

110TH CONGRESS
1ST SESSION

H. R. 2220

To permit educational agencies and institutions to disclose certain information to parents of students who may pose a significant risk to their own safety or well-being, or to the safety or well-being of others.

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2007

Mr. TIM MURPHY of Pennsylvania (for himself, Mrs. NAPOLITANO, Mr. BOUCHER, Mr. REYES, Mr. BACA, Mr. RODRIGUEZ, Mr. BONNER, Mr. GARRETT of New Jersey, Mr. ROGERS of Alabama, Mr. HASTERT, Mr. DANIEL E. LUNGREN of California, Mr. KUHL of New York, Mr. GINGREY, Mr. MCCOTTER, Mrs. SCHMIDT, Mr. HAYES, Mr. CONAWAY, and Ms. FALLIN) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To permit educational agencies and institutions to disclose certain information to parents of students who may pose a significant risk to their own safety or well-being, or to the safety or well-being of others.

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 Secu-
5 rity for America’s Families in Education Act of 2007”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Many young adults experience symptoms of
4 mental illness. A 2006 survey by the American Col-
5 lege Health Association reports that nearly 15 per-
6 cent of students in college are diagnosed with de-
7 pression. One in 4 adults experience symptoms of
8 mental illness in their lifetime, according to the Na-
9 tional Institute of Mental Health.

10 (2) The American College Health Association
11 reported in a 2005 survey of college students that
12 11 percent of women and 9 percent of men have
13 considered suicide. According to a study by the Sui-
14 cide Prevention Resource Center, suicide is the sec-
15 ond leading cause of death among college students.

16 (3) Many youth and young adults with mental
17 illness are exposed to bullying, harassment, mal-
18 treatment, and social alienation by other students
19 and adults, which can exacerbate their conditions.

20 (4) In 2005, a national survey of Counseling
21 Center Directors reported a 14 percent increase in
22 severe psychological problems (including self-injury)
23 among students during the period from 2000 to
24 2005.

25 (5) According to a 2003 report by the Bureau
26 of Justice Statistics, out of the 7,700,000 college

1 students in the United States, 526,000 students ex-
2 perience violent crimes (rape, robbery, aggravated
3 assault, and simple assault). A significant percent-
4 age of students involved in violent crime may also
5 have symptoms of a diagnosable mental illness.

6 (6) Years of research findings have concluded
7 that mental health services provided by properly
8 trained professionals can be effective in the treat-
9 ment of mental illness. Withholding referrals and
10 treatment, however, can be detrimental to the recov-
11 ery and prognosis of patients.

12 (7) Confidentiality is the cornerstone of the
13 doctor-patient relationship, but when there is a sig-
14 nificant risk to the health or safety of a student or
15 others (including suicide, homicide, or physical as-
16 sult), it may serve the best interest of the student
17 to inform persons who can provide the necessary
18 help to protect the student, fellow students, and oth-
19 ers.

20 (8) Common symptoms of mental illness include
21 impaired judgment, confusion, emotional disorders,
22 social withdrawal, and impulsivity, all of which limit
23 a person's ability to make rational decisions regard-
24 ing their own care and treatment.

1 (9) Parents and legal guardians of a student
2 may be in the best position to supply essential help
3 to a student suffering from significant mental ill-
4 ness, by providing emotional support, medical his-
5 tory, coordinating care with various mental health
6 and medical professionals, and long term follow-up.

7 (10) The Federal Government, in recognition of
8 the value of the parental role in the treatment of
9 children, requires that a parent must be involved in
10 every level of the evaluation and treatment decisions
11 regarding a special needs child in a school setting.
12 However, the value of parental involvement should
13 not end when a student has attained 18 years of
14 age.

