

## **New Jersey School Boards Legislative Update**

**February 28, 2023**

**Forwarded by Vicki Shoemaker**

The last week has been an incredibly busy one at the State House. The Senate Education Committee convened to consider various proposals aimed at enhancing student mental health, the Assembly Appropriations Committee advanced a handful of education-related bills, including one that would make various changes to state laws governing school facility projects. Lastly, the full Senate and General Assembly both held voting sessions to advance various pieces of legislation relating to PreK-12 education.

### **Senate Education Committee**

***Mental Health Clearances for Students*** The committee discussed, but did not vote on, S-3554, which would require school districts to follow specific procedures whenever the district determines to remove a student from school pending a mental health clearance by a licensed mental health clinician. “Mental health clearance” is defined in the bill to mean “an assessment conducted by a licensed mental health clinician to determine, at the time of the assessment, whether a student is substantially likely to injure themselves or others if returned to school;” “licensed mental health clinician” is defined to include a licensed clinical social worker; licensed psychologist; licensed professional counselor; psychiatric advanced practice nurse; or psychiatrist.

The bill would require districts to adopt a policy that includes:

- Removal for mental health clearance is only used in an emergency in which the student is exhibiting behavior at the time of removal that places the student or others in immediate physical danger.
- The removal is documented in writing in sufficient detail to be used in the mental health clearance and to enable staff to address student behavior. In the case of a classified student, consultation with the child study team will occur prior to removal.
- Upon the student’s return to school, in the case of a classified student, the child study team is to review and update the student’s individualized education plan, and in the case of a student with a 504 plan, the 504 team is to review and update the 504 plan. In the case of a general education student, the student is to be evaluated to determine if the student is eligible for special education programs and services or a 504 plan.
- The student’s parent or guardian is immediately notified when the decision is made to remove the student. A full written report of the incident is to be provided to the parent or guardian within 48 hours of the removal decision.

- Appropriate instruction is provided to a student who is removed from school for more than five days. In the case of a student with an IEP or a 504 plan, the instruction is to be consistent with that plan.
- The family will bear no cost for the mental health clearance, unless they use a clinician not included on the state's list.
- Every reasonable effort is made to ensure the student's prompt return to school.
- No conditions other than the mental health clearance may be imposed for the return to school, except actions required under the Individuals with Disabilities Education Act, the federal Rehabilitation Act of 1973, or state law and regulations concerning student discipline.
- Any communication with a student's parent/guardian concerning the student's removal and required mental health clearance shall be documented in writing.
- Minimizing the use of such removals through the use of other available student intervention programs.
- Compliance with new regulations that the State Board of Education would be required to adopt under the bill, which would address, among other topics, definitions of what constitutes cause to remove a student for mental health clearance, a statewide list of licensed mental health clinicians available to conduct such clearances, and any limitations on the use of such removals, including ensuring that such removals are consistent with the IDEA.

The district's policy must be provided to parents and posted online, along with a list of employees who will serve as points of contact for removal of students for mental health clearance. The bill further requires the NJDOE to annually collect and publish certain data on students removed from school for a mental health clearance, disaggregated by special education status, county, race, gender and age.

[The NJSBA testified](#) expressing several concerns on the bill, namely that it (1) must be reviewed for consistency with federal and state standards concerning mental health removals, (2) should place greater emphasis on supports that ensure a safe and supportive environment, rather than procedure, (3) should provide sufficient funding to meet the training needs of staff and to increase the supply of mental health professionals able to perform mental health clearances. S-3554 remains in the Senate Education Committee, and the bill does not have an Assembly counterpart at this time.

***Mental Health Excused Absences*** The committee discussed, but did not vote on, two bills designed to facilitate the designation of mental or behavioral health reasons as "excused absences."

