

**SUBSTITUTE FOR THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 7780  
OFFERED BY MR. ALLEN OF GEORGIA**

Strike all after the enacting clause and insert the following:

**1 SEC. 1. SHORT TITLE.**

2       This Act may be cited as the “Mental Health Matters  
3 Act”.

**4 SEC. 2. FINDINGS.**

5       The Congress finds the following:

6           (1) In 2021, more than a third of high school  
7 students reported they experienced poor mental  
8 health during the COVID-19 pandemic, and over 40  
9 percent reported they persistently felt sad or hope-  
10 less during the preceding year.

11           (2) Studies show that the prolonged shutdown  
12 of schools exacerbated students’ mental health  
13 issues. The pandemic era’s pervasive sense of fear,  
14 economic instability, and forced physical distancing  
15 from loved ones, friends, and communities exacer-  
16 bated the unprecedented stresses young people al-  
17 ready faced.

1           (3) School closures carry high social and eco-  
2           nomic costs for people across communities and the  
3           impact is particularly severe for the most vulnerable  
4           students and families.

5           (4) According to the Centers for Disease Con-  
6           trol, fewer than half of youth reported feeling close  
7           to people at school during the pandemic. Youth who  
8           were more disconnected from school were found to  
9           be more likely to have feelings of hopelessness, seri-  
10          ously to consider attempting suicide, or to attempt  
11          suicide.

12          (5) Fifteen percent of youth report suffering  
13          from at least one major depressive episode in the  
14          preceding year.

15          (6) Childhood depression is more likely to per-  
16          sist into adulthood if gone untreated.

17          (7) Suicide is the fourth leading cause of death  
18          among teens and young adults globally, and the sec-  
19          ond leading cause of death in youth in the United  
20          States.

21 **SEC. 3. DEFINITIONS.**

22          In this Act:

23               (1) **ELIGIBLE ENTITY.**—The term “eligible enti-  
24               ty” means a local educational agency, a public char-

1       ter school that is its own local educational agency,  
2       or a private elementary school or secondary school.

3           (2) ESEA DEFINITIONS.—The terms “elemen-  
4       tary school”, “local educational agency”, “secondary  
5       school”, “State”, and “State educational agency”  
6       have the meanings given the terms in section 8101  
7       of the Elementary and Secondary Education Act of  
8       1965 (20 U.S.C. 7801).

9           (3) INSTITUTION OF HIGHER EDUCATION.—The  
10       term “institution of higher education” has the  
11       meaning given such term in section 102 of the High-  
12       er Education Act of 1965 (20 U.S.C. 1002).

13           (5) SECRETARY.—The term “Secretary” means  
14       the Secretary of Education.

15   **SEC. 4. GRANTS AND SUBGRANTS.**

16       (a) PROGRAM AUTHORIZED.—From the amounts ap-  
17       propriated under section 5 for a fiscal year, the Secretary  
18       shall award grants, on a competitive basis, to State edu-  
19       cational agencies to enable the State educational agencies  
20       to award subgrants to eligible entities in order to address  
21       students’ mental health needs.

22       (b) GRANT REQUIREMENTS AND SET-ASIDE.—

23           (1) AWARD AMOUNT.—The amount of each  
24       grant to a State educational agency under this sec-  
25       tion shall be an amount determined by the Secretary

1 that is sufficient to fund the activities the agency  
2 proposes to carry out with the grant, as described in  
3 the agency's application under subsection (c).

4 (2) DURATION.—A grant awarded to a State  
5 educational agency may be for not more than 3  
6 years, but may be extended for an additional 2 years  
7 if the State educational agency demonstrates ade-  
8 quate progress in carrying out the activities de-  
9 scribed in the application under subsection (c).

10 (3) SET-ASIDE.—A State educational agency  
11 that receives a grant under this section may reserve  
12 not more than 10 percent of the grant to be used  
13 in accordance with subsection (g).

