

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7780
OFFERED BY MR. DESAULNIER OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

4 SEC. 2. TABLE OF CONTENTS.

5 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 ACT

- 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 ACT

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

TITLE VII—EMPLOYEE AND RETIREE ACCESS TO JUSTICE ACT

- 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-

1 retary for the Administration for Children and Fam-
2 ilies (in this section referred to as the “Secretary”)
3 shall identify and review interventions, best prac-
4 tices, curricula, and staff trainings—

5 (A) that improve the behavioral health of
6 children; and

7 (B) that are evidence based.

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

11 (A) can be delivered by a provider or other
12 staff member in or associated with a Head
13 Start program or Early Head Start center;

14 (B) are demonstrated to improve or sup-
15 port healthy social, emotional, or cognitive de-
16 velopment for children in Head Start or Early
17 Head Start programs, with an empirical or the-
18 oretical relationship to later mental health or
19 substance abuse outcomes;

20 (C) involve changes to center-wide policies
21 or practices, or other services and supports of-
22 fered in conjunction with Head Start programs
23 or Early Head Start centers, including services
24 provided to adults or families (with or without
25 a child present) for the benefit of the children;

1 (D) demonstrate effectiveness across ra-
2 cial, ethnic, and geographic populations or dem-
3 onstrate the capacity to be adapted to be effec-
4 tive across populations;

5 (E) offer a tiered approach to addressing
6 need, including—

7 (i) universal interventions for all chil-
8 dren;

9 (ii) selected prevention for children
10 demonstrating increased need; and

11 (iii) indicated prevention for children
12 demonstrating substantial need;

13 (F) incorporate trauma-informed care ap-
14 proaches; or

15 (G) have a proven record of improving
16 early childhood and social emotional develop-
17 ment.

18 (b) INTERVENTIONS THAT SUPPORT STAFF
19 WELLNESS.—In carrying out subsection (a), the Secretary
20 shall identify and review interventions, best practices, cur-
21 ricula, and staff trainings that support staff wellness and
22 self-care.

23 (c) CREDENTIALS.—In carrying out subsections (a)
24 and (b), the Secretary, in consultation with relevant ex-
25 perts, shall determine the appropriate credentials for indi-

1 viduals who deliver the interventions, best practices, cur-
2 ricula, and staff trainings identified by the Secretary.

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

5 (1) consult with relevant agencies, experts, aca-
6 demics, think tanks, and nonprofit organizations
7 with expertise in early childhood, mental health, and
8 trauma-informed care, including the National Insti-
9 tute of Mental Health, the Administration for Chil-
10 dren and Families, the Substance Abuse and Mental
11 Health Services Administration, the Institute of
12 Education Sciences, and the Centers for Disease
13 Control and Prevention; and

14 (2) solicit public input on—

15 (A) the design of the reviews under sub-
16 sections (a) and (b); and

17 (B) the findings and conclusions resulting
18 from such reviews.

19 (e) TIMING.—The Secretary shall—

20 (1) complete the initial reviews required by sub-
21 sections (a) and (b) not later than 2 years after the
22 date of enactment of this Act; and

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

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

5 **SEC. 103. IMPLEMENTING THE INTERVENTIONS IN HEAD**
6 **START PROGRAMS.**

7 (a) IN GENERAL.—The Assistant Secretary for the
8 Administration for Children and Families shall award
9 grants to participating Head Start agencies to implement
10 the interventions, best practices, curricula, and staff
11 trainings that are identified pursuant to section 102.

12 (b) REQUIREMENTS.—The Assistant Secretary shall
13 ensure that grants awarded under this section are award-
14 ed to grantees representing a diversity of geographic areas
15 across the United States, including urban, suburban, and
16 rural areas.

17 **SEC. 104. EVALUATING IMPLEMENTATION OF INTERVEN-**
18 **TIONS IN HEAD START PROGRAMS.**

19 (a) IN GENERAL.—The Secretary of Health and
20 Human Services, acting through the Assistant Secretary
21 for Planning and Evaluation and in coordination with the
22 Assistant Secretary for the Administration for Children
23 and Families, shall—

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

4 (A) are effectively implemented pursuant
5 to section 103 and other relevant provisions of
6 law such that the anticipated effect sizes of the
7 interventions, best practices, curricula, and
8 staff trainings are achieved; and

9 (B) yield long-term savings;

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

12 (3) ensure that such method includes com-
13 petency and testing approaches, performance or out-
14 come measures, or any other methods deemed appro-
15 priate by the Assistant Secretary, taking into consid-
16 eration existing monitoring components of the Head
17 Start and Early Head Start programs; and

18 (4) solicit public input on the design, findings,
19 and conclusions of this process and shall consider
20 whether updates are necessary at least every 5
21 years.

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

24 (1) conduct any research and evaluation studies
25 needed; and

1 (2) solicit public input on—

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

4 (B) the resulting findings and conclusions.

5 (c) **TIMING.**—The Secretary of Health and Human
6 Services shall—

7 (1) develop the method required by subsection
8 (a)(2) and make the initial determination required
9 by subsection (a)(1) not later than 2 years after the
10 date of enactment of this Act; and

11 (2) update such method and determination at
12 least every 5 years.

13 **SEC. 105. IMPLEMENTING THE EVALUATION FRAMEWORK**
14 **FOR HEAD START PROGRAMS.**

15 (a) **EVALUATION METHOD.**—The Assistant Secretary
16 for the Administration for Children and Families shall im-
17 plement the evaluation method developed pursuant to sec-
18 tion 104(a) in the Head Start program as a voluntary
19 mechanism for interested Head Start programs or Early
20 Head Start centers to evaluate the extent to which such
21 programs or centers have effectively implemented the
22 interventions, best practices, curricula, and staff trainings
23 identified pursuant to section 102, with minimal burden
24 or disruption to programs and centers interested in par-
25 ticipating.

