

## Calendar No. 37

113TH CONGRESS  
1ST SESSION**S. 689**

To reauthorize and improve programs related to mental health and substance use disorders.

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IN THE SENATE OF THE UNITED STATES

APRIL 9, 2013

Mr. HARKIN (for himself, Mr. ALEXANDER, Mr. FRANKEN, Mr. ENZI, Mr. BENNET, Ms. MURKOWSKI, Ms. BALDWIN, Mr. ROBERTS, Mrs. HAGAN, Mr. ISAKSON, Mr. MURPHY, and Mr. KIRK) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

APRIL 11, 2013

Reported by Mr. HARKIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To reauthorize and improve programs related to mental health and substance use disorders.

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 “Mental Health Aware-  
5 ness and Improvement Act of 2013”.

1                   **TITLE I—EDUCATION**  
 2                   **PROGRAMS**

3 **SEC. 101. SHORT TITLE.**

4           This title may be cited as the “Achievement Through  
 5 Prevention Act”.

6 **SEC. 102. PURPOSE.**

7           The purpose of this title is to expand the use of posi-  
 8 tive behavioral interventions and supports and early inter-  
 9 vening services in schools in order to improve student aca-  
 10 demic achievement, reduce overidentification of individuals  
 11 with disabilities, and reduce disciplinary problems in  
 12 schools.

13 **SEC. 103. AMENDMENTS TO THE ELEMENTARY AND SEC-**  
 14 **ONDARY EDUCATION ACT OF 1965.**

15           (a) **TITLE I STATE PLANS.**—Section 1111(b) of the  
 16 Elementary and Secondary Education Act of 1965 (20  
 17 U.S.C. 6311(b)) is amended by adding at the end the fol-  
 18 lowing:

19                   “(11) **POSITIVE BEHAVIORAL INTERVENTIONS**  
 20                   **AND SUPPORTS.**—In the case of a State that pro-  
 21                   poses to use funds under this part to support posi-  
 22                   tive behavioral interventions and supports, the State  
 23                   plan shall describe how the State educational agency  
 24                   will—

1           “(A) assist local educational agencies in  
2           implementing positive behavioral interventions  
3           and supports in schools served by the local edu-  
4           cational agency on a whole-school basis;

5           “(B) provide technical assistance and  
6           training to local educational agencies to im-  
7           prove and support the development, implemen-  
8           tation, and coordination of comprehensive posi-  
9           tive behavioral interventions and supports ear-  
10          ried out under this Act with activities carried  
11          out under the Individuals with Disabilities Edu-  
12          cation Act; and

13          “(C) evaluate the effects of providing posi-  
14          tive behavioral interventions and supports for  
15          all students, including improvement of the  
16          learning environment, academic achievement,  
17          disciplinary problems such as incidents of sus-  
18          pensions, expulsions, referrals to law enforce-  
19          ment, and other actions that remove students  
20          from instruction, and any other effects the  
21          State chooses to evaluate.

22          “(12) ~~EARLY INTERVENING SERVICES.~~—In the  
23          case of a State that proposes to use funds under this  
24          part to support early intervening services, the State

1 plan shall describe how the State educational agency  
2 will—

3 “(A) assist local educational agencies in  
4 implementing early intervening services in  
5 schools served by the local educational agency  
6 to reduce the need to label children as children  
7 with disabilities in order to address the learning  
8 and behavioral needs of such children;

9 “(B) provide technical assistance and  
10 training to local educational agencies to im-  
11 prove coordination of early intervening services  
12 provided under this Act with early intervening  
13 services carried out under the Individuals with  
14 Disabilities Education Act; and

15 “(C) evaluate the effects of providing early  
16 intervening services.

17 “(13) CRISIS MANAGEMENT PLANS.—In the  
18 case of a State that proposes to use funds under this  
19 part to assist local educational agencies in the State  
20 in periodically updating the crisis management  
21 plans, as described in section 4114(d)(7)(D), of such  
22 local educational agencies, the State plan shall de-  
23 scribe how the State educational agency will assist  
24 local educational agencies in updating such crisis  
25 management plans.”

1           (b)    TITLE I    STATE    REPORTS.—Section  
2 1111(h)(1)(C) of the Elementary and Secondary Edu-  
3 cation Act of 1965 (~~20 U.S.C. 6311(h)(1)(C)~~) is amend-  
4 ed—

5           (1) in clause (vii), by striking “and” after the  
6 semicolon;

7           (2) in clause (viii), by striking the period and  
8 inserting a semicolon; and

9           (3) by adding at the end the following:

10                   “(ix) the number of local educational  
11 agencies in the State that implement posi-  
12 tive behavioral interventions and supports;

13                   “(x) the number of students—

14                           “(I) who are served through the  
15 use of early intervening services; and

16                           “(II) who, in the preceding 2-  
17 year period, received early intervening  
18 services and who, after receiving such  
19 services, have been identified as eligi-  
20 ble for, and receive, special education  
21 and related services under part B of  
22 the Individuals with Disabilities Edu-  
23 cation Act; and

1                   “~~(xi)~~ the number of local educational  
2                   agencies in the State that implement  
3                   school-based mental health programs.”.

4           ~~(c) TITLE I LOCAL EDUCATIONAL AGENCY PLANS.—~~

5   Section ~~1112(b)(1)~~ of the Elementary and Secondary  
6   Education Act of 1965 (~~20 U.S.C. 6312(b)(1)~~) is amend-  
7   ed—

8           ~~(1)~~ in subparagraph ~~(P)~~, by striking “and”  
9           after the semicolon;

10          ~~(2)~~ in subparagraph ~~(Q)~~, by striking the period  
11          and inserting a semicolon; and

12          ~~(3)~~ by adding at the end the following:

13                   “~~(R)~~ if the local educational agency pro-  
14                   poses to use subgrant funds under this part for  
15                   positive behavioral interventions and supports; a  
16                   description of the actions the local educational  
17                   agency will take to provide positive behavioral  
18                   interventions and supports and coordinate those  
19                   activities with activities carried out under the  
20                   Individuals with Disabilities Education Act;

21                   “~~(S)~~ if the local educational agency pro-  
22                   poses to use subgrant funds under this part for  
23                   early intervening services; a description of the  
24                   actions the local educational agency will take to  
25                   provide early intervening services and coordi-

1           nate those services with early intervening serv-  
 2           ices carried out under the Individuals with Dis-  
 3           abilities Education Act;

4           “(T) if the local educational agency pro-  
 5           poses to use subgrant funds under this part for  
 6           school-based mental health programs; a descrip-  
 7           tion of the actions the local educational agency  
 8           will take to provide school-based mental health  
 9           programs and coordinate those activities with  
 10          activities carried out under the Individuals with  
 11          Disabilities Education Act; and

12          “(U) if the local educational agency pro-  
 13          poses to use subgrant funds under this part for  
 14          periodically updating the crisis management  
 15          plan of the local educational agency; as de-  
 16          scribed in section 4114(d)(7)(D); a description  
 17          of the actions the local educational agency will  
 18          take to develop and implement an updated cri-  
 19          sis management plan.”.

20          (d) TITLE I SCHOOLWIDE PROGRAMS.—

21           (1) SCHOOLWIDE PROGRAMS.—Section  
 22          1114(b)(1)(B)(iii)(I) of the Elementary and Sec-  
 23          ondary Education Act of 1965 (20 U.S.C.  
 24          6314(b)(1)(B)(iii)(I)) is amended—

1           (A) in item (aa), by inserting “and school-  
2           based mental health programs” after “serv-  
3           ices”;

4           (B) by redesignating items (bb) and (cc)  
5           as items (dd) and (ee), respectively; and

6           (C) by inserting after item (aa) the fol-  
7           lowing:

8                   “(bb)       implementation       of  
9                   schoolwide positive behavioral inter-  
10                  ventions and supports, including  
11                  through coordination with activities  
12                  carried out under the Individuals with  
13                  Disabilities Education Act, in order to  
14                  improve academic outcomes for stu-  
15                  dents and reduce the need for suspen-  
16                  sions, expulsions, and other actions  
17                  that remove students from instruc-  
18                  tion;

19                   “(cc) implementation of early in-  
20                  tervening services, including through  
21                  coordination with early intervening  
22                  services carried out under the Individ-  
23                  uals with Disabilities Education Act;”.

24           (2)       TECHNICAL       ASSISTANCE.—Section  
25           1116(b)(4)(B) of the Elementary and Secondary



1       Education Act of 1965 (20 U.S.C. 6316(b)(4)(B)) is  
2       amended—

3               (A) by redesignating clauses (iii) and (iv)  
4       as clauses (iv) and (v), respectively; and

5               (B) by inserting after clause (ii) the fol-  
6       lowing:

7                       “(iii) shall include assistance in the  
8       implementation of schoolwide positive be-  
9       havior supports, school-based mental  
10      health programs, and other approaches  
11      with evidence of effectiveness for improving  
12      the learning environment in the school and  
13      reducing the need for suspensions, expul-  
14      sions, and other actions that remove stu-  
15      dents from instruction, including effective  
16      strategies for improving coordination of  
17      community resources;”.

18       (c) TITLE I ASSESSMENTS AND SCHOOL IMPROVE-  
19      MENT.—

20               (1) SCHOOL IMPROVEMENT PLAN.—Section  
21      1116(b)(3)(A) of the Elementary and Secondary  
22      Education Act of 1965 (20 U.S.C. 6316(b)(3)(A)) is  
23      amended—

24               (A) in clause (ix), by striking “and” after  
25      the semicolon;

1           ~~(B)~~ in clause ~~(x)~~, by striking the period  
2 and inserting a semicolon; and

3           ~~(C)~~ by adding at the end the following:

4                   “~~(xi)~~ specify whether the local edu-  
5 cational agency or the school will adopt  
6 and implement policies or practices to im-  
7 plement or improve positive behavioral  
8 interventions and supports and enhance co-  
9 ordination with activities carried out under  
10 the Individuals with Disabilities Education  
11 Act;

12                   “~~(xii)~~ specify whether the local edu-  
13 cational agency or the school will adopt  
14 and implement policies or practices to im-  
15 plement or improve early intervening serv-  
16 ices and coordinate with early intervening  
17 services carried out under such Act; and

18                   “~~(xiii)~~ specify whether the local edu-  
19 cational agency or school will adopt and  
20 implement school-based mental health pro-  
21 grams and coordinate with programs ear-  
22 ried out under such Act.”.

23           ~~(2)~~ LOCAL EDUCATIONAL AGENCY IMPROVE-  
24           MENT PLANS.—Section ~~1116(c)(10)~~ of the Elemen-

1 tary and Secondary Education Act of 1965 (20  
2 U.S.C. 6316(e)(10)) is amended—

3 (A) in subparagraph (B), by striking “sub-  
4 paragraph (E)” and inserting “subparagraph  
5 (F)”;

6 (B) by redesignating subparagraphs (D)  
7 through (F) as subparagraphs (E) through (G),  
8 respectively; and

9 (C) by inserting after subparagraph (C)  
10 the following:

11 “(D) ADDITIONAL ACTIVITIES.—In addi-  
12 tion to carrying out 1 or more of the corrective  
13 actions required under subparagraph (C) for a  
14 local educational agency, the State educational  
15 agency may also carry out 1 or more of the fol-  
16 lowing activities:

17 “(i) Improving or expanding positive  
18 behavioral interventions and supports and  
19 enhancing coordination with activities  
20 under the Individuals with Disabilities  
21 Education Act.

22 “(ii) Improving or expanding early in-  
23 tervening services and coordinating such  
24 services with early intervening services ear-

1                   ried out under the Individuals with Dis-  
2                   abilities Education Act.”.

3       (f) TITLE I SCHOOL SUPPORT AND RECOGNITION.—

4               (1) REGIONAL CENTERS.—Section 1117(a)(3)  
5       of the Elementary and Secondary Education Act of  
6       1965 (20 U.S.C. 6317(a)(3)) is amended—

7               (A) by striking “of 2002 and comprehen-  
8               sive” and inserting “of 2002, comprehensive”;

9               (B) by striking “and the comprehensive”  
10              and inserting “, the comprehensive”; and

11              (C) by inserting “and any technical assist-  
12              ance center on schoolwide positive behavioral  
13              interventions and supports funded under section  
14              665(b) of the Individuals with Disabilities Edu-  
15              cation Act,” after “2002),”.

