

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1109
OFFERED BY M. _____**

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 Services
3 for Students Act of 2020”.

**4 SEC. 2. AMENDMENTS TO THE PUBLIC HEALTH SERVICE
5 ACT.**

6 (a) TECHNICAL AMENDMENTS.—The second part G
7 (relating to services provided through religious organiza-
8 tions) of title V of the Public Health Service Act (42
9 U.S.C. 290kk et seq.) is amended—

10 (1) by redesignating such part as part J; and

11 (2) by redesignating sections 581 through 584
12 as sections 596 through 596C, respectively.

13 (b) SCHOOL-BASED MENTAL HEALTH AND CHIL-
14 DREN.—Section 581 of the Public Health Service Act (42
15 U.S.C. 290hh) (relating to children and violence) is
16 amended to read as follows:

1 **“SEC. 581. SCHOOL-BASED MENTAL HEALTH; CHILDREN**
2 **AND ADOLESCENTS.**

3 “(a) IN GENERAL.—The Secretary, in consultation
4 with the Secretary of Education, shall, through grants,
5 contracts, or cooperative agreements awarded to eligible
6 entities described in subsection (c), provide comprehensive
7 school-based mental health services and supports to assist
8 children in local communities and schools (including
9 schools funded by the Bureau of Indian Education) deal-
10 ing with traumatic experiences, grief, bereavement, risk of
11 suicide, and violence. Such services and supports shall
12 be—

13 “(1) developmentally, linguistically, and cul-
14 turally appropriate;

15 “(2) trauma-informed; and

16 “(3) incorporate positive behavioral interven-
17 tions and supports.

18 “(b) ACTIVITIES.—Grants, contracts, or cooperative
19 agreements awarded under subsection (a), shall, as appro-
20 priate, be used for—

21 “(1) implementation of school and community-
22 based mental health programs that—

23 “(A) build awareness of individual trauma
24 and the intergenerational, continuum of impacts
25 of trauma on populations;

1 “(B) train appropriate staff to identify,
2 and screen for, signs of trauma exposure, men-
3 tal health disorders, or risk of suicide; and

4 “(C) incorporate positive behavioral inter-
5 ventions, family engagement, student treatment,
6 and multigenerational supports to foster the
7 health and development of children, prevent
8 mental health disorders, and ameliorate the im-
9 pact of trauma;

10 “(2) technical assistance to local communities
11 with respect to the development of programs de-
12 scribed in paragraph (1);

13 “(3) facilitating community partnerships among
14 families, students, law enforcement agencies, edu-
15 cation agencies, mental health and substance use
16 disorder service systems, family-based mental health
17 service systems, child welfare agencies, health care
18 providers (including primary care physicians, mental
19 health professionals, and other professionals who
20 specialize in children’s mental health such as child
21 and adolescent psychiatrists), institutions of higher
22 education, faith-based programs, trauma networks,
23 and other community-based systems to address child
24 and adolescent trauma, mental health issues, and vi-
25 olence; and

1 “(4) establishing mechanisms for children and
2 adolescents to report incidents of violence or plans
3 by other children, adolescents, or adults to commit
4 violence.

5 “(c) REQUIREMENTS.—

6 “(1) IN GENERAL.—To be eligible for a grant,
7 contract, or cooperative agreement under subsection
8 (a), an entity shall be a partnership that includes—

9 “(A) a State educational agency, as de-
10 fined in section 8101 of the Elementary and
11 Secondary Education Act of 1965, in coordina-
12 tion with one or more local educational agen-
13 cies, as defined in section 8101 of the Elemen-
14 tary and Secondary Education Act of 1965, or
15 a consortium of any entities described in sub-
16 paragraph (B), (C), (D), or (E) of section
17 8101(30) of such Act; and

18 “(B) at least 1 community-based mental
19 health provider, including a public or private
20 mental health entity, health care entity, family-
21 based mental health entity, trauma network, or
22 other community-based entity, as determined by
23 the Secretary (and which may include addi-
24 tional entities such as a human services agency,
25 law enforcement or juvenile justice entity, child

1 welfare agency, agency, an institution of higher
2 education, or another entity, as determined by
3 the Secretary).

