

118TH CONGRESS
1ST SESSION

S. 2072

To establish a pilot program to provide mental health check-ups for students at schools operated by the Department of Defense Education Activity, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 21, 2023

Mr. PADILLA introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To establish a pilot program to provide mental health check-ups for students at schools operated by the Department of Defense Education Activity, 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 “Supporting Mental
5 Health for Military Children Act”.

1 **SEC. 2. PILOT PROGRAM FOR ROUTINE MENTAL HEALTH**
2 **CHECK-UPS IN SCHOOLS OPERATED BY THE**
3 **DEPARTMENT OF DEFENSE EDUCATION AC-**
4 **TIVITY.**

5 (a) IN GENERAL.—Beginning not later than one year
6 after the date of the enactment of this Act, the Secretary
7 of Defense shall establish and implement a pilot program
8 to provide routine metal health check-ups for students in
9 covered DODEA schools.

10 (b) PROGRAM ACTIVITIES.—Under the pilot program
11 established under subsection (a), the Secretary shall—

12 (1) subject to subsection (d), ensure that stu-
13 dents at covered DODEA schools receive routine
14 mental health check-ups, conducted by military med-
15 ical treatment facility behavioral health providers as-
16 signed to such schools, and which may include the
17 use of mental health screening tools, such as the Pa-
18 tient Health Questionnaire-2 or the Patient Health
19 Questionnaire-9;

20 (2) ensure that such mental health check-ups—

21 (A) consist of biannual or semesterly men-
22 tal and behavioral health screenings for dis-
23 orders common in children aged 3 to 17, includ-
24 ing—

25 (i) an initial virtual screening test for
26 all students; and

1 (ii) a follow-up screening carried out
2 by a school psychologist or school nurse for
3 students with specific needs identified
4 through the initial screening; and

5 (B) include questions about a student's
6 mood, emotional state, habits, and behaviors to
7 help diagnose conditions such as—

8 (i) depression;

9 (ii) suicidal ideation;

10 (iii) anxiety;

11 (iv) attention-deficit/hyperactivity dis-
12 order (ADHD);

13 (v) eating disorders;

14 (vi) substance abuse; and

15 (vii) dual diagnosis conditions;

16 (3) train licensed mental and behavioral health
17 professionals to conduct mental health check-ups, in-
18 cluding training in—

19 (A) recognizing the signs and symptoms of
20 mental illnesses; and

21 (B) safely de-escalating crises involving in-
22 dividuals with a mental illness;

23 (4) establish a streamlined diagnosis-to-treat-
24 ment process, including a comprehensive process

1 through which a student with needs identified
2 through a mental health check-up—

3 (A) may be referred to a certified commu-
4 nity behavioral health clinic in the community
5 in which the school is located; and

6 (B) may receive additional care or treat-
7 ment through comprehensive school-based serv-
8 ices;

9 (5) mobilize school nurses and counselors to fa-
10 cilitate screening in collaboration with administra-
11 tors and teachers;

12 (6) conduct awareness-building educational ef-
13 forts in conjunction with the screening process;

14 (7) implement a robust school-based and tele-
15 health support system (including options for indi-
16 vidual or group therapy) for students seeking sup-
17 port after diagnosis; and

18 (8) make resources available to the communities
19 surrounding schools for individuals with a mental ill-
20 ness through a coordinated referral process with
21 local community-based health clinics and school-
22 based mental health clinics if such school-based men-
23 tal health clinics are available and have the capacity
24 and expertise to handle complex mental health situa-
25 tions.

1 (c) SELECTION OF SCHOOLS.—

2 (1) INITIAL SELECTION.—For the one-year pe-
3 riod beginning on the date on which the pilot pro-
4 gram established under subsection (a) commences,
5 the Secretary shall select 10 covered DODEA
6 schools at which to carry out the pilot program.

7 (2) SUBSEQUENT YEARS.—For the one-year pe-
8 riod beginning after the end of the one-year period
9 described in paragraph (1), and each one-year period
10 thereafter until the termination of the pilot program
11 under subsection (h), the Secretary shall select an
12 additional 10 covered DODEA schools at which to
13 carry out the pilot program relative to the number
14 of schools at which the pilot program is carried out
15 in the preceding one-year period.