15 (11) The Family Educational Rights and Pri-
16 vacy Act (FERPA) of 1974 was originally intended
17 to protect the confidentiality of student grades and
18 records. Exceptions in FERPA to the confidentiality
19 requirements permit the release of records “in con-
20 nection with an emergency, to appropriate persons if
21 the knowledge of such information is necessary to
22 protect the health or safety of the student or oth-
23 ers.” The unintended consequence of FERPA, how-
24 ever, is that school personnel, administrators, and
25 teachers who have little or no training in mental

1 health and mental illness are burdened with defining
2 and determining if a student is at risk. These edu-
3 cational personnel are reluctant to release informa-
4 tion to parents for fear of legal action. These issues
5 create barriers and delays for informing families
6 even when schools are concerned that students may
7 be a risk to themselves or others.

8 (12) It is important, compassionate, and essen-
9 tial that laws should facilitate, not inhibit, parent-
10 child communication that aids proper treatment for
11 mental illness when deemed appropriate.

12 **SEC. 3. MENTAL HEALTH DISCLOSURES FOR STUDENT**
13 **SAFETY.**

14 The Family Educational Rights and Privacy Act of
15 1974 (20 U.S.C. 1232g) is amended by adding at the end
16 the following new subsection:

17 “(k) MENTAL HEALTH DISCLOSURES FOR STUDENT
18 SAFETY.—

19 “(1) IN GENERAL.—Notwithstanding any other
20 provision of this section or the Higher Education
21 Act of 1965 (20 U.S.C. 1001 et seq.), and subject
22 to paragraph (2), an educational agency or institu-
23 tion of higher education may disclose, to a parent or
24 legal guardian of a student who is a dependent (as
25 defined in section 152 of the Internal Revenue Code

1 of 1986), information related to any conduct of, or
2 expression by, such student that demonstrates that
3 the student poses a significant risk of harm to him-
4 self or herself, or to others, including a significant
5 risk of suicide, homicide, or assault.

6 “(2) CERTIFICATION BY A LICENSED MENTAL
7 HEALTH PROFESSIONAL.—An educational agency or
8 institution shall not disclose any information under
9 this subsection that is not otherwise authorized to be
10 disclosed under this section unless the educational
11 agency or institution—

12 “(A) with respect to the conduct of, or ex-
13 pression by, a student described in paragraph
14 (1), consults with a mental health professional
15 who—

16 “(i) is approved by the State in which
17 the educational agency or institution is lo-
18 cated and who is licensed by the appro-
19 priate entity to provide mental health serv-
20 ices and treatment; and

21 “(ii) is acting in accordance with the
22 ethical and professional standards gov-
23 erning such professional; and

1 “(B) obtains a written certification from
2 such professional that the professional has rea-
3 son to believe—

4 “(i) that such conduct of, or expres-
5 sion by, the student demonstrates that the
6 student poses a significant risk of harm to
7 himself or herself, or to others, including a
8 significant risk of suicide, homicide, or as-
9 sault; and

10 “(ii) the possession of the knowledge
11 of such information by the parent or legal
12 guardian of the student may protect the
13 health or safety of the student or other
14 persons.

15 “(3) DEPENDENT STUDENTS.—Notwith-
16 standing subsection (d), an educational agency or in-
17 stitution of higher education may disclose informa-
18 tion to a parent or legal guardian of a student who
19 is a dependent (as defined in section 152 of the In-
20 ternal Revenue Code of 1986) for the purposes of
21 and in accordance with the requirements of this sub-
22 section, regardless of whether the student has at-
23 tained eighteen years of age, or is attending an insti-
24 tution of postsecondary education.

1 “(4) PROTECTION OF EDUCATIONAL AGENCY
2 OR INSTITUTION.—An educational agency or institu-
3 tion that, in good faith, discloses education records
4 or other information (including records described in
5 clauses (ii) or (iv) of subsection (a)(4)(B)) in accord-
6 ance with the requirements of this subsection shall
7 not be liable to any person for that disclosure.

8 “(5) RULE OF CONSTRUCTION.—Nothing in
9 this subsection shall be construed to prohibit an edu-
10 cational agency or institution from taking such other
11 action as the agency or institution determines to be
12 necessary to protect the safety of students.”.

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