

[Second Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 970**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

ADOPTED JUNE 23, 2020

**Sponsored by:**

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**District 7 (Burlington)**

**Assemblywoman PAMELA R. LAMPITT**

**District 6 (Burlington and Camden)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Co-Sponsored by:**

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**SYNOPSIS**

Establishes Mental Health Screening in Schools Grant Program in DOE; appropriates \$1 million.

**CURRENT VERSION OF TEXT**

As amended by the Senate on February 19, 2021.

(Sponsorship Updated As Of: 5/20/2021)

1 AN ACT concerning student mental health <sup>2</sup>**[and]** <sup>2</sup> supplementing  
2 chapter 40 of Title 18A of the New Jersey Statutes <sup>2</sup>, and making  
3 an appropriation<sup>2</sup>.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. The Legislature finds and declares that:

9 a. Depression is the most common mental health disorder  
10 among American teens and adults, with over 2.8 million young  
11 people between the ages of 12 and 17 experiencing at least one  
12 major depressive episode each year, approximately 10 to 15 percent  
13 of teenagers exhibiting at least one symptom of depression at any  
14 time, and roughly five percent of teenagers suffering from major  
15 depression at any time. Teenage depression is two to three times  
16 more common in females than in males.

17 b. Various biological, psychological, and environmental risk  
18 factors may contribute to teenage depression, which can lead to  
19 substance and alcohol abuse, social isolation, poor academic and  
20 workplace performance, unnecessary risk taking, early pregnancy,  
21 and suicide, which is the third leading cause of death among  
22 teenagers. Approximately 20 percent of teens with depression  
23 seriously consider suicide and one in 12 attempt suicide. Untreated  
24 teenage depression can also result in adverse consequences  
25 throughout adulthood.

26 c. Most teens who experience depression suffer from more than  
27 one episode. It is estimated that, although teenage depression is  
28 highly treatable through combinations of therapy, individual and  
29 group counseling, and certain medications, fewer than one-third of  
30 teenagers experiencing depression seek help or treatment.

31 d. The proper detection and diagnosis of depression is a key  
32 element in reducing the risk of teenage suicide and improving  
33 physical and mental health outcomes for young people. It is  
34 therefore fitting and appropriate to establish school-based  
35 depression screenings to help identify the symptoms of depression  
36 and facilitate access to appropriate treatment.  
37

38 <sup>2</sup>**[2.** a. A board of education shall ensure that each student in  
39 grades seven through 12 annually receives a health screening for  
40 depression. The screening shall be proctored and conducted  
41 electronically via a computer <sup>1</sup>within a school building<sup>1</sup> and shall  
42 utilize a screening tool that has been validated to screen depression  
43 in adolescents, as determined by the Commissioners of Education  
44 and Children and Families. The Commissioner of Children and

**EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup>Senate SED committee amendments adopted August 20, 2020.

<sup>2</sup>Senate floor amendments adopted February 19, 2021.

1 Families shall select one electronic screening tool to be utilized by  
2 all school districts. The screenings shall be conducted in a manner  
3 that accommodates students with developmental disabilities,  
4 intellectual disabilities, or low reading proficiency, and that ensures  
5 the privacy of the student during the screening process and the  
6 confidentiality of the results consistent with State and federal laws  
7 applicable to the confidentiality of student records. The screenings  
8 shall be conducted in a manner that permits real time evaluation of  
9 the screening results and same day intervention by a licensed  
10 mental health professional as indicated by such screening. The  
11 Department of Education and the Department of Children and  
12 Families shall jointly establish standards on the procedures to be  
13 implemented to conduct the screenings for depression and may  
14 provide for other screening tools, including, but not limited to,  
15 screening tools for anxiety, substance use disorder, and suicidal  
16 ideation and behavior, as determined by the Commissioners of  
17 Education and Children and Families. The Commissioners of  
18 Education and Children and Families shall make recommendations  
19 for conducting screenings in a manner that accommodates students  
20 with developmental disabilities, intellectual disabilities, or low  
21 reading proficiency.

