

ASSEMBLY, No. 5143

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED FEBRUARY 6, 2023

Sponsored by:

Assemblyman REGINALD W. ATKINS

District 20 (Union)

Assemblywoman LINDA S. CARTER

District 22 (Middlesex, Somerset and Union)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Co-Sponsored by:

**Assemblywomen Reynolds-Jackson, McKnight, Haider, Assemblymen
Sampson, Stanley, Spearman, Kennedy, Mukherji and Assemblywoman
Jaffer**

SYNOPSIS

Establishes student-athlete mental health specialists in school districts and public institutions of higher education; creates student-athlete mental health registry; makes appropriation.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/23/2023)

1 AN ACT concerning student-athlete mental health, supplementing
2 chapters 40 and 3B of Title 18A of the New Jersey Statutes, and
3 making an appropriation.
4

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

8 1. As used in sections 1 through 6 of P.L. , c. (C.)
9 (pending before the Legislature as this bill):

10 "Multi-sport student-athlete" means a student-athlete
11 participating in more than one Statewide interscholastic sports
12 program, intramural sports program, or cheerleading program.

13 "Season" means the time that a student-athlete participates in
14 activities associated with a Statewide interscholastic sports
15 program, intramural sports program, or cheerleading program
16 organized pursuant to section 1 of P.L.1979, c.172 (C.18A:11-3).

17 "Student-athlete" means any student enrolled in a public school
18 in this State who is a participant in an interscholastic sports
19 program or intramural sports program organized by the school.
20

21 2. a. A school district that is a member of any voluntary
22 association, pursuant to section 1 of P.L.1979, c.172 (C.18A:11-3),
23 which oversees activities associated with a Statewide interscholastic
24 sports program, intramural sports program, or cheerleading program
25 shall appoint a student-athlete mental health specialist.

26 (1) The school district may appoint a school guidance counselor,
27 school psychologist, or another individual similarly trained that is
28 currently employed in the school district as the student-athlete
29 mental health specialist provided that individual is a State-licensed
30 or State-certified mental health professional qualified pursuant to
31 State law to provide mental health services to children and
32 adolescents.

33 (2) If no individual meeting this criteria is currently employed by
34 the school district, the district shall appoint an individual that is a
35 State-certified school counselor, school psychologist, school social
36 worker, or other State-licensed or State-certified mental health
37 professional qualified pursuant to State law to provide mental
38 health services to children and adolescents.

39 (3) An individual appointed as a student-athlete mental health
40 specialist shall be required to obtain certification and annual
41 training pursuant to section 4 of P.L. , c. (C.) (pending
42 before the Legislature as this bill), and hold a current certification
43 in Mental Health First Aid from the National Council for Mental
44 Wellness.

45 b. The student-athlete mental health specialist shall identify
46 mental health stressors affecting student-athletes, monitor student-
47 athletes' mental wellness, and provide student-athletes, coaches,

1 athletic trainers, and school physicians with mental health
2 resources. The student-athlete mental health specialist shall:

3 (1) meet with each student-athlete three times during the
4 student-athlete's season for the purpose of conducting a mental
5 health screening. The student-athlete mental health specialist shall
6 meet with multi-sport student-athletes three times during each
7 season of participation in an interscholastic sports program,
8 intramural sports program, or cheerleading program;

9 (a) a research-based screening tool shall be used to conduct the
10 screening. Nothing in this subsection shall prohibit a student-
11 athlete mental health specialist from using a self-administered
12 screening tool as part of the screening. The screening shall include
13 an analysis of the student-athlete's mental state, monitor a student-
14 athlete's academics, and detect any changes from previous
15 screenings;

16 (b) pursuant to the provisions of P.L.2001, c.364 (C.18A:36-34),
17 the student-athlete mental health specialist shall obtain written
18 informed consent from a student-athlete's parent or guardian prior
19 to the screening in a manner and form as prescribed by the
20 Department of Education;

21 (c) a parent or guardian of a student-athlete may submit a
22 written statement to the student-athlete mental health specialist to
23 waive a student-athlete from the screening requirement; and

24 (d) if a student-athlete's parent or guardian has not provided
25 informed consent pursuant to subsection (b) or submitted a written
26 statement pursuant to subsection (c), the student-athlete shall be
27 prohibited from participation in any interscholastic sports program,
28 intramural sports program, or cheerleading program conducted
29 pursuant to section 1 of P.L.1979, c.172 (C.18A:11-3);

