

117TH CONGRESS
1ST SESSION

S. 1811

To increase the recruitment and retention of school-based mental health services providers by low-income local educational agencies.

IN THE SENATE OF THE UNITED STATES

MAY 25, 2021

Mr. TESTER introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To increase the recruitment and retention of school-based mental health services providers by low-income local educational agencies.

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 “Increasing Access to
5 Mental Health in Schools Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **BEST PRACTICES.**—The term “best prac-
9 tices” means a technique or methodology that,
10 through experience and research related to profes-

sional practice in a school-based mental health field,
has proven to reliably lead to a desired result.

(2) ELIGIBLE GRADUATE INSTITUTION.—The
term “eligible graduate institution” means an institution of higher education that offers a program of study that leads to a masters or other graduate degree—

(A) in school psychology that is accredited or approved by the National Association of School Psychologists’ Program Approval Board (or its successor) or the Commission on Accreditation of the American Psychological Association and that prepares students in such program for the State licensing or certification examination in school psychology;

(B) in school counseling that prepares students in such program for the State licensing or certification examination in school counseling;

(C) in school social work that is accredited by the Council on Social Work Education and that prepares students in such program for the State licensing or certification examination in school social work;

(D) in another school-based mental health field that prepares students in such program

1 for the State licensing or certification examina-
2 tion in such field, if applicable; or

3 (E) in any combination of study described
4 in subparagraphs (A) through (D).

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

7 (A) a partnership between 1 or more low-
8 income local educational agencies and 1 or more
9 eligible graduate institutions; or

10 (B) in any region in which local edu-
11 cational agencies may not have a sufficient ele-
12 mentary school and secondary school student
13 population to support the placement of all par-
14 ticipating graduate students, a partnership be-
15 tween a State educational agency, on behalf of
16 1 or more low-income local educational agen-
17 cies, and 1 or more eligible graduate institu-
18 tions.

19 (4) INSTITUTION OF HIGHER EDUCATION.—The
20 term “institution of higher education” has the
21 meaning given such term in section 102 of the High-
22 er Education Act of 1965 (20 U.S.C. 1002), but ex-
23 cludes any institution of higher education described
24 in section 102(a)(1)(C) of such Act.

1 (5) LOCAL EDUCATIONAL AGENCY.—The term
 2 “local educational agency” has the meaning given
 3 the term in section 8101 of the Elementary and Sec-
 4 ondary Education Act of 1965 (20 U.S.C. 7801).

5 (6) LOW-INCOME LOCAL EDUCATIONAL AGEN-
 6 CY.—The term “low-income local educational agen-
 7 cy” means a local educational agency—

8 (A) for which not less than 20 percent of
 9 the students served by such agency are from
 10 families with incomes below the poverty line as
 11 determined by the Bureau of the Census on the
 12 basis of the most recent satisfactory data avail-
 13 able; and

14 (B) that, as of the date of application for
 15 a grant under this Act, has ratios of school
 16 counselors, school social workers, and school
 17 psychologists to students served by the agency
 18 that are not more than 1 school counselor per
 19 275 students, not more than 1 school psycholo-
 20 gist per 770 students, and not more than 1
 21 school social worker per 250 students.

22 (7) PARTICIPATING ELIGIBLE GRADUATE INSTI-
 23 TUTION.—The term “participating eligible graduate
 24 institution” means an eligible graduate institution

1 that is part of an eligible partnership awarded a
2 grant under section 3.

3 (8) PARTICIPATING GRADUATE.—The term
4 “participating graduate” means an individual who—

5 (A) has received a masters or other grad-
6 uate degree in a school-based mental health
7 field from a participating eligible graduate in-
8 stitution and has obtained a State license or
9 credential in the school-based mental health
10 field; and

11 (B) as a graduate student of a school-
12 based mental health field, was placed in a
13 school served by a participating low-income
14 local educational agency to complete required
15 field work, credit hours, internships, or related
16 training as applicable.

17 (9) PARTICIPATING LOW-INCOME LOCAL EDU-
18 CATIONAL AGENCY.—The term “participating low-in-
19 come local educational agency” means a low-income
20 local educational agency that is part of an eligible
21 partnership awarded a grant under section 3.

