

117TH CONGRESS
2D SESSION

H. R. 7780

To support the behavioral needs of students and youth, invest in the school-based behavioral health workforce, and ensure access to mental health and substance use disorder benefits.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2022

Mr. DESAULNIER (for himself and Mr. SCOTT of Virginia) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To support the behavioral needs of students and youth, invest in the school-based behavioral health workforce, and ensure access to mental health and substance use disorder benefits.

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 Matters
5 Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—EARLY CHILDHOOD MENTAL HEALTH ACT

- Sec. 101. Short title.
- Sec. 102. Identification of effective interventions in Head Start programs.
- Sec. 103. Implementing the interventions in Head Start programs.
- Sec. 104. Evaluating implementation of interventions in Head Start programs.
- Sec. 105. Implementing the evaluation framework for Head Start programs.
- Sec. 106. Best Practice Centers.
- Sec. 107. Funding.

TITLE II—BUILDING PIPELINE OF SCHOOL-BASED MENTAL
HEALTH SERVICE PROVIDERS ACT

- Sec. 201. Short title.
- Sec. 202. Definitions.
- Sec. 203. Grant program to increase the number of school-based mental health services providers serving in high-need local educational agencies.

TITLE III—ELEMENTARY AND SECONDARY SCHOOL COUNSELING
ACT

- Sec. 301. Short title.
- Sec. 302. Definitions.
- Sec. 303. Allotments to States and subgrants to local educational agencies.
- Sec. 304. Authorization of appropriations.

TITLE IV—SUPPORTING TRAUMA-INFORMED EDUCATION
PRACTICES ACT

- Sec. 401. Short title.
- Sec. 402. Amendment to the SUPPORT for Patients and Communities Act.

TITLE V—RESPOND, INNOVATE, SUCCEED, AND EMPOWER

- Sec. 501. Short title.
- Sec. 502. Perfecting amendment to the definition of disability.
- Sec. 503. Supporting students with disabilities to succeed once enrolled in college.
- Sec. 504. Authorization of funds for the National Center for Information and Technical Support for Postsecondary Students With Disabilities.
- Sec. 505. Inclusion of information on students with disabilities.
- Sec. 506. Rule of construction.

TITLE VI—STRENGTHENING BEHAVIORAL HEALTH BENEFITS

- Sec. 601. Short title.
- Sec. 602. Enforcement of Mental Health and Substance Use Disorder Requirements.

TITLE VII—EMPLOYEE AND RETIREE ACCESS TO JUSTICE

- Sec. 701. Short title.
- Sec. 702. Unenforceable arbitration clauses, class action waivers, representation waivers, and discretionary clauses.

Sec. 703. Prohibition on mandatory arbitration clauses, class action waivers, representation waivers, and discretionary clauses.

Sec. 704. Effective date.

1 **TITLE I—EARLY CHILDHOOD**
2 **MENTAL HEALTH ACT**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Early Childhood Men-
5 tal Health Support Act”.

6 **SEC. 102. IDENTIFICATION OF EFFECTIVE INTERVENTIONS**
7 **IN HEAD START PROGRAMS.**

8 (a) INTERVENTIONS THAT IMPROVE SOCIAL-EMO-
9 TIONAL AND BEHAVIORAL HEALTH OF CHILDREN.—

10 (1) IN GENERAL.—The Secretary of Health and
11 Human Services acting through the Assistant Sec-
12 retary for the Administration for Children and Fam-
13 ilies (in this section referred to as the “Secretary”)
14 shall identify and review interventions, best prac-
15 tices, curricula, and staff trainings—

16 (A) that improve the behavioral health of
17 children; and

18 (B) that are evidence based.

19 (2) FOCUS.—In carrying out paragraph (1), the
20 Secretary shall focus on interventions, best practices,
21 curricula, and staff trainings that—

22 (A) can be delivered by a provider or other
23 staff member in or associated with a Head
24 Start program or Early Head Start center;

1 (B) are demonstrated to improve or sup-
2 port healthy social, emotional, or cognitive de-
3 velopment for children in Head Start or Early
4 Head Start programs, with an empirical or the-
5 oretical relationship to later mental health or
6 substance abuse outcomes;

7 (C) involve changes to center-wide policies
8 or practices, or other services and supports of-
9 fered in conjunction with Head Start programs
10 or Early Head Start centers, including services
11 provided to adults or families (with or without
12 a child present) for the benefit of the children;

13 (D) demonstrate effectiveness across ra-
14 cial, ethnic, and geographic populations or dem-
15 onstrate the capacity to be adapted to be effec-
16 tive across populations;

17 (E) offer a tiered approach to addressing
18 need, including—

19 (i) universal interventions for all chil-
20 dren;

21 (ii) selected prevention for children
22 demonstrating increased need; and

23 (iii) indicated prevention for children
24 demonstrating substantial need;

1 (F) incorporate trauma-informed care ap-
2 proaches; or

3 (G) have a proven record of improving
4 early childhood and social emotional develop-
5 ment.

6 (b) INTERVENTIONS THAT SUPPORT STAFF
7 WELLNESS.—In carrying out subsection (a), the Secretary
8 shall identify and review interventions, best practices, cur-
9 ricula, and staff trainings that support staff wellness and
10 self-care.

11 (c) CREDENTIALS.—In carrying out subsections (a)
12 and (b), the Secretary, in consultation with relevant ex-
13 perts, shall determine the appropriate credentials for indi-
14 viduals who deliver the interventions, best practices, cur-
15 ricula, and staff trainings identified by the Secretary.

16 (d) CONSULTATION; PUBLIC INPUT.—In carrying out
17 this section, the Secretary shall—

18 (1) consult with relevant agencies, experts, aca-
19 demics, think tanks, and nonprofit organizations
20 with expertise in early childhood, mental health, and
21 trauma-informed care, including the National Insti-
22 tute of Mental Health, the Administration for Chil-
23 dren and Families, the Substance Abuse and Mental
24 Health Services Administration, the Institute of

1 Education Sciences, and the Centers for Disease
2 Control and Prevention; and

3 (2) solicit public input on—

4 (A) the design of the reviews under sub-
5 sections (a) and (b); and

6 (B) the findings and conclusions resulting
7 from such reviews.

8 (e) TIMING.—The Secretary shall—

9 (1) complete the initial reviews required by sub-
10 sections (a) and (b) not later than 1 year after the
11 date of enactment of this Act; and

12 (2) update such reviews and the findings and
13 conclusions therefrom at least every 5 years.

14 (f) REPORTING.—Not later than 1 year after the date
15 of enactment of this Act, and every 5 years thereafter,
16 the Secretary shall submit a report to the Congress on
17 the results of implementing this section.

18 **SEC. 103. IMPLEMENTING THE INTERVENTIONS IN HEAD**

19 **START PROGRAMS.**

20 (a) IN GENERAL.—The Assistant Secretary for the
21 Administration for Children and Families shall award
22 grants to participating Head Start agencies to implement
23 the interventions, best practices, curricula, and staff
24 trainings that are identified pursuant to section 102.

1 (b) REQUIREMENTS.—The Assistant Secretary shall
2 ensure that grants awarded under this section are award-
3 ed to grantees representing a diversity of geographic areas
4 across the United States, including urban, suburban, and
5 rural areas.

6 **SEC. 104. EVALUATING IMPLEMENTATION OF INTERVEN-**
7 **TIONS IN HEAD START PROGRAMS.**

8 (a) IN GENERAL.—The Secretary of Health and
9 Human Services, acting through the Assistant Secretary
10 for Planning and Evaluation and in coordination with the
11 Assistant Secretary for the Administration for Children
12 and Families, shall—

13 (1) determine whether the interventions, best
14 practices, curricula, and staff trainings implemented
15 pursuant to section 103—

16 (A) are effectively implemented pursuant
17 to section 103 and other relevant provisions of
18 law such that the anticipated effect sizes of the
19 interventions, best practices, curricula, and
20 staff trainings are achieved; and

21 (B) yield long-term savings;

22 (2) develop a method for making the determina-
23 tion required by paragraph (1);

24 (3) ensure that such method includes com-
25 petency and testing approaches, performance or out-

1 come measures, or any other methods deemed appro-
2 priate by the Assistant Secretary, taking into consid-
3 eration existing monitoring components of the Head
4 Start and Early Head Start programs; and

5 (4) the Assistant Secretaries shall solicit public
6 input on the design, findings, and conclusions of this
7 process and shall consider whether updates are nec-
8 essary at least every 5 years.

9 (b) PROCESS.—In carrying out subsection (a), the
10 Secretary of Health and Human Services shall—

11 (1) conduct any research and evaluation studies
12 needed; and

13 (2) solicit public input on—

14 (A) the design of the method developed
15 pursuant to subsection (a)(2); and

16 (B) the resulting findings and conclusions.