- **S-2151:** Would entitle each public school student to five state-excused absences per school year to care for mental or behavioral health needs. Under the bill:

- A student may be referred to the appropriate school support personnel following the student's second mental or behavioral health absence.
- Any transcript, application, employment form, or any similar form concerning a student's attendance record shall not show absences for mental or behavioral health needs.
- A district shall not consider mental or behavioral health absences when determining whether a student has perfect attendance.
- A student shall provide such nonmedical documentation as deemed necessary by the superintendent to meet the requirements of a mental or behavioral health excused absence.
- The DOE shall develop guidelines defining an excused absence for mental or behavioral health.
- **S-2414:** Would permit school districts to include student illness based on mental or behavioral health as a locally-excused absence, i.e. as an absence that is considered approved or excused by the district for the purposes of expectations and consequences regarding truancy, student conduct, promotion, retention and the award of course credit. The bill would require the NJDOE to develop guidance on defining such an excused absence, including the supporting documentation that may be required upon the student's return from school.

The NJSBA testified that while both bills offer useful and constructive provisions for facilitating greater student supports through excused absences for mental health days, the general framework of S-2414 – that such absences be excused on the local level, through local policy, as opposed to at the state level as a state-excused absence – would better meet the needs of districts and their students. To add mental or behavioral health as a state-excused absence, NJSBA cautioned, may have the unintended and inequitable effect of penalizing districts more harshly for student absences due to physical health than absences due to mental health. The NJSBA further testified supporting the provision in S-2151 allowing districts to refer students to school support personnel following the student's second mental or behavioral health absence. Both bills remain in the Senate Education Committee. Their Assembly counterparts have not moved; both are pending in the Assembly Education Committee.

***Grief Instruction*** S-3330 would require the State Board of Education to adopt, and districts to implement, New Jersey Student Learning Standards pertaining to grief in the Comprehensive Health and Physical Education content area at its next required update of the standards. The standards would be included in grades 8 to 12 and would address the physical, emotional, and behavioral symptoms of grief; coping mechanisms; and resources available to students. The NJDOE would be required to provide districts with age-appropriate resources to support implementation of the standards. The NJSBA supports the bill, which next heads to the full Senate for further consideration.

**Youth Suicide Prevention S-1662** would require the New Jersey Youth Suicide Prevention Advisory Council to prepare a report regarding suicide prevention instruction in public schools. The report would include, but not be limited to:

- Identifying the suicide prevention instruction currently provided to teaching staff members and students.
- Reviewing the effectiveness and sufficiency of such instruction.
- Identifying methods public schools may use to identify students who may be at risk for suicide or self-injury.
- Identifying best practices in public schools for the prevention of youth suicide and self-injury.
- Identifying opportunities to enhance access to mental health treatment in public schools.

The council would be empowered to request data from the NJDOE to inform their report; if the NJDOE does not have the requested data, the NJDOE would be required to request the data from any school district that may have access to the information. The NJSBA supports the bill, which also received approval by the full Senate on Feb. 27. It next heads to the Assembly Women and Children Committee for further consideration.

**Mental Health Service Guidelines S-3543** would require the NJDOE, in partnership with the New Jersey Department of Human Services and the Department of Children and Families, to develop school district guidelines for providing mental health services to students. The guidelines would reflect the findings of the NJDOE's "[Comprehensive School-Based Mental Health Resource Guide](#)" published in February 2022. In developing the guidelines, NJDOE would be required to seek the input of school district administrators, educators, mental health professionals and other stakeholders. The guidelines would address such topics as establishing sustainable partnerships with community providers, providing culturally sensitive mental health services, and incorporating new technology including, but not limited to, providing mental health services through virtual or remote means. The NJDOE would also be required to create a database of available mental health resource providers throughout the state. The NJSBA supports the bill, which next heads to the full Senate for further consideration.