30 (2) meet weekly with any student-athlete that has sustained an
31 injury that prevents participation in the interscholastic sports
32 program, intramural sports program, or cheerleading program. The
33 weekly meetings shall continue until the student-athlete has been
34 evaluated and receives written clearance from a licensed physician
35 to participate in the athletic activity;

36 (3) annually submit data collected from the screenings for each
37 student-athlete to the department in a form and manner to be
38 determined by the department, provided that any data forwarded
39 shall be aggregated and shall not contain any identifying or
40 confidential information with regard to any student-athlete as
41 required under section 5 of P.L. , c. (C.) (pending before the
42 Legislature as this bill); and

43 (4) develop a student-athlete mental health policy for
44 consideration and adoption by the board of education. The policy
45 shall be for use by a school physician; a person who coaches a
46 public school district interscholastic sport, intramural sport, or
47 cheerleading program; an athletic trainer involved in a public

1 school interscholastic sports program, intramural sports program, or
2 cheerleading program; and parents or guardians of student-athletes.

3
4 3. a. The student-athlete mental health policy developed
5 pursuant to paragraph (4) of subsection b. of section 2 of P.L. , c.
6 (C.) (pending before the Legislature as this bill) shall include,
7 but not be limited to, the following:

8 (1) the recognition of the symptoms of anxiety, depression,
9 eating disorders, insomnia, substance abuse, and other mental health
10 issues that may affect student-athletes;

11 (2) screening tools for coaches, athletic trainers, school
12 physicians, student-athletes, and parents and guardians of student-
13 athletes;

14 (3) guidance on techniques for reducing stressors that affect a
15 student-athlete's mental health;

16 (4) protocols for non-emergent referrals to qualified mental
17 health practitioners;

18 (5) procedures for emergency mental health situations;

19 (6) transition care for a student-athlete that leaves intramural or
20 interscholastic athletics by means of graduation, dismissal or
21 suspension; and

22 (7) resources and organizations that a student-athlete, coach,
23 athletic trainer, and parent or guardian of a student-athlete can
24 consult for additional services.

25 b. The student-athlete mental health specialist shall provide
26 annual training on the student-athlete mental health policy to any
27 person who coaches and is employed as an athletic trainer in a
28 public school district interscholastic sport, intramural sport, or
29 cheerleading program.

30
31 4. The Department of Education shall develop and implement a
32 Student-Athlete Mental Health Specialist Certification Program. A
33 student-athlete mental health specialist appointed pursuant to
34 section 2 of P.L. , c. (C.) (pending before the Legislature as
35 this bill) shall be required to successfully complete the certification
36 program every two years. The certification program shall include
37 training, free of charge, to newly-appointed student-athlete mental
38 health specialists in the areas identifying mental health issues that
39 may affect student-athletes; mental health screening tools;
40 techniques for reducing stressors in student-athletes; and any other
41 areas deemed necessary by the department. The department also
42 shall offer annual training sessions for certified student-athlete
43 mental health specialists. The department shall develop training
44 modules in both traditional and online formats.

45
46 5. The Department of Education shall establish and maintain a
47 central registry of the aggregated screening data submitted by each
48 student-athlete mental health specialist as required pursuant to

1 paragraph (3) of subsection b. of section 2 of P.L. , c. (C.)
2 (pending before the Legislature as this bill). The purpose of the
3 registry shall be to review collected data to determine the stressors,
4 rates, patterns, and trends of mental health disorders in student-
5 athletes in order to develop evidence-based detection, prevention,
6 and intervention protocols. In establishing the registry, the
7 department shall ensure that any student-athlete identifying
8 information received pursuant to this section is confidential and
9 protects student privacy.

10
11 6. Notwithstanding any other provision of law to the contrary, a
12 student-athlete mental health specialist employed by a school
13 district shall not be held liable for damages resulting from any
14 exercise of judgment or discretion in connection with the
15 performance of their duties or for any good faith act or omission
16 consistent with the provisions of sections 1 through 5 of P.L. , c.
17 (C.) (pending before the Legislature as this bill). Good faith
18 shall not include willful misconduct, gross negligence, or
19 recklessness.

20
21 7. There is appropriated from the General Fund to the
22 Department of Education such funds as are necessary to implement
23 the provisions and to effectuate the purposes of sections 1 through 5
24 of P.L. , c. (C.) (pending before the Legislature as this bill).

25
26 8. As used in sections 8 through 13 of P.L. , c. (C.)
27 (pending before the Legislature as this bill):

28 “Pre-season” means activities associated with an intercollegiate
29 athletic program prior to the official activities as organized by the
30 public institution of higher education.

