

§§1-4
C.18A:40-5.5 to
18A:40-5.8
§5
Approp.
§6
Note

P.L. 2021, CHAPTER 237, *approved September 28, 2021*
Assembly Committee Substitute (*Second Reprint*) for
Assembly, No. 970

1 AN ACT concerning student mental health ²[and] ² supplementing
2 chapter 40 of Title 18A of the New Jersey Statutes ², and making
3 an appropriation².
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

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 SED committee amendments adopted August 20, 2020.

²Senate floor amendments adopted February 19, 2021.

1 depression screenings to help identify the symptoms of depression
2 and facilitate access to appropriate treatment.

3
4 ²[2. a. A board of education shall ensure that each student in
5 grades seven through 12 annually receives a health screening for
6 depression. The screening shall be proctored and conducted
7 electronically via a computer 'within a school building'¹ and shall
8 utilize a screening tool that has been validated to screen depression
9 in adolescents, as determined by the Commissioners of Education
10 and Children and Families. The Commissioner of Children and
11 Families shall select one electronic screening tool to be utilized by
12 all school districts. The screenings shall be conducted in a manner
13 that accommodates students with developmental disabilities,
14 intellectual disabilities, or low reading proficiency, and that ensures
15 the privacy of the student during the screening process and the
16 confidentiality of the results consistent with State and federal laws
17 applicable to the confidentiality of student records. The screenings
18 shall be conducted in a manner that permits real time evaluation of
19 the screening results and same day intervention by a licensed
20 mental health professional as indicated by such screening. The
21 Department of Education and the Department of Children and
22 Families shall jointly establish standards on the procedures to be
23 implemented to conduct the screenings for depression and may
24 provide for other screening tools, including, but not limited to,
25 screening tools for anxiety, substance use disorder, and suicidal
26 ideation and behavior, as determined by the Commissioners of
27 Education and Children and Families. The Commissioners of
28 Education and Children and Families shall make recommendations
29 for conducting screenings in a manner that accommodates students
30 with developmental disabilities, intellectual disabilities, or low
31 reading proficiency.

32 b. A superintendent, or the superintendent's designee, shall
33 notify the parent or guardian of a student whose screening for
34 depression detects an abnormality and advise the parent or guardian
35 to seek the care of a health care professional in order to obtain
36 further evaluation and diagnosis.

37 c. As determined by the Department of Education and the
38 Department of Children and Families, boards of education shall
39 forward data collected from screenings administered pursuant to
40 this section to the Department of Education and the Department of
41 Children and Families, provided that any data forwarded shall be
42 aggregated and shall not contain any identifying or confidential
43 information with regard to any individual. Data collected by the
44 departments pursuant to this subsection shall be used by the
45 departments to identify trends concerning teenage depression and to
46 develop school and community based initiatives to address teenage

1 depression. The Department of Education and the Department of
2 Children and Families shall annually publish on their Internet
3 websites findings and recommendations that are based on collected
4 data as to additional resources that may be necessary to screen
5 adolescents for depression and further evaluate adolescents who
6 have exhibited abnormalities in depression screenings.

7 d. Prior to screening a student for depression pursuant to this
8 section, a school district shall obtain written consent from the
9 student's parent or guardian upon enrollment and at the start of each
10 successive school year.】²

11

12 ²2. a. There is established in the Department of Education the
13 Mental Health Screening in Schools Grant Program. The purpose
14 of the grant program shall be to provide funding and resources to
15 allow school districts to implement depression screening programs
16 to identify students in the grades seven through 12 who are at risk
17 of depression.

