

[First Reprint]

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ADOPTED AUGUST 20, 2020

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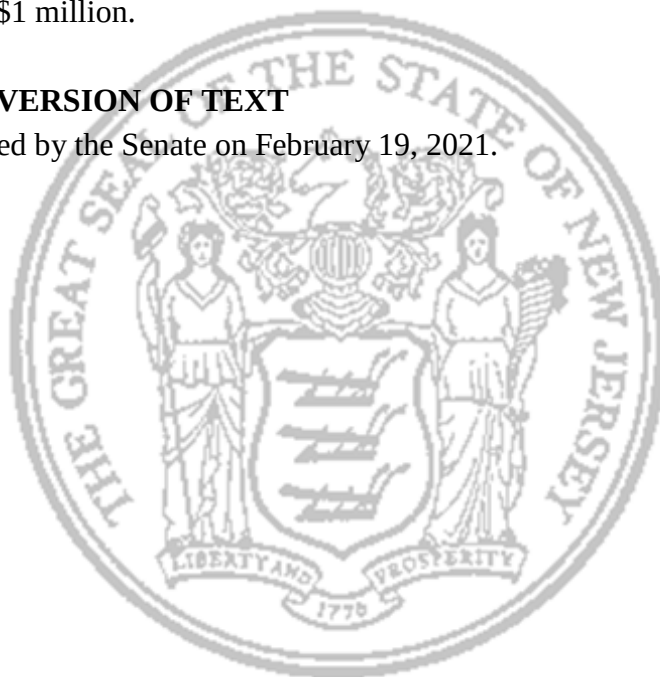
Senator Diegnan

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: 2/16/2021)

1 AN ACT concerning student mental health ¹~~and~~ ¹ supplementing
2 chapter 40 of Title 18A of the New Jersey Statutes ¹, and making
3 an appropriation¹.
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 ¹~~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 within a school building 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:

¹Senate 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

1 ¹2. 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 in
13 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
48 mental health services, which shall include, but not be limited to,

1 the name of the organization or provider, the number of students
2 being served by the organization or provider, the expected
3 timeframe to screen the students, the costs associated with engaging
4 in a partnership with the organization or provider, and the location
5 where the screenings will take place. A school district shall detail
6 whether student health insurance information will be required under
7 its agreement with a partner organization or provider, how it will
8 obtain that information, and what accommodations will be made for
9 uninsured or underinsured students whose parents or guardians have
10 consented to the depression screening;

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

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

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

28 e. Nothing in this act shall be construed to affect a school
29 district's ability to provide additional or supplemental services to a
30 student as required by, or as consistent with, any applicable
31 provision of State or federal law.¹

32
33 ¹**3.** The State Board of Education, in consultation with the
34 Commissioner of Children and Families, shall promulgate
35 regulations pursuant to the "Administrative Procedure Act,"
36 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the
37 provisions of this act.¹

38
39 ¹3. a. There is established in the Department of Education a
40 non-lapsing fund which shall be known as the Mental Health
41 Screening in Schools Grant Program Fund. All monies
42 appropriated annually by the Legislature, federal and other grants
43 received by the State, and any other monies made available for the
44 purposes of the fund shall be deposited in the fund. Monies
45 deposited in the fund shall be used by the Department of Education
46 to provide funding for grants awarded pursuant to section 2 of this
47 act.

1 b. A school district may seek to secure funds or other resources
2 from the federal government or from private nonprofit or for-profit
3 sources as may be available, to supplement funds received pursuant
4 to the Mental Health Screening in Schools Grant Program Fund.
5 These funds shall not have any impact on the availability of funding
6 received under the Mental Health Screening in Schools Grant
7 Program.¹

8
9 ¹4. a. The Commissioner of Education shall develop a report, or
10 contract with a research institution or organization to develop a
11 report, evaluating depression screening programs in school districts
12 participating in the Mental Health Screening in Schools Grant
13 Program established pursuant to section 2 of this act as well as other
14 school districts that have developed depression screening programs.
15 In developing the report, the commissioner or contracted research
16 organization or institution shall analyze the data forwarded to the
17 Department of Education and the Department of Children and
18 Families pursuant to subparagraph (g) of paragraph (1) of
19 subsection b. of section 2 of this act. The study shall include
20 information on:

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

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

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

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

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

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

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

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

44 b. Within 300 days following September 1 of the first full school
45 year following the date of enactment, the report developed pursuant
46 to subsection a. of this section shall be submitted to the Department
47 of Education, the Department of Health, the Department of Children
48 and Families, the Joint Committee on the Public Schools, and to the

1 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-
2 19.1).¹

3

4 ¹5. There is appropriated from the General Fund the sum of
5 \$750,000 to the Mental Health Screening in Schools Grant Program
6 Fund established pursuant to section 3 of this act to provide funding
7 for grants under the Mental Health Screening in Schools Grant
8 Program. There is appropriated from the General Fund to the
9 Department of Education the sum of \$250,000 to implement the
10 provisions of section 4 of this act.¹

11

12 ¹[4.] 6.¹ This act shall take effect ¹immediately and shall first
13 apply¹ in the first full school year following the date of enactment.