22 (10) SCHOOL-BASED MENTAL HEALTH
23 FIELD.—The term “school-based mental health
24 field” means each of the following fields:

25 (A) School counseling.

1 (B) School social work.

2 (C) School psychology.

3 (D) Any other field of study that leads to
4 employment as a school-based mental health
5 services provider.

6 (11) SCHOOL-BASED MENTAL HEALTH SERV-
7 ICES PROVIDER.—The term “school-based mental
8 health services provider” has the meaning given the
9 term in section 4102 of the Elementary and Sec-
10 ondary Education Act of 1965 (20 U.S.C. 7112).

11 (12) SECRETARY.—The term “Secretary”
12 means the Secretary of Education.

13 (13) STATE EDUCATIONAL AGENCY.—The term
14 “State educational agency” has the meaning given
15 the term in section 8101 of the Elementary and Sec-
16 ondary Education Act of 1965 (20 U.S.C. 7801).

17 (14) STUDENT SUPPORT PERSONNEL TARGET
18 RATIOS.—The term “student support personnel tar-
19 get ratios” means the ratios of school-based mental
20 health services providers to students recommended
21 to enable such personnel to effectively address the
22 needs of students, including—

23 (A) at least 1 school counselor for every
24 250 students (as recommended by the American

1 School Counselor Association and American
2 Counseling Association);

3 (B) at least 1 school psychologist for every
4 500–700 students (as recommended by the Na-
5 tional Association of School Psychologists); and

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

9 (15) UNACCOMPANIED YOUTH.—The term “un-
10 accompanied youth” has the meaning given such
11 term in section 725 of the McKinney-Vento Home-
12 less Assistance Act (42 U.S.C. 11434a).

13 **SEC. 3. GRANT PROGRAM TO INCREASE THE NUMBER OF**
14 **SCHOOL-BASED MENTAL HEALTH SERVICES**
15 **PROVIDERS EMPLOYED BY LOW-INCOME**
16 **LOCAL EDUCATIONAL AGENCIES.**

17 (a) GRANT PROGRAM AUTHORIZED.—From amounts
18 made available to carry out this section, the Secretary
19 shall award grants, on a competitive basis and after input
20 from the peer review panel under subsection (d), to eligible
21 partnerships, to enable the eligible partnerships to carry
22 out pipeline programs to increase the number of school-
23 based mental health services providers employed by low-
24 income local educational agencies by carrying out any of
25 the activities described by subsection (f).

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

5 (c) APPLICATION.—To be eligible to receive a grant
 6 under this section, an eligible graduate institution, on be-
 7 half of an eligible partnership, shall submit to the Sec-
 8 retary a grant application. The application shall contain
 9 such information as the Secretary may require, includ-
 10 ing—

11 (1) an assessment of the existing (as of the
 12 date of application) ratios of school-based mental
 13 health services providers (in the aggregate and
 14 disaggregated by profession) to students enrolled in
 15 schools in each low-income local educational agency
 16 that is part of the eligible partnership; and

17 (2) a detailed description of—

18 (A) a plan to carry out a pipeline program
 19 to train, place, and retain school-based mental
 20 health services providers in low-income local
 21 educational agencies; and

22 (B) the proposed allocation and use of
 23 grant funds to carry out activities described in
 24 subsection (f).

25 (d) PEER REVIEW PANEL.—

1 (1) ESTABLISHMENT OF PANEL.—The Sec-
2 retary shall establish a peer review panel to evaluate
3 applications submitted under subsection (c) and
4 make recommendations to the Secretary regarding
5 such applications.

6 (2) EVALUATION OF APPLICATIONS.—In mak-
7 ing its recommendations, the peer review panel shall
8 take into account the purpose of this Act and the
9 application requirements under subsection (c), in-
10 cluding the quality of the proposed pipeline program
11 described in subsection (c)(2)(A).

12 (3) CONSIDERATION OF PANEL’S RECOMMENDA-
13 TION.—

14 (A) IN GENERAL.—The Secretary may
15 award grants under this section to eligible part-
16 nerships only after taking into consideration the
17 recommendations of the peer review panel pro-
18 vided under this subsection.

19 (B) EXPLANATION.—In any case where
20 the Secretary decides to not follow the rec-
21 ommendations of the peer review panel, the
22 Secretary shall provide a written explanation of
23 the decision to the panel and to the Committee
24 on Health, Education, Labor, and Pensions of

1 the Senate and the Committee on Education
2 and Labor of the House of Representatives.