1 (b) TECHNICAL ASSISTANCE.—The Assistant Sec-
2 retary for the Administration for Children and Families
3 shall provide guidance, tools, resources, and technical as-
4 sistance to grantees for implementing and evaluating
5 interventions, best practices, curricula, and staff trainings
6 identified pursuant to section 102 and optimizing the per-
7 formance of such grantees on the annual evaluations.

8 **SEC. 106. BEST PRACTICE CENTERS.**

9 The Assistant Secretary for the Administration for
10 Children and Families may fund up to 5 Best Practice
11 Centers in Early Childhood Training in universities and
12 colleges to prepare future Head Start agencies and staff
13 able to deliver the interventions, best practices, curricula,
14 and staff trainings identified pursuant to section 102.

15 **SEC. 107. FUNDING.**

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

20 (b) AVAILABILITY OF APPROPRIATIONS.—Amounts
21 authorized to be appropriated by subsection (a) are au-
22 thorized to remain available until expended.

1 **TITLE II—BUILDING PIPELINE**
2 **OF SCHOOL-BASED MENTAL**
3 **HEALTH SERVICE PROVIDERS**
4 **ACT**

5 **SEC. 201. SHORT TITLE.**

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

8 **SEC. 202. DEFINITIONS.**

9 In this title:

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

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

19 (A) in school psychology that prepares stu-
20 dents in such program for the State licensing or
21 certification examination in school psychology;

22 (B) in school counseling that prepares stu-
23 dents in such program for the State licensing or
24 certification examination in school counseling;

1 (C) in school social work that prepares stu-
2 dents in such program for the State licensing or
3 certification examination in school social work;

4 (D) in another school-based mental health
5 field that prepares students in such program
6 for the State licensing or certification examina-
7 tion in such field, if applicable; or

8 (E) in any combination of study described
9 in subparagraphs (A) through (D).

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

12 (A) a partnership between 1 or more high-
13 need local educational agencies and 1 or more
14 eligible institutions; or

15 (B) in any region in which local edu-
16 cational agencies may not have a sufficient ele-
17 mentary school and secondary school student
18 population to support the placement of all par-
19 ticipating graduate students, a partnership be-
20 tween a State educational agency, on behalf of
21 1 or more high-need local educational agencies,
22 and 1 or more eligible institutions.

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

1 (A) is described in section 200(10) of the
2 Higher Education Act of 1965 (20 U.S.C.
3 1021(10)); and

4 (B) as of the date of application for a
5 grant under this title, has ratios of school coun-
6 selors, school social workers, and school psy-
7 chologists to students served by the agency that
8 are not more than 1 school counselor per 250
9 students, not more than 1 school psychologist
10 per 500 students, and not more than 1 school
11 social worker per 250 students.

12 (5) HISTORICALLY BLACK COLLEGE OR UNI-
13 VERSITY.—The term “historically Black college or
14 university” has the meaning given the term “part B
15 institution” in section 322 of the Higher Education
16 Act of 1965 (20 U.S.C. 1061).

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

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

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

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

9 (10) MINORITY-SERVING INSTITUTION.—The
10 term “minority-serving institution” means, as de-
11 fined in section 371(a) of the Higher Education Act
12 of 1965 (20 U.S.C. 1067q(a)), a Hispanic-serving
13 institution, an Alaska Native-serving institution or a
14 Native Hawaiian-serving institution, a Predomi-
15 nantly Black Institution, an Asian American and
16 Native American Pacific Islander-serving institution,
17 or a Native American-serving nontribal institution.

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

22 (12) PARTICIPATING ELIGIBLE INSTITUTION.—
23 The term “participating eligible institution” means
24 an eligible institution that is part of an eligible part-
25 nership awarded a grant under section 203.

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

3 (A) has received a master’s or other grad-
4 uate degree in a school-based mental health
5 field from a participating eligible institution
6 and has obtained a State license or credential
7 in the school-based mental health field; and

8 (B) as a graduate student pursuing a ca-
9 reer in a school-based mental health field, was
10 placed in a school served by a participating
11 high-need local educational agency to complete
12 required field work, credit hours, internships, or
13 related training as applicable.

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

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

22 (A) School counseling.

23 (B) School social work.

24 (C) School psychology.

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

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

9 (17) SECRETARY.—The term “Secretary”
10 means the Secretary of Education.

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

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

21 (A) at least 1 school counselor for every
22 250 students (as recommended by the American
23 School Counselor Association and American
24 Counseling Association);

1 (B) at least 1 school psychologist for every
2 500 students (as recommended by the National
3 Association of School Psychologists); and

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

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

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

16 **SEC. 203. GRANT PROGRAM TO INCREASE THE NUMBER OF**
17 **SCHOOL-BASED MENTAL HEALTH SERVICES**
18 **PROVIDERS SERVING IN HIGH-NEED LOCAL**
19 **EDUCATIONAL AGENCIES.**

20 (a) AUTHORIZATION OF GRANTS.—

21 (1) GRANT PROGRAM AUTHORIZED.—From
22 amounts made available to carry out this section, the
23 Secretary shall award grants, on a competitive basis,
24 to eligible partnerships, to enable the eligible part-
25 nerships to carry out pipeline programs to increase

1 the number of school-based mental health services
2 providers employed by high-need local educational
3 agencies by carrying out any of the activities de-
4 scribed in subsection (e).

5 (2) RESERVATIONS.—From the total amount
6 appropriated under subsection (j) for a fiscal year,
7 the Secretary shall reserve—

8 (A) one-half of 1 percent for the Secretary
9 of the Interior to carry out programs under this
10 title in schools operated or funded by the Bu-
11ureau of Indian Education, Indian tribes and
12 tribal organizations, or a consortium of Indian
13 tribes and tribal organizations;

14 (B) one-half of 1 percent for allotments to
15 outlying areas based on the relative need of
16 each such area with respect to mental health
17 services in schools, as determined by the Sec-
18retary in accordance with the purpose of this
19 title;

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

22 (D) not more than 2 percent for the ad-
23 ministration of the program under this title and
24 to provide technical assistance relating to such
25 program.