16              (2) STATEWIDE SYSTEMS FOR SUPPORT.—Sec-  
17              tion 1117(a)(5)(B) of the Elementary and Sec-  
18              ondary Education Act of 1965 (20 U.S.C.  
19              6317(a)(5)(B)) is amended—

20              (A) in clause (i), by striking the semicolon  
21              at the end and inserting the following: “, in-  
22              cluding by improving or expanding the use of  
23              positive behavioral interventions and supports  
24              aligned with activities carried out under the In-  
25              dividuals with Disabilities Education Act,”;

1           (B) in clause (iii), by striking “and” after  
2 the semicolon;

3           (C) in clause (iv), by striking the period  
4 and inserting a semicolon; and

5           (D) by adding at the end the following:

6           “(v) review and analyze the school’s  
7 efforts to identify and assist students with  
8 poor academic achievement and students  
9 who are children with disabilities, and as-  
10 sist the school in developing or improving  
11 early intervening services that are coordi-  
12 nated with activities carried out under the  
13 Individuals with Disabilities Education  
14 Act;

15           “(vi) review and analyze the school’s  
16 efforts to address behavioral or disciplinary  
17 problems, and assist the school in devel-  
18 oping or improving schoolwide positive be-  
19 havioral interventions and supports that  
20 are coordinated with activities carried out  
21 under the Individuals with Disabilities  
22 Education Act;

23           “(vii) review the number of discipline  
24 incidents in the school and use that infor-  
25 mation to assist the school to implement

1 schoolwide positive behavioral interventions  
 2 and supports or other early intervening  
 3 services, or both; and

4 “(viii) review and analyze the school’s  
 5 efforts to address mental health needs  
 6 among students and assist the school in  
 7 developing or improving school-based men-  
 8 tal health programs that are coordinated  
 9 with activities carried out under the Indi-  
 10 viduals with Disabilities Education Act.”.

11 (g) TITLE I PARENTAL INVOLVEMENT.—Section  
 12 1118(e) of the Elementary and Secondary Education Act  
 13 of 1965 (20 U.S.C. 6318(e)) is amended—

14 (1) by redesignating paragraphs (6) through  
 15 (14) as paragraphs (7) through (15), respectively;  
 16 and

17 (2) by inserting after paragraph (5) the fol-  
 18 lowing:

19 “(6) shall provide information to school per-  
 20 sonnel, students, and parents about the school’s use  
 21 of positive behavioral interventions and supports,  
 22 school-based mental health programs, and the expec-  
 23 tations of school personnel, students, and parents in  
 24 supporting a safe learning environment for all stu-  
 25 dents.”.

1           (h) PREVENTION AND INTERVENTION PROGRAMS.—  
 2 Section 1414(e)(8) of the Elementary and Secondary Edu-  
 3 cation Act of 1965 (20 U.S.C. 6434(e)(8)) is amended by  
 4 inserting “, including coordinating the use of positive be-  
 5 havioral interventions and supports, early intervening  
 6 services, and school-based mental health programs to im-  
 7 prove academic achievement and reduce disciplinary ac-  
 8 tions” before the semicolon at the end.

9           (i) TECHNICAL ASSISTANCE.—Section 1419 of the  
 10 Elementary and Secondary Education Act of 1965 (20  
 11 U.S.C. 6439) is amended—

12                 (1) in paragraph (1), by striking “and” after  
 13 the semicolon;

14                 (2) in paragraph (2), by striking the period and  
 15 inserting “; and”; and

16                 (3) by adding at the end the following:

17                         “(3) to provide technical assistance in imple-  
 18 menting positive behavior interventions and sup-  
 19 ports, early intervening services, and school-based  
 20 mental health programs in order to improve aca-  
 21 demic achievement and reduce disciplinary actions.”.

22           (j) TITLE II MENTAL HEALTH PROFESSIONAL DE-  
 23 VELOPMENT.—Section 2123 of the Elementary and Sec-  
 24 ondary Education Act of 1965 (20 U.S.C. 6223) is amend-  
 25 ed—

1           (1) in subsection (a), by inserting after para-  
2 graph (8) the following:

3           “~~(9) Carrying out in-service training for school~~  
4 personnel in—

5                   “(A) the techniques and supports needed  
6 to identify children with trauma histories, and  
7 children with, or at risk of, mental illness,  
8 early;

9                   “(B) the use of referral mechanisms that  
10 effectively link such children to appropriate  
11 treatment and intervention services in the  
12 school and in the community where appropriate;  
13 and

14                   “(C) forming partnerships between school-  
15 based mental health programs and public or  
16 private mental health organizations.”;

17           (2) by redesignating subsection (b) as sub-  
18 section (c); and

19           (3) by inserting after subsection (a) the fol-  
20 lowing:

21           “(b) LIABILITY PROTECTION FOR SCHOOL PER-  
22 SONNEL.—Section 2366 shall apply to school personnel  
23 who received in-service training under subsection (a)(9),  
24 and who are carrying out activities related to such train-



1 ing, in the same manner as such section applies to teach-  
 2 ers.”.

3 (k) SCHOOL-BASED MENTAL HEALTH SERVICES  
 4 PARTNERSHIP PROGRAMS.—Section 4121 of the Elemen-  
 5 tary and Secondary Education Act of 1965 (20 U.S.C.  
 6 7131) is amended—

7 (1) in subsection (a)—

8 (A) in the matter preceding paragraph (1),  
 9 by inserting “, health (including mental  
 10 health),” after “promote safety”;

11 (B) by redesignating paragraphs (3)  
 12 through (8) and (9) as paragraphs (4) through  
 13 (9) and (11), respectively;

14 (C) by inserting after paragraph (2) the  
 15 following:

16 “(3) the development and implementation of  
 17 school-based mental health services partnership pro-  
 18 grams under subsection (e);”;

19 (D) by striking paragraph (7), as redesi-  
 20 gnated by subparagraph (B), and inserting the  
 21 following:

22 “(7)(A) assistance to school systems that have  
 23 particularly severe drug and violence problems or as-  
 24 sistance to support appropriate response efforts to  
 25 crisis situations, including—

1           “(i) hiring drug prevention and school  
2 safety coordinators; and

3           “(ii) making available to students mental  
4 health services, conflict resolution programs,  
5 and other school-based violence prevention  
6 strategies;”;

7           (E) in paragraph (9), as redesignated by  
8 subparagraph (B), by striking “and” after the  
9 semicolon; and

10          (F) by inserting after such paragraph (9)  
11 the following:

12          “(10) assistance to States to help local edu-  
13 cational agencies develop and implement comprehen-  
14 sive emergency management plans; and”;

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

16          “(e) SCHOOL-BASED MENTAL HEALTH SERVICES  
17 PARTNERSHIP PROGRAMS.—

18           “(1) IN GENERAL.—Each grant, contract, or  
19 cooperative agreement awarded or entered into  
20 under subsection (a)(3) shall meet the requirements  
21 of this subsection.

22           “(2) ELIGIBILITY.—

23           “(A) IN GENERAL.—To be eligible to re-  
24 ceive a grant, contract, or cooperative agree-  
25 ment under this subsection, a local educational

1 agency shall enter into a school-based mental  
2 health partnership that—

3 “(i) shall include a public or private  
4 mental health entity or health care entity;  
5 and

6 “(ii) may include a child welfare agen-  
7 cy, family-based mental health entity, fam-  
8 ily organization, trauma network, or other  
9 community-based entity.

10 “(B) FLEXIBILITY FOR CERTAIN LOCAL  
11 EDUCATIONAL AGENCIES.—Notwithstanding  
12 subparagraph (A), a local educational agency  
13 that is eligible for services under subpart 1 or  
14 2 of part B of title VI, as determined by the  
15 Secretary, and that is unable to partner with a  
16 public or private mental health entity or health  
17 care entity shall be eligible for a grant under  
18 this subsection if the local educational agency  
19 can demonstrate to the Secretary, in its appli-  
20 cation for a grant under this subsection, that  
21 the local educational agency can otherwise build  
22 the capacity to carry out the requirements of  
23 this subsection.

24 “(3) APPLICATION.—A local educational agency  
25 that desires a grant, contract, or cooperative agree-

1 ment under this subsection shall include, in the ap-  
2 plication required by the Secretary, a description of  
3 how the local educational agency will—

4 “(A) assist schools served by the local edu-  
5 cational agency to provide, through the school-  
6 based mental health services partnership pro-  
7 gram, comprehensive school-based mental  
8 health services and supports and comprehensive  
9 staff development for school and community  
10 service personnel working in the school;

11 “(B) provide technical assistance and  
12 training to improve and support the develop-  
13 ment, implementation, and coordination of  
14 school-based mental health programs and en-  
15 sure such programs are coordinated with activi-  
16 ties carried out under the Individuals with Dis-  
17 abilities Education Act; and

18 “(C) evaluate the effects of providing  
19 school-based mental health programs.

20 “(4) USE OF FUNDS.—A local educational  
21 agency receiving a grant, contract, or cooperative  
22 agreement under this subsection shall use funds pro-  
23 vided under such grant, contract, or cooperative  
24 agreement to provide school-based mental health  
25 services and supports that—

1                   “(A) may include—

2                   “~~(i)~~ the early identification of social,  
3                   emotional, or behavioral problems, or sub-  
4                   stance use disorders, and the provision of  
5                   early intervening services;

6                   “~~(ii)~~ not withstanding section 4154,  
7                   the treatment or referral for treatment of  
8                   students with social, emotional, or behav-  
9                   ioral health problems, or substance use dis-  
10                  orders;

11                  “~~(iii)~~ the development and implemen-  
12                  tation of programs to assist children in  
13                  dealing with trauma and violence; and

14                  “~~(iv)~~ the development of mechanisms,  
15                  based on best practices, for children to re-  
16                  port incidents of violence or plans by other  
17                  children or adults to commit violence;

18                  “~~(B)~~ are based on trauma-informed and  
19                  evidence-based practices;

20                  “~~(C)~~ are coordinated, where appropriate,  
21                  with early intervening services carried out  
22                  under the Individuals with Disabilities Edu-  
23                  cation Act; and

24                  “~~(D)~~ are provided by qualified mental and  
25                  behavioral health professionals who are certified

1 or licensed by the State involved and practicing  
2 within their area of expertise.

3 ~~“(5) GENERAL REQUIREMENTS.—~~

4 ~~“(A) PARENTAL CONSENT.—~~

5 ~~“(i) IN GENERAL.—Each local edu-~~  
6 ~~ational agency receiving a grant, contract,~~  
7 ~~or cooperative agreement under this sub-~~  
8 ~~section shall obtain prior written, informed~~  
9 ~~consent from the parent of each child who~~  
10 ~~is under 18 years of age to participate in~~  
11 ~~any assessment service, program, activity,~~  
12 ~~or treatment that is—~~

13 ~~“(I) funded under this sub-~~  
14 ~~section; and~~

15 ~~“(II) conducted in connection~~  
16 ~~with an elementary school or sec-~~  
17 ~~ondary school under the grant, con-~~  
18 ~~tract, or cooperative agreement.~~

19 ~~“(ii) EXCEPTION.—Notwithstanding~~  
20 ~~clause (i), the written, informed consent~~  
21 ~~described in such clause shall not be re-~~  
22 ~~quired in—~~

23 ~~“(I) an emergency, where it is~~  
24 ~~necessary to protect the immediate~~

1 health and safety of the student, other  
2 students, or school personnel; or

3 ~~“(H) other instances where pa-~~  
4 ~~rental consent cannot reasonably be~~  
5 ~~obtained, as defined by the Secretary.~~

6 ~~“(B) PROHIBITION ON MANDATORY MEDI-~~  
7 ~~CATION.—No child shall be required to obtain a~~  
8 ~~prescription for a substance covered by the~~  
9 ~~Controlled Substances Act (21 U.S.C. 801 et~~  
10 ~~seq.) as a condition of receiving an evaluation~~  
11 ~~under this subsection, receiving services under~~  
12 ~~this subsection, or attending a school receiving~~  
13 ~~assistance under this subsection.~~

14 ~~“(C) PRIVACY.—Each eligible entity receiv-~~  
15 ~~ing a grant under this subsection shall ensure~~  
16 ~~that student mental health records are accorded~~  
17 ~~the privacy protections provided under the regu-~~  
18 ~~lations promulgated under section 264(e) of the~~  
19 ~~Health Insurance Portability and Accountability~~  
20 ~~Act of 1996 (Public Law 104–191; 110 Stat.~~  
21 ~~2033) and section 444 of the General Edu-~~  
22 ~~cation Provisions Act (20 U.S.C. 1232g) (com-~~  
23 ~~monly referred to as the ‘Federal Educational~~  
24 ~~Rights and Privacy Act of 1974’).~~

1           “(6) LIABILITY PROTECTION FOR SCHOOL PER-  
 2           SONNEL.—Section 2366 shall apply to school per-  
 3           sonnel providing services under a grant, contract, or  
 4           cooperative agreement under this subsection in the  
 5           same manner as such section applies to teachers.