17 (c) TIMING.—The Secretary of Health and Human
18 Services shall—

19 (1) develop the method required by subsection
20 (a)(2) and make the initial determination required
21 by subsection (a)(1) not later than 2 years after the
22 date of enactment of this Act; and

23 (2) update such method and determination at
24 least every 5 years.

1 **SEC. 105. IMPLEMENTING THE EVALUATION FRAMEWORK**
2 **FOR HEAD START PROGRAMS.**

3 (a) **EVALUATION METHOD.**—The Assistant Secretary
4 for the Administration for Children and Families shall im-
5 plement the evaluation method developed pursuant to sec-
6 tion 104(a) in the Head Start program as a voluntary
7 mechanism for interested Head Start programs or Early
8 Head Start centers to evaluate the extent to which such
9 programs or centers have effectively implemented the
10 interventions, best practices, curricula, and staff trainings
11 identified pursuant to section 102, with minimal burden
12 or disruption to programs and centers interested in par-
13 ticipating.

14 (b) **TECHNICAL ASSISTANCE.**—The Assistant Sec-
15 retary for the Administration for Children and Families
16 shall provide guidance, tools, resources, and technical as-
17 sistance to grantees for implementing and evaluating
18 interventions, best practices, curricula, and staff trainings
19 identified pursuant to section 102 and optimizing the per-
20 formance of such grantees on the annual evaluations.

21 **SEC. 106. BEST PRACTICE CENTERS.**

22 The Assistant Secretary for the Administration for
23 Children and Families may fund up to 5 Best Practice
24 Centers in Early Childhood Training in universities and
25 colleges to prepare future Head Start agencies and staff

1 able to deliver the interventions, best practices, curricula,
2 and staff trainings identified pursuant to section 102.

3 **SEC. 107. FUNDING.**

4 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is
5 authorized to be appropriated \$100,000,000 for the period
6 of fiscal years 2023 through 2032 for carrying out sec-
7 tions 103(b), 104, and 106.

8 (b) **AVAILABILITY OF APPROPRIATIONS.**—Amounts
9 authorized to be appropriated by subsection (a) are au-
10 thorized to remain available until expended.

11 **TITLE II—BUILDING PIPELINE**
12 **OF SCHOOL-BASED MENTAL**
13 **HEALTH SERVICE PROVIDERS**
14 **ACT**

15 **SEC. 201. SHORT TITLE.**

16 This title may be cited as the “Building Pipeline of
17 School-Based Mental Health Service Providers Act”.

18 **SEC. 202. DEFINITIONS.**

19 In this title:

20 (1) **BEST PRACTICES.**—The term “best prac-
21 tices” means a technique or methodology that,
22 through experience and research related to profes-
23 sional practice in a school-based mental health field,
24 has proven to reliably lead to a desired result.

1 (2) ELIGIBLE INSTITUTION.—The term “eligi-
2 ble institution” means an institution of higher edu-
3 cation that offers a program of study that leads to
4 a master’s or other graduate degree—

5 (A) in school psychology that prepares stu-
6 dents in such program for the State licensing or
7 certification examination in school psychology;

8 (B) in school counseling that prepares stu-
9 dents in such program for the State licensing or
10 certification examination in school counseling;

11 (C) in school social work that prepares stu-
12 dents in such program for the State licensing or
13 certification examination in school social work;

14 (D) in another school-based mental health
15 field that prepares students in such program
16 for the State licensing or certification examina-
17 tion in such field, if applicable; or

18 (E) in any combination of study described
19 in subparagraphs (A) through (D).

20 (3) ELIGIBLE PARTNERSHIP.—The term “eligi-
21 ble partnership” means—

22 (A) a partnership between 1 or more high-
23 need local educational agencies and 1 or more
24 eligible institutions; or

1 (B) in any region in which local edu-
2 cational agencies may not have a sufficient ele-
3 mentary school and secondary school student
4 population to support the placement of all par-
5 ticipating graduate students, a partnership be-
6 tween a State educational agency, on behalf of
7 1 or more high-need local educational agencies,
8 and 1 or more eligible graduate institutions.

9 (4) HIGH-NEED LOCAL EDUCATIONAL AGEN-
10 CY.—The term “high-need local educational agency”
11 means a local educational agency that—

12 (A) is described in section 200(10) of the
13 Higher Education Act of 1965 (20 U.S.C.
14 1021(10)); and

15 (B) as of the date of application for a
16 grant under this title, has ratios of school coun-
17 selors, school social workers, and school psy-
18 chologists to students served by the agency that
19 are not more than 1 school counselor per 250
20 students, not more than 1 school psychologist
21 per 500 students, and not more than 1 school
22 social worker per 250 students.

23 (5) HISTORICALLY BLACK COLLEGE OR UNI-
24 VERSITY.—The term “historically Black college or
25 university” has the meaning given the term “part B

1 institution” in section 322 of the Higher Education
2 Act of 1965 (20 U.S.C. 1061).

3 (6) HOMELESS CHILDREN AND YOUTHS.—The
4 term “homeless children and youths” has the mean-
5 ing given such term in section 725 of the McKinney-
6 Vento Homeless Assistance Act (42 U.S.C. 11434a).

7 (7) INDIAN TRIBE; TRIBAL ORGANIZATION.—In
8 this section the terms “Indian tribe” and “tribal or-
9 ganization” have the meanings given those terms in
10 section 4 of the Indian Self-Determination and Edu-
11 cation Assistance Act (25 U.S.C. 5304)).

12 (8) INSTITUTION OF HIGHER EDUCATION.—The
13 term “institution of higher education” has the
14 meaning given such term in section 101(a) of the
15 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

16 (9) LOCAL EDUCATIONAL AGENCY.—The term
17 “local educational agency” has the meaning given
18 such term in section 8101 of the Elementary and
19 Secondary Education Act of 1965 (20 U.S.C. 7801).

20 (10) MINORITY-SERVING INSTITUTION.—The
21 term “minority-serving institution” means, as de-
22 fined in section 371(a) of the Higher Education Act
23 of 1965 (20 U.S.C. 1067q(a)), a Hispanic-serving
24 institution, an Alaska Native-serving institution or a
25 Native Hawaiian-serving institution, a Predomi-

1 nantly Black Institution, an Asian American and
2 Native American Pacific Islander-serving institution,
3 or a Native American-serving nontribal institution.

4 (11) OUTLYING AREA.—The term “outlying
5 area” has the meaning given the term in section
6 8101(36)(A) of the Elementary and Secondary Edu-
7 cation Act of 1965 (20 U.S.C. 7801(36)(A)).

8 (12) PARTICIPATING ELIGIBLE INSTITUTION.—
9 The term “participating eligible institution” means
10 an eligible institution that is part of an eligible part-
11 nership awarded a grant under section 203.

12 (13) PARTICIPATING GRADUATE.—The term
13 “participating graduate” means an individual who—

14 (A) has received a master’s or other grad-
15 uate degree in a school-based mental health
16 field from a participating eligible institution
17 and has obtained a State license or credential
18 in the school-based mental health field; and

19 (B) as a graduate student pursuing a ca-
20 reer in a school-based mental health field, was
21 placed in a school served by a participating
22 high-need local educational agency to complete
23 required field work, credit hours, internships, or
24 related training as applicable.

1 (14) PARTICIPATING HIGH-NEED LOCAL EDU-
2 CATIONAL AGENCY.—The term “participating high-
3 need local educational agency” means a high-need
4 local educational agency that is part of an eligible
5 partnership awarded a grant under section 203.

6 (15) SCHOOL-BASED MENTAL HEALTH
7 FIELD.—The term “school-based mental health
8 field” means each of the following fields:

9 (A) School counseling.

10 (B) School social work.

11 (C) School psychology.

12 (D) Any other field of study that leads to
13 employment as a school-based mental health
14 services provider.

15 (16) SCHOOL-BASED MENTAL HEALTH SERV-
16 ICES PROVIDER.—The term “school-based mental
17 health services provider” has the meaning given the
18 term in section 4102 of the Elementary and Sec-
19 ondary Education Act of 1965 (20 U.S.C. 7112).

20 (17) SECRETARY.—The term “Secretary”
21 means the Secretary of Education.

22 (18) STATE EDUCATIONAL AGENCY.—The term
23 “State educational agency” has the meaning given
24 the term in section 8101 of the Elementary and Sec-
25 ondary Education Act of 1965 (20 U.S.C. 7801).

1 (19) STUDENT SUPPORT PERSONNEL TARGET
2 RATIOS.—The term “student support personnel tar-
3 get ratios” means the ratios of school-based mental
4 health services providers to students recommended
5 to enable such personnel to effectively address the
6 needs of students, including—

7 (A) at least 1 school counselor for every
8 250 students (as recommended by the American
9 School Counselor Association and American
10 Counseling Association);

11 (B) at least 1 school psychologist for every
12 500 students (as recommended by the National
13 Association of School Psychologists); and

14 (C) at least 1 school social worker for
15 every 250 students (as recommended by the
16 School Social Work Association of America).

