

## **NJPSA Comments on S-3554 (Gopal) Before the Senate Education Committee February 23, 2023**

Thank you for the opportunity to discuss an issue of great concern to the members of the NJ Principals and Supervisors Association, the building-level leaders in our schools. This issue is the delicate balance they must strike every day in ensuring the health and welfare of every student in the learning environment of their schools. Post-pandemic, our students, ages 13-17, have brought new challenges through the schoolhouse doors, with 14% experiencing mood disorders, 19% experiencing behavioral disorders and 32% experiencing anxiety disorders that interfere with their learning experiences in schools. (2021 Report Substance Abuse and Mental Health Services Administration) In some cases, a student may pose a potential danger to himself or others and in these cases, our members must act in the best interests of the student and the entire school community.

S-3554 attempts to address this particular circumstance by establishing mandatory policies and procedures for schools to follow when a student is sent out for a mental health screening due to a potential danger the student poses. The bill has been shared with the NJPSA Legislative Committee for review. On our members behalf, I thank you Chairman Gopal for posting this bill for discussion purposes only today as it raises many complex issues in law and practice for our members in the field and some unintended consequences for the students we are seeking to assist and the student body we must protect from potential harm.

With me today to begin this conversation is Principal Mike Lassiter from Highland Park High School in Middlesex County. Mike is an experienced administrator with over 16 years' experience as a principal and 28 years' service to the Highland Park district. His high school has nearly 500 students in a district of 1500 students. It is my pleasure to turn this discussion over to Mike Lassiter at this time.

### **NJPSA Concerns**

1. As currently drafted, the legislation fails to recognize significant differences in procedural requirements for students with disabilities and general education students. The Individuals with Disabilities Act (IDEA) and the Rehabilitation Act of 1973 set forth specific requirements for the development of and change to educational plans, removal procedures and circumstances, and even procedures for expedited judicial review if a student is a potential danger. S-3554 must be amended to reflect current state and federal law and code.

Recently, on February 8, the NJDOE issued a guidance document to school districts, *Guidance Regarding the Use of Psychiatric Clearances for Students with Disabilities* (see attached) that must also be reviewed for consistency with this proposed legislation. This area of threat assessment and referrals is one of high importance and districts and school staff should not be burdened with differing

information and requirements. Districts have received recent training on threat assessment and have established teams to do this important work. Please be mindful of what is already in place before adding on new requirements.

2. Please be mindful that there is a shortage of mental health professionals to do mental health screenings and to provide needed services. This may lead to delays in a student's clearance to return back to school. As a result, timelines should be flexible within legislation since these issues are beyond a school's control.
3. The situations we are discussing are emergencies. As a result, bill language requiring a consultation prior to removal of a student with disabilities may be impractical. In practice, school leaders attempt to do this where they can, but the statutory language must provide more realistic language for the context of the emergency. Information that a student has a weapon in school, for example, will require school leaders to act differently than another circumstance where a child study team meeting could take place.
4. Our members strongly disagree with the bill's requirement that any general education student that is cleared to return to school be evaluated for an intellectual disability or a 504 plan. All school districts have a multi-tiered system of supports in place to provide an appropriate level of services to students. As a student returns from a screening this system, which includes an intervention and referral process, is the appropriate approach to utilize since it includes potential referral for special education or 504 services evaluation and other levels of intervention and services depending upon the specific needs of each individual student.
5. Our members raised concerns about the bill's provisions that the parents would incur no cost for the mental health screening, particularly if the parents have appropriate health coverage. The frequency of these mental health screenings has risen dramatically in school districts, with many districts doing 3 or more a week.
6. Members also raised concerns about posting lists of employees since assignments change regularly in this area. A main point of contact is more appropriate. Similarly, we have concerns with providing parents with a statewide list of licensed mental health clinicians available to conduct an evaluation. There is a shortage of these individuals and no guarantee that the clinicians on a statewide list will take the parents we send them. Instead, the proposed NJ4S System, to go into effect in September will be establishing regional lists of providers which may be a more effective approach – we will see.

7. Mental health issues contain important health privacy protections. The data collection provisions of paragraph 6 must comply with these and protect student privacy at all costs. This is not possible to do if the data is disaggregated by school district. It should only be reported on a statewide level. It may be too easy to ascertain who students are by district and identifying demographics. The mental health stigma is already a barrier to students seeking the help they need.
  
8. One issue that our members face regularly is when a student returns to them bringing a “release” from a mental health professional, not a “clearance”. This puts the school official in a precarious position since the mental health professional has not taken a position on whether the student continues to be a danger to self or others. We recommend that the bill contain indemnification language that will protect both mental health professionals and school employees involved in this process. If these individuals know they are free from a potential lawsuit so long as they act in good faith, they will make the needed call on the student’s state of being so schools can safely return that student to learning.
  
9. Schools are being sent bills from screenings from doctors beyond the screening itself. Some schools have been sent bills for lab panels, covid tests, physicals and more. The bill should clarify the potential district cost and provide funding if districts are to be charged for these services.

As NJPSA continues to review this legislation, we will continue to provide suggestions to the sponsor and the committee. Thank you for hearing our concerns.

Submitted by:

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and

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