#### **Assembly Appropriations Committee**

**Revisions to School Facilities Law and SDA Operations:** A-4496 would make various changes to the laws governing school facilities projects and the operations of the New Jersey Schools Development Authority. For additional information, please see the NJSBA's Feb. 14 *School Board Notes* article "[Assembly Education and Senate Budget and Appropriations Committees Advance Various Education Measures](#)"

***Educator Scholarship Program*** A-3681 would establish the New Jersey Educator Scholarship Program. The program would award a total of 200 scholarships annually (50 for eligible recipients in each freshman, sophomore, junior, and senior years of college) to college students who, within five years of graduating and completing an educator preparation program, accept full-time employment as a teacher in a New Jersey public school for at least three full school years. The three years of employment may be nonconsecutive and may be divided between multiple public school districts in New Jersey. The bill specifies that the Higher Education Student Assistance Authority, in consultation with the NJDOE, may establish additional eligibility requirements and minimum qualifications for participation in the program, including limiting scholarships to students pursuing degrees in content areas facing a shortage of teachers. If a scholarship recipient does not complete three full years of employment as a teacher in a New Jersey public school within five years of graduating and completing their educator preparation program, they must repay the amount of the scholarship, prorated against the duration of their employment. The committee amended the bill to:

- Specify, consistent with the bill’s Senate counterpart, that scholarships can only cover up to 18 credits of tuition that is not covered by other scholarships. Scholarships would also be capped at the average in-state tuition amount charged by four-year public institutions of higher education.
- Clarify, consistent with the bill’s Senate counterpart, that scholarship recipients may fulfill their public school employment requirements at charter or renaissance schools.
- Make a supplemental appropriation of \$3 million in fiscal year 2023 (in addition to the \$1 million already appropriated in the fiscal year 2023 Appropriations Act) and require the Legislature to annually appropriate \$4 million for the program beginning in fiscal year 2024.

The NJSBA supports the bill. It was approved by the Assembly Education Committee in May 2022 and by the full Assembly on Feb. 27; its Senate counterpart, S-2661, was approved by the Senate Education Committee in June 2022 and by the Senate Budget and Appropriations Committee in October 2022. The bills now await further consideration by the full Senate.

***Alternative Teaching Pathway*** S-1553/A-4525 would establish the “alternative certificate of eligibility.” A teacher candidate would be eligible for the alternative CE if the candidate meets all CE eligibility requirements except the basic skills requirement. Holders of the alternative CE would be eligible to receive their standard certification upon completion of four years of continuous employment using their alternative certificate, and provided that they complete all applicable requirements to earn their standard certificate. The bill prohibits the imposition of additional qualifications toward the acquisition of

tenure on holders of an alternative CE, and provides that employment accrued under an alternative CE must be applied toward eligibility for tenure in the same manner as employment accrued under a traditional CE. The committee amended the bill to remove flexibilities in a previous version that would have also exempted teacher candidates from requirements to pass the appropriate Praxis II, the state's test of subject matter knowledge. NJSBA supports the bill. S-1553 passed the Senate in June 2022 and the Assembly Education Committee in Feb. 2023. It now awaits further consideration by the full Assembly.

***Survey on Holocaust Instruction*** A-4720 would require the NJDOE to develop and distribute to school districts a survey regarding instruction on the Holocaust and genocides. The survey would be designed to assess whether and how school districts are implementing existing instructional requirements regarding the Holocaust and genocides, and any additional resources or training that teachers need to provide the instruction. The bill would allow the NJDOE to require a school district identified by the survey as not meeting those requirements to complete a corrective action plan. The NJDOE would be required to submit a report to the governor and Legislature within 210 days detailing the findings of the survey and, if needed, recommendations to strengthen the instructional requirement.

The NJSBA is monitoring the bill, which was also approved by the full Assembly on Feb. 27. Its Senate counterpart, S-3145, passed the Senate Education Committee in December 2022, and the Senate Budget and Appropriations Committee in January 2023. The bills may now be posted for consideration by the full Senate.