6           “(7) PROHIBITION AGAINST FEDERAL MAN-  
 7           DATES, DIRECTION, OR CONTROL OR FEDERAL REG-  
 8           ULATION.—In addition to the prohibition of Federal  
 9           Government control of a State, local educational  
 10          agency, or school’s curriculum or program of in-  
 11          struction that is provided under section 9527(a),  
 12          nothing in this subsection shall be construed to au-  
 13          thorize an officer or employee of the Federal Gov-  
 14          ernment to mandate, direct, or control a State, local  
 15          educational agency, or school’s specific instructional  
 16          content or academic achievement standards and as-  
 17          sessments.”.

18          (1) DEFINITION.—Section 9101 of the Elementary  
 19          and Secondary Education Act of 1965 (20 U.S.C. 7801)  
 20          is amended—

21                 (1) by redesignating paragraphs (17) through  
 22                 (43) as paragraphs (18) through (44), respectively;  
 23                 and

24                 (2) by inserting after paragraph (16) the fol-  
 25                 lowing:



1           “(17) **EARLY INTERVENING SERVICES.**—The  
 2           term ‘early intervening services’ means early inter-  
 3           vening services described in section 613(f)(1) of the  
 4           Individuals with Disabilities Education Act.”.

5 **SEC. 104. CONFORMING AMENDMENTS.**

6           (a) **AMERICA COMPETES REAUTHORIZATION ACT**  
 7 **OF 2010.**—Section 553(d)(6) of the America COMPETES  
 8 Reauthorization Act of 2010 (20 U.S.C. 9903) is amended  
 9 by striking “section 9101(23)” and inserting “section  
 10 9101(24)”.

11          (b) **HIGHER EDUCATION ACT OF 1965.**—Section  
 12 255(k) of the Higher Education Act of 1965 is amended—

13           (1) in paragraph (1), by striking “section  
 14 9101(23)(B)(ii)” and inserting “section  
 15 9101(24)(B)(ii)”; and

16           (2) in paragraph (3), by striking “section  
 17 9101(23)” and inserting “section 9101(24)”.

18          (c) **INDIVIDUALS WITH DISABILITIES EDUCATION**  
 19 **ACT.**—Section 602(10) of the Individuals with Disabilities  
 20 Education Act (20 U.S.C. 1401(10)) is amended—

21           (1) in subparagraph (C)(ii), by striking “section  
 22 9101(23)” and inserting “section 9101(24)”; and

23           (2) in each of clauses (ii) and (iii) of subpara-  
 24 graph (D), by striking “section 9101(23)(C)(ii)” and  
 25 inserting “section 9101(24)(C)(ii)”.

1     **TITLE II—HEALTH PROGRAMS**

2     **SEC. 201. GARRETT LEE SMITH MEMORIAL ACT REAUTHOR-**  
3                     **IZATION.**

4             (a) **SUICIDE PREVENTION TECHNICAL ASSISTANCE**  
5     **CENTER.**—Section 520C of the Public Health Service Act  
6     (42 U.S.C. 290bb–34) is amended—

7             (1) in the section heading, by striking the sec-  
8             tion heading and inserting “**SUICIDE PREVENTION**  
9             **TECHNICAL ASSISTANCE CENTER.**”;

10            (2) in subsection (a), by striking “and in con-  
11            sultation with” and all that follows through the pe-  
12            riod at the end of paragraph (2) and inserting “shall  
13            establish a research, training, and technical assist-  
14            ance resource center to provide appropriate informa-  
15            tion, training, and technical assistance to States, po-  
16            litical subdivisions of States, federally recognized In-  
17            dian tribes, tribal organizations, institutions of high-  
18            er education, public organizations, or private non-  
19            profit organizations regarding the prevention of sui-  
20            cide among all ages, particularly among groups that  
21            are at high risk for suicide.”;

22            (3) by striking subsections (b) and (c);

23            (4) by redesignating subsection (d) as sub-  
24            section (b);

25            (5) in subsection (b), as so redesignated—

1           (A) by striking the subsection heading and  
2 inserting “RESPONSIBILITIES OF THE CEN-  
3 TER.”;

4           (B) in the matter preceding paragraph (1),  
5 by striking “The additional research” and all  
6 that follows through “nonprofit organizations  
7 for” and inserting “The center established  
8 under subsection (a) shall conduct activities for  
9 the purpose of”;

10          (C) by striking “youth suicide” each place  
11 such term appears and inserting “suicide”;

12          (D) in paragraph (1)—

13           (i) by striking “the development or  
14 continuation of” and inserting “developing  
15 and continuing”; and

16           (ii) by inserting “for all ages, particu-  
17 larly among groups that are at high risk  
18 for suicide” before the semicolon at the  
19 end;

20          (E) in paragraph (2), by inserting “for all  
21 ages, particularly among groups that are at  
22 high risk for suicide” before the semicolon at  
23 the end;

24          (F) in paragraph (3), by inserting “and  
25 tribal” after “statewide”;

1 (G) in paragraph (5), by inserting “and  
2 prevention” after “intervention”;

3 (H) in paragraph (8), by striking “in  
4 youth”;

5 (I) in paragraph (9), by striking “and be-  
6 havioral health” and inserting “health and sub-  
7 stance use disorder”; and

8 (J) in paragraph (10), by inserting “con-  
9 ducting” before “other”; and

10 (6) by striking subsection (e) and inserting the  
11 following:

12 “(e) AUTHORIZATION OF APPROPRIATIONS.—For the  
13 purpose of carrying out this section, there are authorized  
14 to be appropriated \$4,948,000 for each of fiscal years  
15 2014 through 2018.”.

16 (b) YOUTH SUICIDE EARLY INTERVENTION AND  
17 PREVENTION STRATEGIES.—Section 520E of the Public  
18 Health Service Act (42 U.S.C. 290bb–36) is amended—

19 (1) in paragraph (1) of subsection (a) and in  
20 subsection (e), by striking “substance abuse” each  
21 place such term appears and inserting “substance  
22 use disorder”;

23 (2) in subsection (b)(2)—

24 (A) by striking “each State is awarded  
25 only 1 grant or cooperative agreement under

1 this section” and inserting “a State does not  
2 receive more than 1 grant or cooperative agree-  
3 ment under this section at any 1 time”; and

4 (B) by striking “been awarded” and insert-  
5 ing “received”; and

6 (3) by striking subsection (m) and inserting the  
7 following:

8 “(m) AUTHORIZATION OF APPROPRIATIONS.—For  
9 the purpose of carrying out this section, there are author-  
10 ized to be appropriated \$29,682,000 for each of fiscal  
11 years 2014 through 2018.”.

12 (c) MENTAL HEALTH AND SUBSTANCE USE DIS-  
13 ORDER SERVICES.—Section 520E-2 of the Public Health  
14 Service Act (42 U.S.C. 290bb-36b) is amended—

15 (1) in the section heading, by striking “**AND**  
16 **BEHAVIORAL HEALTH**” and inserting “**HEALTH**  
17 **AND SUBSTANCE USE DISORDER SERVICES**”;

18 (2) in subsection (a)—

19 (A) by striking “Services,” and inserting  
20 “Services and”;

21 (B) by striking “and behavioral health  
22 problems” and inserting “health or substance  
23 use disorders”; and

24 (C) by striking “substance abuse” and in-  
25 serting “substance use disorders”;

1           ~~(3)~~ in subsection (b)—

2                   (A) in the matter preceding paragraph (1),  
3           by striking “for—” and inserting “for one or  
4           more of the following.”; and

5                   (B) by striking paragraphs (1) through (6)  
6           and inserting the following:

7           “(1) Educating students, families, faculty, and  
8           staff to increase awareness of mental health and  
9           substance use disorders.

10           “(2) The operation of hotlines.

11           “(3) Preparing informational material.

12           “(4) Providing outreach services to notify stu-  
13           dents about available mental health and substance  
14           use disorder services.

15           “(5) Administering voluntary mental health and  
16           substance use disorder screenings and assessments.

17           “(6) Supporting the training of students, fac-  
18           ulty, and staff to respond effectively to students with  
19           mental health and substance use disorders.

20           “(7) Creating a network infrastructure to link  
21           colleges and universities with health care providers  
22           who treat mental health and substance use dis-  
23           orders.”;

24           (4) in subsection (c)(5), by striking “substance  
25           abuse” and inserting “substance use disorder”;

1           (5) in subsection (d)—

2                   (A) in the matter preceding paragraph (1),  
3           by striking “An institution of higher education  
4           desiring a grant under this section” and insert-  
5           ing “To be eligible to receive a grant under this  
6           section, an institution of higher education”;

7                   (B) in paragraph (1)—

8                           (i) by striking “and behavioral  
9                           health” and inserting “health and sub-  
10                           stance use disorder”; and

11                           (ii) by inserting “, including veterans  
12                           whenever possible and appropriate,” after  
13                           “students”; and

14                   (C) in paragraph (2), by inserting “, which  
15           may include, as appropriate and in accordance  
16           with subsection (b)(7), a plan to seek input  
17           from relevant stakeholders in the community,  
18           including appropriate public and private enti-  
19           ties, in order to carry out the program under  
20           the grant” before the period at the end;

21                   (6) in subsection (e)(1), by striking “and behav-  
22           ioral health problems” and inserting “health and  
23           substance use disorders”;

24                   (7) in subsection (f)(2)—

1 (A) by striking “and behavioral health”  
 2 and inserting “health and substance use dis-  
 3 order”; and

4 (B) by striking “suicide and substance  
 5 abuse” and inserting “suicide and substance  
 6 use disorders”; and

7 (8) in subsection (h), by striking “\$5,000,000  
 8 for fiscal year 2005” and all that follows through  
 9 the period at the end and inserting “\$4,858,000 for  
 10 each of fiscal years 2014 through 2018.”.

11 **SEC. 202. MENTAL HEALTH AWARENESS TRAINING GRANTS.**

12 Section 520J of the Public Health Service Act (42  
 13 U.S.C. 290bb-41) is amended—

14 (1) in the section heading, by inserting “**MEN-**  
 15 **TAL HEALTH AWARENESS**” before “**TRAINING**”;  
 16 and

17 (2) in subsection (b)—

18 (A) in the subsection heading, by striking  
 19 “ILLNESS” and inserting “HEALTH”;

20 (B) in paragraph (1), by inserting “and  
 21 other categories of individuals, as determined  
 22 by the Secretary,” after “emergency services  
 23 personnel”;

24 (C) in paragraph (5)—



1 (i) in the matter preceding subpara-  
 2 graph (5), by striking “to” and inserting  
 3 “for evidence-based programs for the pur-  
 4 pose of”; and

5 (ii) by striking subparagraphs (A)  
 6 through (C) and inserting the following:

7 “(A) recognizing the signs and symptoms  
 8 of mental illness; and

9 “(B)(i) providing education to personnel  
 10 regarding resources available in the community  
 11 for individuals with a mental illness and other  
 12 relevant resources; or

13 “(ii) the safe de-escalation of crisis situa-  
 14 tions involving individuals with a mental ill-  
 15 ness.”; and

16 (D) in paragraph (7), by striking “,  
 17 \$25,000,000” and all that follows through the  
 18 period at the end and inserting “\$20,000,000  
 19 for each of fiscal years 2014 through 2018”.