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

23 (a) the school district shall use a research-based screening tool
24 in its depression screening program conducted by a licensed mental
25 health professional or through a partnership with an organization or
26 healthcare provider specializing in pediatric and adolescent mental
27 health to conduct the screenings. Nothing in this subsection shall
28 prohibit a school district from using a self-administered screening
29 tool as part of the depression screening program;

30 (b) the screenings shall be conducted in a manner that permits
31 real time evaluation of the screening results and same day
32 intervention by a licensed mental health professional as indicated
33 by the screening;

34 (c) the school district shall ensure that the screenings will be
35 conducted in a manner that accommodates bilingual education
36 students, students with disabilities, and students with low reading
37 proficiency when conducting the screenings;

38 (d) the screenings shall be conducted in a manner that ensures
39 the privacy of the student during the screening process and the
40 confidentiality of the results, consistent with State and federal laws
41 applicable to the confidentiality of student records and mental
42 health records;

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

- 1 (f) the school district shall develop a form to obtain permission
2 from a student’s parent or guardian to conduct the screening; and
- 3 (g) the school district shall forward data collected from the
4 screenings to the Department of Education and the Department of
5 Children and Families in a form and manner to be determined by
6 the Department of Education, provided that any data forwarded
7 shall be aggregated and shall not contain any identifying or
8 confidential information with regard to any individual.
- 9 (2) To assist districts in selecting a research-based screening
10 tool to use as part of depression screening programs, the
11 Department of Education, in consultation with the Department of
12 Children and Families, may develop a list of pre-approved research-
13 based screening tools that are validated to screen depression in
14 adolescents. The list shall be posted on the departments’ Internet
15 websites.
- 16 (3) (a) In the event that a school district chooses to partner with
17 an organization or healthcare provider specializing in pediatric and
18 adolescent mental health to conduct the depression screenings, the
19 partner organization or provider may also provide mental health
20 services as deemed necessary by the organization or provider and as
21 consented to by a student’s parent or guardian. A district partnering
22 with an organization or healthcare provider specializing in pediatric
23 and adolescent mental health may develop a form to obtain parental
24 consent and student health insurance information as necessary to
25 satisfy the provisions of any partnership agreement.
- 26 (b) The Department of Education, in consultation with the
27 Department of Children and Families and the Department of Health,
28 shall within 180 days of the date of enactment of this act develop
29 guidance and resources for school districts to establish partnerships
30 with organizations or healthcare providers specializing in pediatric
31 and adolescent mental health to conduct depression screenings.
- 32 c. A school district seeking to participate and receive funding
33 under the grant program shall submit an application to the
34 Commissioner of Education, in accordance with application
35 procedures and requirements prescribed by the commissioner. An
36 application submitted by a school district shall include, at a
37 minimum:
- 38 (1) a description of the depression screening program to be
39 implemented by the school district and an explanation of how the
40 district will make available to each student in the grades seven
41 through 12 an annual health screening for depression;
- 42 (2) a description of how the school district will meet the
43 conditions of paragraphs (1) and (3) of subsection b. of this section
44 as applicable;
- 45 (3) details concerning the research-based screening tool that will
46 be used by the district or whether the district will partner with an

- 1 organization or healthcare provider specializing in pediatric and
2 adolescent mental health to conduct the screenings;
- 3 (4) a request and justification for the amount of funding sought
4 by the district under the grant program;
- 5 (5) a description of how the grant funding will be used to further
6 the purposes of the depression screening program, including hiring
7 additional personnel, purchasing materials, or contracting with
8 outside entities;
- 9 (6) a description of how the depression screenings will be
10 conducted in a manner that permits real-time evaluation of the
11 screening results and same day intervention by a licensed mental
12 health professional if required by the results of the screening;
- 13 (7) as applicable, the details of any partnership with an
14 organization or provider specializing in pediatric and adolescent
15 mental health services, which shall include, but not be limited to,
16 the name of the organization or provider, the number of students
17 being served by the organization or provider, the expected
18 timeframe to screen the students, the costs associated with engaging
19 in a partnership with the organization or provider, and the location
20 where the screenings will take place. A school district shall detail
21 whether student health insurance information will be required under
22 its agreement with a partner organization or provider, how it will
23 obtain that information, and what accommodations will be made for
24 uninsured or underinsured students whose parents or guardians have
25 consented to the depression screening;
- 26 (8) a description of how the district will ensure that the parent or
27 guardian of a student whose screening for depression detects an
28 abnormality is notified of such abnormality and how it will advise
29 the parent or guardian of the services available through a partner
30 organization or provider or supply the parent or guardian with
31 resources to assist in the acquisition of the services of a health care
32 professional in order to obtain further evaluation and diagnosis; and
- 33 (9) a description of how the district will obtain written informed
34 consent from a student's parent or guardian prior to the screening,
35 in accordance with the provisions of P.L.2001, c.364 (C.18A:36-
36 34).
- 37 d. Awards under the grant program shall be allocated to school
38 districts in a manner to be determined by the commissioner, except
39 that the commissioner shall, to the greatest extent possible, approve
40 applications from at least one school district in each the northern,
41 central, and southern regions of the State and seek a cross-section of
42 school districts from urban, suburban, and rural areas of the State.
- 43 e. Nothing in this act shall be construed to affect a school
44 district's ability to provide additional or supplemental services to a
45 student as required by, or as consistent with, any applicable
46 provision of State or federal law.²