17 (20) TRIBALLY CONTROLLED COLLEGE OR UNI-
18 VERSITY.—The term “tribally controlled college or
19 university” has the meaning given such term in sec-
20 tion 2 of the Tribally Controlled Colleges and Uni-
21 versities Assistance Act of 1978 (25 U.S.C. 1801).

22 (21) UNACCOMPANIED YOUTH.—The term “un-
23 accompanied youth” has the meaning given such
24 term in section 725 of the McKinney-Vento Home-
25 less Assistance Act (42 U.S.C. 11434a).

1 **SEC. 203. GRANT PROGRAM TO INCREASE THE NUMBER OF**
2 **SCHOOL-BASED MENTAL HEALTH SERVICES**
3 **PROVIDERS SERVING IN HIGH-NEED LOCAL**
4 **EDUCATIONAL AGENCIES.**

5 (a) AUTHORIZATION OF GRANTS.—

6 (1) GRANT PROGRAM AUTHORIZED.—From
7 amounts made available to carry out this section, the
8 Secretary shall award grants, on a competitive basis,
9 to eligible partnerships, to enable the eligible part-
10 nerships to carry out pipeline programs to increase
11 the number of school-based mental health services
12 providers employed by high-need local educational
13 agencies by carrying out any of the activities de-
14 scribed in subsection (e).

15 (2) RESERVATIONS.—From the total amount
16 appropriated under subsection (j) for a fiscal year,
17 the Secretary shall reserve—

18 (A) one-half of 1 percent for the Secretary
19 of the Interior to carry out programs under this
20 title in schools operated or funded by the Bu-
21 reau of Indian Education, Indian tribes and
22 tribal organizations, or a consortium of Indian
23 tribes and tribal organizations;

24 (B) one-half of 1 percent for allotments to
25 outlying areas based on the relative need of
26 each such area with respect to mental health

1 services in schools, as determined by the Sec-
2 retary in accordance with the purpose of this
3 title;

4 (C) not more than 3 percent to conduct
5 the evaluations under subsection (h); and

6 (D) not more than 2 percent for the ad-
7 ministration of the program under this title and
8 to provide technical assistance relating to such
9 program.

10 (b) GRANT PERIOD.—A grant awarded under this
11 section shall be for a 5-year period and may be renewed
12 for additional 5-year periods upon a showing of adequate
13 progress, as determined by the Secretary.

14 (c) APPLICATION.—To be eligible to receive a grant
15 under this section, an eligible partnership shall submit to
16 the Secretary a grant application at such time, in such
17 manner, and containing such information as the Secretary
18 may require. At a minimum, such application shall in-
19 clude—

20 (1) an assessment of the existing (as of the
21 date of application) ratios of school-based mental
22 health services providers (in the aggregate and
23 disaggregated by profession) to students enrolled in
24 schools in each high-need local educational agency
25 that is part of the eligible partnership; and

1 (2) a detailed description of—

2 (A) a plan to carry out a pipeline program
3 to train, place, and retain school-based mental
4 health services providers in high-need local edu-
5 cational agencies; and

6 (B) the proposed allocation and use of
7 grant funds to carry out activities described in
8 subsection (e).

9 (d) AWARD BASIS.—In awarding grants under this
10 section, the Secretary shall—

11 (1) ensure that to the extent practicable, grants
12 are distributed among eligible entities that will serve
13 geographically diverse areas; and

14 (2) give priority to eligible partnerships that—

15 (A) propose to use the grant funds to
16 carry out the activities described under para-
17 graphs (1) through (3) of subsection (e) in
18 schools that have higher numbers or percent-
19 ages of low-income students (determined using
20 any of the measures of poverty described in sec-
21 tion 1113(a)(5) of the Elementary and Sec-
22 ondary Education Act of 1965 (20 U.S.C.
23 6313(a)(5))), in comparison to other schools
24 that are served by the high-need local edu-

1 cational agency that is part of the eligible part-
2 nership;

3 (B) include 1 or more high-need local edu-
4 cational agencies that have fewer school-based
5 mental health services providers, in the aggre-
6 gate or for a particular school-based mental
7 health field, per student than other eligible
8 partnerships;

9 (C) include 1 or more eligible institutions
10 of higher education which are a historically
11 Black college or university, a minority-serving
12 institution, or a tribally controlled college or
13 university;

14 (D) propose to collaborate with other insti-
15 tutions of higher education with similar pro-
16 grams, including sharing facilities, faculty mem-
17 bers, and administrative costs; and

18 (E) propose to use grant funds to increase
19 the diversity of school-based mental health serv-
20 ices providers.

21 (e) USE OF GRANT FUNDS.—Grant funds awarded
22 under this section may be used—

23 (1) to pay the administrative costs (including
24 supplies, office and classroom space, supervision,

1 mentoring, and transportation stipends as necessary
2 and appropriate) related to—

3 (A) having graduate students of programs
4 in school-based mental health fields placed in
5 schools served by participating high-need local
6 educational agencies to complete required field
7 work, credit hours, internships, or related train-
8 ing as applicable for the degree, license, or cre-
9 dential program of each such student; and

10 (B) offering required graduate coursework
11 for students of a graduate program in a school-
12 based mental health services field on the site of
13 a participating high-need local educational
14 agency;

15 (2) for not more than the first 3 years after a
16 participating graduate receives a master's or other
17 graduate degree from a program in a school-based
18 mental health field, or obtains a State license or cre-
19 dential in a school-based mental health field, to hire
20 and pay all or part of the salary of the participating
21 graduates working as a school-based mental health
22 services provider in a school served by a partici-
23 pating high-need local educational agency;

24 (3) to increase the number of school-based men-
25 tal health services providers per student in schools

1 served by participating high-need local educational
2 agencies, in order to meet the student support per-
3 sonnel target ratios;

4 (4) to recruit, hire, and retain culturally or lin-
5 guistically under-represented graduate students of
6 programs in school-based mental health fields for
7 placement in schools served by participating low-in-
8 come educational agencies;

9 (5) to develop coursework that will—

10 (A) encourage a commitment by graduate
11 students in school-based mental health fields to
12 work for high-need local educational agencies;

13 (B) give participating graduates the knowl-
14 edge and skill sets necessary to meet the needs
15 of—

16 (i) students and families served by
17 high-need local educational agencies;

18 (ii) students at risk of not meeting
19 State academic standards;

20 (iii) students who—

21 (I) are English learners (as de-
22 fined in section 8101 of the Elemen-
23 tary and Secondary Education Act of
24 1965 (20 U.S.C. 7801));

1 (II) are migratory children (as
2 defined in section 1309 of such Act
3 (20 U.S.C. 6399));

4 (III) have a parent or caregiver
5 who is a member of the armed forces,
6 including the National Guard, who
7 has been deployed or returned from
8 deployment;

9 (IV) are LGBTQ+, including
10 students who are lesbian, gay, bisex-
11 ual, transgender, queer or ques-
12 tioning, nonbinary, or Two-Spirit;

13 (V) are homeless children and
14 youth, including unaccompanied
15 youth;

16 (VI) have come into contact with
17 the juvenile justice system or adult
18 criminal justice system, including stu-
19 dents currently or previously held in
20 juvenile detention facilities or adult
21 jails and students currently or pre-
22 viously held in juvenile correctional fa-
23 cilities or adult prisons;

24 (VII) are a child with a disability
25 (as defined in section 8101 of the Ele-

1 mentary and Secondary Education
2 Act of 1965 (20 U.S.C. 7801));

3 (VIII) have been a victim to, or
4 witnessed, domestic violence or vio-
5 lence in their community;

6 (IX) have been exposed to sub-
7 stance misuse at home or in the com-
8 munity;

9 (X) are in foster care, are aging
10 out of foster care, or were formerly in
11 foster care; or

12 (XI) have been a victim to or wit-
13 nessed trafficking in persons; and

14 (iv) teachers, administrators, and
15 other staff who work for high-need local
16 educational agencies; and

17 (C) utilize best practices determined by the
18 American School Counselor Association, Na-
19 tional Association of Social Workers, School So-
20 cial Work Association of America, and National
21 Association of School Psychologists and other
22 relevant organizations;

23 (6) to provide tuition credits to graduate stu-
24 dents participating in the pipeline program sup-
25 ported under the grant;

1 (7) to fund high-quality “Grow Your Own”
2 teacher preparation programs that provide pathways
3 to State licensure or certification as a school psy-
4 chologist, school counselor, school social worker, or
5 other school-based mental services provider to re-
6 cruit and prepare local community members, career
7 changers, paraprofessionals, after-school program
8 staff, and others currently working in schools to be-
9 come school-based mental health services providers;

10 (8) to cover the costs of licensure and prepara-
11 tion for required licensure exams; and

12 (9) for similar activities to fulfill the purpose of
13 this title, as the Secretary determines appropriate.