20 **SEC. 203. CHILDREN’S RECOVERY FROM TRAUMA.**

21 Section 582 of the Public Health Service Act (42  
 22 U.S.C. 290hh-1) is amended—

23 (1) in subsection (a), by striking “developing  
 24 programs” and all that follows and inserting “devel-  
 25 oping and maintaining programs that provide for—

1           “(1) the continued operation of the National  
2 Child Traumatic Stress Initiative (referred to in this  
3 section as the ‘NCTSI’), which includes a coordi-  
4 nating center, that focuses on the mental, behav-  
5 ioral, and biological aspects of psychological trauma  
6 response; and

7           “(2) the development of knowledge with regard  
8 to evidence-based practices for identifying and treat-  
9 ing mental, behavioral, and biological disorders of  
10 children and youth resulting from witnessing or ex-  
11 perienceing a traumatic event.”;

12           (2) in subsection (b)—

13           (A) by striking “subsection (a) related”  
14 and inserting “subsection (a)(2) (related”;

15           (B) by striking “treating disorders associ-  
16 ated with psychological trauma” and inserting  
17 “treating mental, behavioral, and biological dis-  
18 orders associated with psychological trauma”;

19 and

20           (C) by striking “mental health agencies  
21 and programs that have established clinical and  
22 basic research” and inserting “universities, hos-  
23 pitals, mental health agencies, and other pro-  
24 grams that have established clinical expertise  
25 and research”;

1           (3) by redesignating subsections (e) through (g)  
2           as subsections (g) through (k), respectively;

3           (4) by inserting after subsection (b), the fol-  
4           lowing:

5           “(e) CHILD OUTCOME DATA.—The NCTSI coordi-  
6           nating center shall collect, analyze, and report NCTSI-  
7           wide child treatment process and outcome data regarding  
8           the early identification and delivery of evidence-based  
9           treatment and services for children and families served by  
10          the NCTSI grantees.

11          “(d) TRAINING.—The NCTSI coordinating center  
12          shall facilitate the coordination of training initiatives in  
13          evidence-based and trauma-informed treatments, interven-  
14          tions, and practices offered to NCTSI grantees, providers,  
15          and partners.

16          “(e) DISSEMINATION.—The NCTSI coordinating  
17          center shall, as appropriate, collaborate with the Secretary  
18          in the dissemination of evidence-based and trauma-in-  
19          formed interventions, treatments, products and other re-  
20          sources to appropriate stakeholders.

21          “(f) REVIEW.—The Secretary shall, consistent with  
22          the peer review process, ensure that NCTSI applications  
23          are reviewed by appropriate experts in the field as part  
24          of a consensus review process. The Secretary shall include

1 review criteria related to expertise and experience in child  
2 trauma and evidence-based practices.”;

3           (5) in subsection (g) (as so redesignated), by  
4 striking “with respect to centers of excellence are  
5 distributed equitably among the regions of the coun-  
6 try” and inserting “are distributed equitably among  
7 the regions of the United States”;

8           (6) in subsection (i) (as so redesignated), by  
9 striking “recipient may not exceed 5 years” and in-  
10 sserting “recipient shall not be less than 4 years, but  
11 shall not exceed 5 years”; and

12           (7) in subsection (j) (as so redesignated), by  
13 striking “\$50,000,000” and all that follows through  
14 “2006” and inserting “\$45,713,000 for each of fis-  
15 cal years 2014 through 2018”.

16 **SEC. 204. ASSESSING BARRIERS TO BEHAVIORAL HEALTH**  
17 **INTEGRATION.**

18           (a) IN GENERAL.—Not later than 2 years after the  
19 date of enactment of this Act, the Comptroller General  
20 of the United States shall submit a report to the Com-  
21 mittee on Health, Education, Labor, and Pensions of the  
22 Senate and the Committee on Energy and Commerce of  
23 the House of Representatives concerning Federal require-  
24 ments that impact access to treatment of mental health  
25 and substance use disorders related to integration with

1 primary care, administrative and regulatory issues, quality  
 2 measurement and accountability, and data sharing.

3 (b) CONTENTS.—The report submitted under sub-  
 4 section (a) shall include the following:

5 (1) An evaluation of the administrative or regu-  
 6 latory burden on behavioral healthcare providers.

7 (2) The identification of outcome and quality  
 8 measures relevant to integrated health care, evalua-  
 9 tion of the data collection burden on behavioral  
 10 healthcare providers, and any alternative methods  
 11 for evaluation.

12 (3) An analysis of the degree to which elec-  
 13 tronic data standards, including interoperability and  
 14 meaningful use includes behavioral health measures,  
 15 and an analysis of strategies to address barriers to  
 16 health information exchange posed by part 2 of title  
 17 42, Code of Federal Regulations.

18 (4) An analysis of the degree to which Federal  
 19 rules and regulations for behavioral and physical  
 20 health care are aligned, including recommendations  
 21 to address any identified barriers.

22 **SEC. 205. INCREASING EDUCATION AND AWARENESS OF**  
 23 **TREATMENTS FOR OPIOID USE DISORDERS.**

24 (a) IN GENERAL.—In order to improve the quality  
 25 of care delivery and treatment outcomes among patients

1 with opioid use disorders; the Secretary of Health and  
2 Human Services (referred to in this section as the “Sec-  
3 retary”), acting through the Administrator for the Sub-  
4 stance Abuse and Mental Health Services Administration;  
5 may advance, through existing programs as appropriate,  
6 the education and awareness of providers, patients, and  
7 other appropriate stakeholders regarding all products ap-  
8 proved by the Food and Drug Administration to treat  
9 opioid use disorders.

10 (b) ACTIVITIES.—The activities described in sub-  
11 section (a) may include—

12 (1) disseminating evidence-based practices for  
13 the treatment of opioid use disorders;

14 (2) facilitating continuing education programs  
15 for health professionals involved in treating opioid  
16 use disorders;

17 (3) increasing awareness among relevant stake-  
18 holders of the treatment of opioid use disorders;

19 (4) assessing current barriers to the treatment  
20 of opioid use disorders for patients and providers  
21 and development and implementation of strategies to  
22 mitigate such barriers; and

23 (5) continuing innovative approaches to the  
24 treatment of opioid use disorders in various treat-

1       ment settings, such as prisons, community mental  
2       health centers, primary care, and hospitals.

3       (c) **REPORT.**—Not later than 1 year after the date  
4 of enactment of this Act, if the Secretary carries out the  
5 activities under this section, the Secretary shall submit to  
6 the Committee on Health, Education, Labor, and Pen-  
7 sions of the Senate and the Committee on Energy and  
8 Commerce of the House of Representatives a report that  
9 examines—

10           (1) the activities the Substance Abuse and Men-  
11 tal Health Services Administration conducts under  
12 this section, including any potential impacts on  
13 health care costs associated with such activities;

14           (2) the role of adherence in the treatment of  
15 opioid use disorders and methods to reduce opioid  
16 use disorders; and

17           (3) recommendations on priorities and strate-  
18 gies to address co-occurring substance use disorders  
19 and mental illnesses.

20 **SEC. 206. EXAMINING MENTAL HEALTH CARE FOR CHIL-**  
21 **DREN.**

22       (a) **IN GENERAL.**—Not later than 1 year after the  
23 date of enactment of this Act, the Comptroller General  
24 of the United States shall conduct an independent evalua-  
25 tion, and submit to the Committee on Health, Education,

1 Labor, and Pensions of the Senate and the Committee on  
 2 Energy and Commerce of the House of Representatives,  
 3 a report concerning the utilization of mental health serv-  
 4 ices for children, including the usage of psychotropic medi-  
 5 cations.

6 (b) **CONTENT.**—The report submitted under sub-  
 7 section (a) shall review and assess—

8 (1) the ways in which children access mental  
 9 health care, including information on whether chil-  
 10 dren are treated by primary care or specialty pro-  
 11 viders, what types of referrals for additional care are  
 12 recommended, and any barriers to accessing this  
 13 care;

14 (2) the extent to which children are prescribed  
 15 psychotropic medications in the United States in-  
 16 cluding the frequency of concurrent medication  
 17 usage; and

18 (3) the tools, assessments, and medications that  
 19 are available and used to diagnose and treat children  
 20 with mental health disorders.

21 **SEC. 207. EVIDENCE BASED PRACTICES FOR OLDER**  
 22 **ADULTS.**

23 (a) **GERIATRIC SUBSTANCE USE DISORDERS TREAT-**  
 24 **MENT.**—Section 509(e) of the Public Health Service Act  
 25 (42 U.S.C. 290bb-2(e)) is amended—



1           (1) by striking “The Secretary shall establish”  
2 and inserting:

3           “(1) IN GENERAL.—The Secretary shall estab-  
4 lish”;

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

6           “(2) GERIATRIC SUBSTANCE USE DISORDERS  
7 TREATMENT.—The Secretary shall, as appropriate,  
8 provide technical assistance to grantees regarding  
9 evidence-based practices for the treatment of geri-  
10 atric substance use disorders, as well as disseminate  
11 information about such evidence-based practices to  
12 States and nongrantees throughout the United  
13 States.”.

14           (b) GERIATRIC SUBSTANCE USE DISORDERS PRE-  
15 VENTION.—Section 516(e) of the Public Health Service  
16 Act (42 U.S.C. 290bb-22(e)) is amended—

17           (1) by striking “The Secretary shall establish”  
18 and inserting:

19           “(1) IN GENERAL.—The Secretary shall estab-  
20 lish”;

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

22           “(2) GERIATRIC SUBSTANCE USE DISORDERS  
23 PREVENTION.—The Secretary shall, as appropriate,  
24 provide technical assistance to grantees regarding  
25 evidence-based practices for the prevention of geri-

1        geriatric substance use disorders, as well as disseminate  
2        information about such evidence-based practices to  
3        States and nongrantees throughout the United  
4        States.”.

5        (e) GERIATRIC MENTAL HEALTH DISORDERS.—See  
6        tion 520A(e) of the Public Health Service Act (42 U.S.C.  
7        290bb-32(e)) is amended by adding at the end the fol-  
8        lowing:

9                “(3) GERIATRIC MENTAL HEALTH DIS-  
10        ORDERS.—The Secretary shall, as appropriate, pro-  
11        vide technical assistance to grantees regarding evi-  
12        dence-based practices for the prevention and treat-  
13        ment of geriatric mental health disorders, as well as  
14        disseminate information about such evidence-based  
15        practices to States and nongrantees throughout the  
16        United States.”.

17        **SEC. 208. NATIONAL VIOLENT DEATH REPORTING SYSTEM.**

18        The Secretary of Health and Human Services, acting  
19        through the Director of the Centers for Disease Control  
20        and Prevention, is encouraged to improve, particularly  
21        through the inclusion of additional States, the National  
22        Violent Death Reporting System as authorized by title III  
23        of the Public Health Service Act. Participation in the sys-  
24        tem by the States shall be voluntary.

1 **SEC. 209. GAO STUDY ON VIRGINIA TECH RECOMMENDA-**  
2 **TIONS.**

3 (a) **IN GENERAL.**—Not later than 1 year after the  
4 date of enactment of this Act, the Comptroller General  
5 of the United States shall conduct an independent evalua-  
6 tion, and submit to the appropriate committees of Con-  
7 gress a report concerning the status of implementation of  
8 recommendations made in the report to the President, *On*  
9 *Issues Raised by the Virginia Tech Tragedy*, by the Secre-  
10 taries of Health and Human Services and Education and  
11 the Attorney General of the United States, submitted to  
12 the President on June 13, 2007.

13 (b) **CONTENT.**—The report submitted to the commit-  
14 tees of Congress under subsection (a) shall review and as-  
15 sess—

16 (1) the extent to which the recommendations in  
17 the report that include participation by the Depart-  
18 ment of Health and Human Services were imple-  
19 mented;

20 (2) whether there are any barriers to implemen-  
21 tation of such recommendations; and

22 (3) identification of any additional actions the  
23 Federal government can take to support States and  
24 local communities and ensure that the Federal gov-  
25 ernment and Federal law are not obstacles to ad-  
26 dressing at the community level—

1                   ~~(A)~~ school violence; and

2                   ~~(B)~~ mental illness.