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 partnership shall submit to
7 the Secretary a grant application at such time, in such
8 manner, and containing such information as the Secretary
9 may require. At a minimum, such application shall in-
10 clude—

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 high-need 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 high-need local edu-
21 cational agencies; and

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

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

3 (1) ensure that to the extent practicable, grants
4 are distributed among eligible entities that will serve
5 geographically diverse areas; and

6 (2) give priority to eligible partnerships that—

7 (A) propose to use the grant funds to
8 carry out the activities described under para-
9 graphs (1) through (3) of subsection (e) in
10 schools that have higher numbers or percent-
11 ages of low-income students (determined using
12 any of the measures of poverty described in sec-
13 tion 1113(a)(5) of the Elementary and Sec-
14 ondary Education Act of 1965 (20 U.S.C.
15 6313(a)(5))), in comparison to other schools
16 that are served by the high-need local edu-
17 cational agency that is part of the eligible part-
18 nership;

19 (B) include 1 or more high-need local edu-
20 cational agencies that have fewer school-based
21 mental health services providers, in the aggre-
22 gate or for a particular school-based mental
23 health field, per student than other eligible
24 partnerships that have submitted a grant appli-
25 cation under subsection (c);

1 (C) include 1 or more eligible institutions
2 of higher education which are a historically
3 Black college or university, a minority-serving
4 institution, or a tribally controlled college or
5 university;

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

10 (E) propose to use grant funds to increase
11 the diversity of school-based mental health serv-
12 ices providers.

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

15 (1) to pay the administrative costs (including
16 supplies, office and classroom space, supervision,
17 mentoring, and transportation stipends as necessary
18 and appropriate) related to—

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

1 (B) offering required graduate coursework
2 for students of a graduate program in a school-
3 based mental health services field on the site of
4 a participating high-need local educational
5 agency;

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

15 (3) to increase the number of school-based men-
16 tal health services providers per student in schools
17 served by participating high-need local educational
18 agencies, in order to meet the student support per-
19 sonnel target ratios;

20 (4) to recruit, hire, and retain culturally or lin-
21 guistically under-represented graduate students of
22 programs in school-based mental health fields for
23 placement in schools served by participating high-
24 need local educational agencies;

25 (5) to develop coursework that will—

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

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

7 (i) students and families served by
8 high-need local educational agencies;

9 (ii) students at risk of not meeting
10 State academic standards;

11 (iii) students who—

12 (I) are English learners (as de-
13 fined in section 8101 of the Elemen-
14 tary and Secondary Education Act of
15 1965 (20 U.S.C. 7801));

16 (II) are migratory children (as
17 defined in section 1309 of such Act
18 (20 U.S.C. 6399));

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

24 (IV) are LGBTQ+, including
25 students who are lesbian, gay, bisex-

1 ual, transgender, queer or ques-
2 tioning, nonbinary, or Two-Spirit;

3 (V) are homeless children and
4 youth, including unaccompanied
5 youth;

6 (VI) have come into contact with
7 the juvenile justice system or adult
8 criminal justice system, including stu-
9 dents currently or previously held in
10 juvenile detention facilities or adult
11 jails and students currently or pre-
12 viously held in juvenile correctional fa-
13 cilities or adult prisons;

14 (VII) are a child with a disability
15 (as defined in section 8101 of the Ele-
16 mentary and Secondary Education
17 Act of 1965 (20 U.S.C. 7801));

18 (VIII) have been a victim to, or
19 witnessed, domestic violence or vio-
20 lence in their community;

21 (IX) have been exposed to sub-
22 stance misuse at home or in the com-
23 munity;

1 (X) are in foster care, are aging
2 out of foster care, or were formerly in
3 foster care; or

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

6 (iv) teachers, administrators, and
7 other staff who work for high-need local
8 educational agencies; and

9 (C) utilize best practices determined by the
10 American School Counselor Association, Na-
11 tional Association of Social Workers, School So-
12 cial Work Association of America, and National
13 Association of School Psychologists and other
14 relevant organizations;

15 (6) to provide tuition credits to graduate stu-
16 dents participating in the pipeline program sup-
17 ported under the grant;

18 (7) to fund high-quality “Grow Your Own”
19 teacher preparation programs that provide pathways
20 to State licensure or certification as a school psy-
21 chologist, school counselor, school social worker, or
22 other school-based mental services provider to re-
23 cruit and prepare local community members, career
24 changers, paraprofessionals, after-school program

1 staff, and others currently working in schools to be-
2 come school-based mental health services providers;

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

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

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

11 (g) REPORTING REQUIREMENTS.—

12 (1) IN GENERAL.—Each eligible partnership
13 that receives a grant under this section shall prepare
14 and submit to the Secretary an annual report on the
15 progress of the eligible partnership in carrying out
16 the grant. Such report shall contain such informa-
17 tion as the Secretary may require, including, at a
18 minimum, a description of—

19 (A) actual service delivery provided
20 through the grant funds, including—

21 (i) descriptive information on the par-
22 ticipating eligible institution, the edu-
23 cational model used, and the actual aca-
24 demic program performance;

- 1 (ii) characteristics of graduate stu-
2 dents participating in the pipeline program
3 supported under the grant, including—
- 4 (I) performance on any examina-
5 tions required by the State for
6 credentialing or licensing;
- 7 (II) demographic characteristics;
8 and
- 9 (III) graduate student retention
10 rates;
- 11 (iii) characteristics of students of the
12 participating high-need local educational
13 agency, including performance on any tests
14 required by the State educational agency,
15 demographic characteristics, and gradua-
16 tion rates, as appropriate;
- 17 (iv) an estimate of the annual imple-
18 mentation costs of the pipeline program
19 supported under the grant; and
- 20 (v) the number of public elementary
21 and secondary school students, public ele-
22 mentary and secondary schools, graduate
23 students, and institutions of higher edu-
24 cation participating in the pipeline pro-
25 gram supported under the grant;