14 (f) SUPPLEMENT NOT SUPPLANT.—Funds made
15 available under this section shall be used to supplement,
16 not supplant, other Federal, State, or local funds available
17 for the activities described in subsection (e).

18 (g) REPORTING REQUIREMENTS.—

19 (1) IN GENERAL.—Each eligible partnership
20 that receives a grant under this section shall prepare
21 and submit to the Secretary an annual report on the
22 progress of the eligible partnership in carrying out
23 the grant. Such report shall contain such informa-
24 tion as the Secretary may require, including, at a
25 minimum, a description of—

1 (A) actual service delivery provided
2 through the grant funds, including—

3 (i) characteristics of the participating
4 eligible graduate institution, including de-
5 scriptive information on the educational
6 model used and the actual academic pro-
7 gram performance;

8 (ii) characteristics of graduate stu-
9 dents participating in the pipeline program
10 supported under the grant, including—

11 (I) performance on any examina-
12 tions required by the State for
13 credentialing or licensing;

14 (II) demographic characteristics;
15 and

16 (III) graduate student retention
17 rates;

18 (iii) characteristics of students of the
19 participating high-need local educational
20 agency, including performance on any tests
21 required by the State educational agency,
22 demographic characteristics, and gradua-
23 tion rates, as appropriate;

1 (iv) an estimate of the annual imple-
2 mentation costs of the pipeline program
3 supported under the grant; and

4 (v) the number of public elementary
5 and secondary school students, public ele-
6 mentary and secondary schools, graduate
7 students, and institutions of higher edu-
8 cation participating in the pipeline pro-
9 gram supported under the grant;

10 (B) outcomes that are consistent with the
11 purpose of the grant program under this title,
12 including—

13 (i) internship and post-graduation
14 placement of the participating graduate
15 students;

16 (ii) graduation and professional career
17 readiness indicators; and

18 (iii) characteristics of the partici-
19 pating high-need local educational agency,
20 including with respect to fully certified and
21 effective teachers and school-based mental
22 health services providers employed by such
23 agency—

24 (I) changes in the rate of hiring
25 and retention of such teachers and

1 providers (in the aggregate and
2 disaggregated by each such profes-
3 sion); and

4 (II) the demographics, including
5 the race, ethnicity, and gender, of
6 such teachers and providers.

7 (C) the instruction, materials, and activi-
8 ties being funded under the grant; and

9 (D) the effectiveness of any training and
10 ongoing professional development provided—

11 (i) to students and faculty in the ap-
12 propriate departments or schools of the
13 participating eligible graduate institution;

14 (ii) to the faculty, administration, and
15 staff of the participating high-need local
16 educational agency; and

17 (iii) to the broader community of pro-
18 viders of social, emotional, behavioral, and
19 related support to students and to those
20 individuals who train such providers.

21 (2) PUBLICATION.—The Secretary shall publish
22 the annual reports submitted under paragraph (1)
23 on the website of the Department of Education.

24 (h) EVALUATIONS.—

1 (1) INTERIM EVALUATIONS.—The Secretary
2 may conduct interim evaluations to determine
3 whether each eligible partnership receiving a grant
4 under this section is making adequate progress as
5 the Secretary considers appropriate. The contents of
6 the annual report submitted to the Secretary under
7 subsection (g) may be used by the Secretary to de-
8 termine whether an eligible partnership receiving a
9 grant is demonstrating adequate progress.

10 (2) FINAL EVALUATION.—The Secretary shall
11 conduct a final evaluation to—

12 (A) determine the effectiveness of the
13 grant program in carrying out the purpose of
14 this title; and

15 (B) compare the relative effectiveness of
16 each of the various activities described in sub-
17 section (e) for which grant funds may be used.

18 (i) REPORT.—Not earlier than 5 years, nor later than
19 6 years, after the date of enactment of this Act, the Sec-
20 retary shall submit to the Congress a report containing—

21 (1) the findings of the final evaluation con-
22 ducted under subsection (h)(2); and

23 (2) such recommendations as the Secretary con-
24 siders appropriate.

1 (j) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 \$200,000,000 for fiscal year 2023 and each succeeding
4 fiscal year.

5 **TITLE III—ELEMENTARY AND**
6 **SECONDARY SCHOOL COUN-**
7 **SELING ACT**

8 **SEC. 301. SHORT TITLE.**

9 This title may be cited as the “Elementary and Sec-
10 ondary School Counseling Act”.

11 **SEC. 302. DEFINITIONS.**

12 In this title:

13 (1) ESEA DEFINITIONS.—The terms “elemen-
14 tary school”, “local educational agency”, and “sec-
15 ondary school” have the meanings given the terms
16 in section 8101 of the Elementary and Secondary
17 Education Act of 1965 (20 U.S.C. 7801).

18 (2) HIGH-NEED SCHOOL.—The term “high-need
19 school” has the meaning given the term in section
20 2211(b) of the Elementary and Secondary Edu-
21 cation Act of 1965 (20 U.S.C. 6631(b)).

22 (3) OUTLYING AREA.—The term “outlying
23 area” means an outlying area specified in section
24 8101(36)(A) of the Elementary and Secondary Edu-
25 cation Act of 1965 (20 U.S.C. 7801(36)(A)).

1 (4) SCHOOL-BASED MENTAL HEALTH SERVICES
2 PROVIDER.—The term “school-based mental health
3 services provider” has the meaning given the term in
4 section 4102 of the Elementary and Secondary Edu-
5 cation Act of 1965 (20 U.S.C. 7112).

6 (5) SECRETARY.—The term “Secretary” means
7 the Secretary of Education.

8 (6) STATE.—The term “State” means each of
9 the 50 States, the District of Columbia, and Puerto
10 Rico.

11 **SEC. 303. ALLOTMENTS TO STATES AND SUBGRANTS TO**
12 **LOCAL EDUCATIONAL AGENCIES.**

13 (a) PROGRAM AUTHORIZED.—The Secretary shall
14 carry out a program under which the Secretary makes al-
15 lotments to States, in accordance with subsection (c), to
16 enable the States to award subgrants to local educational
17 agencies in order to increase access to school-based mental
18 health services providers at high-need schools served by
19 the local educational agencies.

20 (b) RESERVATIONS.—From the total amount made
21 available under section 304 for a fiscal year, the Secretary
22 shall reserve—

23 (1) one-half of 1 percent for the Secretary of
24 the Interior for programs under this title in schools
25 operated or funded by the Bureau of Indian Edu-

1 cation, Indian tribes and tribal organizations, or
2 consortia of Indian tribes and tribal organizations;

3 (2) one-half of 1 percent for allotments for the
4 outlying areas to be distributed among those out-
5 lying areas on the basis of their relative need, as de-
6 termined by the Secretary, in accordance with the
7 purpose of this title; and

8 (3) not more than 2 percent for the administra-
9 tion of the program under this title and to provide
10 technical assistance relating to such program.

11 (c) ALLOTMENTS TO STATES.—

12 (1) IN GENERAL.—

13 (A) FORMULA.—From the total amount
14 made available under section 304 for a fiscal
15 year and not reserved under subsection (b), the
16 Secretary shall allot to each State that submits
17 a true and complete application under para-
18 graph (3) (as determined by the Secretary) an
19 amount that bears the same relationship to
20 such total amount as the amount received
21 under part A of title I of the Elementary and
22 Secondary Education Act of 1965 (20 U.S.C.
23 6311 et seq.) by such State for such fiscal year
24 bears to the amount received under such part

1 for such fiscal year by all States that submit
2 such applications.

3 (B) SMALL STATE MINIMUM.—No State
4 receiving an allotment under this paragraph
5 shall receive less than one-half of 1 percent of
6 the total amount allotted under this paragraph.

7 (2) MATCHING REQUIREMENTS.—In order to
8 receive an allotment under paragraph (1), a State
9 shall agree to provide matching funds, in an amount
10 equal to 20 percent of the amount of the allotment,
11 toward the costs of the activities carried out with the
12 allotment.

13 (3) APPLICATION.—A State desiring an allot-
14 ment under paragraph (1) shall submit to the Sec-
15 retary an application at such time, in such manner,
16 and containing such information as the Secretary
17 may require. Each application shall include, at a
18 minimum—

19 (A) an assurance that the State will use
20 the allotment only for the purposes specified in
21 subsection (d)(1);

22 (B) a description of how the State will
23 award subgrants to local educational agencies
24 under such subsection;

1 (C) a description of how the State will dis-
2 seminate, in a timely manner, information re-
3 garding the subgrants and the application proc-
4 ess for such subgrants to local educational
5 agencies; and

6 (D) the ratios, as of the date of applica-
7 tion, of students to school-based mental health
8 services providers in each public elementary
9 school and secondary school in the State, in the
10 aggregate and disaggregated to include—

11 (i) the ratios of students to school
12 counselors, school psychologists, and school
13 social workers; and

14 (ii) as applicable, the ratios of stu-
15 dents to other school-based mental health
16 services providers not described in clause
17 (i), in the aggregate and disaggregated by
18 type of provider.