3 **SECTION 1. SHORT TITLE.**

4           *This Act may be cited as the “Mental Health Aware-*  
 5 *ness and Improvement Act of 2013”.*

6 **TITLE I—EDUCATION PROGRAMS**

7 **SEC. 101. SHORT TITLE.**

8           *This title may be cited as the “Achievement Through*  
 9 *Prevention Act”.*

10 **SEC. 102. PURPOSE.**

11           *The purpose of this title is to expand the use of positive*  
 12 *behavioral interventions and supports and early inter-*  
 13 *vening services in schools in order to improve student aca-*  
 14 *demic achievement, reduce overidentification of individuals*  
 15 *with disabilities, and reduce disciplinary problems in*  
 16 *schools.*

17 **SEC. 103. AMENDMENTS TO THE ELEMENTARY AND SEC-**  
 18 **ONDARY EDUCATION ACT OF 1965.**

19           *(a) TITLE I STATE PLANS.—Section 1111(b) of the El-*  
 20 *ementary and Secondary Education Act of 1965 (20 U.S.C.*  
 21 *6311(b)) is amended by adding at the end the following:*

22                   *“(11) POSITIVE BEHAVIORAL INTERVENTIONS*  
 23 *AND SUPPORTS.—In the case of a State that proposes*  
 24 *to use funds under this part to support positive be-*  
 25 *havioral interventions and supports, the State plan*

1       *shall describe how the State educational agency*  
2       *will—*

3               “(A) *assist local educational agencies in im-*  
4               *plementing positive behavioral interventions and*  
5               *supports in schools served by the local edu-*  
6               *cational agency on a whole-school basis;*

7               “(B) *provide technical assistance and train-*  
8               *ing to local educational agencies to improve and*  
9               *support the development, implementation, and*  
10              *coordination of comprehensive positive behav-*  
11              *ioral interventions and supports carried out*  
12              *under this Act with activities carried out under*  
13              *the Individuals with Disabilities Education Act;*  
14              *and*

15              “(C) *evaluate the effects of providing posi-*  
16              *tive behavioral interventions and supports for all*  
17              *students, including improvement of the learning*  
18              *environment, academic achievement, disciplinary*  
19              *problems such as incidents of suspensions, expul-*  
20              *sions, referrals to law enforcement, and other ac-*  
21              *tions that remove students from instruction, and*  
22              *any other effects the State chooses to evaluate.*

23              “(12) *EARLY INTERVENING SERVICES.—In the*  
24              *case of a State that proposes to use funds under this*  
25              *part to support early intervening services, the State*

1 *plan shall describe how the State educational agency*  
2 *will—*

3 *“(A) assist local educational agencies in im-*  
4 *plementing early intervening services in schools*  
5 *served by the local educational agency to reduce*  
6 *the need to label children as children with dis-*  
7 *abilities in order to address the learning and be-*  
8 *havioral needs of such children;*

9 *“(B) provide technical assistance and train-*  
10 *ing to local educational agencies to improve co-*  
11 *ordination of early intervening services provided*  
12 *under this Act with early intervening services*  
13 *carried out under the Individuals with Disabil-*  
14 *ities Education Act; and*

15 *“(C) evaluate the effects of providing early*  
16 *intervening services.*

17 *“(13) CRISIS MANAGEMENT PLANS.—In the case*  
18 *of a State that proposes to use funds under this part*  
19 *to assist local educational agencies in the State in pe-*  
20 *riodically updating the crisis management plans, as*  
21 *described in section 4114(d)(7)(D), of such local edu-*  
22 *cational agencies, the State plan shall describe how*  
23 *the State educational agency will assist local edu-*  
24 *cational agencies in updating such crisis management*  
25 *plans.”.*

1           **(b) TITLE I STATE REPORTS.**—Section 1111(h)(1)(C)  
2 *of the Elementary and Secondary Education Act of 1965*  
3 *(20 U.S.C. 6311(h)(1)(C)) is amended—*

4           (1) *in clause (vii), by striking “and” after the*  
5 *semicolon;*

6           (2) *in clause (viii), by striking the period and*  
7 *inserting a semicolon; and*

8           (3) *by adding at the end the following:*

9                   *“(ix) the number of local educational*  
10 *agencies in the State that implement posi-*  
11 *tive behavioral interventions and supports;*

12                   *“(x) the number of students—*

13                           *“(I) who are served through the*  
14 *use of early intervening services; and*

15                           *“(II) who, in the preceding 2-year*  
16 *period, received early intervening serv-*  
17 *ices and who, after receiving such serv-*  
18 *ices, have been identified as eligible for,*  
19 *and receive, special education and re-*  
20 *lated services under part B of the Indi-*  
21 *viduals with Disabilities Education*  
22 *Act; and*

23                           *“(xi) the number of local educational*  
24 *agencies in the State that implement school-*  
25 *based mental health programs.”.*

1           (c) *TITLE I LOCAL EDUCATIONAL AGENCY PLANS.*—  
2 *Section 1112(b)(1) of the Elementary and Secondary Edu-*  
3 *cation Act of 1965 (20 U.S.C. 6312(b)(1)) is amended—*

4           (1) *in subparagraph (P), by striking “and” after*  
5 *the semicolon;*

6           (2) *in subparagraph (Q), by striking the period*  
7 *and inserting a semicolon; and*

8           (3) *by adding at the end the following:*

9           “(R) *if the local educational agency pro-*  
10 *poses to use subgrant funds under this part for*  
11 *positive behavioral interventions and supports, a*  
12 *description of the actions the local educational*  
13 *agency will take to provide positive behavioral*  
14 *interventions and supports and coordinate those*  
15 *activities with activities carried out under the*  
16 *Individuals with Disabilities Education Act;*

17           “(S) *if the local educational agency pro-*  
18 *poses to use subgrant funds under this part for*  
19 *early intervening services, a description of the*  
20 *actions the local educational agency will take to*  
21 *provide early intervening services and coordinate*  
22 *those services with early intervening services car-*  
23 *ried out under the Individuals with Disabilities*  
24 *Education Act;*



1           “(T) if the local educational agency pro-  
 2           poses to use subgrant funds under this part for  
 3           school-based mental health programs, a descrip-  
 4           tion of the actions the local educational agency  
 5           will take to provide school-based mental health  
 6           programs and coordinate those activities with  
 7           activities carried out under the *Individuals with*  
 8           *Disabilities Education Act*; and

9           “(U) if the local educational agency pro-  
 10          poses to use subgrant funds under this part for  
 11          periodically updating the crisis management  
 12          plan of the local educational agency, as described  
 13          in section 4114(d)(7)(D), a description of the ac-  
 14          tions the local educational agency will take to  
 15          develop and implement an updated crisis man-  
 16          agement plan.”.

17          (d) *TITLE I SCHOOLWIDE PROGRAMS.*—

18           (1)        *SCHOOLWIDE        PROGRAMS.*—Section  
 19          1114(b)(1)(B)(iii)(I) of the *Elementary and Sec-*  
 20          *ondary Education Act of 1965* (20 U.S.C.  
 21          6314(b)(1)(B)(iii)(I)) is amended—

22           (A) in item (aa), by striking “and men-  
 23          toring services” and inserting “mentoring serv-  
 24          ices, and school-based mental health programs”;

1           (B) by redesignating items (bb) and (cc) as  
2 items (dd) and (ee), respectively; and

3           (C) by inserting after item (aa) the fol-  
4 lowing:

5                   “(bb) implementation of  
6 schoolwide positive behavioral interven-  
7 tions and supports, including through  
8 coordination with activities carried out  
9 under the Individuals with Disabilities  
10 Education Act, in order to improve  
11 academic outcomes for students and re-  
12 duce the need for suspensions, expul-  
13 sions, and other actions that remove  
14 students from instruction;

15                   “(cc) implementation of early in-  
16 tervening services, including through  
17 coordination with early intervening  
18 services carried out under the Individ-  
19 uals with Disabilities Education Act;”.

20           (2)       TECHNICAL ASSISTANCE.—Section  
21 1116(b)(4)(B) of the Elementary and Secondary Edu-  
22 cation Act of 1965 (20 U.S.C. 6316(b)(4)(B)) is  
23 amended—

24           (A) by redesignating clauses (iii) and (iv)  
25 as clauses (iv) and (v), respectively; and

1           (B) by inserting after clause (ii) the fol-  
2           lowing:

3                   “(iii) shall include assistance in the  
4                   implementation of schoolwide positive be-  
5                   havioral interventions and supports, school-  
6                   based mental health programs, and other  
7                   approaches with evidence of effectiveness for  
8                   improving the learning environment in the  
9                   school and reducing the need for suspen-  
10                  sions, expulsions, and other actions that re-  
11                  move students from instruction, including  
12                  effective strategies for improving coordina-  
13                  tion of community resources;”.

14           (e) *TITLE I ASSESSMENTS AND SCHOOL IMPROVE-*  
15 *MENT.—*

16                   (1) *SCHOOL IMPROVEMENT PLAN.—Section*  
17                   *1116(b)(3)(A) of the Elementary and Secondary Edu-*  
18                   *cation Act of 1965 (20 U.S.C. 6316(b)(3)(A)) is*  
19                   *amended—*

20                           (A) in clause (ix), by striking “and” after  
21                           the semicolon;

22                           (B) in clause (x), by striking the period and  
23                           inserting a semicolon; and

24                           (C) by adding at the end the following:

1           “(xi) specify whether the local edu-  
 2           cational agency or the school will adopt and  
 3           implement policies or practices to imple-  
 4           ment or improve positive behavioral inter-  
 5           ventions and supports and enhance coordi-  
 6           nation with activities carried out under the  
 7           *Individuals with Disabilities Education*  
 8           *Act*;

9           “(xii) specify whether the local edu-  
 10          cational agency or the school will adopt and  
 11          implement policies or practices to imple-  
 12          ment or improve early intervening services  
 13          and coordinate with early intervening serv-  
 14          ices carried out under such Act; and

15          “(xiii) specify whether the local edu-  
 16          cational agency or school will adopt and  
 17          implement school-based mental health pro-  
 18          grams and coordinate with programs car-  
 19          ried out under such Act.”.

20               (2) *LOCAL EDUCATIONAL AGENCY IMPROVEMENT*  
 21               *PLANS*.—Section 1116(c)(10) of the *Elementary and*  
 22               *Secondary Education Act of 1965* (20 U.S.C.  
 23               6316(c)(10)) is amended—

1           (A) in subparagraph (B), by striking “sub-  
2           paragraph (E)” and inserting “subparagraph  
3           (F)”;

4           (B) by redesignating subparagraphs (D)  
5           through (F) as subparagraphs (E) through (G),  
6           respectively; and

7           (C) by inserting after subparagraph (C) the  
8           following:

9           “(D) *ADDITIONAL ACTIVITIES.*—In addition  
10          to carrying out 1 or more of the corrective ac-  
11          tions required under subparagraph (C) for a  
12          local educational agency, the State educational  
13          agency may also carry out 1 or more of the fol-  
14          lowing activities:

15               “(i) *Improving or expanding positive*  
16               *behavioral interventions and supports and*  
17               *enhancing coordination with activities*  
18               *under the Individuals with Disabilities*  
19               *Education Act.*

20               “(ii) *Improving or expanding early in-*  
21               *tervening services and coordinating such*  
22               *services with early intervening services car-*  
23               *ried out under the Individuals with Disabil-*  
24               *ities Education Act.*”.

