

118TH CONGRESS
1ST SESSION

S. 1665

To authorize the Secretary of Education to establish an Advisory Commission on Serving and Supporting Students with Mental Health Disabilities in Institutions of Higher Education, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 17, 2023

Mr. CASEY (for himself, Mr. KAINE, Ms. SMITH, Mr. BLUMENTHAL, Ms. KLOBUCHAR, Mr. PADILLA, Mr. WYDEN, Mr. VAN HOLLEN, Mr. MURPHY, Ms. BALDWIN, Mr. MERKLEY, and Mr. FETTERMAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To authorize the Secretary of Education to establish an Advisory Commission on Serving and Supporting Students with Mental Health Disabilities in Institutions of Higher Education, and for other purposes.

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 “Higher Education
5 Mental Health Act of 2023”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) More than 75 percent of mental health con-
2 ditions begin before the age of 24.

3 (2) More than 25 percent of students between
4 the ages of 18 and 24 reported a mental health con-
5 cern.

6 (3) More than 50 percent of students between
7 the ages of 18 and 24 reported having a severe psy-
8 chological problem.

9 (4) More than 50 percent of students between
10 the ages of 18 and 24 reported feelings of hopeless-
11 ness.

12 (5) Higher education counseling centers are de-
13 voting more time to rapid-response treatment with
14 more than 25 percent of students who sought help
15 reporting they had intentionally hurt themselves.

16 (6) Over a 5-year period, counseling center uti-
17 lization increased by an average of 30 to 40 percent,
18 while enrollment increased by only 5 percent, forcing
19 institutions to stretch mental health services to more
20 students without increasing resources.

21 (b) PURPOSES.—The purposes of this Act are the fol-
22 lowing:

23 (1) To ensure States and institutions of higher
24 education are provided with accurate information on
25 the mental health concerns facing students.

1 (2) To provide detailed recommendations that
 2 institutions of higher education, States, and the
 3 Federal Government can take to improve the mental
 4 health services available to students and properly
 5 treat the rising number of students with mental
 6 health issues.

7 **SEC. 3. ADVISORY COMMISSION ON SERVING AND SUP-**
 8 **PORTING STUDENTS WITH MENTAL HEALTH**
 9 **DISABILITIES IN INSTITUTIONS OF HIGHER**
 10 **EDUCATION.**

11 (a) **IN GENERAL.**—The Secretary of Education shall
 12 establish a commission to be known as the Advisory Com-
 13 mission on Serving and Supporting Students with Mental
 14 Health Disabilities in Institutions of Higher Education
 15 (referred to in this section as the “Commission”).

16 (b) **MEMBERSHIP.**—

17 (1) **TOTAL NUMBER OF MEMBERS.**—The Com-
 18 mission shall include not more than 20 members,
 19 who shall be appointed by the Secretary of Edu-
 20 cation in accordance with paragraphs (2) and (3).

21 (2) **MEMBERS OF THE COMMISSION.**—The
 22 Commission shall include 1 representative from each
 23 of the following:

24 (A) The Office of Postsecondary Education
 25 of the Department of Education.

1 (B) The Office of Special Education and
2 Rehabilitative Services of the Department of
3 Education.

4 (C) The Office for Civil Rights of the De-
5 partment of Education.

6 (D) The Office for Civil Rights of the De-
7 partment of Justice.

8 (E) The National Council on Disability.

9 (F) A membership association for adminis-
10 trative and personnel professionals focused on
11 creating an inclusive higher education environ-
12 ment for individuals with disabilities, as deter-
13 mined by the Secretary of Education.

14 (G) An organization that represents the
15 Protection and Advocacy for Individuals with
16 Mental Illness program.

17 (H) An organization operated by and rep-
18 resenting secondary and postsecondary edu-
19 cation students with mental health disabilities
20 advocating for mental health services and sui-
21 cide prevention.

22 (I) An organization representing coun-
23 seling directors at institutions of higher edu-
24 cation.

1 (3) ADDITIONAL MEMBERS OF THE COMMIS-
2 SION.—In addition to the members included under
3 paragraph (2), the Commission shall include the fol-
4 lowing:

5 (A) Four members from leadership of in-
6 stitutions of higher education who have dem-
7 onstrated experience in successfully supporting
8 the retention and graduation of students with
9 mental health disabilities, including from coun-
10 seling and psychiatric services staff. With re-
11 spect to such 4 members, 1 member shall be a
12 staff member of a 2-year degree-granting insti-
13 tution of higher education, 1 member shall be
14 a staff member from a 4-year degree-granting
15 institution of higher education, 1 member shall
16 be a member of campus law enforcement, and
17 1 member shall serve as a general counsel. Such
18 4 members shall represent institutions of dif-
19 fering sizes.

20 (B) Three members from family members
21 of individuals who are—

22 (i) enrolled in an institution of higher
23 education on the date such family member
24 is appointed to the Commission; or

1 (ii) former students with a mental
2 health disability.

