

STATE OF NEW YORK

9750

IN ASSEMBLY

April 3, 2024

Introduced by M. of A. E. BROWN -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to requiring the commissioner to develop model mental health screenings for students and associated guidelines to assist school mental health screeners to perform mental health screening services

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 912-c
2 to read as follows:

3 § 912-c. Student mental health screening. 1. For purposes of this
4 section, "school mental health screener" shall mean a school psychol-
5 ogist, school social worker, or a health professional or other employee
6 of a school as deemed appropriate by the commissioner, in conjunction
7 with the commissioner of health and the commissioner of mental health,
8 to perform a mental health screening pursuant to this section.

9 2. The commissioner, in conjunction with the commissioner of health
10 and the commissioner of mental health, shall develop model mental health
11 screenings and associated guidelines to assist school mental health
12 screeners to perform mental health screening services to identify
13 current or emerging concerns in students' mental health. The guidelines
14 shall include varying mental health screening models that correspond to
15 the differing levels of trained or licensed health professionals avail-
16 able in school districts across the state.

17 3. Model mental health screenings shall be designed to screen individ-
18 uals for depression, anxiety, bipolar disorder, post-traumatic stress
19 disorder (PTSD), early psychosis, or potential addiction disorders.
20 Models may differ in their ability to detect each listed mental illness
21 in correspondence with the commissioners' recommendations regarding the
22 appropriate levels of training or licensed professionals required.

23 4. The guidelines shall include, but shall not be limited to:
24 a. recommendations for the frequency of such mental health screenings;
25 b. instruction for the confidential maintenance of health records in
26 compliance with the appropriate federal and state laws, including the

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 Family Educational Rights and Privacy Act (FERPA) and the Health Insur-
2 ance Portability and Accountability Act of 1996 (HIPAA);

3 c. the appropriate level of training or licensed professionals to
4 perform each model mental health screening variation;

5 d. information regarding how to report screening results to the appro-
6 priate agencies;

7 e. recommendations for incorporating such mental health screenings
8 into health examinations performed by other health professionals;

9 f. signs and symptoms of mental illnesses that are most prevalent
10 among the student population in New York; and

11 g. resources to provide to those students who may need access to
12 further mental health treatment at the conclusion of a screening, as
13 decided by the health official administering such screening.

14 5. The commissioner shall make the model mental health screenings and
15 associated guidelines, and any other materials developed pursuant to
16 this section available to the public on the department's website and to
17 appropriate school district officials upon request at no charge. Noth-
18 ing in this section shall be construed as to require any school or
19 school district to use any such model mental health screenings or guide-
20 lines developed pursuant to this section, nor shall this section be
21 construed as to require any school or school district to perform mental
22 health screenings.

23 § 2. This act shall take effect one year after it shall have become a
24 law. Effective immediately, the addition, amendment and/or repeal of any
25 rule or regulation necessary for the implementation of this act on its
26 effective date are authorized to be made and completed on or before such
27 effective date.