

**ASSEMBLY, No. 4264**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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INTRODUCED MAY 2, 2024

**Sponsored by:**

**Assemblyman MICHAEL VENEZIA**

**District 34 (Essex)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblyman WILLIAM B. SAMPSON, IV**

**District 31 (Hudson)**

**Co-Sponsored by:**

**Assemblywomen Morales, Sumter and Flynn**

**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: 5/16/2024)**

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       12. The Secretary of Higher Education shall establish and  
2 maintain a central registry of the aggregated screening data  
3 submitted by each student-athlete mental health specialist as  
4 required pursuant to paragraph (4) of subsection b. of section 9 of  
5 P.L. , c. (C. ) (pending before the Legislature as this bill).  
6 The purpose of the registry shall be to review collected data to  
7 determine the stressors, rates, patterns, and trends of mental health  
8 disorders in student-athletes in order to develop evidence-based  
9 detection, prevention, and intervention protocols. In establishing  
10 the registry, the secretary shall ensure that any student-athlete  
11 identifying information received pursuant to this section is  
12 confidential and protects student privacy.

13  
14       13. Notwithstanding any other provision of law to the contrary,  
15 a student-athlete mental health specialist employed by a public  
16 institution of higher education shall not be held liable for damages  
17 resulting from any exercise of judgment or discretion in connection  
18 with the performance of their duties or for any good faith act or  
19 omission consistent with the provisions of sections 9 through 12 of  
20 P.L. , c. (C. ) (pending before the Legislature as this bill).  
21 Good faith shall not include willful misconduct, gross negligence or  
22 recklessness.

23  
24       14. There is appropriated from the General Fund to the Secretary  
25 of Higher Education such funds as are necessary to implement the  
26 provisions and to effectuate the purposes of sections 9 through 12  
27 of P.L. , c. (C. ) (pending before the Legislature as this bill).

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29       15. This act shall take effect immediately and shall first apply to  
30 the first full academic year following the date of enactment.

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32

33

#### STATEMENT

34

35       This bill requires the appointment of student-athlete mental  
36 health specialists at public school districts and public institutions of  
37 higher education.

38       Under the bill, a school district that is a voluntary member of the  
39 New Jersey State Interscholastic Athletic Association (NJSIAA) is  
40 required to appoint a student-athlete mental health specialist. A  
41 school district may appoint a school guidance counselor, school  
42 psychologist, or another individual similarly trained that is already  
43 employed by the district if the individual is a State-licensed or  
44 State-certified mental health professional. A school district also has  
45 an option under the bill to hire a State-licensed or State-certified  
46 mental health professional to fill this position. A person appointed  
47 to the student-athlete mental health specialist position is required to  
48 obtain certification in Mental Health First Aid and complete the



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.