19 (4) DURATION.—An allotment to a State under
20 paragraph (1) shall be for a 5-year period and may
21 be renewed for additional 5-year periods upon a
22 showing of adequate progress on meeting the goals
23 of the program under this title, as determined by the
24 Secretary.

1 (d) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
2 CIES.—

3 (1) IN GENERAL.—A State receiving an allot-
4 ment under subsection (c) shall use the allotment to
5 award subgrants, on a competitive basis, to local
6 educational agencies in the State, to enable the local
7 educational agencies to—

8 (A) recruit and retain school-based mental
9 health services providers to work at high-need
10 schools served by the local educational agency;
11 and

12 (B) work toward effectively staffing the
13 high-need schools of the local educational agen-
14 cy with school-based mental health services pro-
15 viders, including by meeting the recommended
16 maximum ratios of—

17 (i) 250 students per school counselor;

18 (ii) 500 students per school psycholo-
19 gist; and

20 (iii) 250 students per school social
21 worker.

22 (2) PRIORITY.—In awarding subgrants under
23 this subsection, the State shall give priority to local
24 educational agencies that serve a significant number
25 of high-need schools.

1 (3) APPLICATION.—A local educational agency
2 desiring a subgrant under this subsection shall sub-
3 mit an application to the State at such time, in such
4 manner, and containing such information as the
5 State may require, including information on how the
6 local educational agency will prioritize assisting
7 high-need schools with the largest numbers or per-
8 centages of students from low-income families (as
9 counted under section 1124(c) of the Elementary
10 and Secondary Education Act of 1965 (20 U.S.C.
11 6333(e))).

12 (e) ALLOTMENT AND SUBGRANT REQUIREMENTS.—

13 (1) SUPPLEMENT, NOT SUPPLANT.—Amounts
14 received from an allotment under subsection (c) or
15 a subgrant under subsection (d) shall supplement,
16 and not supplant, any other funds available to a
17 State or local educational agency for school-based
18 mental health services.

19 (2) COMBINING FUNDS ALLOWED.—A local edu-
20 cational agency receiving a subgrant under sub-
21 section (d) may combine such subgrant with State or
22 local funds to carry out the activities described in
23 subsection (d)(1).

24 (f) REPORTS.—

1 (1) LOCAL EDUCATIONAL AGENCIES.—A local
2 educational agency that receives a subgrant under
3 subsection (d) shall submit an annual report to the
4 State on the activities carried out with the subgrant
5 funds. Each such report shall—

6 (A) describe the activities carried out using
7 subgrant funds;

8 (B) enumerate the number of school-based
9 mental health services providers (in the aggregate
10 and disaggregated by profession) who—

11 (i) were employed by or otherwise
12 served in high-need public elementary and
13 secondary schools under the jurisdiction of
14 the local educational agency over the year
15 covered by the report; and

16 (ii) were supported with funds from
17 the subgrant or matching funds during
18 such year; and

19 (C) include the most recent student to pro-
20 vider ratios, in the aggregate and disaggregated
21 as provided in subsection (c)(3)(D), for high-
22 need schools under the jurisdiction of the local
23 educational agency that were supported with
24 the subgrant or matching funds.

1 (2) STATE.—A State receiving an allotment
2 under subsection (c) shall annually prepare and sub-
3 mit a report to the Secretary that—

4 (A) evaluates the progress made in achiev-
5 ing the purposes of the program under this
6 title;

7 (B) includes the most recent student to
8 provider ratios, in the aggregate and
9 disaggregated as provided in subsection
10 (c)(3)(D), for high-need schools in the State
11 that were assisted with subgrants under sub-
12 section (d); and

13 (C) describes any other resources needed
14 to meet the required recommended maximum
15 student to school-based mental health services
16 provider ratios.

17 (3) PUBLIC AVAILABILITY.—The Secretary
18 shall make all reports submitted under this sub-
19 section available to the public, including through the
20 website of the Department.

21 **SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated to carry out
23 this title—

24 (1) \$5,000,000,000 for fiscal year 2023; and

1 (2) such sums as may be necessary for each
2 succeeding fiscal year.

3 **TITLE IV—SUPPORTING TRAUMA-**
4 **INFORMED EDUCATION**
5 **PRACTICES ACT**

6 **SEC. 401. SHORT TITLE.**

7 This title may be cited as the “Supporting Trauma-
8 Informed Education Practices Act”.

9 **SEC. 402. AMENDMENT TO THE SUPPORT FOR PATIENTS**
10 **AND COMMUNITIES ACT.**

11 Section 7134 of the SUPPORT for Patients and
12 Communities Act (42 U.S.C. 280h-7) is amended to read
13 as follows:

14 **“SEC. 7134. GRANTS TO IMPROVE TRAUMA SUPPORT SERV-**
15 **ICES AND MENTAL HEALTH CARE FOR CHIL-**
16 **DREN AND YOUTH IN EDUCATIONAL SET-**
17 **TINGS.**

18 “(a) AUTHORIZATION OF GRANTS.—

19 “(1) GRANTS, CONTRACTS, AND COOPERATIVE
20 AGREEMENTS AUTHORIZED.—The Secretary, in co-
21 ordination with the Secretary of Health and Human
22 Services, is authorized to award grants to, or enter
23 into contracts or cooperative agreements with, an el-
24 igible entity for the purpose of increasing student,
25 teacher, school leader, and other school personnel ac-

1 cess to evidence-based trauma support services and
2 mental health services by developing innovative ini-
3 tiatives, activities, or programs to connect schools
4 and local educational agencies, or tribal educational
5 agencies, as applicable, with community trauma-in-
6 formed support and mental health systems, includ-
7 ing such systems under the Indian Health Service.

8 “(2) RESERVATIONS.—From the total amount
9 appropriated under subsection (l) for a fiscal year,
10 the Secretary shall reserve—

11 “(A) not more than 3 percent to conduct
12 the evaluation under subsection (f); and

13 “(B) not more than 2 percent for technical
14 assistance and administration.

15 “(b) DURATION.—With respect to a grant, contract,
16 or cooperative agreement awarded or entered into under
17 this section, the period during which payments under such
18 grant, contract or agreement are made to the recipient
19 may not exceed 5 years.

20 “(c) USE OF FUNDS.—An eligible entity that receives
21 or enters into a grant, contract, or cooperative agreement
22 under this section shall use amounts made available
23 through such grant, contract, or cooperative agreement for
24 evidence-based initiatives, activities, or programs, which
25 shall include at least 1 of the following:

1 “(1) Enhancing, improving, or developing col-
2 laborative efforts between schools, local educational
3 agencies or tribal educational agencies, as applicable,
4 and community mental health and trauma-informed
5 service delivery systems to provide, develop, or im-
6 prove prevention, referral, treatment, and support
7 services to students.

8 “(2) Implementing trauma-informed models of
9 support, including positive behavioral interventions
10 and supports in schools served by the eligible entity.

11 “(3) Providing professional development to
12 teachers, paraprofessionals, school leaders, school-
13 based mental health services providers, and other
14 specialized instructional support personnel employed
15 by local educational agencies or tribal educational
16 agencies, as applicable or schools served by the eligi-
17 ble entity that—

18 “(A) fosters safe and stable learning envi-
19 ronments that prevent and mitigate the effects
20 of trauma, including through social and emo-
21 tional learning;

22 “(B) improves school capacity to identify,
23 refer, and provide services to students in need
24 of trauma-informed support or mental health
25 services, including by helping educators to iden-

1 tify the unique personal and contextual vari-
2 ables that influence the manifestation of trau-
3 ma; and

4 “(C) reflects the best practices for trauma-
5 informed identification, referral, and support
6 developed by the Interagency Task Force on
7 Trauma-Informed Care (as established by sec-
8 tion 7132).

9 “(4) Providing trauma-informed support serv-
10 ices and mental health services to students at full-
11 service community schools served by the eligible enti-
12 ty.

13 “(5) Engaging families and communities to in-
14 crease awareness of child and youth trauma, which
15 may include sharing best practices with law enforce-
16 ment regarding trauma-informed services and work-
17 ing with mental health professionals to provide inter-
18 ventions and longer term coordinated care within the
19 community for children and youth who have experi-
20 enced trauma and the families of such children and
21 youth.

22 “(6) Evaluating the effectiveness of the initia-
23 tives, activities, or programs carried out under this
24 section in increasing student access to evidence-

1 based trauma support services and mental health
2 services.

