

111TH CONGRESS
1ST SESSION

H. R. 1338

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2009

Ms. LEE of California introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Student Support Act”.

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

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

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

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

10 and

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

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

15 **“SEC. 5545. FINDINGS.**

16 “Congress finds the following:

17 “(1) The Surgeon General of the Public Health
18 Service has found that although 1 in 10 children
19 and adolescents suffer from mental illness severe
20 enough to cause some level of impairment, in any
21 given year fewer than 1 in 5 of these children re-
22 ceives needed treatment. The short- and long-term
23 consequences of untreated childhood mental dis-
24 orders are costly, in both human and fiscal terms.

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

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

4 “(3) Across the United States, there are insuffi-
5 cient resources for school-based counseling profes-
6 sionals, and often students do not get the help they
7 need. The current national average ratio of students
8 to school counselors in elementary and secondary
9 schools is 561 to 1.

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

14 “(5) According to the Institute of Medicine of
15 the National Academy of Sciences, the maximum
16 recommended ratio of—

17 “(A) students to school counselors is 250
18 to 1;

19 “(B) students to school psychologists is
20 1,000 to 1; and

21 “(C) students to school social workers is
22 800 to 1.

23 “(6) In some States, 1 school counselor typi-
24 cally serves over 1,000 students. Ratios for school
25 psychologists and school social workers are also ex-

1 tremely high. In some schools, there are no school-
2 based mental health and student service providers
3 available to assist students in times of crisis, or at
4 any other time.

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

10 “(8) Model programs using school-based mental
11 health and student service providers have reduced
12 school suspensions, reduced referrals to the prin-
13 cipal’s office, reduced the use of weapons, force, and
14 threats, and increased students’ feelings of safety.

15 **“SEC. 5546. PURPOSES.**

16 “The purposes of this chapter are to assist States and
17 local educational agencies in hiring additional school-based
18 mental health providers, including additional school coun-
19 selors, school psychologists, other qualified psychologists,
20 child and adolescent psychiatrists, and school social work-
21 ers to achieve each of the following:

22 “(1) To reduce the ratios of school-based men-
23 tal health and student service providers to students
24 in elementary and secondary schools in the United
25 States to the following minimum ratios rec-

1 ommended by the Institute of Medicine of the Na-
2 tional Academy of Sciences in its 1997 report
3 ‘Schools and Health: Our Nation’s Investment’:

4 “(A) 1 school counselor for every 250 stu-
5 dents;

6 “(B) 1 school psychologist for every 1,000
7 students; and

8 “(C) 1 school social worker for every 800
9 students.

10 “(2) To provide school-based mental health and
11 student services.

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

15 “(4) To support school staff and teachers in
16 improving classroom management, conducting be-
17 havioral interventions to improve school discipline,
18 and developing the awareness and skills to identify
19 early warning signs of violence and the need for
20 mental health services.

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

24 **“SEC. 5547. DEFINITIONS.**

25 “In this chapter, the following definitions apply:

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

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

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

10 “(4) MENTAL HEALTH AND STUDENT SERVICE
11 PROVIDER.—The term ‘mental health and student
12 service provider’ means a qualified individual who
13 provides mental health and student services, includ-
14 ing any individual who is a qualified school coun-
15 selor, a qualified school psychologist or any other
16 qualified psychologist, a child or adolescent psychia-
17 trist, or a qualified school social worker.

18 “(5) MENTAL HEALTH AND STUDENT SERV-
19 ICES.—The term ‘mental health and student serv-
20 ices’ includes direct, individual, and group services
21 provided to students, parents, and school personnel
22 by mental health and student service providers, and
23 the coordination of prevention strategies in schools
24 or community-based programs.

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

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

10 “(8) SCHOOL COUNSELOR.—The term ‘school
11 counselor’ means an individual who has documented
12 competence in counseling children and adolescents in
13 a school setting and who—

14 “(A) possesses State licensure or certifi-
15 cation granted by an independent professional
16 regulatory authority;

17 “(B) possesses national certification in
18 school counseling or a specialty of counseling
19 granted by an independent professional organi-
20 zation; or

21 “(C) holds a minimum of a master’s de-
22 gree in school counseling from a program ac-
23 credited by the Council for Accreditation of
24 Counseling and Related Educational Programs
25 or the equivalent.

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

3 “(A) possesses a minimum of 60 graduate
4 semester hours in school psychology from an in-
5 stitution of higher education and has completed
6 1,200 clock hours in a supervised school psy-
7 chology internship, of which 600 hours shall be
8 in a school setting;

9 “(B) possesses State licensure or certifi-
10 cation in school psychology in the State in
11 which the individual works; or

12 “(C) possesses national certification by the
13 National School Psychology Certification Board.

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

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

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

21 “(C) possesses a national credential or na-
22 tional certification as a school social work spe-
23 cialist granted by an independent professional
24 organization.

