STATE OF NEW YORK

7325--A

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 -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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in correspondence with the commissioners' recommendations regarding the appropriate levels of training or licensed professionals required.

4. The guidelines shall include, but shall not be limited to:

a. recommendations for the frequency of such mental health screenings;

b. instruction for the confidential maintenance of health records in compliance with the appropriate federal and state laws, including the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA);

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

d. information regarding how to report screening results to the appropriate agencies;

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

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

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

5. The commissioner shall make the model mental health screenings and associated guidelines, and any other materials developed pursuant to this section available to the public on the department's website and to appropriate school district officials upon request at no charge. Nothing in this section shall be construed as to require any school or school district to use any such model mental health screenings or guidelines developed pursuant to this section, nor shall this section be construed as to require any school or school district to perform mental health screenings.

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