16 (3) SELECTION OF SCHOOLS OVERSEAS.—In se-
17 lecting covered DODEA schools under paragraph (1)
18 or (2) for any one-year period, the Secretary shall
19 select not fewer than 2 such schools located outside
20 the United States.

21 (d) REFERRAL PROCESS REQUIREMENTS.—

22 (1) AGREEMENTS WITH BEHAVIORAL HEALTH
23 CLINICS.—For purposes of the comprehensive refer-
24 ral process described in subsection (b)(4), the Sec-
25 retary of Defense shall seek to enter into memo-

1 randa of understanding or other agreements with
2 federally funded community behavioral health clinics
3 in communities in which covered DODEA schools
4 are located pursuant to which a school may refer
5 students to such a clinic and make appointments for
6 students at the clinic. The requirement to establish
7 such a referral process may not be satisfied solely by
8 providing a list of nearby community behavioral
9 health clinics to parents of students at covered
10 DODEA schools.

11 (2) EXCEPTION.—In a case in which the Sec-
12 retary of Defense is unable to meet the requirements
13 of paragraph (1) because there is no federally fund-
14 ed community behavioral health clinic in a commu-
15 nity in which a covered DODEA school is located,
16 the Secretary of Defense shall develop and make
17 available a comprehensive guide to the mental health
18 resources that are available to students and parents
19 in that community.

20 (e) STUDENT PRIVACY PROTECTIONS.—In carrying
21 out the pilot program established under subsection (a), the
22 Secretary shall ensure that a parent or guardian of a stu-
23 dent at a covered DODEA school—

24 (1) is provided with—

1 (A) notice that a student may receive a
2 mental health check-up under the pilot pro-
3 gram; and

4 (B) an opportunity to opt the student out
5 of any such mental health check-up before it is
6 administered; and

7 (2) gives informed consent before—

8 (A) the referral of a student to a commu-
9 nity-based health clinic as described in sub-
10 section (b)(4)(A); or

11 (B) the disclosure of any information con-
12 cerning such student to such a clinic.

13 (f) EVALUATIONS.—Not later than 180 days after
14 commencing the pilot program under subsection (a), and
15 not less frequently than every 180 days thereafter, the
16 Secretary of Defense shall conduct an evaluation of the
17 pilot program, which shall include evaluation of—

18 (1) processes under the pilot program; and

19 (2) student outcomes under the pilot program.

20 (g) REPORT.—Not later than one year before the
21 pilot program terminates under subsection (h), the Sec-
22 retary of Defense shall submit to the Committees on
23 Armed Services of the Senate and the House of Represent-
24 atives a report on the progress of the pilot program. The
25 report shall include—

1 (1) the results of the evaluations conducted
2 under subsection (f);

3 (2) an assessment of whether the pilot program
4 should be continued;

5 (3) a strategy for expanding the pilot program
6 to all DODEA schools; and

7 (4) such other information as the Secretary de-
8 termines appropriate.

9 (h) TERMINATION.—The pilot program established
10 under subsection (a) shall terminate on the date that is
11 4 years after the commencement of the pilot program.

12 (i) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to carry out this Act
14 such sums as may be necessary for fiscal years 2024
15 through 2029.

16 (j) DEFINITIONS.—In this section:

17 (1) CERTIFIED COMMUNITY BEHAVIORAL
18 HEALTH CLINIC.—The term “certified community
19 behavioral health clinic” means a certified commu-
20 nity behavioral health clinic as such term is used in
21 section 223 of the Protecting Access to Medicare Act
22 of 2014 (42 U.S.C. 1396a note).

23 (2) COVERED DODEA SCHOOL.—The term “cov-
24 ered DODEA school” means an elementary school
25 or secondary school—

1 (A) operated by the Department of De-
2 fense Education Activity within or outside the
3 United States; and

4 (B) that the Secretary determines has ade-
5 quate mental health infrastructure in place to
6 provide mental health check-ups under the pilot
7 program established under subsection (a).

8 (3) ELEMENTARY SCHOOL; SECONDARY
9 SCHOOL.—The terms “elementary school” and “sec-
10 ondary school” have the meanings given those terms
11 in section 8101 of the Elementary and Secondary
12 Education Act of 1965 (20 U.S.C. 7801).

13 (4) MILITARY MEDICAL TREATMENT FACIL-
14 ITY.—The term “military medical treatment facility”
15 means a facility described in subsection (b), (c), or
16 (d) of section 1073d of title 10, United States Code.

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