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

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

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

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

14 “(1) make available 1 percent of such amount
15 to the Secretary of the Interior (on behalf of the Bu-
16 reau of Indian Affairs) and the outlying areas for
17 activities that carry out the purposes of this chapter;
18 and

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

21 “(A) an amount that bears the same rela-
22 tionship to 50 percent of such total amount as
23 the number of children in poverty who reside in
24 the State bears to the number of such children
25 in all States; and

1 “(B) an amount that bears the same rela-
2 tionship to 50 percent of such total amount as
3 the number of children enrolled in public and
4 private nonprofit elementary schools and sec-
5 ondary schools in the State bears to the number
6 of children enrolled in all such schools in all
7 States.

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

11 “(d) REALLOCATION.—The Secretary shall reallocate
12 to States that have received approval under subsection
13 (e)(2) any funds allocated under subsection (b) to a State
14 that fails to submit an application that is approved by the
15 Secretary.

16 “(e) APPLICATION BY STATE.—

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

22 “(2) APPROVAL.—The Secretary may not ap-
23 prove an application under this subsection unless the
24 State submitting the application—

1 “(A) presents a plan, which the Secretary
2 considers to be reasonable, under which the
3 State will make grants, in accordance with the
4 purposes of this chapter, to local educational
5 agencies to fund the hiring of additional school
6 counselors, school psychologists, other qualified
7 psychologists, child and adolescent psychia-
8 trists, and school social workers; and

9 “(B) provides an assurance that the State
10 will provide the matching amount required
11 under subsection (g).

12 “(f) USE OF FUNDS BY STATE.—

13 “(1) IN GENERAL.—In accordance with this
14 subsection, the total of the amounts made available
15 to a State under this section and the amounts of the
16 non-Federal match required under subsection (g)
17 may only be used by a State to make grants to local
18 educational agencies to assist such agencies in hiring
19 additional school-based mental health and student
20 service providers.

21 “(2) ADMINISTRATIVE COSTS.—In each fiscal
22 year, a State may use not more than 5 percent of
23 the assistance made available to it under this chap-
24 ter for the administrative costs of the State in car-

1 rying out the State’s responsibilities under this
2 chapter.

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

8 “(A) an amount that bears the same rela-
9 tionship to 50 percent of such total as the num-
10 ber of children in poverty who reside in the
11 school district served by the local educational
12 agency bears to the number of such children
13 who reside in all the school districts in the
14 State; and

15 “(B) an amount that bears the same rela-
16 tionship to 50 percent of such total as the num-
17 ber of children enrolled in public and private
18 nonprofit elementary schools and secondary
19 schools in the school district served by the local
20 educational agency bears to the number of chil-
21 dren enrolled in all such schools in the State.

22 “(4) MINIMUM GRANT.—Notwithstanding para-
23 graph (3), no grant made by a State in accordance
24 with this subsection shall be for an amount less than
25 \$50,000.

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

11 “(6) APPLICATION BY LOCAL EDUCATIONAL
12 AGENCIES.—A State may require that, in order to
13 be eligible for a grant made by the State in accord-
14 ance with this subsection, a local educational agency
15 shall submit an application to the State at such
16 time, in such manner, and containing such informa-
17 tion as the State may require.

18 “(g) MATCHING FUNDS.—

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

23 “(2) LOCAL CONTRIBUTION.—In making grants
24 to local educational agencies in accordance with this
25 subsection, a State may require that a local edu-

1 cational agency match a portion of the amount of
2 the grant made to the agency.

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

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

12 “(i) DATA COLLECTION AND REPORT.—

13 “(1) IN GENERAL.—For each fiscal year for
14 which it receives assistance under this chapter, a
15 State shall collect data describing how the assistance
16 is used.

17 “(2) REPORT.—Not later than 1 year after as-
18 sistance is made available to a State under this
19 chapter, the State shall transmit to the Secretary a
20 report on the data described in paragraph (1), in-
21 cluding information with respect to each local edu-
22 cational agency to which the State made a grant
23 with assistance made available under this chapter—

24 “(A) the number of school counselors,
25 school psychologists, other qualified psycholo-

1 gists, child and adolescent psychiatrists, and
2 school social workers employed by local edu-
3 cational agency; and

4 “(B) the ratio of students to school coun-
5 selors, the ratio of students to school psycholo-
6 gists or other qualified psychologists, the ratio
7 of students to child and adolescent psychia-
8 trists, and the ratio of students to school social
9 workers.

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

14 “(4) PUBLICATION.—The Secretary shall make
15 data received under this subsection publicly available
16 on an annual basis.

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

18 “There are authorized to be appropriated to carry out
19 this chapter \$100,000,000 for each of fiscal years 2010
20 through 2018.”.

21 (b) CLERICAL AMENDMENTS.—The table of contents
22 for the Elementary and Secondary Education Act of 1965
23 (20 U.S.C. 6301 et seq.) is amended by amending the
24 items relating to subpart 14 of title V to read as follows:

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

“CHAPTER A—SYSTEMS INTEGRATION; PROMOTION OF SCHOOL
READINESS

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

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

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

“Sec. 5545. Findings.

“Sec. 5546. Purposes.

“Sec. 5547. Definitions.

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

“Sec. 5549. Authorization of appropriations.”.