1 ²[3. The State Board of Education, in consultation with the
2 Commissioner of Children and Families, shall promulgate
3 regulations pursuant to the “Administrative Procedure Act,”
4 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the
5 provisions of this act.]²

6
7 ²3. a. There is established in the Department of Education a
8 non-lapsing fund which shall be known as the Mental Health
9 Screening in Schools Grant Program Fund. All monies
10 appropriated annually by the Legislature, federal and other grants
11 received by the State, and any other monies made available for the
12 purposes of the fund shall be deposited in the fund. Monies
13 deposited in the fund shall be used by the Department of Education
14 to provide funding for grants awarded pursuant to section 2 of this
15 act.

16 b. A school district may seek to secure funds or other resources
17 from the federal government or from private nonprofit or for-profit
18 sources as may be available, to supplement funds received pursuant
19 to the Mental Health Screening in Schools Grant Program Fund.
20 These funds shall not have any impact on the availability of funding
21 received under the Mental Health Screening in Schools Grant
22 Program.²

23
24 ²4. a. The Commissioner of Education shall develop a report, or
25 contract with a research institution or organization to develop a
26 report, evaluating depression screening programs in school districts
27 participating in the Mental Health Screening in Schools Grant
28 Program established pursuant to section 2 of this act as well as other
29 school districts that have developed depression screening programs.
30 In developing the report, the commissioner or contracted research
31 organization or institution shall analyze the data forwarded to the
32 Department of Education and the Department of Children and
33 Families pursuant to subparagraph (g) of paragraph (1) of
34 subsection b. of section 2 of this act. The study shall include
35 information on:

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

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

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

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

1 (5) the number of school staff members involved in the
2 depression screening process and the time spent administering the
3 screening;

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

6 (7) the health, academic, and safety benefits associated with
7 establishing a depression screening program and an evaluation of
8 any potential negative impacts on school districts and families that
9 may be associated with implementing a depression screening
10 program; and

11 (8) findings and recommendations concerning additional
12 resources that may be necessary to screen adolescents for
13 depression and to provide follow-up services to adolescents who
14 have exhibited abnormalities in depression screenings.

15 b. Within 300 days following September 1 of the first full
16 school year following the date of enactment, the report developed
17 pursuant to subsection a. of this section shall be submitted to the
18 Department of Education, the Department of Health, the
19 Department of Children and Families, the Joint Committee on the
20 Public Schools, and to the Legislature pursuant to section 2 of
21 P.L.1991, c.164 (C.52:14-19.1).²

22
23 ²5. There is appropriated from the General Fund the sum of
24 \$750,000 to the Mental Health Screening in Schools Grant Program
25 Fund established pursuant to section 3 of this act to provide funding
26 for grants under the Mental Health Screening in Schools Grant
27 Program. There is appropriated from the General Fund to the
28 Department of Education the sum of \$250,000 to implement the
29 provisions of section 4 of this act.²

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31 ²[4.] 6.² This act shall take effect ²immediately and shall first
32 apply² in the first full school year following the date of enactment.

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