1 (B) outcomes that are consistent with the
2 purpose of the grant program under this title,
3 including—

4 (i) internship and post-graduation
5 placement of the participating graduate
6 students;

7 (ii) graduation and professional career
8 readiness indicators; and

9 (iii) characteristics of the partici-
10 pating high-need local educational agency,
11 including with respect to fully certified and
12 effective teachers and school-based mental
13 health services providers employed by such
14 agency—

15 (I) changes in the rate of hiring
16 and retention of such teachers and
17 providers (in the aggregate and
18 disaggregated by each such profes-
19 sion); and

20 (II) the demographics, including
21 the race, ethnicity, and gender, of
22 such teachers and providers.

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

1 (D) the effectiveness of any training and
2 ongoing professional development provided—

3 (i) to students and faculty in the ap-
4 propriate departments or schools of the
5 participating eligible institution; and

6 (ii) to the teachers, paraprofessionals,
7 school leaders, school-based mental health
8 services providers, and other specialized in-
9 structional support personnel of the par-
10 ticipating high-need local educational agen-
11 cy.

12 (2) PUBLICATION.—The Secretary shall publish
13 the annual reports submitted under paragraph (1)
14 on the website of the Department of Education.

15 (h) EVALUATION.—

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

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

3 (A) determine the effectiveness of the
4 grant program in carrying out the purpose of
5 this title; and

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

9 (i) REPORT.—Not earlier than 5 years, nor later than
10 6 years, after the date of enactment of this Act, the Sec-
11 retary shall submit to the Congress a report containing—

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

14 (2) such recommendations as the Secretary con-
15 siders appropriate.

16 (j) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to carry out this section
18 \$200,000,000 for fiscal year 2023 and each succeeding
19 fiscal year.

20 **TITLE III—ELEMENTARY AND**
21 **SECONDARY SCHOOL COUN-**
22 **SELING ACT**

23 **SEC. 301. SHORT TITLE.**

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

1 **SEC. 302. DEFINITIONS.**

2 In this title:

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

8 (2) HIGH-NEED SCHOOL.—The term “high-need
9 school” has the meaning given the term in section
10 2211(b) of the Elementary and Secondary Edu-
11 cation Act of 1965 (20 U.S.C. 6631(b)).

12 (3) INDIAN TRIBE; TRIBAL ORGANIZATION.—
13 The terms “Indian tribe” and “tribal organization”
14 have the meanings given those terms in section 4 of
15 the Indian Self-Determination and Education Assist-
16 ance Act (25 U.S.C. 5304)).

17 (4) OUTLYING AREA.—The term “outlying
18 area” means an outlying area specified in section
19 8101(36)(A) of the Elementary and Secondary Edu-
20 cation Act of 1965 (20 U.S.C. 7801(36)(A)).

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

1 (6) SECRETARY.—The term “Secretary” means
2 the Secretary of Education.

3 (7) STATE.—The term “State” means each of
4 the 50 States, the District of Columbia, and Puerto
5 Rico.

6 **SEC. 303. ALLOTMENTS TO STATES AND SUBGRANTS TO**
7 **LOCAL EDUCATIONAL AGENCIES.**

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

15 (b) RESERVATIONS.—From the total amount made
16 available under section 304 for a fiscal year, the Secretary
17 shall reserve—

18 (1) one-half of 1 percent for the Secretary of
19 the Interior for programs under this title in schools
20 operated or funded by the Bureau of Indian Edu-
21 cation, Indian tribes and tribal organizations, or
22 consortia of Indian tribes and tribal organizations;

23 (2) one-half of 1 percent for allotments for the
24 outlying areas to be distributed among those out-
25 lying areas on the basis of their relative need, as de-

1 terminated by the Secretary, in accordance with the
2 purpose of this title; and

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

6 (c) ALLOTMENTS TO STATES.—

7 (1) IN GENERAL.—

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

22 (B) SMALL STATE MINIMUM.—No State
23 receiving an allotment under this paragraph
24 shall receive less than one-half of 1 percent of
25 the total amount allotted under this paragraph.

1 (2) MATCHING REQUIREMENTS.—In order to
2 receive an allotment under paragraph (1), a State
3 shall agree to provide matching funds, in an amount
4 equal to 20 percent of the amount of the allotment,
5 toward the costs of the activities carried out with the
6 allotment.

7 (3) APPLICATION.—A State desiring an allot-
8 ment under paragraph (1) shall submit to the Sec-
9 retary an application at such time, in such manner,
10 and containing such information as the Secretary
11 may require. Each application shall include, at a
12 minimum—

13 (A) an assurance that the State will use
14 the allotment only for the purposes specified in
15 subsection (d)(1);

16 (B) a description of how the State will
17 award subgrants to local educational agencies
18 under such subsection;

19 (C) a description of how the State will dis-
20 seminate, in a timely manner, information re-
21 garding the subgrants and the application proc-
22 ess for such subgrants to local educational
23 agencies; and

24 (D) the ratios, as of the date of applica-
25 tion, of students to school-based mental health

1 services providers in each public elementary
2 school and secondary school in the State, in the
3 aggregate and disaggregated to include—

4 (i) the ratios of students to school
5 counselors, school psychologists, and school
6 social workers; and

7 (ii) as applicable, the ratios of stu-
8 dents to other school-based mental health
9 services providers not described in clause
10 (i), in the aggregate and disaggregated by
11 type of provider.

12 (4) DURATION.—An allotment to a State under
13 paragraph (1) shall be for a 5-year period and may
14 be renewed for additional 5-year periods upon a
15 showing of adequate progress on meeting the goals
16 of the program under this title, as determined by the
17 Secretary.

