

CHAPTER 237

AN ACT concerning student mental health, supplementing chapter 40 of Title 18A of the New Jersey Statutes, and making an appropriation.

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

C.18A:40-5.5 Findings, declaration relative to mental health.

1. The Legislature finds and declares that:

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

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

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

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

C.18A:40-5.6 Mental Health Screening in Schools Grant Program; purposes of program.

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

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

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

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

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

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

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

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

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

(2) To assist districts in selecting a research-based screening tool to use as part of depression screening programs, the Department of Education, in consultation with the Department of Children and Families, may develop a list of pre-approved research-based screening tools that are validated to screen depression in adolescents. The list shall be posted on the departments' Internet websites.

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

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

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

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

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

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

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

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

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

(7) as applicable, the details of any partnership with an organization or provider specializing in pediatric and adolescent mental health services, which shall include, but not be limited to, the name of the organization or provider, the number of students being served by the organization or provider, the expected timeframe to screen the students, the costs associated with engaging in a partnership with the organization or provider, and the location where the screenings will take place. A school district shall detail whether student health insurance information will be required under its agreement with a partner organization or provider, how it will obtain that information, and what accommodations will be made for uninsured or underinsured students whose parents or guardians have consented to the depression screening;

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

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

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

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

C.18A:40-5.7 Mental Health Screening in Schools Grant Program Fund established.

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

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

C.18A:40-5.8 Depression screening programs; report and evaluation.

4. a. The Commissioner of Education shall develop a report, or contract with a research institution or organization to develop a report, evaluating depression screening programs in

school districts participating in the Mental Health Screening in Schools Grant Program established pursuant to section 2 of this act as well as other school districts that have developed depression screening programs. In developing the report, the commissioner or contracted research organization or institution shall analyze the data forwarded to the Department of Education and the Department of Children and Families pursuant to subparagraph (g) of paragraph (1) of subsection b. of section 2 of this act. The study shall include information on:

- (1) the costs of the programs to the districts and to parents or legal guardians of students, as well as any co-pays received by practitioners as part of the depression screening programs;
- (2) the number of students identified as at risk of depression by the depression screenings in each district;
- (3) the number of students who were provided mental health services as a result of the screenings;
- (4) the number of students who were identified as needing follow-up services;
- (5) the number of school staff members involved in the depression screening process and the time spent administering the screening;
- (6) best practices utilized by the districts or mental health providers in implementing the depression screening programs;
- (7) the health, academic, and safety benefits associated with establishing a depression screening program and an evaluation of any potential negative impacts on school districts and families that may be associated with implementing a depression screening program; and
- (8) findings and recommendations concerning additional resources that may be necessary to screen adolescents for depression and to provide follow-up services to adolescents who have exhibited abnormalities in depression screenings.

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

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

6. This act shall take effect immediately and shall first apply in the first full school year following the date of enactment.

Approved September 28, 2021.