3 (C) Four members from individuals with
4 mental health disabilities, including not less
5 than 2 individuals enrolled in an institution of
6 higher education on the date of appointment to
7 the Commission. Any remaining member shall
8 be an individual with a mental health disability
9 who has attended an institution of higher edu-
10 cation.

11 (4) TIMING.—The Secretary of Education shall
12 establish the Commission and appoint the members
13 of the Commission not later than 60 days after the
14 date of enactment of this Act.

15 (c) CHAIRPERSON AND VICE CHAIRPERSON.—The
16 Commission shall select a chairperson and vice chair-
17 person from among the members of the Commission. Ei-
18 ther the chairperson or the vice chairperson shall be a stu-
19 dent or former student with a mental health disability.

20 (d) MEETINGS.—

21 (1) IN GENERAL.—The Commission shall meet
22 at the call of the chairperson, but not less often than
23 8 times.

24 (2) FIRST MEETING.—Not later than 60 days
25 after the appointment of the members of the Com-

1 mission under subsection (b), the Commission shall
2 hold the Commission's first meeting.

3 (e) DUTIES.—The Commission shall conduct a study,
4 using the highest quality and most representative data and
5 research available, and prepare a report for the Secretary
6 of Education that includes the following:

7 (1) Findings from stakeholders, including
8 through solicitation of public testimony, related to
9 the challenges faced by students with mental health
10 disabilities in institutions of higher education, in-
11 cluding—

12 (A) the services available to students with
13 mental health disabilities in institutions of high-
14 er education and their effectiveness in sup-
15 porting these students;

16 (B) the impact of policies and procedures
17 that help or hinder the goal of providing equal
18 opportunity for students with mental health dis-
19 abilities, such as reasonable accommodation
20 policies, mandatory and voluntary leave policies,
21 and disciplinary policies;

22 (C) the use of protected health information
23 of students with mental health disabilities by
24 institutions of higher education, including the
25 extent to which campus-based mental health

1 providers share this information with institution
2 officials without student consent; and

3 (D) the impact of providing mental health
4 services on a student's academic performance,
5 well-being, and ability to complete postsec-
6 ondary education.

7 (2) Conclusions on the major challenges facing
8 students with mental health disabilities in institu-
9 tions of higher education.

10 (3) Recommendations to improve the overall
11 education, and retention and graduation, of students
12 with mental health disabilities in institutions of
13 higher education, with the goal of helping these stu-
14 dents access educational opportunities equal to those
15 of their non-disabled peers.

16 (f) COMMISSION PERSONNEL MATTERS.—

17 (1) TRAVEL EXPENSES.—The members of the
18 Commission shall not receive compensation for the
19 performance of services for the Commission, but
20 shall be allowed reasonable travel expenses, including
21 per diem in lieu of subsistence, at rates authorized
22 for employees of agencies under subchapter I of
23 chapter 57 of title 5, United States Code, while
24 away from their homes or regular places of business
25 in the performance of services for the Commission.

1 Notwithstanding section 1342 of title 31, United
2 States Code, the Secretary of Education may accept
3 the voluntary and uncompensated services of mem-
4 bers of the Commission.

5 (2) STAFF.—The Secretary of Education may
6 designate such personnel as may be necessary to en-
7 able the Commission to perform its duties.

8 (3) DETAIL OF GOVERNMENT EMPLOYEES.—
9 Any Federal Government employee, with the ap-
10 proval of the head of the appropriate Federal agen-
11 cy, may be detailed to the Commission without reim-
12 bursement, and such detail shall be without inter-
13 ruption of loss of civil service status or privilege.

14 (4) FACILITIES, EQUIPMENT, AND SERVICES.—
15 The Secretary of Education shall make available to
16 the Commission, under such arrangements as may
17 be appropriate, necessary equipment, supplies, and
18 services.

19 (g) REPORTS.—

20 (1) INTERIM AND FINAL REPORTS.—The Com-
21 mission shall prepare and submit to the Secretary of
22 Education, as well as the Committee on Health,
23 Education, Labor, and Pensions of the Senate and
24 the Committee on Education and the Workforce of
25 the House of Representatives—

1 (A) an interim report that summarizes the
2 progress of the Commission, along with any in-
3 terim findings, conclusions, and recommenda-
4 tions as described in subsection (e); and

5 (B) a final report that states final find-
6 ings, conclusions, and recommendations as de-
7 scribed in such subsection.

8 (2) PREPARATION AND SUBMISSION.—The re-
9 ports described in paragraph (1) shall be prepared
10 and submitted—

11 (A) in the case of the interim report, not
12 later than 1 year after the date on which all the
13 members of the Commission are appointed; and

14 (B) in the case of the final report, not
15 later than 2 years after the date on which all
16 the members of the Commission are appointed.

17 (h) TERMINATION.—The Commission shall terminate
18 on the day after the date on which the Commission sub-
19 mits the final report under subsection (g).

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