31 “Post-season” means activities associated with the intercollegiate
32 athletic program after completion of the official activities as
33 organized by the public institution of higher education.

34 “Season” means the time that a student-athlete participates in the
35 official activities associated with an intercollegiate athletics
36 program’s official activities as organized by the public institution of
37 higher education.

38 “Student-athlete” means any student enrolled in a public
39 institution of higher education who is a participant in intercollegiate
40 athletics organized by the public institution of higher education.

41
42 9. a. A public institution of higher education with an athletic
43 department that participates in intercollegiate athletics shall be
44 required to appoint two student-athlete mental health specialists. A
45 public institution of higher education shall appoint as a student-
46 athlete mental health specialist an individual that is a State-licensed
47 or State-certified mental health professional qualified pursuant to
48 State law to provide mental health services to young adults. An

1 individual appointed as a student-athlete mental health specialist
2 shall be required to obtain certification and annual training pursuant
3 to section 11 of P.L. , c. (C.) (pending before the Legislature
4 as this bill), and hold a current certification in Mental Health First
5 Aid from the National Council for Mental Wellness.

6 b. The student-athlete mental health specialist shall identify
7 mental health stressors affecting student-athletes, monitor student-
8 athletes' mental wellness, and provide student-athletes, coaches,
9 athletic trainers, and athletic directors with mental health resources.

10 The student-athlete mental health specialist shall:

11 (1) be easily accessible for student-athletes during the academic
12 year. The public institution of higher education shall provide a
13 student-athlete mental health specialist with an on-campus office;

14 (2) meet with each student-athlete assigned to the specialist
15 three times during the student-athlete's season for the purpose of
16 conducting a mental health screening. If a student-athlete is a
17 member of an intercollegiate athletic program that requires the
18 student-athlete to participate in pre-season and post-season
19 activities, the student-athlete mental health specialist shall meet
20 with the student-athlete, as applicable, three times during the pre-
21 season and three times during the post-season;

22 (a) a research-based screening tool shall be used to conduct the
23 screening. Nothing in this subsection shall prohibit a student-athlete
24 mental health specialist from using a self-administered screening
25 tool as part of the screening. The screening shall include an analysis
26 of the student-athlete's mental state, monitor a student-athlete's
27 academics, and detect any changes from previous screenings;

28 (b) a student-athlete, or a student-athlete's parent or guardian if
29 the student-athlete is a minor, may submit a written statement to the
30 student-athlete mental health specialist to waive the screening
31 requirement; and

32 (c) if a student-athlete, or student-athlete's parent or guardian if
33 the student-athlete is a minor, has not submitted a written statement
34 pursuant to paragraph (b) of this subsection, the student-athlete
35 shall be prohibited from participation in any intercollegiate athletics
36 program organized by the public institution of higher education;

37 (3) meet weekly with any student-athlete that has sustained an
38 injury that prevents participation in the intercollegiate athletic
39 program. The weekly meetings shall continue until the student-
40 athlete has been evaluated and receives written clearance from a
41 licensed physician to participate in the athletic activity;

42 (4) annually submit data collected from the screenings for each
43 student-athlete to the Secretary of Higher Education in a form and
44 manner to be determined by the secretary, provided that any data
45 forwarded shall be aggregated and shall not contain any identifying
46 or confidential information with regard to any student-athlete as
47 required under section 12 of P.L. , c. (C.) (pending before
48 the Legislature as this bill); and

1 (5) develop a student-athlete mental health policy for
2 consideration and adoption by the governing board of the
3 institution. The policy shall be for use by a person who coaches an
4 athletic program at a public institution of higher education; an
5 athletic trainer employed by a public institution of higher education;
6 an athletic director of a public institution of higher education; and
7 student-athletes.

8
9 10. a. The student-athlete mental health policy developed
10 pursuant to paragraph (5) of subsection b. of section 9 of P.L. , c.
11 (C.) (pending before the Legislature as this bill) shall include,
12 but not be limited to, the following:

13 (1) the recognition of the symptoms of anxiety, depression,
14 eating disorders, insomnia, substance abuse, and other mental health
15 issues that may affect student-athletes;

16 (2) screening tools for coaches, athletic trainers, athletic
17 directors, and student-athletes;

18 (3) guidance on techniques for reducing stressors that affect a
19 student-athlete's mental health;

20 (4) protocols for non-emergent referrals to qualified mental
21 health practitioners;

22 (5) procedures for emergency mental health situations;

23 (6) transition care for a student-athlete that leaves intramural or
24 interscholastic athletics by means of graduation, dismissal or
25 suspension; and

26 (7) resources and organizations that a student-athlete, coach,
27 athletic trainer, or athletic director can consult for additional
28 services.