3 “(7) Establishing partnerships with or pro-
4 viding subgrants to early childhood education pro-
5 grams or other eligible entities, to include such enti-
6 ties in the evidence-based trauma-informed or men-
7 tal health initiatives, activities, and support services
8 established under this section in order to provide,
9 develop, or improve prevention, referral, treatment,
10 and support services to children and their families.

11 “(8) Establishing new, or enhancing existing,
12 evidence-based educational, awareness, and preven-
13 tion programs to improve mental health and resil-
14 iency among teachers, paraprofessionals, school lead-
15 ers, school-based mental health services providers,
16 and other specialized instructional support personnel
17 employed by local educational agencies or tribal edu-
18 cational agencies, as applicable, or schools served by
19 the eligible entity.

20 “(d) APPLICATIONS.—To be eligible to receive a
21 grant, contract, or cooperative agreement under this sec-
22 tion, an eligible entity shall submit an application to the
23 Secretary at such time, in such manner, and containing
24 such information as the Secretary may reasonably require,
25 which shall include the following:

1 “(1) A description of the innovative initiatives,
2 activities, or programs to be funded under the grant,
3 contract, or cooperative agreement, including how
4 such initiatives, activities, or programs will increase
5 access to evidence-based trauma-informed support
6 services and mental health services for students,
7 and, as applicable, the families of such students.

8 “(2) A description of how the initiatives, activi-
9 ties, or programs will provide linguistically appro-
10 priate and culturally competent services.

11 “(3) A description of how the initiatives, activi-
12 ties, or programs will support schools served by the
13 eligible entity in improving school climate in order to
14 support an environment conducive to learning.

15 “(4) An assurance that—

16 “(A) persons providing services under the
17 initiative, activity, or program funded by the
18 grant, contract, or cooperative agreement are
19 fully licensed or certified to provide such serv-
20 ices;

21 “(B) teachers, school leaders, administra-
22 tors, school-based mental health services pro-
23 viders and other specialized instructional sup-
24 port personnel, representatives of local Indian
25 Tribes or tribal organizations as appropriate,

1 other school personnel, individuals who have ex-
2 perience receiving mental health services as
3 children, and parents of students participating
4 in services under this section will be engaged
5 and involved in the design and implementation
6 of the services; and

7 “(C) the eligible entity will comply with the
8 evaluation required under subsection (f).

9 “(5) A description of how the eligible entity will
10 support and integrate existing school-based services
11 at schools served by the eligible entity with the ini-
12 tiatives, activities, or programs funded under this
13 section in order to provide trauma-informed support
14 services or mental health services for students, as
15 appropriate.

16 “(6) A description of how the eligible entity will
17 incorporate peer support services into the initiatives,
18 activities, or programs to be funded under this sec-
19 tion.

20 “(7) A description of how the eligible entity will
21 ensure that initiatives, activities, or programs fund-
22 ed under this section are accessible to and include
23 students with disabilities.

1 “(8) An assurance that the eligible entity will
2 establish a local interagency agreement under sub-
3 section (e) and comply with such agreement.

4 “(e) INTERAGENCY AGREEMENTS.—

5 “(1) LOCAL INTERAGENCY AGREEMENTS.—In
6 carrying out an evidence-based initiative, activity, or
7 program described in subsection (c), an eligible enti-
8 ty that receives a grant, contract, or cooperative
9 agreement under this section, or a designee of such
10 entity, shall establish an interagency agreement be-
11 tween local educational agencies, agencies respon-
12 sible for early childhood education programs, Head
13 Start agencies (including Early Head Start agen-
14 cies), juvenile justice authorities, mental health
15 agencies, child welfare agencies, and other relevant
16 agencies, authorities, or entities in the community
17 that will be involved in the provision of services
18 under such initiative, activity, or program.

19 “(2) CONTENTS.—The local interagency agree-
20 ment required under paragraph (1) shall specify,
21 with respect to each agency, authority, or entity that
22 is a party to such agreement—

23 “(A) the financial responsibility for any
24 services provided by such entity;

1 “(B) the conditions and terms of responsi-
2 bility for such any services, including quality,
3 accountability, and coordination of the services;
4 and

5 “(C) the conditions and terms of reim-
6 bursement of such agencies, authorities, or enti-
7 ties, including procedures for dispute resolution.

8 “(f) EVALUATION.—The Secretary shall conduct a
9 rigorous and independent evaluation of the initiatives, ac-
10 tivities, and programs carried out by an eligible entity
11 under this section and disseminate evidence-based prac-
12 tices regarding trauma-informed support services and
13 mental health services.

14 “(g) DISTRIBUTION OF AWARDS.—The Secretary
15 shall ensure that grants, contracts, and cooperative agree-
16 ments awarded or entered into under this section are equi-
17 tably distributed among the geographical regions of the
18 United States and among tribal, urban, suburban, and
19 rural populations.

20 “(h) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion shall be construed—

22 “(1) to prohibit an entity involved with an ini-
23 tiative, activity, or program carried out under this
24 section from reporting a crime that is committed by
25 a student to appropriate authorities; or

1 “(2) to prevent Federal, State, local, and tribal
2 law enforcement and judicial authorities from exer-
3 cising their responsibilities with regard to the appli-
4 cation of Federal, State, local, and tribal law to
5 crimes committed by a student.

6 “(i) SUPPLEMENT, NOT SUPPLANT.—Federal funds
7 provided under this section shall be used to supplement,
8 and not supplant, other Federal, State, or local funds
9 available to carry out the initiatives, activities, and pro-
10 grams described in this section.

11 “(j) CONSULTATION REQUIRED.—In awarding or en-
12 tering into grants, contracts, and cooperative agreements
13 under this section, the Secretary shall, in a timely manner,
14 meaningfully consult with Indian Tribes, Regional Cor-
15 porations, Native Hawaiian Educational Organizations,
16 and their representatives to ensure notice of eligibility.

17 “(k) DEFINITIONS.—In this section:

18 “(1) EARLY CHILDHOOD EDUCATION PRO-
19 GRAM.—The term ‘early childhood education pro-
20 gram’ has the meaning given such term in section
21 103 of the Higher Education Act of 1965 (20
22 U.S.C. 1003).

23 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
24 tity’ means—

25 “(A) a State educational agency;

1 “(B) a local educational agency;

2 “(C) an Indian Tribe (as defined in section
3 of the Indian Self-Determination and Edu-
4 cation Assistance Act) or their tribal edu-
5 cational agency;

6 “(D) the Bureau of Indian Education;

7 “(E) a Regional Corporation;

8 “(F) a Native Hawaiian educational orga-
9 nization; and

10 “(G) State, Territory, and Tribal Lead
11 Agencies administering the Child Care and De-
12 velopment Fund as described in section
13 658D(a) of the Child Care and Development
14 Block Grant Act (42 U.S.C. 9858b(a)).

15 “(3) ESEA TERMS.—

16 “(A) The terms ‘elementary school’, ‘evi-
17 dence-based’, ‘local educational agency’, ‘para-
18 professional’, ‘parent’, ‘professional develop-
19 ment’, ‘school leader’, ‘secondary school’, ‘Sec-
20 retary’, ‘specialized instructional support per-
21 sonnel’, and ‘State educational agency’ have the
22 meanings given such terms in section 8101 of
23 the Elementary and Secondary Education Act
24 of 1965 (20 U.S.C. 7801).

1 “(B) The term ‘full-service community
2 school’ has the meaning given such term in sec-
3 tion 4622 of the Elementary and Secondary
4 Education Act of 1965 (20 U.S.C. 7272).

5 “(C) The term ‘Native Hawaiian edu-
6 cational organization’ has the meaning given
7 such term in section 6207 of the Elementary
8 and Secondary Education Act of 1965 (20
9 U.S.C. 7517).

10 “(D) The term ‘school-based mental health
11 services provider’ has the meaning given the
12 term in section 4102 of the Elementary and
13 Secondary Education Act of 1965 (20 U.S.C.
14 7112).

15 “(4) REGIONAL CORPORATION.—The term ‘Re-
16 gional Corporation’ has the meaning given the term
17 in section 3 of the Alaska Native Claims Settlement
18 Act (43 U.S.C. 1602)).

19 “(5) SCHOOL.—The term ‘school’ means a pub-
20 lic elementary school or public secondary school.

21 “(1) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to carry out this section,
23 \$50,000,000 for each of fiscal years 2023 through 2027.”.

1 **TITLE V—RESPOND, INNOVATE,**
2 **SUCCEED, AND EMPOWER**

3 **SEC. 501. SHORT TITLE.**

4 This title may be cited as the “Respond, Innovate,
5 Succeed, and Empower Act” or the “RISE Act”.

6 **SEC. 502. PERFECTING AMENDMENT TO THE DEFINITION**
7 **OF DISABILITY.**

8 Section 103(6) of the Higher Education Act of 1965
9 (20 U.S.C. 1003(6)) is amended by striking “section
10 3(2)” and inserting “section 3”.