22 b. A superintendent, or the superintendent's designee, shall  
23 notify the parent or guardian of a student whose screening for  
24 depression detects an abnormality and advise the parent or guardian  
25 to seek the care of a health care professional in order to obtain  
26 further evaluation and diagnosis.

27 c. As determined by the Department of Education and the  
28 Department of Children and Families, boards of education shall  
29 forward data collected from screenings administered pursuant to  
30 this section to the Department of Education and the Department of  
31 Children and Families, provided that any data forwarded shall be  
32 aggregated and shall not contain any identifying or confidential  
33 information with regard to any individual. Data collected by the  
34 departments pursuant to this subsection shall be used by the  
35 departments to identify trends concerning teenage depression and to  
36 develop school and community based initiatives to address teenage  
37 depression. The Department of Education and the Department of  
38 Children and Families shall annually publish on their Internet  
39 websites findings and recommendations that are based on collected  
40 data as to additional resources that may be necessary to screen  
41 adolescents for depression and further evaluate adolescents who  
42 have exhibited abnormalities in depression screenings.

43 d. Prior to screening a student for depression pursuant to this  
44 section, a school district shall obtain written consent from the  
45 student's parent or guardian upon enrollment and at the start of each  
46 successive school year. **1**<sup>2</sup>

1       2. a. There is established in the Department of Education the  
2 Mental Health Screening in Schools Grant Program. The purpose  
3 of the grant program shall be to provide funding and resources to  
4 allow school districts to implement depression screening programs  
5 to identify students in the grades seven through 12 who are at risk  
6 of depression.

7       b. (1) A school district that receives an award under the grant  
8 program shall make available to each student in the grades seven  
9 through 12 an annual health screening for depression. The school  
10 district shall meet the following conditions when implementing its  
11 depression screening program:

12       (a) the school district shall use a research-based screening tool  
13 in its depression screening program conducted by a licensed mental  
14 health professional or through a partnership with an organization or  
15 healthcare provider specializing in pediatric and adolescent mental  
16 health to conduct the screenings. Nothing in this subsection shall  
17 prohibit a school district from using a self-administered screening  
18 tool as part of the depression screening program;

19       (b) the screenings shall be conducted in a manner that permits  
20 real time evaluation of the screening results and same day  
21 intervention by a licensed mental health professional as indicated  
22 by the screening;

23       (c) the school district shall ensure that the screenings will be  
24 conducted in a manner that accommodates bilingual education  
25 students, students with disabilities, and students with low reading  
26 proficiency when conducting the screenings;

27       (d) the screenings shall be conducted in a manner that ensures  
28 the privacy of the student during the screening process and the  
29 confidentiality of the results, consistent with State and federal laws  
30 applicable to the confidentiality of student records and mental  
31 health records;

32       (e) pursuant to the provisions of P.L.2001, c.364 (C.18A:36-34),  
33 the school district shall obtain written informed consent from a  
34 student's parent or guardian prior to the screening;

35       (f) the school district shall develop a form to obtain permission  
36 from a student's parent or guardian to conduct the screening; and

37       (g) the school district shall forward data collected from the  
38 screenings to the Department of Education and the Department of  
39 Children and Families in a form and manner to be determined by  
40 the Department of Education, provided that any data forwarded  
41 shall be aggregated and shall not contain any identifying or  
42 confidential information with regard to any individual.

43       (2) To assist districts in selecting a research-based screening  
44 tool to use as part of depression screening programs, the  
45 Department of Education, in consultation with the Department of  
46 Children and Families, may develop a list of pre-approved research-  
47 based screening tools that are validated to screen depression in

1 adolescents. The list shall be posted on the departments' Internet  
2 websites.

