

116TH CONGRESS  
2D SESSION

# H. R. 1109

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30 (legislative day, SEPTEMBER 29), 2020

Received; read twice and referred to the Committee on Health, Education,  
Labor, and Pensions

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## AN ACT

To amend the Public Health Service Act to revise and extend  
projects relating to children and to provide access to  
school-based comprehensive mental health programs.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Mental Health Services  
3 for Students Act of 2020”.

4 **SEC. 2. AMENDMENTS TO THE PUBLIC HEALTH SERVICE**  
5 **ACT.**

6       (a) TECHNICAL AMENDMENTS.—The second part G  
7 (relating to services provided through religious organiza-  
8 tions) of title V of the Public Health Service Act (42  
9 U.S.C. 290kk et seq.) is amended—

10           (1) by redesignating such part as part J; and

11           (2) by redesignating sections 581 through 584  
12 as sections 596 through 596C, respectively.

13       (b) SCHOOL-BASED MENTAL HEALTH AND CHIL-  
14 DREN.—Section 581 of the Public Health Service Act (42  
15 U.S.C. 290hh) (relating to children and violence) is  
16 amended to read as follows:

17 **“SEC. 581. SCHOOL-BASED MENTAL HEALTH; CHILDREN**  
18 **AND ADOLESCENTS.**

19       “(a) IN GENERAL.—The Secretary, in consultation  
20 with the Secretary of Education, shall, through grants,  
21 contracts, or cooperative agreements awarded to eligible  
22 entities described in subsection (c), provide comprehensive  
23 school-based mental health services and supports to assist  
24 children in local communities and schools (including  
25 schools funded by the Bureau of Indian Education) deal-  
26 ing with traumatic experiences, grief, bereavement, risk of

1 suicide, and violence. Such services and supports shall  
2 be—

3 “(1) developmentally, linguistically, and cul-  
4 turally appropriate;

5 “(2) trauma-informed; and

6 “(3) incorporate positive behavioral interven-  
7 tions and supports.

8 “(b) ACTIVITIES.—Grants, contracts, or cooperative  
9 agreements awarded under subsection (a), shall, as appro-  
10 priate, be used for—

11 “(1) implementation of school and community-  
12 based mental health programs that—

13 “(A) build awareness of individual trauma  
14 and the intergenerational, continuum of impacts  
15 of trauma on populations;

16 “(B) train appropriate staff to identify,  
17 and screen for, signs of trauma exposure, men-  
18 tal health disorders, or risk of suicide; and

19 “(C) incorporate positive behavioral inter-  
20 ventions, family engagement, student treatment,  
21 and multigenerational supports to foster the  
22 health and development of children, prevent  
23 mental health disorders, and ameliorate the im-  
24 pact of trauma;

1           “(2) technical assistance to local communities  
2       with respect to the development of programs de-  
3       scribed in paragraph (1);

4           “(3) facilitating community partnerships among  
5       families, students, law enforcement agencies, edu-  
6       cation agencies, mental health and substance use  
7       disorder service systems, family-based mental health  
8       service systems, child welfare agencies, health care  
9       providers (including primary care physicians, mental  
10      health professionals, and other professionals who  
11      specialize in children’s mental health such as child  
12      and adolescent psychiatrists), institutions of higher  
13      education, faith-based programs, trauma networks,  
14      and other community-based systems to address child  
15      and adolescent trauma, mental health issues, and vi-  
16      olence; and

17          “(4) establishing mechanisms for children and  
18      adolescents to report incidents of violence or plans  
19      by other children, adolescents, or adults to commit  
20      violence.

21      “(c) REQUIREMENTS.—

22          “(1) IN GENERAL.—To be eligible for a grant,  
23      contract, or cooperative agreement under subsection  
24      (a), an entity shall be a partnership that includes—

1           “(A) a State educational agency, as de-  
2           fined in section 8101 of the Elementary and  
3           Secondary Education Act of 1965, in coordina-  
4           tion with one or more local educational agen-  
5           cies, as defined in section 8101 of the Elemen-  
6           tary and Secondary Education Act of 1965, or  
7           a consortium of any entities described in sub-  
8           paragraph (B), (C), (D), or (E) of section  
9           8101(30) of such Act; and

10           “(B) at least 1 community-based mental  
11           health provider, including a public or private  
12           mental health entity, health care entity, family-  
13           based mental health entity, trauma network, or  
14           other community-based entity, as determined by  
15           the Secretary (and which may include addi-  
16           tional entities such as a human services agency,  
17           law enforcement or juvenile justice entity, child  
18           welfare agency, agency, an institution of higher  
19           education, or another entity, as determined by  
20           the Secretary).