25          (f) *TITLE I SCHOOL SUPPORT AND RECOGNITION.*—

1           (1) *REGIONAL CENTERS*.—Section 1117(a)(3) of  
2     *the Elementary and Secondary Education Act of*  
3     *1965 (20 U.S.C. 6317(a)(3)) is amended—*

4           (A) *by striking “of 2002 and comprehen-*  
5     *sive” and inserting “of 2002, comprehensive”;*

6           (B) *by striking “and the comprehensive”*  
7     *and inserting “, the comprehensive”; and*

8           (C) *by inserting “and any technical assist-*  
9     *ance center on schoolwide positive behavioral*  
10    *interventions and supports funded under section*  
11    *665(b) of the Individuals with Disabilities Edu-*  
12    *cation Act,” after “2002),”.*

13          (2) *STATEWIDE SYSTEMS FOR SUPPORT*.—Sec-  
14    *tion 1117(a)(5)(B) of the Elementary and Secondary*  
15    *Education Act of 1965 (20 U.S.C. 6317(a)(5)(B)) is*  
16    *amended—*

17          (A) *in clause (i), by striking the semicolon*  
18    *at the end and inserting the following: “, includ-*  
19    *ing by improving or expanding the use of posi-*  
20    *tive behavioral interventions and supports*  
21    *aligned with activities carried out under the In-*  
22    *dividuals with Disabilities Education Act;”;*

23          (B) *in clause (iii), by striking “and” after*  
24    *the semicolon;*

1           (C) in clause (iv), by striking the period  
2           and inserting a semicolon; and

3           (D) by adding at the end the following:

4                   “(v) review and analyze the school’s ef-  
5                   forts to identify and assist students with  
6                   poor academic achievement and students  
7                   who are children with disabilities, and as-  
8                   sist the school in developing or improving  
9                   early intervening services that are coordi-  
10                  nated with activities carried out under the  
11                  Individuals with Disabilities Education  
12                  Act;

13                   “(vi) review and analyze the school’s  
14                   efforts to address behavioral or disciplinary  
15                   problems, and assist the school in devel-  
16                   oping or improving schoolwide positive be-  
17                   havioral interventions and supports that  
18                   are coordinated with activities carried out  
19                   under the Individuals with Disabilities  
20                  Education Act;

21                   “(vii) review the number of discipline  
22                   incidents in the school and use that infor-  
23                   mation to assist the school to implement  
24                  schoolwide positive behavioral interventions

1                   and supports or other early intervening  
2                   services, or both; and

3                   “(viii) review and analyze the school’s  
4                   efforts to address mental health needs  
5                   among students and assist the school in de-  
6                   veloping or improving school-based mental  
7                   health programs that are coordinated with  
8                   activities carried out under the Individuals  
9                   with Disabilities Education Act.”.

10           (g) *TITLE I PARENTAL INVOLVEMENT.*—Section  
11 *1118(e) of the Elementary and Secondary Education Act*  
12 *of 1965 (20 U.S.C. 6318(e)) is amended—*

13                   (1) *by redesignating paragraphs (6) through (14)*  
14 *as paragraphs (7) through (15), respectively; and*

15                   (2) *by inserting after paragraph (5) the fol-*  
16 *lowing:*

17                   “(6) *shall provide information to school per-*  
18 *sonnel, students, and parents about the school’s use of*  
19 *positive behavioral interventions and supports, school-*  
20 *based mental health programs, and the expectations of*  
21 *school personnel, students, and parents in supporting*  
22 *a safe learning environment for all students;”.*

23           (h) *PREVENTION AND INTERVENTION PROGRAMS.*—  
24 *Section 1414(c)(8) of the Elementary and Secondary Edu-*  
25 *cation Act of 1965 (20 U.S.C. 6434(c)(8)) is amended by*



1 *inserting “, including coordinating the use of positive be-*  
 2 *havioral interventions and supports, early intervening serv-*  
 3 *ices, and school-based mental health programs to improve*  
 4 *academic achievement and reduce disciplinary actions” be-*  
 5 *fore the semicolon at the end.*

6 (i) *TECHNICAL ASSISTANCE.—Section 1419 of the Ele-*  
 7 *mentary and Secondary Education Act of 1965 (20 U.S.C.*  
 8 *6439) is amended—*

9 (1) *in paragraph (1), by striking “and” after the*  
 10 *semicolon;*

11 (2) *in paragraph (2), by striking the period and*  
 12 *inserting “; and”; and*

13 (3) *by adding at the end the following:*

14 “(3) *to provide technical assistance in imple-*  
 15 *menting positive behavioral interventions and sup-*  
 16 *ports, early intervening services, and school-based*  
 17 *mental health programs in order to improve academic*  
 18 *achievement and reduce disciplinary actions.”.*

19 (j) *TITLE II MENTAL HEALTH PROFESSIONAL DEVEL-*  
 20 *OPMENT.—Section 2123 of the Elementary and Secondary*  
 21 *Education Act of 1965 (20 U.S.C. 6623) is amended—*

22 (1) *in subsection (a), by inserting after para-*  
 23 *graph (8) the following:*

24 “(9) *Carrying out in-service training for school*  
 25 *personnel in—*

1           “(A) the techniques and supports needed to  
2 identify children with trauma histories, and  
3 children with, or at risk of, mental illness, early;

4           “(B) the use of referral mechanisms that ef-  
5 fectively link such children to appropriate treat-  
6 ment and intervention services in the school and  
7 in the community where appropriate; and

8           “(C) forming partnerships between school-  
9 based mental health programs and public or pri-  
10 vate mental health organizations.”;

11           (2) by redesignating subsection (b) as subsection  
12 (c); and

13           (3) by inserting after subsection (a) the fol-  
14 lowing:

15           “(b) *LIABILITY PROTECTION FOR SCHOOL PER-*  
16 *SONNEL.*—Section 2366 shall apply to school personnel who  
17 received in-service training under subsection (a)(9), and  
18 who are carrying out activities related to such training, in  
19 the same manner as such section applies to teachers.”.

20           (k) *SCHOOL-BASED MENTAL HEALTH SERVICES*  
21 *PARTNERSHIP PROGRAMS.*—Section 4121 of the *Elemen-*  
22 *tary and Secondary Education Act of 1965 (20 U.S.C.*  
23 *7131) is amended—*

24           (1) in subsection (a)—

1           (A) in the matter preceding paragraph (1),  
2           by inserting “, health (including mental  
3           health),” after “promote safety”;

4           (B) by redesignating paragraphs (3)  
5           through (8) and (9) as paragraphs (4) through  
6           (9) and (11), respectively;

7           (C) by inserting after paragraph (2) the fol-  
8           lowing:

9           “(3) the development and implementation of  
10          school-based mental health services partnership pro-  
11          grams under subsection (c);”;

12          (D) by striking paragraph (7), as redesign-  
13          ated by subparagraph (B), and inserting the  
14          following:

15          “(7) assistance to school systems that have par-  
16          ticularly severe drug and violence problems or assist-  
17          ance to support appropriate response efforts to crisis  
18          situations, including—

19                “(A) hiring drug prevention and school  
20                safety coordinators; and

21                “(B) making available to students mental  
22                health services, conflict resolution programs, and  
23                other school-based violence prevention strate-  
24                gies;”;

1           (E) in paragraph (9), as redesignated by  
 2           subparagraph (B), by striking “and” after the  
 3           semicolon; and

4           (F) by inserting after such paragraph (9)  
 5           the following:

6           “(10) assistance to States to help local edu-  
 7           cational agencies develop and implement comprehen-  
 8           sive emergency management plans; and”;

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

10          “(c) *SCHOOL-BASED MENTAL HEALTH SERVICES*  
 11 *PARTNERSHIP PROGRAMS.*—

12           “(1) *IN GENERAL.*—Each grant, contract, or co-  
 13           operative agreement awarded or entered into under  
 14           subsection (a)(3) shall meet the requirements of this  
 15           subsection.

16           “(2) *ELIGIBILITY.*—

17           “(A) *IN GENERAL.*—To be eligible to receive  
 18           a grant, contract, or cooperative agreement  
 19           under this subsection, a local educational agency  
 20           shall enter into a school-based mental health  
 21           partnership that—

22           “(i) shall include a public or private  
 23           mental health entity or health care entity;  
 24           and

1                   “(ii) may include a child welfare agen-  
2                   cy, family-based mental health entity, fam-  
3                   ily organization, trauma network, or other  
4                   community-based entity.

5                   “(B) *FLEXIBILITY FOR CERTAIN LOCAL*  
6                   *EDUCATIONAL AGENCIES.*—Notwithstanding sub-  
7                   paragraph (A), a local educational agency that  
8                   is eligible for services under subpart 1 or 2 of  
9                   part B of title VI, as determined by the Sec-  
10                  retary, and that is unable to partner with a pub-  
11                  lic or private mental health entity or health care  
12                  entity shall be eligible for a grant under this  
13                  subsection if the local educational agency can  
14                  demonstrate to the Secretary, in its application  
15                  for a grant under this subsection, that the local  
16                  educational agency can otherwise build the ca-  
17                  pacity to carry out the requirements of this sub-  
18                  section.

19                  “(3) *APPLICATION.*—A local educational agency  
20                  that desires a grant, contract, or cooperative agree-  
21                  ment under this subsection shall include, in the appli-  
22                  cation required by the Secretary, a description of how  
23                  the local educational agency will—

24                         “(A) assist schools served by the local edu-  
25                         cational agency to provide, through the school-

1           *based mental health services partnership pro-*  
2           *gram, comprehensive school-based mental health*  
3           *services and supports and comprehensive staff*  
4           *development for school and community service*  
5           *personnel working in the school;*

6           “(B) *provide technical assistance and train-*  
7           *ing to improve and support the development, im-*  
8           *plementation, and coordination of school-based*  
9           *mental health programs and ensure such pro-*  
10           *grams are coordinated with activities carried out*  
11           *under the Individuals with Disabilities Edu-*  
12           *cation Act; and*

13           “(C) *evaluate the effects of providing school-*  
14           *based mental health programs.*

15           “(4) *USE OF FUNDS.—A local educational agen-*  
16           *cy receiving a grant, contract, or cooperative agree-*  
17           *ment under this subsection shall use funds provided*  
18           *under such grant, contract, or cooperative agreement*  
19           *to provide school-based mental health services and*  
20           *supports that—*

21           “(A) *may include—*

22           “(i) *the early identification of social,*  
23           *emotional, or behavioral problems, or sub-*  
24           *stance use disorders, and the provision of*  
25           *early intervening services;*

1           “(ii) *notwithstanding section 4154,*  
2           *the treatment or referral for treatment of*  
3           *students with social, emotional, or behav-*  
4           *ioral health problems, or substance use dis-*  
5           *orders;*

6           “(iii) *the development and implemen-*  
7           *tation of programs to assist children in*  
8           *dealing with trauma and violence; and*

9           “(iv) *the development of mechanisms,*  
10          *based on best practices, for children to re-*  
11          *port incidents of violence or plans by other*  
12          *children or adults to commit violence;*

13          “(B) *are based on trauma-informed and*  
14          *evidence-based practices;*

15          “(C) *are coordinated, where appropriate,*  
16          *with early intervening services carried out under*  
17          *the Individuals with Disabilities Education Act;*  
18          *and*

19          “(D) *are provided by qualified mental and*  
20          *behavioral health professionals who are certified*  
21          *or licensed by the State involved and practicing*  
22          *within their area of expertise.*

23          “(5) *GENERAL REQUIREMENTS.—*

24          “(A) *PARENTAL CONSENT.—*

1           “(i) *IN GENERAL.*—*Each local edu-*  
2           *cational agency receiving a grant, contract,*  
3           *or cooperative agreement under this sub-*  
4           *section shall obtain prior written, informed*  
5           *consent from the parent of each child who is*  
6           *under 18 years of age to participate in any*  
7           *assessment service, program, activity, or*  
8           *treatment that is—*

9                     “(I) *funded under this subsection;*

10                    *and*

11                    “(II) *conducted in connection*  
12                    *with an elementary school or secondary*  
13                    *school under the grant, contract, or co-*  
14                    *operative agreement.*

15           “(ii) *EXCEPTION.*—*Notwithstanding*  
16           *clause (i), the written, informed consent de-*  
17           *scribed in such clause shall not be required*  
18           *in—*

19                    “(I) *an emergency, where it is*  
20                    *necessary to protect the immediate*  
21                    *health and safety of the student, other*  
22                    *students, or school personnel; or*

23                    “(II) *other instances where paren-*  
24                    *tal consent cannot reasonably be ob-*  
25                    *tained, as defined by the Secretary.*