3 (4) MEMBERSHIP OF PANEL.—

4 (A) IN GENERAL.—The peer review panel
5 shall include at a minimum the following mem-
6 bers:

7 (i) One clinical, tenured, or tenure
8 track faculty member at an institution of
9 higher education with a current appoint-
10 ment, as of the time of service on the
11 panel, to teach courses in the subject area
12 of school counselor education.

13 (ii) One clinical, tenured, or tenure
14 track faculty member at an institution of
15 higher education with a current appoint-
16 ment, as of the time of service on the
17 panel, to teach courses in the subject area
18 of school social worker education.

19 (iii) One clinical, tenured, or tenure
20 track faculty member at an institution of
21 higher education with a current appoint-
22 ment, as of the time of service on the
23 panel, to teach courses in the subject area
24 of school psychology education.

1 (iv) One clinical, tenured, or tenure
 2 track faculty member at an institution of
 3 higher education with a current appoint-
 4 ment to teach courses in the subject area
 5 of teacher education.

6 (v) One individual with expertise in
 7 school counseling who works or has worked
 8 in public schools.

9 (vi) One individual with expertise in
 10 school social work who works or has
 11 worked in public schools.

12 (vii) One individual with expertise in
 13 school psychology who works or has
 14 worked in public schools.

15 (viii) One administrator who works or
 16 has worked for a low-income local edu-
 17 cational agency.

18 (ix) One qualified and effective teach-
 19 er who has substantial experience working
 20 for a low-income local educational agency.

21 (x) One community mental health pro-
 22 vider.

23 (B) CLINICAL FACULTY MEMBER.—At
 24 least 1 of the members described in subpara-
 25 graph (A) shall be a clinical faculty member.

1 (e) AWARD BASIS.—In awarding grants under this
2 section, the Secretary shall—

3 (1) award the first 5 grants to eligible partner-
4 ships from 5 different States; and

5 (2) give priority to eligible partnerships that—

6 (A) propose to use the grant funds to
7 carry out the activities described in paragraphs
8 (1) through (3) of subsection (f) in schools that
9 have higher numbers or percentages of low-in-
10 come students and students not achieving a
11 proficient level of academic achievement, as de-
12 termined by the State, on the annual assess-
13 ments required under section 1111(b) of the El-
14 elementary and Secondary Education Act of 1965
15 (20 U.S.C. 6311(b))) in comparison to other
16 schools that are served by the low-income local
17 educational agency that is part of the eligible
18 partnership;

19 (B) include 1 or more low-income local
20 educational agencies that have fewer school-
21 based mental health services providers, in the
22 aggregate or for a particular school-based men-
23 tal health field, per student than other eligible
24 partnerships;

1 (C) include 1 or more eligible graduate in-
 2 stitutions that offer the greatest number of
 3 graduate programs in the greatest number of
 4 different school-based mental health fields; and

5 (D) propose to collaborate with other insti-
 6 tutions of higher education with similar pro-
 7 grams, including sharing facilities, faculty mem-
 8 bers, and administrative costs.

9 (f) USE OF GRANT FUNDS.—Grant funds awarded
 10 under this section may be used—

11 (1) to pay the administrative costs (including
 12 supplies, office and classroom space, supervision,
 13 mentoring, and transportation stipends as necessary
 14 and appropriate) related to—

15 (A) having graduate students of programs
 16 in school-based mental health fields placed in
 17 schools served by participating low-income local
 18 educational agencies to complete required field
 19 work, credit hours, internships, or related train-
 20 ing as applicable for the degree, license, or cre-
 21 dential program of each such student; and

22 (B) offering required graduate coursework
 23 for students of a graduate program in a school-
 24 based mental health services field on the site of

1 a participating low-income local educational
2 agency;

3 (2) for not more than the first 3 years after a
4 participating graduate receives a masters or other
5 graduate degree from a program in a school-based
6 mental health field, or obtains a State license or cre-
7 dential in a school-based mental health field, to hire
8 and pay all or part of the salary of the participating
9 graduates working as a school-based mental health
10 services provider in a school served by a partici-
11 pating low-income local educational agency;