3 (3) (a) In the event that a school district chooses to partner with  
4 an organization or healthcare provider specializing in pediatric and  
5 adolescent mental health to conduct the depression screenings, the  
6 partner organization or provider may also provide mental health  
7 services as deemed necessary by the organization or provider and as  
8 consented to by a student's parent or guardian. A district partnering  
9 with an organization or healthcare provider specializing in pediatric  
10 and adolescent mental health may develop a form to obtain parental  
11 consent and student health insurance information as necessary to  
12 satisfy the provisions of any partnership agreement.

13 (b) The Department of Education, in consultation with the  
14 Department of Children and Families and the Department of Health,  
15 shall within 180 days of the date of enactment of this act develop  
16 guidance and resources for school districts to establish partnerships  
17 with organizations or healthcare providers specializing in pediatric  
18 and adolescent mental health to conduct depression screenings.

19 c. A school district seeking to participate and receive funding  
20 under the grant program shall submit an application to the  
21 Commissioner of Education, in accordance with application  
22 procedures and requirements prescribed by the commissioner. An  
23 application submitted by a school district shall include, at a  
24 minimum:

25 (1) a description of the depression screening program to be  
26 implemented by the school district and an explanation of how the  
27 district will make available to each student in the grades seven  
28 through 12 an annual health screening for depression;

29 (2) a description of how the school district will meet the  
30 conditions of paragraphs (1) and (3) of subsection b. of this section  
31 as applicable;

32 (3) details concerning the research-based screening tool that will  
33 be used by the district or whether the district will partner with an  
34 organization or healthcare provider specializing in pediatric and  
35 adolescent mental health to conduct the screenings;

36 (4) a request and justification for the amount of funding sought  
37 by the district under the grant program;

38 (5) a description of how the grant funding will be used to further  
39 the purposes of the depression screening program, including hiring  
40 additional personnel, purchasing materials, or contracting with  
41 outside entities;

42 (6) a description of how the depression screenings will be  
43 conducted in a manner that permits real-time evaluation of the  
44 screening results and same day intervention by a licensed mental  
45 health professional if required by the results of the screening;

46 (7) as applicable, the details of any partnership with an  
47 organization or provider specializing in pediatric and adolescent

1 mental health services, which shall include, but not be limited to,  
2 the name of the organization or provider, the number of students  
3 being served by the organization or provider, the expected  
4 timeframe to screen the students, the costs associated with engaging  
5 in a partnership with the organization or provider, and the location  
6 where the screenings will take place. A school district shall detail  
7 whether student health insurance information will be required under  
8 its agreement with a partner organization or provider, how it will  
9 obtain that information, and what accommodations will be made for  
10 uninsured or underinsured students whose parents or guardians have  
11 consented to the depression screening;

12 (8) a description of how the district will ensure that the parent or  
13 guardian of a student whose screening for depression detects an  
14 abnormality is notified of such abnormality and how it will advise  
15 the parent or guardian of the services available through a partner  
16 organization or provider or supply the parent or guardian with  
17 resources to assist in the acquisition of the services of a health care  
18 professional in order to obtain further evaluation and diagnosis; and

19 (9) a description of how the district will obtain written informed  
20 consent from a student's parent or guardian prior to the screening,  
21 in accordance with the provisions of P.L.2001, c.364 (C.18A:36-  
22 34).

23 d. Awards under the grant program shall be allocated to school  
24 districts in a manner to be determined by the commissioner, except  
25 that the commissioner shall, to the greatest extent possible, approve  
26 applications from at least one school district in each the northern,  
27 central, and southern regions of the State and seek a cross-section of  
28 school districts from urban, suburban, and rural areas of the State.