21           “(2) COMPLIANCE WITH HIPAA.—Any patient  
22           records developed by covered entities through activi-  
23           ties under the grant shall meet the regulations pro-  
24           mulgated under section 264(c) of the Health Insur-  
25           ance Portability and Accountability Act of 1996.

1           “(3) COMPLIANCE WITH FERPA.—Section 444  
2           of the General Education Provisions Act (commonly  
3           known as the ‘Family Educational Rights and Pri-  
4           vacy Act of 1974’) shall apply to any entity that is  
5           a member of the partnership in the same manner  
6           that such section applies to an educational agency or  
7           institution (as that term is defined in such section).

8           “(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary  
9           shall ensure that grants, contracts, or cooperative agree-  
10          ments under subsection (a) will be distributed equitably  
11          among the regions of the country and among urban and  
12          rural areas.

13          “(e) DURATION OF AWARDS.—With respect to a  
14          grant, contract, or cooperative agreement under sub-  
15          section (a), the period during which payments under such  
16          an award will be made to the recipient shall be 5 years,  
17          with options for renewal.

18          “(f) EVALUATION AND MEASURES OF OUTCOMES.—

19                 “(1) DEVELOPMENT OF PROCESS.—The Assist-  
20          ant Secretary shall develop a fiscally appropriate  
21          process for evaluating activities carried out under  
22          this section. Such process shall include—

23                         “(A) the development of guidelines for the  
24                         submission of program data by grant, contract,  
25                         or cooperative agreement recipients;

1           “(B) the development of measures of out-  
2           comes (in accordance with paragraph (2)) to be  
3           applied by such recipients in evaluating pro-  
4           grams carried out under this section; and

5           “(C) the submission of annual reports by  
6           such recipients concerning the effectiveness of  
7           programs carried out under this section.

8           “(2) MEASURES OF OUTCOMES.—The Assistant  
9           Secretary shall develop measures of outcomes to be  
10          applied by recipients of assistance under this section  
11          to evaluate the effectiveness of programs carried out  
12          under this section, including outcomes related to the  
13          student, family, and local educational systems sup-  
14          ported by this Act.

15          “(3) SUBMISSION OF ANNUAL DATA.—An eligi-  
16          ble entity described in subsection (c) that receives a  
17          grant, contract, or cooperative agreement under this  
18          section shall annually submit to the Assistant Sec-  
19          retary a report that includes data to evaluate the  
20          success of the program carried out by the entity  
21          based on whether such program is achieving the pur-  
22          poses of the program. Such reports shall utilize the  
23          measures of outcomes under paragraph (2) in a rea-  
24          sonable manner to demonstrate the progress of the  
25          program in achieving such purposes.

1           “(4) EVALUATION BY ASSISTANT SECRETARY.—

2       Based on the data submitted under paragraph (3),  
3       the Assistant Secretary shall annually submit to  
4       Congress a report concerning the results and effec-  
5       tiveness of the programs carried out with assistance  
6       received under this section.

7           “(5) LIMITATION.—An eligible entity shall use  
8       not more than 20 percent of amounts received under  
9       a grant under this section to carry out evaluation  
10      activities under this subsection.

11      “(g) INFORMATION AND EDUCATION.—The Sec-  
12     retary shall disseminate best practices based on the find-  
13     ings of the knowledge development and application under  
14     this section.

15      “(h) AMOUNT OF GRANTS AND AUTHORIZATION OF  
16     APPROPRIATIONS.—

17           “(1) AMOUNT OF GRANTS.—A grant under this  
18       section shall be in an amount that is not more than  
19       \$2,000,000 for each of the first 5 fiscal years fol-  
20       lowing the date of enactment of the Mental Health  
21       Services for Students Act of 2019. The Secretary  
22       shall determine the amount of each such grant based  
23       on the population of children up to age 21 of the  
24       area to be served under the grant.



(c) CONFORMING AMENDMENT.—Part G of title V of the Public Health Service Act (42 U.S.C. 290hh et seq.), as amended by subsection (b), is further amended by striking the part designation and heading and inserting the following:

Passed the House of Representatives September 29,  
2020.

**HR 1109 RFS**