4 “(2) COMPLIANCE WITH HIPAA.—Any patient
5 records developed by covered entities through activi-
6 ties under the grant shall meet the regulations pro-
7 mulgated under section 264(c) of the Health Insur-
8 ance Portability and Accountability Act of 1996.

9 “(3) COMPLIANCE WITH FERPA.—Section 444
10 of the General Education Provisions Act (commonly
11 known as the ‘Family Educational Rights and Pri-
12 vacy Act of 1974’) shall apply to any entity that is
13 a member of the partnership in the same manner
14 that such section applies to an educational agency or
15 institution (as that term is defined in such section).

16 “(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary
17 shall ensure that grants, contracts, or cooperative agree-
18 ments under subsection (a) will be distributed equitably
19 among the regions of the country and among urban and
20 rural areas.

21 “(e) DURATION OF AWARDS.—With respect to a
22 grant, contract, or cooperative agreement under sub-
23 section (a), the period during which payments under such
24 an award will be made to the recipient shall be 5 years,
25 with options for renewal.

1 “(f) EVALUATION AND MEASURES OF OUTCOMES.—

2 “(1) DEVELOPMENT OF PROCESS.—The Assist-
3 ant Secretary shall develop a fiscally appropriate
4 process for evaluating activities carried out under
5 this section. Such process shall include—

6 “(A) the development of guidelines for the
7 submission of program data by grant, contract,
8 or cooperative agreement recipients;

9 “(B) the development of measures of out-
10 comes (in accordance with paragraph (2)) to be
11 applied by such recipients in evaluating pro-
12 grams carried out under this section; and

13 “(C) the submission of annual reports by
14 such recipients concerning the effectiveness of
15 programs carried out under this section.

16 “(2) MEASURES OF OUTCOMES.—The Assistant
17 Secretary shall develop measures of outcomes to be
18 applied by recipients of assistance under this section
19 to evaluate the effectiveness of programs carried out
20 under this section, including outcomes related to the
21 student, family, and local educational systems sup-
22 ported by this Act.

23 “(3) SUBMISSION OF ANNUAL DATA.—An eligi-
24 ble entity described in subsection (c) that receives a
25 grant, contract, or cooperative agreement under this

1 section shall annually submit to the Assistant Sec-
2 retary a report that includes data to evaluate the
3 success of the program carried out by the entity
4 based on whether such program is achieving the pur-
5 poses of the program. Such reports shall utilize the
6 measures of outcomes under paragraph (2) in a rea-
7 sonable manner to demonstrate the progress of the
8 program in achieving such purposes.

9 “(4) EVALUATION BY ASSISTANT SECRETARY.—
10 Based on the data submitted under paragraph (3),
11 the Assistant Secretary shall annually submit to
12 Congress a report concerning the results and effec-
13 tiveness of the programs carried out with assistance
14 received under this section.

15 “(5) LIMITATION.—An eligible entity shall use
16 not more than 20 percent of amounts received under
17 a grant under this section to carry out evaluation
18 activities under this subsection.

19 “(g) INFORMATION AND EDUCATION.—The Sec-
20 retary shall disseminate best practices based on the find-
21 ings of the knowledge development and application under
22 this section.

23 “(h) AMOUNT OF GRANTS AND AUTHORIZATION OF
24 APPROPRIATIONS.—

1 “(1) AMOUNT OF GRANTS.—A grant under this
2 section shall be in an amount that is not more than
3 \$2,000,000 for each of the first 5 fiscal years fol-
4 lowing the date of enactment of the Mental Health
5 Services for Students Act of 2019. The Secretary
6 shall determine the amount of each such grant based
7 on the population of children up to age 21 of the
8 area to be served under the grant.

9 “(2) AUTHORIZATION OF APPROPRIATIONS.—
10 There is authorized to be appropriated to carry out
11 this section, \$130,000,000 for each of fiscal years
12 2021 through 2024.”.

13 (c) CONFORMING AMENDMENT.—Part G of title V of
14 the Public Health Service Act (42 U.S.C. 290hh et seq.),
15 as amended by subsection (b), is further amended by strik-
16 ing the part designation and heading and inserting the
17 following:

18 **“PART G—SCHOOL-BASED MENTAL HEALTH”.**

