

116TH CONGRESS  
1ST SESSION

# S. 1204

To authorize the Secretary of Education to establish an Advisory Commission on Serving and Supporting Students with Mental Health Disabilities in Institutions of Higher Education, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

APRIL 11, 2019

Mr. CASEY (for himself, Mr. KAINE, Mr. BLUMENTHAL, Ms. KLOBUCHAR, Ms. SMITH, and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

---

## A BILL

To authorize the Secretary of Education to establish an Advisory Commission on Serving and Supporting Students with Mental Health Disabilities in Institutions of Higher Education, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Higher Education  
5 Mental Health Act of 2019”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

1           (1) More than 75 percent of mental health con-  
2           ditions begin before the age of 24.

3           (2) More than 25 percent of students between  
4           the ages of 18 and 24 reported a mental health con-  
5           cern.

6           (3) More than 50 percent of students between  
7           the ages of 18 and 24 reported having a severe psy-  
8           chological problem.

9           (4) More than 50 percent of students between  
10          the ages of 18 and 24 reported feelings of hopeless-  
11          ness.

12          (5) Higher education counseling centers are de-  
13          voting more time to rapid-response treatment with  
14          more than 25 percent of students who sought help  
15          reporting they had intentionally hurt themselves.

16          (6) Over a 5-year period, counseling center uti-  
17          lization increased by an average of 30 to 40 percent,  
18          while enrollment increased by only 5 percent, forcing  
19          institutions to stretch mental health services to more  
20          students without increasing resources.

21          (b) PURPOSES.—The purposes of this Act are the fol-  
22          lowing:

23                 (1) To ensure States and institutions of higher  
24                 education are provided with accurate information on  
25                 the mental health concerns facing students.

1           (2) To provide detailed recommendations that  
 2           institutions of higher education, States, and the  
 3           Federal Government can take to improve the mental  
 4           health services available to students and properly  
 5           treat the rising number of students with mental  
 6           health issues.

7 **SEC. 3. ADVISORY COMMISSION ON SERVING AND SUP-**  
 8                           **PORTING STUDENTS WITH MENTAL HEALTH**  
 9                           **DISABILITIES IN INSTITUTIONS OF HIGHER**  
 10                           **EDUCATION.**

11           (a) IN GENERAL.—The Secretary of Education shall  
 12           establish a commission to be known as the Advisory Com-  
 13           mission on Serving and Supporting Students with Mental  
 14           Health Disabilities in Institutions of Higher Education  
 15           (referred to in this section as the “Commission”).

16           (b) MEMBERSHIP.—

17           (1) TOTAL NUMBER OF MEMBERS.—The Com-  
 18           mission shall include not more than 20 members,  
 19           who shall be appointed by the Secretary of Edu-  
 20           cation in accordance with paragraphs (2) and (3).

21           (2) MEMBERS OF THE COMMISSION.—The  
 22           Commission shall include 1 representative from each  
 23           of the following:

24                           (A) The Office of Postsecondary Education  
 25                           of the Department of Education.

1           (B) The Office of Special Education and  
2           Rehabilitation Services of the Department of  
3           Education.

4           (C) The Office of Civil Rights of the De-  
5           partment of Education.

6           (D) The Office of Civil Rights of the De-  
7           partment of Justice.

8           (E) The National Council on Disability.

9           (F) A membership association for adminis-  
10          trative and personnel professionals focused on  
11          creating an inclusive higher education environ-  
12          ment for individuals with disabilities, as deter-  
13          mined by the Secretary.

14          (G) An organization that represents the  
15          Protection and Advocacy for Individuals with  
16          Mental Illness program, as determined by the  
17          Secretary.

18          (H) An organization operated by and rep-  
19          resenting secondary and postsecondary edu-  
20          cation students with mental health disabilities  
21          advocating for mental health services and sui-  
22          cide prevention.

23          (I) An organization representing college  
24          and university counseling directors.

1           (3) ADDITIONAL MEMBERS OF THE COMMIS-  
2           SION.—In addition to the members included under  
3           paragraph (2), the Commission shall include the fol-  
4           lowing:

5                   (A) Four members from leadership of in-  
6                   stitutions of higher education who have dem-  
7                   onstrated experience in successfully supporting  
8                   the retention and graduation of students with  
9                   mental health disabilities, including from coun-  
10                  seling and psychiatric services staff. With re-  
11                  spect to such 4 members, 1 member shall be a  
12                  staff member of a 2-year degree-granting insti-  
13                  tution of higher education, 1 member shall be  
14                  a staff member from a 4-year degree-granting  
15                  institution of higher education, 1 member shall  
16                  be a member of campus law enforcement, and  
17                  1 member shall serve as a general counsel. Such  
18                  4 members shall represent institutions of dif-  
19                  fering sizes.

20                  (B) Three members from family members  
21                  of individuals who are—

22                          (i) enrolled in an institution of higher  
23                          education on the date such family member  
24                          is appointed to the Commission; or

1 (ii) former students with a mental  
2 health disability.