18 (d) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
19 CIES.—

20 (1) IN GENERAL.—A State receiving an allot-
21 ment under subsection (c) shall use the allotment to
22 award subgrants, on a competitive basis, to local
23 educational agencies in the State, to enable the local
24 educational agencies to—

1 (A) recruit and retain school-based mental
2 health services providers to work at high-need
3 schools served by the local educational agency;
4 and

5 (B) work toward effectively staffing the
6 high-need schools of the local educational agen-
7 cy with school-based mental health services pro-
8 viders, including by meeting the recommended
9 maximum ratios of—

10 (i) 250 students per school counselor;

11 (ii) 500 students per school psycholo-
12 gist; and

13 (iii) 250 students per school social
14 worker.

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

19 (3) APPLICATION.—A local educational agency
20 desiring a subgrant under this subsection shall sub-
21 mit an application to the State at such time, in such
22 manner, and containing such information as the
23 State may require, including information on how the
24 local educational agency will prioritize assisting
25 high-need schools with the largest numbers or per-

1 centages of students from low-income families (as
2 counted under section 1124(c) of the Elementary
3 and Secondary Education Act of 1965 (20 U.S.C.
4 6333(e))).

5 (e) ALLOTMENT AND SUBGRANT REQUIREMENTS.—

6 (1) SUPPLEMENT, NOT SUPPLANT.—Amounts
7 received from an allotment under subsection (c) or
8 a subgrant under subsection (d) shall supplement,
9 and not supplant, any other funds available to a
10 State or local educational agency for school-based
11 mental health services.

12 (2) COMBINING FUNDS ALLOWED.—A local edu-
13 cational agency receiving a subgrant under sub-
14 section (d) may combine such subgrant with State or
15 local funds to carry out the activities described in
16 subsection (d)(1).

17 (f) REPORTS.—

18 (1) LOCAL EDUCATIONAL AGENCIES.—A local
19 educational agency that receives a subgrant under
20 subsection (d) shall submit an annual report to the
21 State on the activities carried out with the subgrant
22 funds. Each such report shall—

23 (A) describe the activities carried out using
24 subgrant funds;

1 (B) enumerate the number of school-based
2 mental health services providers (in the aggregate
3 and disaggregated by profession) who—

4 (i) were employed by or otherwise
5 served in high-need public elementary and
6 secondary schools under the jurisdiction of
7 the local educational agency over the year
8 covered by the report; and

9 (ii) were supported with funds from
10 the subgrant or matching funds during
11 such year; and

12 (C) include the most recent student to pro-
13 vider ratios, in the aggregate and disaggregated
14 as provided in subsection (c)(3)(D), for high-
15 need schools under the jurisdiction of the local
16 educational agency that were supported with
17 the subgrant or matching funds.

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

21 (A) evaluates the progress made in achiev-
22 ing the purposes of the program under this
23 title;

24 (B) includes the most recent student to
25 provider ratios, in the aggregate and

1 disaggregated as provided in subsection
2 (c)(3)(D), for high-need schools in the State
3 that were assisted with subgrants under sub-
4 section (d); and

5 (C) describes any other resources needed
6 to meet the required recommended maximum
7 student to school-based mental health services
8 provider ratios.

9 (3) PUBLIC AVAILABILITY.—The Secretary
10 shall make all reports submitted under this sub-
11 section available to the public, including through the
12 website of the Department.

13 **SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated to carry out
15 this title—

16 (1) \$5,000,000,000 for fiscal year 2023; and

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

19 **TITLE IV—SUPPORTING TRAUMA-INFORMED EDUCATION**
20 **PRACTICES ACT**

22 **SECTION 401. SHORT TITLE.**

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

1 **SEC. 402. AMENDMENT TO THE SUPPORT FOR PATIENTS**
2 **AND COMMUNITIES ACT.**

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

6 **“SEC. 7134. GRANTS TO IMPROVE TRAUMA SUPPORT SERV-**
7 **ICES AND MENTAL HEALTH CARE FOR CHIL-**
8 **DREN AND YOUTH IN EDUCATIONAL SET-**
9 **TINGS.**

10 “(a) AUTHORIZATION OF GRANTS.—

11 “(1) GRANTS, CONTRACTS, AND COOPERATIVE
12 AGREEMENTS AUTHORIZED.—The Secretary, in co-
13 ordination with the Secretary of Health and Human
14 Services, is authorized to award grants to, or enter
15 into contracts or cooperative agreements with, an el-
16 igible entity for the purpose of increasing student,
17 teacher, school leader, and other school personnel ac-
18 cess to evidence-based trauma support services and
19 mental health services by developing innovative ini-
20 tiatives, activities, or programs to connect schools
21 and local educational agencies, or tribal educational
22 agencies, as applicable, with community trauma-in-
23 formed support and mental health systems, includ-
24 ing such systems under the Indian Health Service.

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

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

6 “(B) not more than 2 percent for technical
7 assistance and administration.

8 “(b) DURATION.—With respect to a grant, contract,
9 or cooperative agreement awarded or entered into under
10 this section, the period during which payments under such
11 grant, contract or agreement are made to the recipient
12 may not exceed 5 years.

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

19 “(1) Enhancing, improving, or developing col-
20 laborative efforts between schools, local educational
21 agencies or tribal educational agencies, as applicable,
22 and community mental health and trauma-informed
23 service delivery systems to provide, develop, or im-
24 prove prevention, referral, treatment, and support
25 services to students.

1 “(2) Implementing trauma-informed models of
2 support, including trauma-informed, positive behav-
3 ioral interventions and supports in schools served by
4 the eligible entity.

