

AMENDMENT TO RULES COMMITTEE PRINT 117-

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OFFERED BY MS. PORTER OF CALIFORNIA

Add at the end the following:

1 **TITLE VIII—STUDENT MENTAL**
2 **HEALTH RIGHTS**

3 **SEC. 801. SHORT TITLE.**

4 This title may be cited as the “Student Mental
5 Health Rights Act”.

6 **SEC. 802. FINDINGS.**

7 Congress finds the following:

8 (1) Nearly all institutions of higher education
9 are subject to—

10 (A) the Americans with Disabilities Act of
11 1990 (42 U.S.C. 12101 et seq.);

12 (B) section 504 of the Rehabilitation Act
13 of 1973 (29 U.S.C. 794); or

14 (C) the Fair Housing Act (42 U.S.C. 3601
15 et seq.).

16 (2) The laws described in paragraph (1) pro-
17 hibit discrimination on the basis of disability, de-
18 fined as “with respect to an individual, a physical or
19 mental impairment that substantially limits one or

1 more major life activities of such individual, a record
2 of such an impairment, or being regarded as having
3 such an impairment” under section 3(1) of the
4 Americans with Disabilities Act of 1990 (42 U.S.C.
5 12102(1)).

6 (3) Under section 2(a)(3) of the Americans
7 with Disabilities Act of 1990 (42 U.S.C.
8 12101(a)(3)), Congress found that “discrimination
9 against individuals with disabilities persists in such
10 critical areas as employment, housing, public accom-
11 modations, education, transportation, communica-
12 tion, recreation, institutionalization, health services,
13 voting, and access to public services”.

14 (4) The laws described in paragraph (1) pro-
15 hibit institutions of higher education from discrimi-
16 nating against students with disabilities, including
17 by failing to provide reasonable accommodations or
18 reasonable modifications to such students so that
19 such students are able to fully participate in postsec-
20 ondary life.

21 (5) The laws described in paragraph (1) pro-
22 hibit institutions of higher education from discrimi-
23 nating against students with mental health disabil-
24 ities, including by failing to provide reasonable ac-

1 commodations or reasonable modifications to such a
2 student.

3 (6) The vast majority of institutions of higher
4 education lack a comprehensive plan for addressing
5 and preventing discrimination against students with
6 mental health disabilities or who are experiencing
7 crises, in many cases—

8 (A) requiring such students to leave the in-
9 stitution of higher education;

10 (B) evicting such students from on-campus
11 housing; and

12 (C) establishing excessive and unnecessary
13 impediments to the re-enrollment of such stu-
14 dents to the institution of higher education.

15 **SEC. 803. STUDY.**

16 (a) **VOLUNTARY REPORTING.**—Not later than 120
17 days after the date of the enactment of this Act, the Sec-
18 retary shall solicit from students at institutions of higher
19 education information, on a voluntary basis, with respect
20 to mental health disabilities and substance use disorders
21 at such institutions of higher education.

22 (b) **REQUIREMENT.**—Not later than 1 year after the
23 date of the enactment of this Act, the Secretary shall com-
24 plete a study on mental health disabilities and substance

1 use disorders at institutions of higher education, includ-
2 ing—

3 (1) using the information voluntarily reported
4 by students under subsection (a), the prevalence of
5 such disabilities and disorders, disaggregated by
6 type of disability or disorder (including hearing dif-
7 ficulty, vision difficulty, cognitive difficulty, ambula-
8 tory difficulty, self-care difficulty, independent living
9 difficulty, mental health difficulty, and any other
10 category deemed appropriate by the Secretary),
11 among students at institutions of higher education
12 and policies to support students with respect to such
13 conditions;

14 (2) the policies of institutions of higher edu-
15 cation with respect to students who, due to such a
16 condition, are considering a voluntary leave of ab-
17 sence or are required to take a mandatory or invol-
18 untary leave of absence, or return from such an ab-
19 sence, and compliance by institutions of higher edu-
20 cation with such policies; and

21 (3) best practices for supporting students at in-
22 stitutions of higher education in managing such con-
23 ditions, including the effect such practices have on
24 graduation rates and degree completion.

1 (c) REPORT.—The Secretary shall submit to the
2 Committee on Education and Labor of the House of Rep-
3 resentatives and the Committee on Health, Education,
4 Labor and Pensions of the Senate a report on the findings
5 of the study required by subsection (a).

6 **SEC. 804. GUIDANCE.**

7 Not later than 180 days after the date on which the
8 report is submitted under section 803(b), the Secretary
9 shall, in consultation with the Assistant Attorney General
10 of the Civil Rights Division of the Department of Justice,
11 issue guidance on—

12 (1) the compliance of institutions of higher edu-
13 cation with the Americans with Disabilities Act of
14 1990 (42 U.S.C. 12101 et seq.) and section 504 of
15 the Rehabilitation Act of 1973 (29 U.S.C. 794) with
16 respect to students with mental health disabilities;

17 (2) the legal obligations of institutions of higher
18 education with respect to accommodating students
19 with mental health disabilities and students with
20 substance use disorders; and

21 (3) policies of institutions of higher education
22 which may have a discriminatory impact on students
23 with mental health disabilities and students with
24 substance use disorders.

1 **SEC. 805. DEFINITIONS.**

2 In this title:

3 (1) INSTITUTION OF HIGHER EDUCATION.—The
4 term “institution of higher education” has the
5 meaning given that term in section 101(a) of the
6 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

7 (2) SECRETARY.—The term “Secretary” means
8 the Secretary of Education.