14 (c) APPLICATION.—A State educational agency desir-  
15 ing a grant under this section shall submit to the Sec-  
16 retary an application at such time and in such manner  
17 as the Secretary may require. Each application shall in-  
18 clude the following:

19 (1) A description of—

20 (A) the mental health needs of students in  
21 the State, as determined by a needs analysis  
22 conducted by the State educational agency;

23 (B) how the State will determine progress  
24 toward addressing the mental health needs of  
25 students;

1 (C) how the State educational agency will  
2 award subgrants to eligible entities under sub-  
3 section (d), including how the State will use the  
4 needs analysis conducted pursuant to subpara-  
5 graph (A) as part of the process of awarding  
6 such subgrants;

7 (D) how the State educational agency will  
8 disseminate to eligible entities, in a timely man-  
9 ner, information regarding the subgrants, and  
10 the application process for the subgrants; and

11 (E) how the State educational agency will  
12 utilize the allowable State set-side under sub-  
13 section (g), including—

14 (i) how the activities carried out  
15 under such subsection will be informed by  
16 the needs analysis conducted pursuant to  
17 subparagraph (A) and will use evidence-  
18 based practices when applicable; and

19 (ii) how the State educational agency  
20 will ensure the activities carried out under  
21 such subsection address students in all  
22 communities in the State, including urban,  
23 rural, and suburban areas.

24 (2) Assurances that—

1 (A) the State educational agency will part-  
2 ner with an institution of higher education with  
3 expertise in addressing the mental health needs  
4 of students;

5 (B) the State educational agency will  
6 award subgrants to geographically diverse com-  
7 munities, including urban, rural, and suburban  
8 local educational agencies;

9 (C) subgrantees will be required to commu-  
10 nicate with parents about the programs con-  
11 ducted to address the mental health needs of  
12 students in the schools served by the eligible en-  
13 tity;

14 (D) the State educational agency will en-  
15 sure that eligible entities comply with sub-  
16 section (e);

17 (E) subgrantees will receive guidance and  
18 technical assistance related to complying with  
19 all State and Federal laws protecting family  
20 privacy while addressing students' mental  
21 health needs;

22 (F) professionals retained to address stu-  
23 dents' mental health needs will be qualified pro-  
24 fessionals and receive professional development

1 related to working with students with respect  
2 for parents' rights;

3 (G) the State educational agency will sub-  
4 mit status updates on an annual basis to the  
5 Secretary under subsection (i)(2), and may  
6 amend the application submitted under this  
7 subsection to address new needs or as a result  
8 of an updated needs analysis at least once dur-  
9 ing the three-year grant period; and

10 (H) the State educational agency will es-  
11 tablish accountability metrics for use of the  
12 funds reserved under subsection (b)(3) and  
13 agree to provide annual updates on meeting  
14 those metrics prior to reserving any additional  
15 grant funds for the purposes described in sub-  
16 section (g).

17 (d) SUBGRANTS.—

18 (1) IN GENERAL.—A State educational agency  
19 receiving a grant under this section shall, after re-  
20 serving funds under subsection (b)(3), use the re-  
21 maining grant funds to award subgrants, on a com-  
22 petitive basis, to eligible entities in the State, to en-  
23 able the eligible entities to address the mental health  
24 needs of the students in the schools served by the el-  
25 ible entity.

1           (2) PRIORITY.—In awarding subgrants under  
2 this subsection, the State shall give priority to eligi-  
3 ble entities that have experienced a significant num-  
4 ber of student suicides, suicide attempts, or other in-  
5 cidents of self-harm, as evidenced by the needs anal-  
6 ysis conducted by the eligible entity.

7           (3) APPLICATION.—An eligible entity desiring a  
8 subgrant under this subsection shall submit an ap-  
9 plication to the State educational agency at such  
10 time, in such manner, and containing such informa-  
11 tion as the State educational agency may require, in-  
12 cluding information on—

13                   (A) how the eligible entity will prioritize  
14 assisting schools with the greatest needs, as de-  
15 termined by a needs analysis conducted by the  
16 entity or as a part of the needs analysis con-  
17 ducted by the State educational agency;

18                   (B) how the eligible entity will coordinate  
19 with the local community to help address the  
20 mental health needs of students in the schools  
21 served by the eligible entity;

22                   (C) how the eligible entity will incorporate  
23 evidence-based practices and programs when  
24 applicable;



1 (D) the partnership as required under sub-  
2 section (f)(1)(B);

3 (E) how the eligible entity will comply with  
4 subsection (e);

5 (F) whether the eligible entity intends to  
6 hire personnel to help address the mental health  
7 needs of students in the schools served by the  
8 eligible entity, and if so, how the eligible entity  
9 will ensure that such personnel receive profes-  
10 sional development related to working with the  
11 students while respecting parents' rights; and

12 (G) how the eligible entity will continue the  
13 program, including paying for any personnel  
14 hired, once the subgrant has ended.