11 **SEC. 503. SUPPORTING STUDENTS WITH DISABILITIES TO**
12 **SUCCEED ONCE ENROLLED IN COLLEGE.**

13 Section 487(a) of the Higher Education Act of 1965
14 (20 U.S.C. 1094(a)) is amended by adding at the end the
15 following:

16 “(30)(A) The institution will carry out the fol-
17 lowing:

18 “(i) Adopt policies that make any of the
19 following documentation submitted by an indi-
20 vidual sufficient to establish that such indi-
21 vidual is an individual with a disability:

22 “(I) Documentation that the indi-
23 vidual has had an individualized education
24 program (IEP) in accordance with section
25 614(d) of the Individuals with Disabilities

1 Education Act (20 U.S.C. 1414(d)), in-
2 cluding an IEP that may not be current on
3 the date of the determination that the indi-
4 vidual has a disability. The institution may
5 ask for additional documentation from an
6 individual who had an IEP but who was
7 subsequently evaluated and determined to
8 be ineligible for services under the Individ-
9 uals with Disabilities Education Act, in-
10 cluding an individual determined to be in-
11 eligible during elementary school.

12 “(II) Documentation describing serv-
13 ices or accommodations provided to the in-
14 dividual pursuant to section 504 of the Re-
15 habilitation Act of 1973 (29 U.S.C. 794)
16 (commonly referred to as a ‘Section 504
17 plan’).

18 “(III) A plan or record of service for
19 the individual from a private school, a local
20 educational agency, a State educational
21 agency, or an institution of higher edu-
22 cation provided in accordance with the
23 Americans with Disabilities Act of 1990
24 (42 U.S.C. 12101 et seq.).

1 “(IV) A record or evaluation from a
2 relevant licensed professional finding that
3 the individual has a disability.

4 “(V) A plan or record of disability
5 from another institution of higher edu-
6 cation.

7 “(VI) Documentation of a disability
8 due to service in the uniformed services, as
9 defined in section 484C(a).

10 “(ii) Adopt policies that are transparent
11 and explicit regarding information about the
12 process by which the institution determines eli-
13 gibility for accommodations.

14 “(iii) Disseminate such information to stu-
15 dents, parents, and faculty in an accessible for-
16 mat, including during any student orientation
17 and making such information readily available
18 on a public website of the institution.

19 “(B) Nothing in this paragraph shall be con-
20 strued to preclude an institution from establishing
21 less burdensome criteria than that described in sub-
22 paragraph (A) to establish an individual as an indi-
23 vidual with a disability and therefore eligible for ac-
24 commodations.”.

1 **SEC. 504. AUTHORIZATION OF FUNDS FOR THE NATIONAL**
2 **CENTER FOR INFORMATION AND TECHNICAL**
3 **SUPPORT FOR POSTSECONDARY STUDENTS**
4 **WITH DISABILITIES.**

5 Section 777(a) of the Higher Education Act of 1965
6 (20 U.S.C. 1140q(a)) is amended—

7 (1) in paragraph (1), by striking “From
8 amounts appropriated under section 778,” and in-
9 serting “From amounts appropriated under para-
10 graph (5),”; and

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

12 “(5) **AUTHORIZATION OF APPROPRIATIONS.—**
13 There is authorized to be appropriated to carry out
14 this subsection \$2,000,000 for each of fiscal years
15 2023 through 2027.”.

16 **SEC. 505. INCLUSION OF INFORMATION ON STUDENTS**
17 **WITH DISABILITIES.**

18 Section 487(a) of the Higher Education Act of 1965
19 (20 U.S.C. 1094(a)), as amended by section 503, is fur-
20 ther amended by adding at the end the following:

21 “(31) The institution will submit, for inclusion
22 in the Integrated Postsecondary Education Data
23 System (IPEDS) or any other Federal postsec-
24 ondary institution data collection effort, key data re-
25 lated to undergraduate students enrolled at the in-
26 stitution who are formally registered as students

1 with disabilities with the institution’s office of dis-
2 ability services (or the equivalent office), including
3 the total number of students with disabilities en-
4 rolled, the number of students accessing or receiving
5 accommodations, the percentage of students with
6 disabilities of all undergraduate students, and the
7 total number of undergraduate certificates or de-
8 grees awarded to students with disabilities. An insti-
9 tution shall not be required to submit the informa-
10 tion described in the preceding sentence if the num-
11 ber of such students would reveal personally identifi-
12 able information about an individual student.”.

13 **SEC. 506. RULE OF CONSTRUCTION.**

14 None of the amendments made by this title shall be
15 construed to affect the meaning of the terms “reasonable
16 accommodation” or “record of impairment” under the
17 Americans with Disabilities Act of 1990 (42 U.S.C. 12101
18 et seq.) or the rights or remedies provided under such Act.

19 **TITLE VI—STRENGTHENING**
20 **BEHAVIORAL HEALTH BENEFITS**

21 **SEC. 601. SHORT TITLE.**

22 This title may be cited as the “Strengthening Behav-
23 ioral Health Benefits Act”.

1 **SEC. 602. ENFORCEMENT OF MENTAL HEALTH AND SUB-**
2 **STANCE USE DISORDER REQUIREMENTS.**

3 (a) IN GENERAL.—Section 502(a) of the Employee
4 Retirement Income Security Act of 1974 (29 U.S.C.
5 1132(a)) is amended—

6 (1) in paragraph (10), by striking “or” at the
7 end;

8 (2) in paragraph (11), by striking the period at
9 the end and inserting “; or”; and

10 (3) by adding at the end the following:

11 “(12) in any case relating to the provision of
12 mental health benefits and substance use disorder
13 benefits under a group health plan or under group
14 health insurance coverage offered by a health insur-
15 ance issuer in connection with a group health plan
16 (as such terms are defined in section 733), by the
17 Secretary, or by a participant, beneficiary, or fidu-
18 ciary, to enforce any provision of this title or the
19 terms of the plan or coverage relating to such bene-
20 fits against a group health plan, a health insurance
21 issuer, a fiduciary of a plan, or any other person
22 that contracts with a group health plan to provide
23 group health insurance coverage or assistance in the
24 administration of a group health plan (including a
25 third party administrator, managed behavioral
26 health organization, and a pharmacy benefit man-

1 ager), if such person participates in or conceals a
2 violation of any requirement of part 7 relating to
3 such benefits or a wrongful denial of a claim for
4 mental health benefits or substance use disorder
5 benefits under the terms of the plan or coverage, to
6 obtain appropriate relief, in addition to any other re-
7 lief otherwise available under this section, includ-
8 ing—

9 “(A) to recover all losses to participants
10 and beneficiaries;

11 “(B) to reform impermissible plan or cov-
12 erage terms and policies (as written or in oper-
13 ation) in accordance with the requirements of
14 this title and its implementing regulations; or

15 “(C) to ensure the readjudication of claims
16 and payment of benefits in accordance with the
17 plan or coverage terms without any impermis-
18 sible limitation, plan or coverage term, or pol-
19 icy.”.

20 (b) CLARIFICATION OF GENERAL ENFORCEMENT

21 AUTHORITIES.—

22 (1) ACTIONS BROUGHT BY A PARTICIPANT,
23 BENEFICIARY, OR FIDUCIARY.—Section 502(a)(3) of
24 such Act (29 U.S.C. 1132(a)(3)) is amended—

1 (A) by striking “or (B)” and inserting
2 “(B)”; and

3 (B) by inserting before the semicolon at
4 the end the following: “, or (C) to require re-
5 adjudication and payment of benefits to remedy
6 violations of this title notwithstanding the avail-
7 ability of relief under other provisions of this
8 title”.

9 (2) ACTIONS BROUGHT BY THE SECRETARY.—
10 Section 502(a)(5) of such Act (29 U.S.C.
11 1132(a)(5)) is amended—

12 (A) by striking “or (B)” and inserting
13 “(B)”; and

14 (B) by inserting before the semicolon at
15 the end the following: “, or (C) to require re-
16 adjudication and payment of benefits to remedy
17 violations of this title notwithstanding the avail-
18 ability of relief under other provisions of this
19 title”.

20 (c) EXCEPTION TO THE GENERAL PROHIBITION ON
21 ENFORCEMENT.—Section 502(b)(3) of such Act (29
22 U.S.C. 1132(b)(3)) is amended—

23 (1) by inserting “, and except with respect to
24 enforcement by the Secretary of section 712 or any
25 other provision of part 7 in any case relating to

1 mental health benefits and substance use disorder
2 benefits” after “under subsection (c)(9))”; and

3 (2) by striking “706(a)(1)” and inserting
4 “733(a)(1)”.

