  
20 counselor’ means an individual who has documented  
21 competence in counseling children and adolescents in  
22 a school setting and who—

23 “(A) possesses State licensure or certifi-  
24 cation granted by an independent professional  
25 regulatory authority;

1           “(B) possesses national certification in  
2           school counseling or a specialty of counseling  
3           granted by an independent professional organi-  
4           zation; or

5           “(C) holds a minimum of a master’s de-  
6           gree in school counseling from a program ac-  
7           credited by the Council for Accreditation of  
8           Counseling and Related Educational Programs  
9           or the equivalent.

10          “(9) SCHOOL PSYCHOLOGIST.—The term  
11          ‘school psychologist’ means an individual who—

12               “(A) possesses a minimum of 60 graduate  
13               semester hours in school psychology from an in-  
14               stitution of higher education and has completed  
15               1,200 clock hours in a supervised school psy-  
16               chology internship, of which 600 hours shall be  
17               in a school setting;

18               “(B) possesses State licensure or certifi-  
19               cation in school psychology in the State in  
20               which the individual works; or

21               “(C) possesses national certification by the  
22               National School Psychology Certification Board.

23          “(10) SCHOOL SOCIAL WORKER.—The term  
24          ‘school social worker’ means an individual who—



1           “(A) holds a master’s degree in social work  
2           from a program accredited by the Council on  
3           Social Work Education;

4           “(B) is licensed or certified by the State in  
5           which services are provided; or

6           “(C) possesses a national credential or na-  
7           tional certification as a school social work spe-  
8           cialist granted by an independent professional  
9           organization.

10          “(11) STATE.—The term ‘State’ means each of  
11          the several States, the District of Columbia, and the  
12          Commonwealth of Puerto Rico.

13   **“SEC. 5548. SCHOOL-BASED MENTAL HEALTH AND STU-**  
14           **DENT SERVICE PROVIDER GRANT PROGRAM.**

15          “(a) IN GENERAL.—In accordance with this chapter,  
16          the Secretary shall make grants to eligible States to assist  
17          local educational agencies in those States in hiring addi-  
18          tional school-based mental health and student service pro-  
19          viders.

20          “(b) ALLOCATION OF FUNDS.—From the total  
21          amount appropriated for a fiscal year to carry out this  
22          chapter, the Secretary shall—

23               “(1) make available 1 percent of such amount  
24               to the Secretary of the Interior (on behalf of the Bu-  
25               reau of Indian Affairs) and the outlying areas for

1 activities that carry out the purposes of this chapter;  
2 and

3 “(2) make available in the form of grants to  
4 each eligible State an amount equal to the sum of—

5 “(A) an amount that bears the same rela-  
6 tionship to 50 percent of such total amount as  
7 the number of children in poverty who reside in  
8 the State bears to the number of such children  
9 in all States; and

10 “(B) an amount that bears the same rela-  
11 tionship to 50 percent of such total amount as  
12 the number of children enrolled in public and  
13 private nonprofit elementary schools and sec-  
14 ondary schools in the State bears to the number  
15 of children enrolled in all such schools in all  
16 States.

17 “(c) MINIMUM GRANT.—Notwithstanding subsection  
18 (b), no grant under this section shall be for an amount  
19 less than \$1,000,000.

20 “(d) REALLOCATION.—The Secretary shall reallocate  
21 to States that have received approval under subsection  
22 (e)(2) any funds allocated under subsection (b) to a State  
23 that fails to submit an application that is approved by the  
24 Secretary.

25 “(e) APPLICATION BY STATE.—

1           “(1) IN GENERAL.—To be eligible to receive a  
2           grant under this chapter, a State shall submit an  
3           application to the Secretary at such time, in such  
4           manner, and containing such information as the Sec-  
5           retary may require.

6           “(2) APPROVAL.—The Secretary may not ap-  
7           prove an application under this subsection unless the  
8           State submitting the application—

9                   “(A) presents a plan, which the Secretary  
10                  considers to be reasonable, under which the  
11                  State will make grants, in accordance with the  
12                  purposes of this chapter, to local educational  
13                  agencies to fund the hiring of additional school  
14                  counselors, school psychologists, other qualified  
15                  psychologists, child and adolescent psychia-  
16                  trists, and school social workers; and

17                  “(B) provides an assurance that the State  
18                  will provide the matching amount required  
19                  under subsection (g).

20           “(f) USE OF FUNDS BY STATE.—

21           “(1) IN GENERAL.—In accordance with this  
22           subsection, the total of the amounts made available  
23           to a State under this section and the amounts of the  
24           non-Federal match required under subsection (g)  
25           may only be used by a State to make grants to local

1 educational agencies to assist such agencies in hiring  
2 additional school-based mental health and student  
3 service providers.

4 “(2) ADMINISTRATIVE COSTS.—In each fiscal  
5 year, a State may use not more than 5 percent of  
6 the assistance made available to it under this chap-  
7 ter for the administrative costs of the State in car-  
8 rying out the State’s responsibilities under this  
9 chapter.

