



February 13, 2023

**Position Statement**

**Concerning**

**S-3554 (Gopal)**

**Establishes requirements for removal of students from public school pending mental health clearance.**

The New Jersey School Boards Association (NJSBA), a federation of all the school districts in New Jersey, believes that local boards of education should provide conditions and establish policies that will ensure the health and safety of students.

In 2019, the NJSBA released its report, *Building a Foundation of Hope* <https://www.njsba.org/wp-content/uploads/2019/09/NJSBA-Final-Mental-Health-Task-Force-Report-September-2019.pdf> which noted that “Twenty percent of students between the ages of 13 and 18 live with a mental health disorder...If the central mission of New Jersey public schools is to provide a ‘thorough and efficient education,’ preparing students for college, career and success in life, then it is essential that schools address the mental health of their students...By ignoring their mental health, we are limiting our students’ future promise.” S-3554 attempts to address one aspect of that student mental health crisis—removal and return of a student to the school environment.

**S-3554 must be consistent with current federal and state standards concerning mental health removals.** On February 8, 2023, the NJDOE issued a memo entitled *Guidance Regarding the Use of Psychiatric Clearances for Students with Disabilities*.

<https://www.nj.gov/education/broadcasts/2023/feb/8/GuidanceRegardingtheUseofPsychiatricClearancesforStudentswithDisabilities.pdf> This memo and its accompanying federal guidance should be reviewed for consistency with S-3554, as there are differences between the two documents. For instance, the NJDOE memo indicates that a physician can provide a mental health clearance while S-3554 does not. With the documented shortage of mental health professionals, <https://www.apa.org/monitor/2022/01/special-childrens-mental-health> a bill that provides maximum flexibility would be best for parents, students and school districts. Additionally, with the current statutory, regulatory and agency guidance already available, the provisions of S-3554 should amplify and compliment what currently exists.

**S-3554 should emphasize the importance of supports for both students and their families.**

S-3554 places a greater emphasis on procedures than on ensuring the student is safe and returns to a safe and supportive environment. For instance, in Section 2a(3), the bill requires that “upon the student’s return to school” the child study team shall review and update the student’s IEP. NJSBA recommends that this be completed *prior to* the student’s return to school to ensure that the proper programs and services are in place upon return of the student. Additionally, this section should ensure that for the general education student who may not meet the criteria for services under the IDEA or the Rehabilitation Act of 1973, that they are made aware of other supports, such as the NJ Tiered System of Supports.

**S-3554 should provide needed funding to support its goals.**

To the extent that this bill creates additional duties and responsibilities upon local school districts, sufficient funding should be provided to meet the training needs of staff, to increase the supply of medical professionals to perform mental health clearances and bolster the supply of educational services personnel in New Jersey’s schools to ensure the success of our students.

The NJSBA thanks the Senate Education committee for consideration of these comments and looks forward to working with the sponsor and fellow stakeholders on S-3554.