5 (d) DEFINITIONS.—Part 7 of title I of such Act (29
6 U.S.C. 1181 et seq.) is amended—

7 (1) in section 712(e), in the matter preceding
8 paragraph (1), by inserting “and section
9 502(a)(12)” after “this section”; and

10 (2) in section 733—

11 (A) in subsection (a), in the matter pre-
12 ceding paragraph (1), by inserting “and section
13 502(a)(12)” after “this part”; and

14 (B) in subsection (b), in the matter pre-
15 ceding paragraph (1), by inserting “and section
16 502(a)(12)” after “this part”.

17 (e) FUNDING.—

18 (1) IN GENERAL.—In addition to amounts oth-
19 erwise available, there are appropriated (out of any
20 money in the Treasury not otherwise appropriated)
21 to the Department of Labor for fiscal year 2023, to
22 remain available until September 30, 2032,
23 \$275,000,000, of which—

24 (A) \$240,000,000 shall be for the Em-
25 ployee Benefits Security Administration; and

1 (B) \$35,000,000 shall be for the Solicitor
2 of Labor.

3 (2) USE OF APPROPRIATED FUNDS.—Amounts
4 made available under paragraph (1) may be used for
5 audits and investigations, enforcement actions, liti-
6 gation expenses, issuance of regulations or guidance,
7 and any other Departmental activities relating to
8 section 712 of the Employee Retirement Income Se-
9 curity Act of 1974 and any other provision of title
10 I of such Act relating to mental health and sub-
11 stance use disorder benefits.

12 **TITLE VII—EMPLOYEE AND**
13 **RETIREE ACCESS TO JUSTICE**

14 **SEC. 701. SHORT TITLE.**

15 This title may be cited as the “Employee and Retiree
16 Access to Justice Act of 2022”.

17 **SEC. 702. UNENFORCEABLE ARBITRATION CLAUSES, CLASS**

18 **ACTION WAIVERS, REPRESENTATION WAIV-**

19 **ERS, AND DISCRETIONARY CLAUSES.**

20 (a) IN GENERAL.—Section 502 of the Employee Re-
21 tirement Income Security Act of 1974 (29 U.S.C. 1132)
22 is amended by adding at the end the following:

23 “(n)(1) In any civil action brought by, or on behalf
24 of, a participant or beneficiary pursuant to this section
25 or with respect to a common law claim involving a plan

1 or plan benefit, notwithstanding any other provision of
2 law—

3 “(A) no predispute arbitration provision shall
4 be valid or enforceable if it requires arbitration of a
5 matter related to a claim brought under this section;

6 “(B) no postdispute arbitration provision shall
7 be valid or enforceable unless—

8 “(i) the provision was not required by any
9 person, obtained by coercion or threat of ad-
10 verse action, or made a condition of partici-
11 pating in a plan, receiving benefits under a
12 plan, or receiving any other employment, work,
13 or any employment-related or work-related
14 privilege or benefit;

15 “(ii) each participant or beneficiary agree-
16 ing to the provision was informed, through a
17 paper notice, in a manner reasonably calculated
18 to be understood by the average plan partici-
19 pant, of the right of the participant or bene-
20 ficiary under subparagraph (C) to refuse to
21 agree to the provision without retaliation or
22 threat of retaliation;

23 “(iii) each participant or beneficiary agree-
24 ing to the provision so agreed after a waiting
25 period of not fewer than 45 days, beginning on

1 the date on which the participant or beneficiary
2 was provided both the final text of the provision
3 and the disclosures required under clause (ii);
4 and

5 “(iv) each participant or beneficiary agree-
6 ing to the provision affirmatively consented to
7 the provision in writing;

8 “(C) no covered provision shall be valid or en-
9 forceable, if prior to a dispute to which the covered
10 provision applies, a participant or beneficiary under-
11 takes or promises not to pursue, bring, join, litigate,
12 or support any kind of individual, joint, class, rep-
13 resentative, or collective claim available under this
14 section in any forum that, but for such covered pro-
15 vision, is of competent jurisdiction;

16 “(D) no covered provision shall be valid or en-
17 forceable, if after a dispute to which the covered pro-
18 vision applies arises, a participant or beneficiary un-
19 dertakes or promises not to pursue, bring, join, liti-
20 gate, or support any kind of individual, joint, class,
21 representative, or collective claim under this section
22 in any forum that, but for such covered provision, is
23 of competent jurisdiction, unless the covered provi-
24 sion meets the requirements of subparagraph (B);
25 and

1 “(E) no covered provision related to a plan
2 other than a multiemployer plan shall be valid or en-
3 forceable that purports to confer discretionary au-
4 thority to any person with respect to benefit deter-
5 minations or interpretation of plan language, or to
6 provide a standard of review of such determinations
7 or interpretation by a reviewing court in an action
8 brought under this section that would require any-
9 thing other than de novo review of such determina-
10 tions or interpretation.

11 “(2) In this subsection—

12 “(A) the term ‘covered provision’ means any
13 document, instrument, or agreement related to a
14 plan or plan benefit, regardless of whether such pro-
15 vision appears in a plan document or in a separate
16 agreement;

17 “(B) the term ‘predispute arbitration provision’
18 means a covered provision that requires a partici-
19 pant or beneficiary to arbitrate a dispute related to
20 the plan or an amendment to the plan that had not
21 yet arisen at the time such provision took effect;

22 “(C) the term ‘postdispute arbitration provi-
23 sion’ means a covered provision that requires a par-
24 ticipant or beneficiary to arbitrate a dispute related

1 to the plan or an amendment to the plan that arose
2 before the time such provision took effect; and

3 “(D) the term ‘retaliation’ means any action in
4 violation of section 510.

5 “(3)(A) Any dispute as to whether a covered provi-
6 sion that requires a participant or beneficiary to arbitrate
7 a dispute related to a plan is valid and enforceable shall
8 be determined by a court, rather than an arbitrator, re-
9 gardless of whether any contractual provision purports to
10 delegate such determinations to the arbitrator and irre-
11 spective of whether the party resisting arbitration chal-
12 lenges the arbitration agreement specifically or in conjunc-
13 tion with other terms of the contract containing such
14 agreement.

15 “(B) For purposes of this subsection, a dispute shall
16 be considered to arise only when a plaintiff has actual
17 knowledge (within the meaning of such term in section
18 413) of a breach or violation giving rise to a claim under
19 this section.”.

20 (b) REGULATIONS.—The Secretary of Labor may
21 promulgate such regulations as may be necessary to carry
22 out the amendment made by subsection (a), including pro-
23 viding for the form and content of notices required pursu-
24 ant to such amendment.

1 **SEC. 703. PROHIBITION ON MANDATORY ARBITRATION**
2 **CLAUSES, CLASS ACTION WAIVERS, REP-**
3 **RESENTATION WAIVERS, AND DISCRE-**
4 **TIONARY CLAUSES.**

5 Section 402 of the Employee Retirement Income Se-
6 curity Act of 1974 (29 U.S.C. 1102) is amended by adding
7 at the end the following:

8 “(d)(1) No covered person may—

9 “(A) require participants or beneficiaries to
10 agree to a predispute arbitration provision as a con-
11 dition for participation in, or receipt of benefits
12 under, a plan;

13 “(B) agree to a postdispute arbitration provi-
14 sion with a participant or beneficiary with respect to
15 a plan or plan benefit unless the conditions of
16 clauses (i) through (iv) of section 502(n)(1)(B) are
17 satisfied with respect to such provision; or

18 “(C) agree to any other covered provision with
19 respect to a plan or plan benefit under any cir-
20 cumstances under which such provision would not be
21 valid and enforceable under subparagraphs (C)
22 through (E) section 502(n)(1).

23 “(2) In this subsection—

24 “(A) the term ‘covered person’ means—

25 “(i) a plan;

26 “(ii) a plan sponsor;

1 “(iii) an employer; or

2 “(iv) a person engaged by a plan for pur-
3 poses of administering or operating the plan;
4 and

5 “(B) the terms ‘covered provision’, ‘predispute
6 arbitration provision’ and ‘postdispute arbitration
7 provision’ have the meanings given such terms in
8 section 502(n)(2).”.

9 **SEC. 704. EFFECTIVE DATE.**

10 (a) IN GENERAL.—The amendments made by sec-
11 tions 702 and 703 shall take effect on the date of enact-
12 ment of this Act and shall apply with respect to any dis-
13 pute or claim that arises or accrues on or after such date,
14 including any dispute or claim to which a provision pre-
15 dating such date applies, regardless of whether plan docu-
16 ments have been updated in accordance with such amend-
17 ments.

18 (b) ENFORCEMENT WITH RESPECT TO PLAN DOCU-
19 MENT UPDATES.—Notwithstanding subsection (a), no
20 person shall be deemed to be in violation of such amend-
21 ments on account of plan documents that have not been
22 updated in accordance with such amendments until after
23 the beginning of the first plan year that begins on or after
24 the date that is 1 year after the date of enactment of this
25 Act, provided that such person acts in accordance with

- 1 such amendments during the period in which the plan doc-
- 2 uments have not been updated.

○