1           “(B) *PROHIBITION ON MANDATORY MEDICA-*  
2           *TION.—No child shall be required to obtain a*  
3           *prescription for a substance covered by the Con-*  
4           *trolled Substances Act (21 U.S.C. 801 et seq.) as*  
5           *a condition of receiving an evaluation under this*  
6           *subsection, receiving services under this sub-*  
7           *section, or attending a school receiving assistance*  
8           *under this subsection.*

9           “(C) *PRIVACY.—Each local educational*  
10          *agency receiving a grant, contract, or cooperative*  
11          *agreement under this subsection shall ensure that*  
12          *student mental health records are accorded the*  
13          *privacy protections provided under the regula-*  
14          *tions promulgated under section 264(c) of the*  
15          *Health Insurance Portability and Accountability*  
16          *Act of 1996 (Public Law 104–191; 110 Stat.*  
17          *2033) and section 444 of the General Education*  
18          *Provisions Act (20 U.S.C. 1232g) (commonly re-*  
19          *ferred to as the ‘Family Educational Rights and*  
20          *Privacy Act of 1974’).*

21          “(6) *LIABILITY PROTECTION FOR SCHOOL PER-*  
22          *SONNEL.—Section 2366 shall apply to school per-*  
23          *sonnel providing services under a grant, contract, or*  
24          *cooperative agreement under this subsection in the*  
25          *same manner as such section applies to teachers.*

1           “(7) *PROHIBITION AGAINST FEDERAL MANDATES,*  
 2           *DIRECTION, OR CONTROL OR FEDERAL REGULA-*  
 3           *TION.—In addition to the prohibition of Federal Gov-*  
 4           *ernment control of a State, local educational agency,*  
 5           *or school’s curriculum or program of instruction that*  
 6           *is provided under section 9527(a), nothing in this*  
 7           *subsection shall be construed to authorize an officer or*  
 8           *employee of the Federal Government to mandate, di-*  
 9           *rect, or control a State, local educational agency, or*  
 10           *school’s specific instructional content or academic*  
 11           *achievement standards and assessments.”.*

12           *(l) DEFINITION.—Section 9101 of the Elementary and*  
 13           *Secondary Education Act of 1965 (20 U.S.C. 7801) is*  
 14           *amended—*

15                   *(1) by redesignating paragraphs (17) through*  
 16                   *(43) as paragraphs (18) through (44), respectively;*  
 17                   *and*

18                   *(2) by inserting after paragraph (16) the fol-*  
 19                   *lowing:*

20                   “(17) *EARLY INTERVENING SERVICES.—The term*  
 21                   *‘early intervening services’ means early intervening*  
 22                   *services described in section 613(f)(1) of the Individ-*  
 23                   *uals with Disabilities Education Act.”.*

1 **SEC. 104. CONFORMING AMENDMENTS.**

2 (a) *AMERICA COMPETES REAUTHORIZATION ACT OF*  
3 *2010.*—Section 553(d)(6) of the *America COMPETES Re-*  
4 *authorization Act of 2010 (20 U.S.C. 9903(d)(6))* is amend-  
5 *ed by striking “section 9101(23)” and inserting “section*  
6 *9101(24)”.*

7 (b) *HIGHER EDUCATION ACT OF 1965.*—Section  
8 *255(k) of the Higher Education Act of 1965* is amended—

9 (1) *in paragraph (1), by striking “section*  
10 *9101(23)(B)(i)” and inserting “section*  
11 *9101(24)(B)(i)”;* and

12 (2) *in paragraph (3), by striking “section*  
13 *9101(23)” and inserting “section 9101(24)”.*

14 (c) *INDIVIDUALS WITH DISABILITIES EDUCATION*  
15 *ACT.*—Section 602(10) of the *Individuals with Disabilities*  
16 *Education Act (20 U.S.C. 1401(10))* is amended—

17 (1) *in subparagraph (C)(ii), by striking “section*  
18 *9101(23)” and inserting “section 9101(24)”;* and

19 (2) *in each of clauses (ii) and (iii) of subpara-*  
20 *graph (D), by striking “section 9101(23)(C)(i)” and*  
21 *inserting “section 9101(24)(C)(i)”.*

1     **TITLE II—HEALTH PROGRAMS**

2     **SEC. 201. GARRETT LEE SMITH MEMORIAL ACT REAUTHOR-**  
 3                     **IZATION.**

4             (a) *SUICIDE PREVENTION TECHNICAL ASSISTANCE*  
 5     *CENTER.*—Section 520C of the Public Health Service Act  
 6     (42 U.S.C. 290bb–34) is amended—

7                     (1) *in the section heading, by striking the section*  
 8     *heading and inserting “SUICIDE PREVENTION*  
 9     ***TECHNICAL ASSISTANCE CENTER.*”;**

10                    (2) *in subsection (a), by striking “and in con-*  
 11     *sultation with” and all that follows through the pe-*  
 12     *riod at the end of paragraph (2) and inserting “shall*  
 13     *establish a research, training, and technical assist-*  
 14     *ance resource center to provide appropriate informa-*  
 15     *tion, training, and technical assistance to States, po-*  
 16     *litical subdivisions of States, federally recognized In-*  
 17      *dian tribes, tribal organizations, institutions of high-*  
 18     *er education, public organizations, or private non-*  
 19     *profit organizations regarding the prevention of sui-*  
 20     *cide among all ages, particularly among groups that*  
 21     *are at high risk for suicide.”;*

22                    (3) *by striking subsections (b) and (c);*

23                    (4) *by redesignating subsection (d) as subsection*  
 24     *(b);*

25                    (5) *in subsection (b), as so redesignated—*

1           (A) by striking the subsection heading and  
2           inserting “RESPONSIBILITIES OF THE CENTER.”;

3           (B) in the matter preceding paragraph (1),  
4           by striking “The additional research” and all  
5           that follows through “nonprofit organizations  
6           for” and inserting “The center established under  
7           subsection (a) shall conduct activities for the  
8           purpose of”;

9           (C) by striking “youth suicide” each place  
10          such term appears and inserting “suicide”;

11          (D) in paragraph (1)—

12           (i) by striking “the development or  
13           continuation of” and inserting “developing  
14           and continuing”; and

15           (ii) by inserting “for all ages, particu-  
16           larly among groups that are at high risk for  
17           suicide” before the semicolon at the end;

18          (E) in paragraph (2), by inserting “for all  
19          ages, particularly among groups that are at high  
20          risk for suicide” before the semicolon at the end;

21          (F) in paragraph (3), by inserting “and  
22          tribal” after “statewide”;

23          (G) in paragraph (5), by inserting “and  
24          prevention” after “intervention”;

1           (H) in paragraph (8), by striking “in  
2           youth”;

3           (I) in paragraph (9), by striking “and be-  
4           havioral health” and inserting “health and sub-  
5           stance use disorder”; and

6           (J) in paragraph (10), by inserting “con-  
7           ducting” before “other”; and

8           (6) by striking subsection (e) and inserting the  
9           following:

10          “(c) *AUTHORIZATION OF APPROPRIATIONS.—For the*  
11 *purpose of carrying out this section, there are authorized*  
12 *to be appropriated \$4,948,000 for each of fiscal years 2014*  
13 *through 2018.”.*

14          (b) *YOUTH SUICIDE EARLY INTERVENTION AND PRE-*  
15 *VENTION STRATEGIES.—Section 520E of the Public Health*  
16 *Service Act (42 U.S.C. 290bb–36) is amended—*

17           (1) in paragraph (1) of subsection (a) and in  
18           subsection (c), by striking “substance abuse” each  
19           place such term appears and inserting “substance use  
20           disorder”;

21           (2) in subsection (b)(2)—

22           (A) by striking “each State is awarded only  
23           1 grant or cooperative agreement under this sec-  
24           tion” and inserting “a State does not receive

1 more than 1 grant or cooperative agreement  
2 under this section at any 1 time”; and

3 (B) by striking “been awarded” and insert-  
4 ing “received”; and

5 (3) by striking subsection (m) and inserting the  
6 following:

7 “(m) *AUTHORIZATION OF APPROPRIATIONS.*—For the  
8 purpose of carrying out this section, there are authorized  
9 to be appropriated \$29,682,000 for each of fiscal years 2014  
10 through 2018.”.

11 (c) *MENTAL HEALTH AND SUBSTANCE USE DISORDER*  
12 *SERVICES.*—Section 520E–2 of the Public Health Service  
13 Act (42 U.S.C. 290bb–36b) is amended—

14 (1) in the section heading, by striking “**AND BE-**  
15 **HAVIORAL HEALTH**” and inserting “**HEALTH AND**  
16 **SUBSTANCE USE DISORDER SERVICES**”;

17 (2) in subsection (a)—

18 (A) by striking “Services,” and inserting  
19 “Services and”;

20 (B) by striking “and behavioral health  
21 problems” and inserting “health or substance use  
22 disorders”; and

23 (C) by striking “substance abuse” and in-  
24 serting “substance use disorders”;

25 (3) in subsection (b)—

1           (A) in the matter preceding paragraph (1),  
2           by striking “for—” and inserting “for one or  
3           more of the following.”; and

4           (B) by striking paragraphs (1) through (6)  
5           and inserting the following:

6           “(1) Educating students, families, faculty, and  
7           staff to increase awareness of mental health and sub-  
8           stance use disorders.

9           “(2) The operation of hotlines.

10          “(3) Preparing informational material.

11          “(4) Providing outreach services to notify stu-  
12          dents about available mental health and substance use  
13          disorder services.

14          “(5) Administering voluntary mental health and  
15          substance use disorder screenings and assessments.

16          “(6) Supporting the training of students, faculty,  
17          and staff to respond effectively to students with men-  
18          tal health and substance use disorders.

19          “(7) Creating a network infrastructure to link  
20          colleges and universities with health care providers  
21          who treat mental health and substance use dis-  
22          orders.”;

23          (4) in subsection (c)(5), by striking “substance  
24          abuse” and inserting “substance use disorder”;

25          (5) in subsection (d)—



1           (A) in the matter preceding paragraph (1),  
2           by striking “An institution of higher education  
3           desiring a grant under this section” and insert-  
4           ing “To be eligible to receive a grant under this  
5           section, an institution of higher education”;

6           (B) in paragraph (1)—

7                 (i) by striking “and behavioral health”  
8                 and inserting “health and substance use  
9                 disorder”; and

10                (ii) by inserting “, including veterans  
11                whenever possible and appropriate,” after  
12                “students”; and

13           (C) in paragraph (2), by inserting “, which  
14           may include, as appropriate and in accordance  
15           with subsection (b)(7), a plan to seek input from  
16           relevant stakeholders in the community, includ-  
17           ing appropriate public and private entities, in  
18           order to carry out the program under the grant”  
19           before the period at the end;

20           (6) in subsection (e)(1), by striking “and behav-  
21           ioral health problems” and inserting “health and sub-  
22           stance use disorders”;

23           (7) in subsection (f)(2)—

1           (A) by striking “and behavioral health” and  
 2           inserting “health and substance use disorder”;  
 3           and

4           (B) by striking “suicide and substance  
 5           abuse” and inserting “suicide and substance use  
 6           disorders”; and

7           (8) in subsection (h), by striking “\$5,000,000 for  
 8           fiscal year 2005” and all that follows through the pe-  
 9           riod at the end and inserting “\$4,858,000 for each of  
 10          fiscal years 2014 through 2018.”.

11 **SEC. 202. MENTAL HEALTH AWARENESS TRAINING GRANTS.**

12          Section 520J of the Public Health Service Act (42  
 13          U.S.C. 290bb-41) is amended—

14           (1) in the section heading, by inserting “**MEN-**  
 15           **TAL HEALTH AWARENESS**” before “**TRAINING**”;  
 16           and

17           (2) in subsection (b)—

18           (A) in the subsection heading, by striking  
 19           “**ILLNESS**” and inserting “**HEALTH**”;

20           (B) in paragraph (1), by inserting “and  
 21           other categories of individuals, as determined by  
 22           the Secretary,” after “emergency services per-  
 23           sonnel”;

24           (C) in paragraph (5)—

1                   (i) in the matter preceding subpara-  
 2                   graph (A), by striking “to” and inserting  
 3                   “for evidence-based programs for the pur-  
 4                   pose of”; and

5                   (ii) by striking subparagraphs (A)  
 6                   through (C) and inserting the following:

7                   “(A) recognizing the signs and symptoms of  
 8                   mental illness; and

9                   “(B)(i) providing education to personnel re-  
 10                   garding resources available in the community for  
 11                   individuals with a mental illness and other rel-  
 12                   evant resources; or

13                   “(ii) the safe de-escalation of crisis situa-  
 14                   tions involving individuals with a mental ill-  
 15                   ness.”; and

16                   (D) in paragraph (7), by striking “,  
 17                   \$25,000,000” and all that follows through the pe-  
 18                   riod at the end and inserting “\$20,000,000 for  
 19                   each of fiscal years 2014 through 2018”.