5 “(3) Providing professional development to
6 teachers, paraprofessionals, school leaders, school-
7 based mental health services providers, and other
8 specialized instructional support personnel employed
9 by local educational agencies or tribal educational
10 agencies, as applicable or schools served by the eligi-
11 ble entity that—

12 “(A) fosters safe and stable learning envi-
13 ronments that prevent and mitigate the effects
14 of trauma, including through social and emo-
15 tional learning;

16 “(B) improves school capacity to identify,
17 refer, and provide services to students in need
18 of trauma-informed support or mental health
19 services, including by helping educators to iden-
20 tify the unique personal and contextual vari-
21 ables that influence the manifestation of trau-
22 ma; and

23 “(C) reflects the best practices for trauma-
24 informed identification, referral, and support
25 developed by the Interagency Task Force on

1 Trauma-Informed Care (as established by sec-
2 tion 7132).

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

7 “(5) Engaging families and communities to in-
8 crease awareness of child trauma, which may include
9 sharing best practices with law enforcement regard-
10 ing trauma-informed services and working with men-
11 tal health professionals to provide interventions and
12 longer term coordinated care within the community
13 for children and youth who have experienced trauma
14 and the families of such children and youth.

15 “(6) Evaluating the effectiveness of the initia-
16 tives, activities, or programs carried out under this
17 section in increasing student access to evidence-
18 based trauma support services and mental health
19 services.

20 “(7) Establishing partnerships with or pro-
21 viding subgrants to early childhood education pro-
22 grams or other eligible entities, to include such enti-
23 ties in the evidence-based trauma-informed or men-
24 tal health initiatives, activities, and support services
25 established under this section in order to provide,

1 develop, or improve prevention, referral, treatment,
2 and support services to children and their families.

3 “(8) Establishing new, or enhancing existing,
4 evidence-based educational, awareness, and preven-
5 tion programs to improve mental health and resil-
6 iency among teachers, paraprofessionals, school lead-
7 ers, school-based mental health services providers,
8 and other specialized instructional support personnel
9 employed by local educational agencies or tribal edu-
10 cational agencies, as applicable, or schools served by
11 the eligible entity.

12 “(d) APPLICATIONS.—To be eligible to receive a
13 grant, contract, or cooperative agreement under this sec-
14 tion, an eligible entity shall submit an application to the
15 Secretary at such time, in such manner, and containing
16 such information as the Secretary may reasonably require,
17 which shall include the following:

18 “(1) A description of the innovative initiatives,
19 activities, or programs to be funded under the grant,
20 contract, or cooperative agreement, including how
21 such initiatives, activities, or programs will increase
22 access to evidence-based trauma-informed support
23 services and mental health services for students,
24 and, as applicable, the families of such students.

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

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

8 “(4) An assurance that—

9 “(A) persons providing services under the
10 initiative, activity, or program funded by the
11 grant, contract, or cooperative agreement are
12 fully licensed or certified to provide such serv-
13 ices;

14 “(B) teachers, school leaders, administra-
15 tors, school-based mental health services pro-
16 viders and other specialized instructional sup-
17 port personnel, representatives of local Indian
18 Tribes or tribal organizations as appropriate,
19 other school personnel, individuals who have ex-
20 perience receiving mental health services as
21 children, and parents of students participating
22 in services under this section will be engaged
23 and involved in the design and implementation
24 of the services; and

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

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

10 “(6) A description of how the eligible entity will
11 incorporate peer support services into the initiatives,
12 activities, or programs to be funded under this sec-
13 tion.

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

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

21 “(e) INTERAGENCY AGREEMENTS.—

22 “(1) LOCAL INTERAGENCY AGREEMENTS.—In
23 carrying out an evidence-based initiative, activity, or
24 program described in subsection (c), an eligible enti-
25 ty that receives a grant, contract, or cooperative

1 agreement under this section, or a designee of such
2 entity, shall establish an interagency agreement be-
3 tween local educational agencies, agencies respon-
4 sible for early childhood education programs, Head
5 Start agencies (including Early Head Start agen-
6 cies), juvenile justice authorities, mental health
7 agencies, child welfare agencies, and other relevant
8 agencies, authorities, or entities in the community
9 that will be involved in the provision of services
10 under such initiative, activity, or program.

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

15 “(A) the financial responsibility for any
16 services provided by such entity;

17 “(B) the conditions and terms of responsi-
18 bility for such any services, including quality,
19 accountability, and coordination of the services;
20 and

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

24 “(f) EVALUATION.—The Secretary shall conduct a
25 rigorous and independent evaluation of the initiatives, ac-

1 tivities, and programs carried out by an eligible entity
2 under this section and disseminate evidence-based prac-
3 tices regarding trauma-informed support services and
4 mental health services.

5 “(g) DISTRIBUTION OF AWARDS.—The Secretary
6 shall ensure that grants, contracts, and cooperative agree-
7 ments awarded or entered into under this section are equi-
8 tably distributed among the geographical regions of the
9 United States and among tribal, urban, suburban, and
10 rural populations.

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

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

17 “(2) to prevent Federal, State, local, and tribal
18 law enforcement and judicial authorities from exer-
19 cising their responsibilities with regard to the appli-
20 cation of Federal, State, local, and tribal law to
21 crimes committed by a student.

22 “(i) SUPPLEMENT, NOT SUPPLANT.—Federal funds
23 provided under this section shall be used to supplement,
24 and not supplant, other Federal, State, or local funds

1 available to carry out the initiatives, activities, and pro-
2 grams described in this section.

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

9 “(k) DEFINITIONS.—In this section:

10 “(1) EARLY CHILDHOOD EDUCATION PRO-
11 GRAM.—The term ‘early childhood education pro-
12 gram’ has the meaning given such term in section
13 103 of the Higher Education Act of 1965 (20
14 U.S.C. 1003).

