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.
(3) School closures carry high social and economic costs for people across communities and the impact is particularly severe for the most vulnerable students and families.

(4) According to the Centers for Disease Control, fewer than half of youth reported feeling close to people at school during the pandemic. Youth who were more disconnected from school were found to be more likely to have feelings of hopelessness, seriously to consider attempting suicide, or to attempt suicide.

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

(6) Childhood depression is more likely to persist into adulthood if gone untreated.

(7) Suicide is the fourth leading cause of death among teens and young adults globally, and the second leading cause of death in youth in the United States.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) **ELIGIBLE ENTITY.**—The term “eligible entity” means a local educational agency, a public char-
ter school that is its own local educational agency, or a private elementary school or secondary school.

(2) ESEA DEFINITIONS.—The terms “elementary school”, “local educational agency”, “secondary school”, “State”, and “State educational agency” have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

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

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

SEC. 4. GRANTS AND SUBGRANTS.

(a) PROGRAM AUTHORIZED.—From the amounts appropriated under section 5 for a fiscal year, the Secretary shall award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to award subgrants to eligible entities in order to address students’ mental health needs.

(b) GRANT REQUIREMENTS AND SET-ASIDE.—

(1) AWARD AMOUNT.—The amount of each grant to a State educational agency under this section shall be an amount determined by the Secretary
that is sufficient to fund the activities the agency proposes to carry out with the grant, as described in the agency’s application under subsection (c).

(2) DURATION.—A grant awarded to a State educational agency may be for not more than 3 years, but may be extended for an additional 2 years if the State educational agency demonstrates adequate progress in carrying out the activities described in the application under subsection (c).

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

(c) APPLICATION.—A State educational agency desiring a grant under this section shall submit to the Secretary an application at such time and in such manner as the Secretary may require. Each application shall include the following:

(1) A description of—

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

(B) how the State will determine progress toward addressing the mental health needs of students;
(C) how the State educational agency will award subgrants to eligible entities under subsection (d), including how the State will use the needs analysis conducted pursuant to subparagraph (A) as part of the process of awarding such subgrants;

(D) how the State educational agency will disseminate to eligible entities, in a timely manner, information regarding the subgrants, and the application process for the subgrants; and

(E) how the State educational agency will utilize the allowable State set-side under subsection (g), including—

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

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

(2) Assurances that—
(A) the State educational agency will partner with an institution of higher education with expertise in addressing the mental health needs of students;

(B) the State educational agency will award subgrants to geographically diverse communities, including urban, rural, and suburban local educational agencies;

(C) subgrantees will be required to communicate with parents about the programs conducted to address the mental health needs of students in the schools served by the eligible entity;

(D) the State educational agency will ensure that eligible entities comply with subsection (e);

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

(F) professionals retained to address students’ mental health needs will be qualified professionals and receive professional development
related to working with students with respect
for parents’ rights;

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

(H) the State educational agency will es-

tablish accountability metrics for use of the
funds reserved under subsection (b)(3) and
agree to provide annual updates on meeting
those metrics prior to reserving any additional
grant funds for the purposes described in sub-
section (g).

(d) SUBGRANTS.—

(1) IN GENERAL.—A State educational agency
receiving a grant under this section shall, after re-
serving funds under subsection (b)(3), use the re-
main ing grant funds to award subgrants, on a com-
petitive basis, to eligible entities in the State, to en-
able the eligible entities to address the mental health
needs of the students in the schools served by the el-
igible entity.
(2) PRIORITY.—In awarding subgrants under this subsection, the State shall give priority to eligible entities that have experienced a significant number of student suicides, suicide attempts, or other incidents of self-harm, as evidenced by the needs analysis conducted by the eligible entity.

(3) APPLICATION.—An eligible entity desiring a subgrant under this subsection shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require, including information on—

(A) how the eligible entity will prioritize assisting schools with the greatest needs, as determined by a needs analysis conducted by the entity or as a part of the needs analysis conducted by the State educational agency;

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

(C) how the eligible entity will incorporate evidence-based practices and programs when applicable;
(D) the partnership as required under subsection (f)(1)(B);

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

(F) whether the eligible entity intends to hire personnel to help address the mental health needs of students in the schools served by the eligible entity, and if so, how the eligible entity will ensure that such personnel receive professional development related to working with the students while respecting parents’ rights; and

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

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

(f) LOCAL USES OF FUNDS.—

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

(A) PERSONNEL.—Hiring school counselors, social workers, or other qualified per-
sonnel to address the mental health needs of students in the schools served by the eligible entity.

(B) PARTNERSHIPS.—Partnering with an institution of higher education with expertise in addressing students’ mental health needs to increase the number of experts available to address the mental health needs of students in the schools served by the eligible entity.

(C) PROGRAMS.—Establishing new programs to address the mental health needs of students in the schools served by the eligible entity or partnering with local community programs to accomplish this objective.

(2) TECHNICAL ASSISTANCE.—In addition to the activities described in paragraph (1), an eligible entity receiving funds under this section may use not more than 2 percent of such funds to provide technical assistance to schools, school leaders, and teachers in addressing the mental health needs of students in the schools served by the eligible entity.

(g) STATE SET-ASIDE.—

(1) PURPOSE.—The purpose of the reservation of funds made by a State educational agency under
subsection (b)(3) is to help eligible entities address
students’ mental health needs.

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

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

(B) to provide technical assistance to eligible
entities;

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

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

(E) to improve the pipeline of educating
and supporting more mental health profes-
sionals to be employed in the schools in the
State, except that if the State elects this use of
funds, the State shall partner with an institu-
tion of higher education with expertise in addressing students’ mental health needs so as to increase the number of experts available to address the mental health needs of students in the State; and

(F) to conduct an evaluation of funded programs to determine what works to keep students safe.

(h) LOCAL CONTROL.—The Secretary—

(1) shall not add any requirements, definitions, priorities, or other additional criteria to an application under subsection (c) beyond what is specifically specified in this Act;

(2) shall not withhold approval of an application under subsection (c), or an amendment to such an application, unless the application or amendment does not satisfy the requirements of such subsection; and

(3) shall approve applications under subsection (c) in an expedited manner and shall not condition the approval on any criteria other than what is specifically specified in this Act.

(i) REPORTS.—

(1) ELIGIBLE ENTITIES.—An eligible entity that receives a subgrant under this section from a
State educational agency shall submit a report to the agency on the activities carried out with the subgrant funds, including how the eligible entity made progress in addressing the issues identified in the needs analysis conducted by the eligible entity or as determined by the needs analysis conducted by the State educational agency.

(2) STATE.—A State educational agency receiving a grant under this section shall annually prepare and submit a report to the Secretary that—

(A) describes the progress made in achieving the purposes of the grant;

(B) includes aggregated data related to how funded efforts have addressed students’ mental health needs; and

(C) describes the progress made in addressing the issues identified in the State needs analysis under subsection (c)(1)(A).

(3) PUBLIC AVAILABILITY.—The Secretary shall make all reports submitted under this subsection available to the public, including through the website of the Department.
SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

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