15 (e) PARENTAL CONSENT AND PROHIBITIONS.—State  
16 educational agencies and eligible entities receiving funds  
17 under this section shall comply with section 4001 of the  
18 Elementary and Secondary Education Act of 1965 (20  
19 U.S.C. 7101) in using such funds.

20 (f) LOCAL USES OF FUNDS.—

21 (1) IN GENERAL.—An eligible entity receiving  
22 funds under this section may use the funds to carry  
23 out one or more of the following:

24 (A) PERSONNEL.—Hiring school coun-  
25 selors, social workers, or other qualified per-

1           sonnel to address the mental health needs of  
2           students in the schools served by the eligible en-  
3           tity.

4           (B) PARTNERSHIPS.—Partnering with an  
5           institution of higher education with expertise in  
6           addressing students’ mental health needs to in-  
7           crease the number of experts available to ad-  
8           dress the mental health needs of students in the  
9           schools served by the eligible entity.

10          (C) PROGRAMS.—Establishing new pro-  
11          grams to address the mental health needs of  
12          students in the schools served by the eligible en-  
13          tity or partnering with local community pro-  
14          grams to accomplish this objective.

15          (2) TECHNICAL ASSISTANCE.—In addition to  
16          the activities described in paragraph (1), an eligible  
17          entity receiving funds under this section may use not  
18          more than 2 percent of such funds to provide tech-  
19          nical assistance to schools, school leaders, and teach-  
20          ers in addressing the mental health needs of stu-  
21          dents in the schools served by the eligible entity.

22          (g) STATE SET-ASIDE.—

23          (1) PURPOSE.—The purpose of the reservation  
24          of funds made by a State educational agency under

1 subsection (b)(3) is to help eligible entities address  
2 students' mental health needs.

3 (2) USE OF FUNDS.—The State educational  
4 agency may use the funds reserved under subsection  
5 (b)(3)—

6 (A) to administer programs funded under  
7 this Act, except that such use of funds shall not  
8 exceed 2 percent of the funds reserved under  
9 subsection (b)(3);

10 (B) to provide technical assistance to eligi-  
11 ble entities;

12 (C) to support programs that conduct pro-  
13 fessional development for school leaders on ad-  
14 dressing mental health needs, assessing mental  
15 health needs in schools, and engaging the com-  
16 munity to help address student mental health  
17 needs;

18 (D) to share best practices with eligible en-  
19 tities about how to engage parents, support stu-  
20 dents, and help school leaders;

21 (E) to improve the pipeline of educating  
22 and supporting more mental health profes-  
23 sionals to be employed in the schools in the  
24 State, except that if the State elects this use of  
25 funds, the State shall partner with an institu-

1           tion of higher education with expertise in ad-  
2           dressing students' mental health needs so as to  
3           increase the number of experts available to ad-  
4           dress the mental health needs of students in the  
5           State; and

6           (F) to conduct an evaluation of funded  
7           programs to determine what works to keep stu-  
8           dents safe.

9           (h) LOCAL CONTROL.—The Secretary—

10           (1) shall not add any requirements, definitions,  
11           priorities, or other additional criteria to an applica-  
12           tion under subsection (c) beyond what is specifically  
13           specified in this Act;

14           (2) shall not withhold approval of an applica-  
15           tion under subsection (c), or an amendment to such  
16           an application, unless the application or amendment  
17           does not satisfy the requirements of such subsection;  
18           and

19           (3) shall approve applications under subsection  
20           (c) in an expedited manner and shall not condition  
21           the approval on any criteria other than what is spe-  
22           cifically specified in this Act.

23           (i) REPORTS.—

24           (1) ELIGIBLE ENTITIES.—An eligible entity  
25           that receives a subgrant under this section from a

1 State educational agency shall submit a report to  
2 the agency on the activities carried out with the  
3 subgrant funds, including how the eligible entity  
4 made progress in addressing the issues identified in  
5 the needs analysis conducted by the eligible entity or  
6 as determined by the needs analysis conducted by  
7 the State educational agency.

8 (2) STATE.—A State educational agency receiv-  
9 ing a grant under this section shall annually prepare  
10 and submit a report to the Secretary that—

11 (A) describes the progress made in achiev-  
12 ing the purposes of the grant;

13 (B) includes aggregated data related to  
14 how funded efforts have addressed students'  
15 mental health needs; and

16 (C) describes the progress made in ad-  
17 dressing the issues identified in the State needs  
18 analysis under subsection (c)(1)(A).

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

1 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated to carry out  
3 this Act \$125,000,000 for each of fiscal years 2023  
4 through 2027.