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

17 “(A) a State educational agency;

18 “(B) a local educational agency;

19 “(C) an Indian Tribe (as defined in section
20 4 of the Indian Self-Determination and Edu-
21 cation Assistance Act) or their tribal edu-
22 cational agency;

23 “(D) the Bureau of Indian Education;

24 “(E) a Regional Corporation;

1 “(F) a Native Hawaiian educational orga-
2 nization; and

3 “(G) State, Territory, and Tribal Lead
4 Agencies administering the Child Care and De-
5 velopment Fund as described in section
6 658D(a) of the Child Care and Development
7 Block Grant Act (42 U.S.C. 9858b(a)).

8 “(3) ESEA TERMS.—

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

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

22 “(C) The term ‘Native Hawaiian edu-
23 cational organization’ has the meaning given
24 such term in section 6207 of the Elementary

1 and Secondary Education Act of 1965 (20
2 U.S.C. 7517).

3 “(D) The term ‘school-based mental health
4 services provider’ has the meaning given the
5 term in section 4102 of the Elementary and
6 Secondary Education Act of 1965 (20 U.S.C.
7 7112).

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

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

14 “(1) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to carry out this section,
16 \$50,000,000 for each of fiscal years 2023 through 2027.”.

17 **TITLE V—RESPOND, INNOVATE,**
18 **SUCCEED, AND EMPOWER ACT**

19 **SEC. 501. SHORT TITLE.**

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

1 **SEC. 502. PERFECTING AMENDMENT TO THE DEFINITION**
2 **OF DISABILITY.**

3 Section 103(6) of the Higher Education Act of 1965
4 (20 U.S.C. 1003(6)) is amended by striking “section
5 3(2)” and inserting “section 3”.

6 **SEC. 503. SUPPORTING STUDENTS WITH DISABILITIES TO**
7 **SUCCEED ONCE ENROLLED IN COLLEGE.**

8 Section 487(a) of the Higher Education Act of 1965
9 (20 U.S.C. 1094(a)) is amended by adding at the end the
10 following:

11 “(30)(A) The institution will carry out the fol-
12 lowing:

13 “(i) Adopt policies that make any of the
14 following documentation submitted by an indi-
15 vidual sufficient to establish that such indi-
16 vidual is an individual with a disability:

17 “(I) Documentation that the indi-
18 vidual has had an individualized education
19 program (IEP) in accordance with section
20 614(d) of the Individuals with Disabilities
21 Education Act (20 U.S.C. 1414(d)), in-
22 cluding an IEP that may not be current on
23 the date of the determination that the indi-
24 vidual has a disability. The institution may
25 ask for additional documentation from an
26 individual who had an IEP but who was

1 subsequently evaluated and determined to
2 be ineligible for services under the Individ-
3 uals with Disabilities Education Act, in-
4 cluding an individual determined to be in-
5 eligible during elementary school.

6 “(II) Documentation describing serv-
7 ices or accommodations provided to the in-
8 dividual pursuant to section 504 of the Re-
9 habilitation Act of 1973 (29 U.S.C. 794)
10 (commonly referred to as a ‘Section 504
11 plan’).

12 “(III) A plan or record of service for
13 the individual from a private school, a local
14 educational agency, a State educational
15 agency, or an institution of higher edu-
16 cation provided in accordance with the
17 Americans with Disabilities Act of 1990
18 (42 U.S.C. 12101 et seq.).

19 “(IV) A record or evaluation from a
20 relevant licensed professional finding that
21 the individual has a disability.

22 “(V) A plan or record of disability
23 from another institution of higher edu-
24 cation.

1 “(VI) Documentation of a disability
2 due to service in the uniformed services, as
3 defined in section 484C(a).

4 “(ii) Adopt policies that are transparent
5 and explicit regarding information about the
6 process by which the institution determines eli-
7 gibility for accommodations.

8 “(iii) Disseminate such information to stu-
9 dents, parents, and faculty in an accessible for-
10 mat, including during any student orientation
11 and making such information readily available
12 on a public website of the institution.

13 “(B) Nothing in this paragraph shall be con-
14 strued to preclude an institution from establishing
15 less burdensome criteria than that described in sub-
16 paragraph (A) to establish an individual as an indi-
17 vidual with a disability and therefore eligible for ac-
18 commodations.”.

19 **SEC. 504. AUTHORIZATION OF FUNDS FOR THE NATIONAL**
20 **CENTER FOR INFORMATION AND TECHNICAL**
21 **SUPPORT FOR POSTSECONDARY STUDENTS**
22 **WITH DISABILITIES.**

23 Section 777(a) of the Higher Education Act of 1965
24 (20 U.S.C. 1140q(a)) is amended—

1 (1) in paragraph (1), by striking “From
2 amounts appropriated under section 778,” and in-
3 serting “From amounts appropriated under para-
4 graph (5),”; and

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

6 “(5) AUTHORIZATION OF APPROPRIATIONS.—
7 There is authorized to be appropriated to carry out
8 this subsection \$2,000,000 for each of fiscal years
9 2023 through 2027.”.

10 **SEC. 505. INCLUSION OF INFORMATION ON STUDENTS**
11 **WITH DISABILITIES.**

12 Section 487(a) of the Higher Education Act of 1965
13 (20 U.S.C. 1094(a)), as amended by section 503, is fur-
14 ther amended by adding at the end the following:

15 “(31) The institution will submit, for inclusion
16 in the Integrated Postsecondary Education Data
17 System (IPEDS) or any other Federal postsec-
18 ondary institution data collection effort, key data re-
19 lated to undergraduate students enrolled at the in-
20 stitution who are formally registered as students
21 with disabilities with the institution’s office of dis-
22 ability services (or the equivalent office), including
23 the total number of students with disabilities en-
24 rolled, the number of students accessing or receiving
25 accommodations, the percentage of students with

1 disabilities of all undergraduate students, and the
2 total number of undergraduate certificates or de-
3 grees awarded to students with disabilities. An insti-
4 tution shall not be required to submit the informa-
5 tion described in the preceding sentence if the num-
6 ber of such students would reveal personally identifi-
7 able information about an individual student.”.

