

# STATE OF NEW YORK

7325

2023-2024 Regular Sessions

## IN SENATE

May 19, 2023

Introduced by Sen. CANZONERI-FITZPATRICK -- read twice and ordered printed, and when printed to be committed 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:

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

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

2. The commissioner, in conjunction with the commissioner of health and the commissioner of mental health, shall develop model mental health screenings and associated guidelines to assist school mental health screeners to perform mental health screening services to identify current or emerging concerns in students' mental health. The guidelines shall include varying mental health screening models that correspond to the differing levels of trained or licensed health professionals available in school districts across the state.

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

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

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1     4. The guidelines shall include, but shall not be limited to:  
2     a. recommendations for the frequency of such mental health screenings;  
3     b. instruction for the confidential maintenance of health records in  
4     compliance with the appropriate federal and state laws, including the  
5     Family Educational Rights and Privacy Act (FERPA) and the Health Insur-  
6     ance Portability and Accountability Act of 1996 (HIPAA);  
7     c. the appropriate level of training or licensed professionals to  
8     perform each model mental health screening variation;  
9     d. information regarding how to report screening results to the appro-  
10    priate agencies;  
11    e. recommendations for incorporating such mental health screenings  
12    into health examinations performed by other health professionals;  
13    f. signs and symptoms of mental illnesses that are most prevalent  
14    among the student population in New York; and  
15    g. resources to provide to those students who may need access to  
16    further mental health treatment at the conclusion of a screening, as  
17    decided by the health official administering such screening.  
18    5. The commissioner shall make the model mental health screenings and  
19    associated guidelines, and any other materials developed pursuant to  
20    this section available to the public on the department's website and to  
21    appropriate school district officials upon request at no charge.

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