

119TH CONGRESS
2D SESSION

S. _____

To effectively staff the high-need public elementary schools and secondary schools of the United States with school-based mental health services providers.

IN THE SENATE OF THE UNITED STATES

Mr. MERKLEY (for himself, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, Mr. COONS, Mr. DURBIN, Mr. FETTERMAN, Mr. HEINRICH, Ms. HIRONO, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. MURPHY, Mr. PADILLA, Mr. REED, Mrs. SHAHEEN, Ms. SMITH, Mr. VAN HOLLEN, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To effectively staff the high-need public elementary schools and secondary schools of the United States with school-based mental health services providers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Elementary and Sec-
5 ondary School Counseling Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Nearly one in 5 children ages 13 through
2 17 has been diagnosed with a mental, emotional, or
3 behavioral health condition.

4 (2) According to data from the National Center
5 for Health Statistics, in 2021 through 2023, 20 per-
6 cent of adolescents in the United States ages 12
7 through 17 reported symptoms of anxiety in the pre-
8 ceding 2 weeks and 18 percent reported symptoms
9 of depression in the preceding 2 weeks .

10 (3) 50 percent of all lifetime cases of mental ill-
11 ness begin by age 14. More than 50 percent of stu-
12 dents with a mental health condition age 14 and
13 older drop out of school, which is the highest school
14 dropout rate of any disability group.

15 (4) Between 50 and 70 percent of youth in the
16 juvenile justice system have a mental illness com-
17 pared to 9 to 13 percent of youth who are not in
18 the juvenile justice system.

19 (5) Youth with access to mental health services
20 in school-based health centers are 10 times more
21 likely to seek care for mental health or substance
22 abuse than youth without access.

23 (6) The leading counseling, guidance, and men-
24 tal health organizations, including the American
25 School Counselor Association, the National Associa-

1 tion of School Psychologists, the National Associa-
2 tion of Social Workers, and the School Social Work
3 Association of America, recommend that schools
4 maintain—

5 (A) a maximum student to school coun-
6 selor ratio of 250 to 1;

7 (B) a maximum student to school psychol-
8 ogist ratio of 500 to 1; and

9 (C) a maximum student to school social
10 worker ratio of 250 to 1.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) ESEA DEFINITIONS.—The terms “elemen-
14 tary school”, “local educational agency”, “secondary
15 school”, “State”, and “State educational agency”
16 have the meanings given the terms in section 8101
17 of the Elementary and Secondary Education Act of
18 1965 (20 U.S.C. 7801).

19 (2) HIGH-NEED SCHOOL.—The term “high-need
20 school” has the meaning given the term in section
21 2211(b) of the Elementary and Secondary Edu-
22 cation Act of 1965 (20 U.S.C. 6631(b)).

23 (3) OUTLYING AREA.—The term “outlying
24 area” means an outlying area specified in section

1 8101(36)(A) of the Elementary and Secondary Edu-
2 cation Act of 1965 (20 U.S.C. 7801(36)(A)).

3 (4) SCHOOL-BASED MENTAL HEALTH SERVICES
4 PROVIDER.—The term “school-based mental health
5 services provider” includes a State licensed or State
6 certified school counselor, school psychologist, school
7 social worker, community-based mental health pro-
8 vider organization, or other State licensed or cer-
9 tified mental health professional qualified under
10 State law to provide mental health services to chil-
11 dren and adolescents.

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

14 **SEC. 4. GRANTS AND SUBGRANTS TO INCREASE ACCESS TO**
15 **SCHOOL-BASED MENTAL HEALTH SERVICES**
16 **PROVIDERS AT HIGH-NEED SCHOOLS.**

17 (a) RESERVATIONS AND GRANTS.—

18 (1) RESERVATIONS.—From the total amount
19 made available under section 5 for a fiscal year, the
20 Secretary shall reserve—

21 (A) one-half of 1 percent for the Secretary
22 of the Interior for the activities described in
23 subsection (e)(1) in schools operated or funded
24 by the Bureau of Indian Education;

1 (B) one-half of 1 percent for allotments for
2 the outlying areas to be distributed among the
3 outlying areas on the basis of their relative need
4 for assistance in carrying out the activities de-
5 scribed in subsection (e)(1), as determined by
6 the Secretary; and

7 (C) not more than 2 percent for the ad-
8 ministration of this Act, and to provide tech-
9 nical assistance relating to this Act.

10 (2) GRANTS.—

11 (A) IN GENERAL.—From the total amount
12 made available under section 5 for a fiscal year
13 and remaining after funds are reserved under
14 paragraph (1) of this subsection, the Secretary
15 shall award grants to States in accordance with
16 subparagraph (B) to enable the States to award
17 subgrants to local educational agencies in order
18 to increase access to school-based mental health
19 services providers at high-need schools served
20 by the local educational agencies.

21 (B) FORMULA.—Subject to subparagraph
22 (C), the Secretary shall award a grant to each
23 State with an approved application under sub-
24 section (d) in an amount that bears the same
25 relationship to the remaining amount described

1 in subparagraph (A) as the amount such State
2 received under part A of title I of the Elemen-
3 tary and Secondary Education Act of 1965 (20
4 U.S.C. 6311 et seq.), as determined on the
5 basis of the most recent fiscal year for which
6 data are available, bears to the amount received
7 under such part (20 U.S.C. 6311 et seq.) by all
8 States with such an approved application, as so
9 determined.

10 (C) SMALL STATE MINIMUM.—No State re-
11 ceiving a grant under this paragraph shall re-
12 ceive less than one-half of 1 percent of the total
13 grant amount awarded under this paragraph.