12 (3) to increase the number of school-based men-
13 tal health services providers per student in schools
14 served by participating low-income local educational
15 agencies, in order to work toward the student sup-
16 port personnel target ratios;

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

22 (5) to recruit, hire, and pay faculty as nec-
23 essary to increase the capacity of a participating eli-
24 gible graduate institution to train graduate students
25 in school-based mental health fields;

1 (6) to develop coursework that will—

2 (A) encourage a commitment by graduate
3 students in school-based mental health fields to
4 work for low-income local educational agencies;

5 (B) give participating graduates the knowl-
6 edge and skill sets necessary to meet the needs
7 of—

8 (i) students and families served by
9 low-income local educational agencies; and

10 (ii) teachers, administrators, and
11 other staff who work for low-income local
12 educational agencies;

13 (C) enable participating graduates to meet
14 the unique needs of students at risk of negative
15 educational outcomes, including students who—

16 (i) are English language learners;

17 (ii) have a parent or caregiver who is
18 a migrant worker;

19 (iii) have a parent or caregiver who is
20 a member of the armed forces, including
21 the National Guard, who has been de-
22 ployed or returned from deployment;

23 (iv) are homeless, including unaccom-
24 panied youth;

1 (v) have come into contact with the
2 juvenile justice system or adult criminal
3 justice system, including students currently
4 or previously held in juvenile detention fa-
5 cilities or adult jails and students currently
6 or previously held in juvenile correctional
7 facilities or adult prisons;

8 (vi) have been identified as eligible for
9 services under the Individuals with Disabil-
10 ities Education Act (20 U.S.C. 1400 et
11 seq.) or the Rehabilitation Act of 1973 (29
12 U.S.C. 701 et seq.);

13 (vii) have been a victim to or wit-
14 nessed domestic violence or violence in
15 their community;

16 (viii) have been exposed to substance
17 misuse at home or in the community; or

18 (ix) are foster care youth, youth aging
19 out of foster care, or former foster youth;
20 and

21 (D) utilize best practices determined by the
22 American School Counselor Association, Na-
23 tional Association of Social Workers, School So-
24 cial Work Association of America, and National

1 Association of School Psychologists and other
2 relevant organizations;

3 (7) to provide tuition credits to graduate stu-
4 dents participating in the pipeline program;

5 (8) for student loan forgiveness for partici-
6 pating graduates who are employed as school-based
7 mental health services providers by participating
8 low-income local educational agencies for a minimum
9 of 5 consecutive years; and

10 (9) for similar activities to fulfill the purpose of
11 this Act, as the Secretary determines appropriate.

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

16 (h) REPORTING REQUIREMENTS.—

17 (1) IN GENERAL.—Each eligible partnership
18 that receives a grant under this section shall prepare
19 and submit to the Secretary an annual report on the
20 progress of the eligible partnership in carrying out
21 the grant. Such report shall include a description
22 of—

23 (A) actual service delivery provided
24 through the grant funds, including—

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

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

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

12 (II) demographic characteristics;

13 and

14 (III) graduate student retention
15 rates;

16 (iii) characteristics of students of the
17 participating low-income local educational
18 agency, including performance on any tests
19 required by the State educational agency,
20 demographic characteristics, and pro-
21 motion, persistence, and graduation rates,
22 as appropriate;

23 (iv) an estimate of the annual imple-
24 mentation costs of the pipeline program;
25 and

1 (v) the numbers of students, schools,
2 and graduate students participating in the
3 pipeline program;

4 (B) outcomes that are consistent with the
5 purpose of the grant program under this Act,
6 including—

7 (i) internship and post-graduation
8 placement of the participating graduate
9 students;

10 (ii) graduation and professional career
11 readiness indicators; and

12 (iii) characteristics of the partici-
13 pating low-income local educational agency,
14 including changes in the hiring and reten-
15 tion of qualified and effective teachers and
16 school-based mental health services pro-
17 viders;

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

20 (D) the effectiveness of any training and
21 ongoing professional development provided—

22 (i) to students and faculty in the ap-
23 propriate departments or schools of the
24 participating eligible graduate institution;

1 (ii) to the faculty, administration, and
 2 staff of the participating low-income local
 3 educational agency; and

4 (iii) to the broader community of pro-
 5 viders of social, emotional, behavioral, and
 6 related support to students and to those
 7 individuals who train such providers.