29 b. The student-athlete mental health specialist shall provide
30 annual training on the student-athlete mental health policy to any
31 person who coaches and is employed as an athletic trainer and
32 athletic director at a public institution of higher education.

33
34 11. The Secretary of Higher Education shall develop and
35 implement a Student-Athlete Mental Health Specialist Certification
36 Program. A student-athlete mental health specialist appointed
37 pursuant to section 9 of P.L. , c. (C.) (pending before the
38 Legislature as this bill) shall be required to successfully complete
39 the certification program every two years. The certification program
40 shall include training, free of charge, to newly-appointed student-
41 athlete mental health specialists in the areas of detection of mental
42 health issues that may affect student-athletes; mental health
43 screening tools; techniques for reducing stressors in student-
44 athletes; and any other areas as deemed necessary by the secretary.
45 The secretary also shall offer annual training sessions for certified
46 student-athlete mental health specialists. The secretary shall
47 develop training modules in both traditional and online formats.

1 “Student-Athlete Mental Health Specialist Certification” every two
2 years. The bill requires the Department of Education to develop the
3 certification program.

4 Similarly, a public institution of higher education is required to
5 appoint two student-athlete mental health specialists with
6 individuals that are State-certified or State-licensed mental health
7 professionals. A student-athlete mental health specialist at a public
8 institution of higher education is also required to obtain certification
9 in Mental Health First Aid and complete the “Student-Athlete
10 Mental Health Specialist Certification” from the Office of the
11 Secretary of Higher Education every two years. The secretary is
12 required to develop the certification program.

13 Under the bill, the student-athlete mental health specialist is
14 required to screen each student-athlete, provide mental health
15 support to student-athletes, and monitor the impact of sports-related
16 injuries on student-athletes’ mental health. At public institutions of
17 higher education, the two student-athlete mental health specialists
18 are also required to be easily accessible to student-athletes during
19 the academic year and have on-campus offices.

20 A student-athlete in high school or attending a public institution
21 of higher education has the option to waive the screening
22 requirement by submitting a written statement to the student-athlete
23 mental health specialist. However, if the student-athlete refuses the
24 screening but does not submit a written statement, the student-
25 athlete will be prohibited from participating in the organized sport.

26 Additionally, a student-athlete mental health specialist, at both
27 the high school and college levels, is responsible for the creation of
28 a student-athlete mental health policy that: 1) recognizes the
29 symptoms of mental health disorders that may affect student-
30 athletes; 2) establishes mental health screening tools; 3) provides
31 guidance on techniques for reducing stressors; 4) establishes
32 protocols for non-emergent mental health referrals and emergent
33 mental health situations; 5) creates a plan for transition care for
34 students-athletes that leave the program; and 6) lists additional
35 mental health resources and organizations that a student-athlete can
36 consult for additional services.

37 Under the bill, the department is required to establish a central
38 registry of the aggregated screening data collected by a student-
39 athlete mental health specialist for student-athletes in each school
40 district. The secretary is required to create and maintain a similar
41 registry from the aggregate data collected for student-athletes at
42 public institutions of higher education. The purpose of these
43 registries are to determine the stressors, rates, patterns, and trends
44 of mental health disorders in student-athletes in order to develop
45 evidence-based detection, prevention, and intervention protocols.
46 The bill stipulates that, in establishing both registries, the
47 department and secretary are required to ensure that any student
48 identifying information remains confidential.

1 Under the bill, student-athlete mental health specialists are not
2 subject to liability for exercising their judgment or discretion in
3 connection with the performance of their duties or for any good
4 faith act or omission related to the requirements set forth in the bill.

5 Finally, the bill makes an appropriation from the General Fund to
6 the department for the costs of implementing the provisions
7 affecting high school student-athletes and to the secretary for the
8 costs associated with implementing the provisions affecting college-
9 aged student-athletes.

10 The student-athlete mental health specialist position is created at
11 the high school and college levels to improve student-athlete mental
12 wellness. It is the intent of this bill to address mental health issues
13 that affect high school and college student-athletes. Studies have
14 indicated that student-athletes are less likely than their non-athlete
15 peers to seek counseling and other professional help services. This
16 bill seeks to remove the stigma of seeking mental health services by
17 requiring the student-athlete mental health specialist to routinely
18 meet with student-athletes, provide mental health support to
19 student-athletes, and monitor the impact of sports-related injuries
20 on student-athletes' mental health.