20 **SEC. 203. CHILDREN’S RECOVERY FROM TRAUMA.**

21                   Section 582 of the Public Health Service Act (42  
 22 U.S.C. 290hh–1) is amended—

23                   (1) in subsection (a), by striking “developing  
 24                   programs” and all that follows and inserting “devel-  
 25                   oping and maintaining programs that provide for—

1           “(1) the continued operation of the National  
2           Child Traumatic Stress Initiative (referred to in this  
3           section as the ‘NCTSI’), which includes a coordi-  
4           nating center, that focuses on the mental, behavioral,  
5           and biological aspects of psychological trauma re-  
6           sponse; and

7           “(2) the development of knowledge with regard to  
8           evidence-based practices for identifying and treating  
9           mental, behavioral, and biological disorders of chil-  
10          dren and youth resulting from witnessing or experi-  
11          encing a traumatic event.”;

12          (2) in subsection (b)—

13               (A) by striking “subsection (a) related” and  
14               inserting “subsection (a)(2) (related”;

15               (B) by striking “treating disorders associ-  
16               ated with psychological trauma” and inserting  
17               “treating mental, behavioral, and biological dis-  
18               orders associated with psychological trauma”;  
19               and

20               (C) by striking “mental health agencies and  
21               programs that have established clinical and basic  
22               research” and inserting “universities, hospitals,  
23               mental health agencies, and other programs that  
24               have established clinical expertise and research”;

1           (3) by redesignating subsections (c) through (g)  
2           as subsections (g) through (k), respectively;

3           (4) by inserting after subsection (b), the fol-  
4           lowing:

5           “(c) *CHILD OUTCOME DATA.*—The NCTSI coordi-  
6           nating center shall collect, analyze, and report NCTSI-wide  
7           child treatment process and outcome data regarding the  
8           early identification and delivery of evidence-based treat-  
9           ment and services for children and families served by the  
10          NCTSI grantees.

11          “(d) *TRAINING.*—The NCTSI coordinating center shall  
12          facilitate the coordination of training initiatives in evi-  
13          dence-based and trauma-informed treatments, interven-  
14          tions, and practices offered to NCTSI grantees, providers,  
15          and partners.

16          “(e) *DISSEMINATION.*—The NCTSI coordinating cen-  
17          ter shall, as appropriate, collaborate with the Secretary in  
18          the dissemination of evidence-based and trauma-informed  
19          interventions, treatments, products and other resources to  
20          appropriate stakeholders.

21          “(f) *REVIEW.*—The Secretary shall, consistent with the  
22          peer review process, ensure that NCTSI applications are re-  
23          viewed by appropriate experts in the field as part of a con-  
24          sensus review process. The Secretary shall include review

1 *criteria related to expertise and experience in child trauma*  
 2 *and evidence-based practices.”;*

3           (5) *in subsection (g) (as so redesignated), by*  
 4 *striking “with respect to centers of excellence are dis-*  
 5 *tributed equitably among the regions of the country”*  
 6 *and inserting “are distributed equitably among the*  
 7 *regions of the United States”;*

8           (6) *in subsection (i) (as so redesignated), by*  
 9 *striking “recipient may not exceed 5 years” and in-*  
 10 *serting “recipient shall not be less than 4 years, but*  
 11 *shall not exceed 5 years”;* and

12           (7) *in subsection (j) (as so redesignated), by*  
 13 *striking “\$50,000,000” and all that follows through*  
 14 *“2006” and inserting “\$45,713,000 for each of fiscal*  
 15 *years 2014 through 2018”.*

16 **SEC. 204. ASSESSING BARRIERS TO BEHAVIORAL HEALTH**  
 17 **INTEGRATION.**

18           (a) *IN GENERAL.*—*Not later than 2 years after the*  
 19 *date of enactment of this Act, the Comptroller General of*  
 20 *the United States shall submit a report to the Committee*  
 21 *on Health, Education, Labor, and Pensions of the Senate*  
 22 *and the Committee on Energy and Commerce of the House*  
 23 *of Representatives concerning Federal requirements that*  
 24 *impact access to treatment of mental health and substance*  
 25 *use disorders related to integration with primary care, ad-*

1 *ministrative and regulatory issues, quality measurement*  
 2 *and accountability, and data sharing.*

3 (b) *CONTENTS.*—*The report submitted under sub-*  
 4 *section (a) shall include the following:*

5 (1) *An evaluation of the administrative or regu-*  
 6 *latory burden on behavioral healthcare providers.*

7 (2) *The identification of outcome and quality*  
 8 *measures relevant to integrated health care, evalua-*  
 9 *tion of the data collection burden on behavioral*  
 10 *healthcare providers, and any alternative methods for*  
 11 *evaluation.*

12 (3) *An analysis of the degree to which electronic*  
 13 *data standards, including interoperability and mean-*  
 14 *ingful use includes behavioral health measures, and*  
 15 *an analysis of strategies to address barriers to health*  
 16 *information exchange posed by part 2 of title 42,*  
 17 *Code of Federal Regulations.*

18 (4) *An analysis of the degree to which Federal*  
 19 *rules and regulations for behavioral and physical*  
 20 *health care are aligned, including recommendations to*  
 21 *address any identified barriers.*

22 **SEC. 205. INCREASING EDUCATION AND AWARENESS OF**  
 23 **TREATMENTS FOR OPIOID USE DISORDERS.**

24 (a) *IN GENERAL.*—*In order to improve the quality of*  
 25 *care delivery and treatment outcomes among patients with*

1 *opioid use disorders, the Secretary of Health and Human*  
2 *Services (referred to in this section as the “Secretary”), act-*  
3 *ing through the Administrator for the Substance Abuse and*  
4 *Mental Health Services Administration, may advance,*  
5 *through existing programs as appropriate, the education*  
6 *and awareness of providers, patients, and other appropriate*  
7 *stakeholders regarding all products approved by the Food*  
8 *and Drug Administration to treat opioid use disorders.*

9 (b) *ACTIVITIES.—The activities described in subsection*  
10 *(a) may include—*

11 (1) *disseminating evidence-based practices for*  
12 *the treatment of opioid use disorders;*

13 (2) *facilitating continuing education programs*  
14 *for health professionals involved in treating opioid*  
15 *use disorders;*

16 (3) *increasing awareness among relevant stake-*  
17 *holders of the treatment of opioid use disorders;*

18 (4) *assessing current barriers to the treatment of*  
19 *opioid use disorders for patients and providers and*  
20 *development and implementation of strategies to miti-*  
21 *gate such barriers; and*

22 (5) *continuing innovative approaches to the*  
23 *treatment of opioid use disorders in various treatment*  
24 *settings, such as prisons, community mental health*  
25 *centers, primary care, and hospitals.*



1       (c) *REPORT.*—Not later than 1 year after the date of  
 2 enactment of this Act, if the Secretary carries out the activi-  
 3 ties under this section, the Secretary shall submit to the  
 4 Committee on Health, Education, Labor, and Pensions of  
 5 the Senate and the Committee on Energy and Commerce  
 6 of the House of Representatives a report that examines—

7           (1) the activities the Substance Abuse and Men-  
 8 tal Health Services Administration conducts under  
 9 this section, including any potential impacts on  
 10 health care costs associated with such activities;

11           (2) the role of adherence in the treatment of  
 12 opioid use disorders and methods to reduce opioid use  
 13 disorders; and

14           (3) recommendations on priorities and strategies  
 15 to address co-occurring substance use disorders and  
 16 mental illnesses.

17 **SEC. 206. EXAMINING MENTAL HEALTH CARE FOR CHIL-**  
 18 **DREN.**

19       (a) *IN GENERAL.*—Not later than 1 year after the date  
 20 of enactment of this Act, the Comptroller General of the  
 21 United States shall conduct an independent evaluation, and  
 22 submit to the Committee on Health, Education, Labor, and  
 23 Pensions of the Senate and the Committee on Energy and  
 24 Commerce of the House of Representatives, a report con-

1 *cerning the utilization of mental health services for chil-*  
 2 *dren, including the usage of psychotropic medications.*

3 (b) *CONTENT.*—*The report submitted under subsection*  
 4 *(a) shall review and assess—*

5 (1) *the ways in which children access mental*  
 6 *health care, including information on whether chil-*  
 7 *dren are treated by primary care or specialty pro-*  
 8 *viders, what types of referrals for additional care are*  
 9 *recommended, and any barriers to accessing this care;*

10 (2) *the extent to which children are prescribed*  
 11 *psychotropic medications in the United States includ-*  
 12 *ing the frequency of concurrent medication usage; and*

13 (3) *the tools, assessments, and medications that*  
 14 *are available and used to diagnose and treat children*  
 15 *with mental health disorders.*

16 **SEC. 207. EVIDENCE BASED PRACTICES FOR OLDER**  
 17 **ADULTS.**

18 *Section 520A(e) of the Public Health Service Act (42*  
 19 *U.S.C. 290bb-32(e)) is amended by adding at the end the*  
 20 *following:*

21 “(3) **GERIATRIC MENTAL HEALTH DISORDERS.**—  
 22 *The Secretary shall, as appropriate, provide technical*  
 23 *assistance to grantees regarding evidence-based prac-*  
 24 *tices for the prevention and treatment of geriatric*  
 25 *mental health disorders and co-occurring mental*

1 *health and substance use disorders among geriatric*  
2 *populations, as well as disseminate information about*  
3 *such evidence-based practices to States and non-*  
4 *grantees throughout the United States.”.*

5 **SEC. 208. NATIONAL VIOLENT DEATH REPORTING SYSTEM.**

6 *The Secretary of Health and Human Services, acting*  
7 *through the Director of the Centers for Disease Control and*  
8 *Prevention, is encouraged to improve, particularly through*  
9 *the inclusion of additional States, the National Violent*  
10 *Death Reporting System as authorized by title III of the*  
11 *Public Health Service Act. Participation in the system by*  
12 *the States shall be voluntary.*

13 **SEC. 209. GAO STUDY ON VIRGINIA TECH RECOMMENDA-**  
14 **TIONS.**

15 *(a) IN GENERAL.—Not later than 1 year after the date*  
16 *of enactment of this Act, the Comptroller General of the*  
17 *United States shall conduct an independent evaluation, and*  
18 *submit to the appropriate committees of Congress a report*  
19 *concerning the status of implementation of recommenda-*  
20 *tions made in the report to the President, On Issues Raised*  
21 *by the Virginia Tech Tragedy, by the Secretaries of Health*  
22 *and Human Services and Education and the Attorney Gen-*  
23 *eral of the United States, submitted to the President on*  
24 *June 13, 2007.*

1       (b) *CONTENT.*—*The report submitted to the committees*  
2 *of Congress under subsection (a) shall review and assess—*

3           (1) *the extent to which the recommendations in*  
4 *the report that include participation by the Depart-*  
5 *ment of Health and Human Services were imple-*  
6 *mented;*

7           (2) *whether there are any barriers to implemen-*  
8 *tation of such recommendations; and*

9           (3) *identification of any additional actions the*  
10 *Federal government can take to support States and*  
11 *local communities and ensure that the Federal gov-*  
12 *ernment and Federal law are not obstacles to address-*  
13 *ing at the community level—*

14                   (A) *school violence; and*

15                   (B) *mental illness.*



**Calendar No. 37**

113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 689**

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**A BILL**

To reauthorize and improve programs related to  
mental health and substance use disorders.

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APRIL 11, 2013

Reported with an amendment