8 (2) PUBLICATION.—The Secretary shall publish
 9 the annual reports submitted under paragraph (1)
 10 on the website of the Department of Education.

11 (i) EVALUATIONS.—

12 (1) INTERIM EVALUATIONS.—The Secretary
 13 may conduct interim evaluations to determine
 14 whether each eligible partnership receiving a grant
 15 under this section is making adequate progress as
 16 the Secretary considers appropriate. The contents of
 17 the annual report submitted to the Secretary under
 18 subsection (h) may be used by the Secretary to de-
 19 termine whether an eligible partnership receiving a
 20 grant is demonstrating adequate progress.

21 (2) FINAL EVALUATION.—The Secretary shall
 22 conduct a final evaluation to—

23 (A) determine the effectiveness of the
 24 grant program in carrying out the purpose of
 25 this Act; and

1 (B) compare the relative effectiveness of
2 each of the various activities described in sub-
3 section (f) for which grant funds may be used.

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

7 (1) the findings of the evaluation conducted
8 under subsection (i)(2); and

9 (2) such recommendations as the Secretary con-
10 siders appropriate.

11 (k) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—There is authorized to be
13 appropriated to the Secretary to carry out the pro-
14 gram under this section, \$200,000,000 for fiscal
15 year 2022 and for each succeeding fiscal year.

16 (2) RESERVATION FOR EVALUATION.—From
17 the total amount appropriated to carry out this sec-
18 tion each fiscal year, the Secretary shall reserve not
19 more than 3 percent for evaluations under sub-
20 section (i).

1 **SEC. 4. STUDENT LOAN FORGIVENESS FOR INDIVIDUALS**
2 **WHO ARE EMPLOYED FOR 5 OR MORE CON-**
3 **SECUTIVE SCHOOL YEARS AS SCHOOL-BASED**
4 **MENTAL HEALTH SERVICES PROVIDERS.**

5 (a) ESTABLISHMENT OF PROGRAM.—The Secretary
6 shall establish a program to provide student loan forgive-
7 ness for loans issued under parts B, D, and E of title
8 IV of the Higher Education Act of 1965 (20 U.S.C. 1071
9 et seq., 1087a et seq., and 1087aa et seq.) to individuals
10 who—

11 (1) are not, and have never been, participants
12 in the grant program established under section 3;
13 and

14 (2) have been employed for 5 or more consecu-
15 tive school years as school-based mental health serv-
16 ices providers by low-income local educational agen-
17 cies.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to the Secretary such
20 sums as may be necessary to carry out the program under
21 this section.

22 **SEC. 5. FUTURE DESIGNATION STUDY.**

23 (a) IN GENERAL.—The Secretary shall conduct a
24 study to identify a formula for future designation of re-
25 gions with a shortage of school-based mental health serv-
26 ices providers to use in implementing grant programs and

1 other programs such as the programs established under
2 this Act or for other purposes related to any such designa-
3 tion.

4 (b) BASIS OF FORMULA.—The formula described in
5 subsection (a) shall be based on the latest available data
6 regarding an area served by a low-income local educational
7 agency on—

8 (1) the number of residents under the age of 18
9 in such area;

10 (2) the percentage of the population of such
11 area with incomes below the poverty line;

12 (3) the percentage of residents age 18 or older
13 in such area who have earned secondary school di-
14 plomas;

15 (4) the percentage of students in such area who
16 are identified as eligible for special education serv-
17 ices;

18 (5) the youth crime rate in such area;

19 (6) the current number of full-time-equivalent
20 and active school-based mental health services pro-
21 viders employed by the low-income local educational
22 agency in such area, in the aggregate and
23 disaggregated by profession;

24 (7) the number of students in such area in mili-
25 tary families with parents in the armed forces (in-

1 including the National Guard and Reserves) who have
2 been alerted for deployment, are currently deployed,
3 or have returned from a deployment in the previous
4 school year; and

5 (8) such other criteria as the Secretary con-
6 siderers appropriate.

7 (c) REPORT.—Not later than 2 years after the date
8 of enactment of this Act, the Secretary shall submit to
9 Congress a report containing the findings of the study
10 conducted under subsection (a).

○