

115TH CONGRESS
2D SESSION

S. 3106

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

JUNE 21, 2018

Mr. CASEY (for himself, Mr. KAINE, Mr. NELSON, Ms. HASSAN, Ms. SMITH, Mr. BLUMENTHAL, and Ms. KLOBUCHAR) 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 2018”.

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 19 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, as determined by the Secretary.

23 (3) ADDITIONAL MEMBERS OF THE COMMIS-
24 SION.—In addition to the members included under

1 paragraph (2), the Commission shall include the fol-
2 lowing:

3 (A) Four members from leadership of in-
4 stitutions of higher education who have dem-
5 onstrated experience in successfully supporting
6 the retention and graduation of students with
7 mental health disabilities. With respect to such
8 4 members, 1 member shall be a staff member
9 of a 2-year degree-granting institution of higher
10 education, 1 member shall be a staff member
11 from a 4-year degree granting institution of
12 higher education, 1 member shall be a member
13 of campus law enforcement, and 1 member
14 shall serve as a general counsel. Such 4 mem-
15 bers shall represent institutions of differing
16 sizes.

17 (B) Three members from family members
18 of individuals who are—

19 (i) enrolled in an institution of higher
20 education on the date such family member
21 is appointed to the Commission; or

22 (ii) former students with a mental
23 health disability.

24 (C) Four members from individuals with
25 mental health disabilities, including not less

1 than 2 individuals enrolled in an institution of
2 higher education on the date of appointment to
3 the Commission. Any remaining member shall
4 be an individual with a mental health disability
5 who has attended an institution of higher edu-
6 cation.

7 (4) TIMING.—The Secretary of Education shall
8 establish the Commission and appoint the members
9 of the Commission not later than 60 days after the
10 date of enactment of this Act.

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

16 (d) MEETINGS.—

17 (1) IN GENERAL.—The Commission shall meet
18 at the call of the chairperson, but not more often
19 than 8 times.

20 (2) FIRST MEETING.—Not later than 60 days
21 after the appointment of the members of the Com-
22 mission under subsection (b), the Commission shall
23 hold the Commission’s first meeting.

1 (e) DUTIES.—The Commission shall conduct a study
2 and prepare a report for the Secretary of Education that
3 includes the following:

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

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

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

19 (C) the use of protected health information
20 of students with mental health disabilities by
21 institutions of higher education, including the
22 extent to which campus-based mental health
23 providers share this information with college or
24 university officials without student consent; and

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

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

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

13 (f) COMMISSION PERSONNEL MATTERS.—

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

1 the voluntary and uncompensated services of mem-
 2 bers of the Commission.

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

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

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

17 (g) REPORTS.—

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

24 (A) an interim report that summarizes the
 25 progress of the Commission, along with any in-

1 terim findings, conclusions, and recommenda-
2 tion as described in subsection (e); and

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

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

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

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

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

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