14 (b) DURATION.—An allotment awarded under this
15 section shall be for a 5-year period and may be renewed
16 for additional 5-year periods upon a showing of adequate
17 progress on meeting the goals of the allotment, as deter-
18 mined by the Secretary.

19 (c) MATCHING REQUIREMENTS.—In order to receive
20 a grant under this Act, a State shall agree to provide
21 matching funds, in an amount equal to 20 percent of the
22 amount of the grant amount, toward the costs of the ac-
23 tivities carried out under the grant.

24 (d) APPLICATION.—For any State desiring to receive
25 a grant under this Act, the State educational agency shall

1 submit an application at such time, in such manner, and
2 containing such information as the Secretary may require.

3 Each application shall include, at a minimum—

4 (1) an assurance that the State will use the al-
5 lotment only for the activities described in sub-
6 section (e)(1);

7 (2) a description of how the State will award
8 subgrants to local educational agencies under sub-
9 section (e);

10 (3) a description of how the State will dissemi-
11 nate, in a timely manner, information regarding the
12 subgrants and the application process for such sub-
13 grants to local educational agencies; and

14 (4) the ratios, as of the date of application, of
15 students to school-based mental health services pro-
16 viders in each public elementary school and sec-
17 ondary school in the State, in the aggregate and
18 disaggregated to include—

19 (A) the ratios of students to school coun-
20 selors, school psychologists, and school social
21 workers; and

22 (B) as applicable, the ratios of students to
23 other school-based mental health services pro-
24 viders not described in subparagraph (A), in the

1 aggregate and disaggregated by type of pro-
2 vider.

3 (e) SUBGRANTS.—

4 (1) IN GENERAL.—A State receiving a grant
5 under this Act shall use such grant to award sub-
6 grants, on a competitive basis, to local educational
7 agencies in the State, to enable the local educational
8 agencies to—

9 (A) recruit and retain school-based mental
10 health services providers or contract with com-
11 munity mental health centers to work at high-
12 need schools served by the local educational
13 agency; and

14 (B) work toward effectively staffing the
15 high-need schools served by the local edu-
16 cational agency with school-based mental health
17 services providers, including by meeting the rec-
18 ommended maximum ratios of—

19 (i) 250 students per school counselor;

20 (ii) 500 students per school psycholo-
21 gist; and

22 (iii) 250 students per school social
23 worker.

24 (2) PRIORITY.—In awarding subgrants under
25 this subsection, a State shall give priority to local

1 educational agencies that serve a significant number
2 of high-need schools.

3 (3) APPLICATION.—A local educational agency
4 desiring a subgrant under this subsection shall sub-
5 mit an application to the applicable State at such
6 time, in such manner, and containing such informa-
7 tion as the State may require, including information
8 on how the local educational agency will prioritize
9 assisting high-need schools with the largest numbers
10 or percentages of students from low-income families.

11 (f) ALLOTMENT AND SUBGRANT REQUIREMENTS.—

12 (1) SUPPLEMENT, NOT SUPPLANT.—Amounts
13 provided as a grant to a State or as a subgrant to
14 a local educational agency under this section shall
15 supplement, and not supplant, any other funds avail-
16 able to such State or local educational agency for
17 school-based mental health services.

18 (2) COMBINING FUNDS ALLOWED.—A State re-
19 ceiving a grant under this section may combine
20 funds made available under this section with State
21 or local funds to carry out the activities described in
22 subsection (e)(1).

23 (g) REPORTS.—

24 (1) LOCAL EDUCATIONAL AGENCIES.—A local
25 educational agency that receives a subgrant under

1 this section shall submit an annual report to the
2 State that awarded such subgrant on the activities
3 carried out with the subgrant funds. Each such re-
4 port shall—

5 (A) describe the activities carried out using
6 subgrant funds;

7 (B) enumerate the number of school-based
8 mental health services providers (in the aggre-
9 gate and disaggregated by each type of provider
10 listed in subsection (d)(4)) who—

11 (i) were employed by or otherwise
12 served in high-need public elementary and
13 secondary schools under the jurisdiction of
14 the local educational agency for the year
15 covered by the report; and

16 (ii) were supported with funds from
17 the subgrant or matching funds during
18 such year; and

19 (C) include the most recent student to
20 school-based mental health services provider ra-
21 tios listed in subsection (d)(4) for each high-
22 need school under the jurisdiction of the local
23 educational agency that was supported with the
24 subgrant.

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

4 (A) evaluates the progress made in achiev-
5 ing the recommended maximum student to
6 school-based mental health services provider ra-
7 tios described in subsection (e)(1)(B);

8 (B) includes the most recent student to
9 provider ratios, in the aggregate and
10 disaggregated as provided in subsection (d)(4),
11 for public elementary schools and secondary
12 schools in the State that were assisted with
13 such allotment; and

14 (C) describes any other resources needed
15 to meet the recommended maximum student to
16 school-based mental health services provider ra-
17 tios described in subsection (e)(1)(B).

18 (3) PUBLIC AVAILABILITY.—The Secretary
19 shall—

20 (A) submit to the Committee on Health,
21 Education, Labor, and Pensions of the Senate
22 and the Committee on Education and Work-
23 force of the House of Representatives, each re-
24 port received under paragraph (2); and

1 (B) make such reports available to the
2 public, including through the website of the De-
3 partment.

4 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated to carry out
6 this Act—

7 (1) \$5,000,000,000 for fiscal year 2027; and

8 (2) such sums as may be necessary for each
9 succeeding fiscal year.