3 (C) Four members from individuals with  
4 mental health disabilities, including not less  
5 than 2 individuals enrolled in an institution of  
6 higher education on the date of appointment to  
7 the Commission. Any remaining member shall  
8 be an individual with a mental health disability  
9 who has attended an institution of higher edu-  
10 cation.

11 (4) TIMING.—The Secretary of Education shall  
12 establish the Commission and appoint the members  
13 of the Commission not later than 60 days after the  
14 date of enactment of this Act.

15 (c) CHAIRPERSON AND VICE CHAIRPERSON.—The  
16 Commission shall select a chairperson and vice chair-  
17 person from among the members of the Commission. Ei-  
18 ther the chairperson or the vice chairperson shall be a stu-  
19 dent or former student with a mental health disability.

20 (d) MEETINGS.—

21 (1) IN GENERAL.—The Commission shall meet  
22 at the call of the chairperson, but not less often than  
23 8 times.

24 (2) FIRST MEETING.—Not later than 60 days  
25 after the appointment of the members of the Com-

1 mission under subsection (b), the Commission shall  
2 hold the Commission's first meeting.

3 (e) DUTIES.—The Commission shall conduct a study,  
4 using the highest quality and most representative data and  
5 research available, and prepare a report for the Secretary  
6 of Education that includes the following:

7 (1) Findings from stakeholders, including  
8 through solicitation of public testimony, related to  
9 the challenges faced by students with mental health  
10 disabilities in institutions of higher education, in-  
11 cluding—

12 (A) the services available to students with  
13 mental health disabilities in institutions of high-  
14 er education and their effectiveness in sup-  
15 porting these students;

16 (B) the impact of policies and procedures  
17 that help or hinder the goal of providing equal  
18 opportunity for students with mental health dis-  
19 abilities, such as reasonable accommodation  
20 policies, mandatory and voluntary leave policies,  
21 and disciplinary policies;

22 (C) the use of protected health information  
23 of students with mental health disabilities by  
24 institutions of higher education, including the  
25 extent to which campus-based mental health

1 providers share this information with college or  
2 university officials without student consent; and

3 (D) the impact of providing mental health  
4 services on a student's academic performance,  
5 well-being, and ability to complete college.

6 (2) Conclusions on the major challenges facing  
7 students with mental health disabilities in institu-  
8 tions of higher education.

9 (3) Recommendations to improve the overall  
10 education, and retention and graduation, of students  
11 with mental health disabilities in institutions of  
12 higher education, with the goal of helping these stu-  
13 dents access educational opportunities equal to those  
14 of their non-disabled peers.

15 (f) COMMISSION PERSONNEL MATTERS.—

16 (1) TRAVEL EXPENSES.—The members of the  
17 Commission shall not receive compensation for the  
18 performance of services for the Commission, but  
19 shall be allowed reasonable travel expenses, including  
20 per diem in lieu of subsistence, at rates authorized  
21 for employees of agencies under subchapter I of  
22 chapter 57 of title 5, United States Code, while  
23 away from their homes or regular places of business  
24 in the performance of services for the Commission.  
25 Notwithstanding section 1342 of title 31, United



1 States Code, the Secretary of Education may accept  
2 the voluntary and uncompensated services of mem-  
3 bers of the Commission.

4 (2) STAFF.—The Secretary of Education may  
5 designate such personnel as may be necessary to en-  
6 able the Commission to perform its duties.

7 (3) DETAIL OF GOVERNMENT EMPLOYEES.—  
8 Any Federal Government employee, with the ap-  
9 proval of the head of the appropriate Federal agen-  
10 cy, may be detailed to the Commission without reim-  
11 bursement, and such detail shall be without inter-  
12 ruption of loss of civil service status or privilege.

13 (4) FACILITIES, EQUIPMENT, AND SERVICES.—  
14 The Secretary of Education shall make available to  
15 the Commission, under such arrangements as may  
16 be appropriate, necessary equipment, supplies, and  
17 services.

18 (g) REPORTS.—

19 (1) INTERIM AND FINAL REPORTS.—The Com-  
20 mission shall prepare and submit to the Secretary of  
21 Education, as well as the Committee on Health,  
22 Education, Labor, and Pensions of the Senate and  
23 the Committee on Education and Labor of the  
24 House of Representatives—

1           (A) an interim report that summarizes the  
2 progress of the Commission, along with any in-  
3 terim findings, conclusions, and recommenda-  
4 tions as described in subsection (e); and

5           (B) a final report that states final find-  
6 ings, conclusions, and recommendations as de-  
7 scribed in subsection (e).

8           (2) PREPARATION AND SUBMISSION.—The re-  
9 ports described in paragraph (1) shall be prepared  
10 and submitted—

11           (A) in the case of the interim report, not  
12 later than 1 year after the date on which all the  
13 members of the Commission are appointed; and

14           (B) in the case of the final report, not  
15 later than 2 years after the date on which all  
16 the members of the Commission are appointed.

17           (h) TERMINATION.—The Commission shall terminate  
18 on the day after the date on which the Commission sub-  
19 mits the final report under subsection (g).

○