8 **SEC. 506. RULE OF CONSTRUCTION.**

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

14 **TITLE VI—STRENGTHENING BE-**
15 **HAVIORAL HEALTH BENEFITS**
16 **ACT**

17 **SECTION 601. SHORT TITLE.**

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

20 **SEC. 602. ENFORCEMENT OF MENTAL HEALTH AND SUB-**
21 **STANCE USE DISORDER REQUIREMENTS.**

22 (a) IN GENERAL.—Section 502(a) of the Employee
23 Retirement Income Security Act of 1974 (29 U.S.C.
24 1132(a)) is amended—

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

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

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

6 “(12) in any case relating to the provision of
7 mental health benefits and substance use disorder
8 benefits under a group health plan or under group
9 health insurance coverage offered by a health insur-
10 ance issuer in connection with a group health plan
11 (as such terms are defined in section 733), by the
12 Secretary, or by a participant, beneficiary, or fidu-
13 ciary, to enforce any provision of this title or the
14 terms of the plan or coverage relating to such bene-
15 fits against a group health plan, a health insurance
16 issuer, a fiduciary of a plan, or any other person
17 that contracts with a group health plan to provide
18 group health insurance coverage or assistance in the
19 administration of a group health plan (including a
20 third party administrator, managed behavioral
21 health organization, and a pharmacy benefit man-
22 ager), if such person participates in or conceals a
23 violation of any requirement of part 7 relating to
24 such benefits or a wrongful denial of a claim for
25 mental health benefits or substance use disorder

1 benefits under the terms of the plan or coverage, to
2 obtain appropriate relief, in addition to any other re-
3 lief otherwise available under this section, includ-
4 ing—

5 “(A) to recover all losses to participants
6 and beneficiaries;

7 “(B) to reform impermissible plan or cov-
8 erage terms and policies (as written or in oper-
9 ation) in accordance with the requirements of
10 this title and its implementing regulations; or

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

16 (b) CLARIFICATION OF GENERAL ENFORCEMENT
17 AUTHORITIES.—

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

21 (A) by striking “or (B)” and inserting
22 “(B)”; and

23 (B) by inserting before the semicolon at
24 the end the following: “, or (C) to require re-
25 adjudication and payment of benefits to remedy

1 violations of this title notwithstanding the avail-
2 ability of relief under other provisions of this
3 title”.

4 (2) ACTIONS BROUGHT BY THE SECRETARY.—
5 Section 502(a)(5) of such Act (29 U.S.C.
6 1132(a)(5)) is amended—

7 (A) by striking “or (B)” and inserting
8 “(B)”; and

9 (B) by inserting before the semicolon at
10 the end the following: “, or (C) to require re-
11 adjudication and payment of benefits to remedy
12 violations of this title notwithstanding the avail-
13 ability of relief under other provisions of this
14 title”.

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

18 (1) by inserting “, and except with respect to
19 enforcement by the Secretary of section 712 or any
20 other provision of part 7 in any case relating to
21 mental health benefits and substance use disorder
22 benefits” after “under subsection (c)(9)”; and

23 (2) by striking “706(a)(1)” and inserting
24 “733(a)(1)”.

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

3 (1) in section 712(e), in the matter preceding
4 paragraph (1), by inserting “and section
5 502(a)(12)” after “this section”; and

6 (2) in section 733—

7 (A) in subsection (a), in the matter pre-
8 ceding paragraph (1), by inserting “and section
9 502(a)(12)” after “this part”; and

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

13 (e) FUNDING.—

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

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

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

24 (2) USE OF APPROPRIATED FUNDS.—Amounts
25 made available under paragraph (1) may be used for

1 audits and investigations, enforcement actions, liti-
2 gation expenses, issuance of regulations or guidance,
3 and any other Departmental activities relating to
4 section 712 of the Employee Retirement Income Se-
5 curity Act of 1974 and any other provision of title
6 I of such Act relating to mental health and sub-
7 stance use disorder benefits.

8 **TITLE VII—EMPLOYEE AND RE-**
9 **TIREE ACCESS TO JUSTICE**
10 **ACT**

11 **SECTION 701. SHORT TITLE.**

12 This title may be cited as the “Employee and Retiree
13 Access to Justice Act”.

14 **SEC. 702. UNENFORCEABLE ARBITRATION CLAUSES, CLASS**
15 **ACTION WAIVERS, REPRESENTATION WAIV-**
16 **ERS, AND DISCRETIONARY CLAUSES.**

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

20 “(n)(1) In any civil action brought by, or on behalf
21 of, a participant or beneficiary pursuant to this section
22 or with respect to a common law claim involving a plan
23 or plan benefit, notwithstanding any other provision of
24 law—

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

4 “(B) no postdispute arbitration provision shall
5 be valid or enforceable unless—

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

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

21 “(iii) each participant or beneficiary agree-
22 ing to the provision so agreed after a waiting
23 period of not fewer than 45 days, beginning on
24 the date on which the participant or beneficiary
25 was provided both the final text of the provision

1 and the disclosures required under clause (ii);
2 and

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

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

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

24 “(E) no covered provision related to a plan
25 other than a multiemployer plan shall be valid or en-

1 forceable that purports to confer discretionary au-
2 thority to any person with respect to benefit deter-
3 minations or interpretation of plan language, or to
4 provide a standard of review of such determinations
5 or interpretation by a reviewing court in an action
6 brought under this section that would require any-
7 thing other than de novo review of such determina-
8 tions or interpretation.

9 “(2) In this subsection—

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

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

20 “(C) the term ‘postdispute arbitration provi-
21 sion’ means a covered provision that requires a par-
22 ticipant or beneficiary to arbitrate a dispute related
23 to the plan or an amendment to the plan that arose
24 before the time such provision took effect; and

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

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

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

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