10 “(3) ALLOCATION OF FUNDS.—In making  
11 grants in accordance with this subsection, the State  
12 shall allocate from the total described in paragraph  
13 (1) to each local educational agency an amount  
14 equal to the sum of—

15 “(A) an amount that bears the same rela-  
16 tionship to 50 percent of such total as the num-  
17 ber of children in poverty who reside in the  
18 school district served by the local educational  
19 agency bears to the number of such children  
20 who reside in all the school districts in the  
21 State; and

22 “(B) an amount that bears the same rela-  
23 tionship to 50 percent of such total as the num-  
24 ber of children enrolled in public and private  
25 nonprofit elementary schools and secondary

1 schools in the school district served by the local  
2 educational agency bears to the number of chil-  
3 dren enrolled in all such schools in the State.

4 “(4) MINIMUM GRANT.—Notwithstanding para-  
5 graph (3), no grant made by a State in accordance  
6 with this subsection shall be for an amount less than  
7 \$50,000.

8 “(5) SOURCE OF DATA.—For purposes of para-  
9 graph (3), the State shall use data from the most  
10 recent fiscal year for which satisfactory data are  
11 available, except that the State may adjust such  
12 data, or use alternative child poverty data, if the  
13 State demonstrates to the Secretary’s satisfaction  
14 that such adjusted or alternative data more accu-  
15 rately reflect the relative incidence of children who  
16 are living in poverty and who reside in the school  
17 districts in the State.

18 “(6) APPLICATION BY LOCAL EDUCATIONAL  
19 AGENCIES.—A State may require that, in order to  
20 be eligible for a grant made by the State in accord-  
21 ance with this subsection, a local educational agency  
22 shall submit an application to the State at such  
23 time, in such manner, and containing such informa-  
24 tion as the State may require.

25 “(g) MATCHING FUNDS.—

1           “(1) IN GENERAL.—As a condition of receiving  
2           a grant under this section, the Secretary shall re-  
3           quire that a State provide from non-Federal sources  
4           an amount equal to the amount of the grant.

5           “(2) LOCAL CONTRIBUTION.—In making grants  
6           to local educational agencies in accordance with this  
7           subsection, a State may require that a local edu-  
8           cational agency match a portion of the amount of  
9           the grant made to the agency.

10          “(3) FORM.—The non-Federal share required  
11          by this subsection may be provided in cash or in  
12          kind, fairly evaluated, and may include facilities,  
13          equipment, or services.

14          “(h) FUNDS TO BE SUPPLEMENTARY.—Assistance  
15          made available under this chapter shall be used to supple-  
16          ment, and may not supplant, Federal, State, or local funds  
17          used for employing school-based mental health and stu-  
18          dent service providers.

19          “(i) DATA COLLECTION AND REPORT.—

20                 “(1) IN GENERAL.—For each fiscal year for  
21                 which it receives assistance under this chapter, a  
22                 State shall collect data describing how the assistance  
23                 is used.

24                 “(2) REPORT.—Not later than 1 year after as-  
25                 sistance is made available to a State under this

1 chapter, the State shall transmit to the Secretary a  
2 report on the data described in paragraph (1), in-  
3 cluding information with respect to each local edu-  
4 cational agency to which the State made a grant  
5 with assistance made available under this chapter—

6 “(A) the number of school counselors,  
7 school psychologists, other qualified psycholo-  
8 gists, child and adolescent psychiatrists, and  
9 school social workers employed by local edu-  
10 cational agency; and

11 “(B) the ratio of students to school coun-  
12 selors, the ratio of students to school psycholo-  
13 gists or other qualified psychologists, the ratio  
14 of students to child and adolescent psychia-  
15 trists, and the ratio of students to school social  
16 workers.

17 “(3) SOURCE OF FUNDS.—A State may use a  
18 portion of the assistance permitted to be used for  
19 administrative costs to carry out its responsibilities  
20 under this subsection.

21 “(4) PUBLICATION.—The Secretary shall make  
22 data received under this subsection publicly available  
23 on an annual basis.

1 **“SEC. 5549. AUTHORIZATION OF APPROPRIATIONS.**

2       “There are authorized to be appropriated to carry out  
3 this chapter \$100,000,000 for each of fiscal years 2014  
4 through 2022.”.

5       (b) CLERICAL AMENDMENTS.—The table of contents  
6 for the Elementary and Secondary Education Act of 1965  
7 (20 U.S.C. 6301 et seq.) is amended by amending the  
8 items relating to subpart 14 of title V to read as follows:

“SUBPART 14—GRANTS TO IMPROVE THE MENTAL HEALTH OF CHILDREN

“CHAPTER A—SYSTEMS INTEGRATION; PROMOTION OF SCHOOL  
READINESS

“Sec. 5541. Grants for the integration of schools and mental health systems.

“Sec. 5542. Promotion of school readiness through early childhood emotional  
and social development.

“CHAPTER B—SCHOOL-BASED MENTAL HEALTH AND STUDENT  
SERVICE PROVIDERS

“Sec. 5545. Findings.

“Sec. 5546. Purposes.

“Sec. 5547. Definitions.

“Sec. 5548. School-based mental health and student service provider grant pro-  
gram.

“Sec. 5549. Authorization of appropriations.”.

○