29 e. Nothing in this act shall be construed to affect a school  
30 district's ability to provide additional or supplemental services to a  
31 student as required by, or as consistent with, any applicable  
32 provision of State or federal law.<sup>2</sup>

33

34 <sup>2</sup>**[3. The State Board of Education, in consultation with the**  
35 **Commissioner of Children and Families, shall promulgate**  
36 **regulations pursuant to the "Administrative Procedure Act,"**  
37 **P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the**  
38 **provisions of this act.]<sup>2</sup>**

39

40 <sup>2</sup>**3. a. There is established in the Department of Education a**  
41 **non-lapsing fund which shall be known as the Mental Health**  
42 **Screening in Schools Grant Program Fund. All monies**  
43 **appropriated annually by the Legislature, federal and other grants**  
44 **received by the State, and any other monies made available for the**  
45 **purposes of the fund shall be deposited in the fund. Monies**  
46 **deposited in the fund shall be used by the Department of Education**

1 to provide funding for grants awarded pursuant to section 2 of this  
2 act.

3 b. A school district may seek to secure funds or other resources  
4 from the federal government or from private nonprofit or for-profit  
5 sources as may be available, to supplement funds received pursuant  
6 to the Mental Health Screening in Schools Grant Program Fund.  
7 These funds shall not have any impact on the availability of funding  
8 received under the Mental Health Screening in Schools Grant  
9 Program.<sup>2</sup>

10  
11 <sup>24</sup>. a. The Commissioner of Education shall develop a report, or  
12 contract with a research institution or organization to develop a  
13 report, evaluating depression screening programs in school districts  
14 participating in the Mental Health Screening in Schools Grant  
15 Program established pursuant to section 2 of this act as well as other  
16 school districts that have developed depression screening programs.  
17 In developing the report, the commissioner or contracted research  
18 organization or institution shall analyze the data forwarded to the  
19 Department of Education and the Department of Children and  
20 Families pursuant to subparagraph (g) of paragraph (1) of  
21 subsection b. of section 2 of this act. The study shall include  
22 information on:

23 (1) the costs of the programs to the districts and to parents or  
24 legal guardians of students, as well as any co-pays received by  
25 practitioners as part of the depression screening programs;

26 (2) the number of students identified as at risk of depression by  
27 the depression screenings in each district;

28 (3) the number of students who were provided mental health  
29 services as a result of the screenings;

30 (4) the number of students who were identified as needing  
31 follow-up services;

32 (5) the number of school staff members involved in the  
33 depression screening process and the time spent administering the  
34 screening;

35 (6) best practices utilized by the districts or mental health  
36 providers in implementing the depression screening programs;

37 (7) the health, academic, and safety benefits associated with  
38 establishing a depression screening program and an evaluation of  
39 any potential negative impacts on school districts and families that  
40 may be associated with implementing a depression screening  
41 program; and

42 (8) findings and recommendations concerning additional  
43 resources that may be necessary to screen adolescents for  
44 depression and to provide follow-up services to adolescents who  
45 have exhibited abnormalities in depression screenings.

46 b. Within 300 days following September 1 of the first full  
47 school year following the date of enactment, the report developed

1 pursuant to subsection a. of this section shall be submitted to the  
2 Department of Education, the Department of Health, the  
3 Department of Children and Families, the Joint Committee on the  
4 Public Schools, and to the Legislature pursuant to section 2 of  
5 P.L.1991, c.164 (C.52:14-19.1).<sup>2</sup>  
6

7 <sup>2</sup>5. There is appropriated from the General Fund the sum of  
8 \$750,000 to the Mental Health Screening in Schools Grant Program  
9 Fund established pursuant to section 3 of this act to provide funding  
10 for grants under the Mental Health Screening in Schools Grant  
11 Program. There is appropriated from the General Fund to the  
12 Department of Education the sum of \$250,000 to implement the  
13 provisions of section 4 of this act.<sup>2</sup>  
14

15 <sup>2</sup>[4.] 6.<sup>2</sup> This act shall take effect <sup>2</sup>immediately and shall first  
16 apply<sup>2</sup> in the first full school year following the date of enactment.