***Youth Disconnection Prevention*** A-398/S-3080 would establish the position of Youth Disconnection Prevention and Recovery Ombudsperson in the NJDOE and establish the "School Disconnection Prevention Task Force." The version of the bill approved by the committee Feb. 23 replaces a previous version, which originally would have established an "Office of Dropout Prevention and Reengagement of Out-of-School Youth."

The ombudsperson would be appointed by the governor, serve at the pleasure of the governor, and report directly to the commissioner of education. The duties of the ombudsperson would include:

- Collaborating with school districts to develop and implement a statewide strategic plan of action.
- Collaborating with a variety of governmental agencies to address the challenges facing student dropouts.
- Developing best practices consistent with the recommendations of the School Disconnection Prevention Task Force.

- Advising the commissioner on ways to prevent students from disconnecting from school and strategies for reengaging students who have disconnected from school.

The bill would also establish the “School Disconnection Prevention Task Force.” The task force would consist of 25 members including: the Youth Disconnection Prevention and Recovery Ombudsperson, who will serve as the chair of the task force; the commissioners of the Departments of Education, Corrections, Labor and Workforce Development, Human Services, and Children and Families; the secretary of higher education; the executive director of the Juvenile Justice Commission; and 17 members appointed by the governor. The duties of the task force would include:

- Examining current data on disconnected youth.
- Researching programs and initiatives addressing school disconnection.
- Examining possible contributing factors for students leaving school.
- Identifying effective ways to reduce the number of disconnected youth.
- Advising the Youth Disconnection Prevention and Recovery Ombudsperson on the task force’s findings.

S-3080 passed the Senate on Feb. 2. The Assembly Appropriations Committee then amended the bill (changing the membership of the Task Force), requiring it to receive a second approval by the Senate. The bill passed the Assembly Feb. 27. The NJSBA supports the bill, which may now be posted again in the Senate.

### **Senate Voting Session**

**CTE Scholar Awards** A-1791/S-3306 would require the NJDOE, in consultation with the Department of Labor and Workforce Development, to establish a “Career and Technical Education Scholar Awards” program. The program would annually recognize outstanding CTE students, according to an application procedure and criteria set by the NJDOE. In addition to demonstrating high levels of achievement in their courses, awardees would have to complete a college-level course or a work-based learning experience and participate in a career and technical education student organization or a community-service project that demonstrates application of career and technical skills. The NJDOE would post the names of recipients of the CTE Scholar Awards on its website, and recognize recipients with a certificate, press announcement, or other recognition. The NJSBA supports the bill, which passed the Assembly in October 2022, the Senate Education Committee on Jan. 12, and now awaits action by the governor.

**Providing School Meal Info to Parents** S-530 would revise the type of information that must be sent to parents or guardians at the beginning of the school year regarding the district’s school meal programs.

Under legislation signed in September (the "[Working Class Families Anti-Hunger Act](#)" P.L.2022, c.104), school districts are required to provide, in paper or electronic format, parents with a school meals application form. S-530 would amend that requirement to specify that the application must be provided as a hard copy. The bill would also add that districts must include a notice that an application to apply for school meal programs may be submitted at any time during the school year and is required to be submitted annually.

In addition to modifying the school meal information that must be provided to parents, S-530 would establish a new requirement that school districts ensure parents either apply for school meal programs or submit a signed card provided by the district indicating that they have received the application and are not interested in participating. If a district does not receive an application or signed card, the district would be required to make at least one attempt to contact the student's parent and request that the application or card be submitted. The NJSBA supported the legislation, which next heads to the Assembly Education Committee for further consideration.

**Multiple Providers of 403(b) Plans** S-2411 would require a board of education of a school district with a student enrollment of at least 1,000 students that offers a 403(b) plan to its employees to select a minimum of three financial institutions or pension management organizations to provide services to the 403(b) plan. If fewer than three institutions or pension management organizations are available, then the board must select the number that are available to meet the requirements of the bill. On Feb.2, the Senate amended the bill to provide that a board of education is not responsible for any investment loss or failure of an investment to earn any specific return for the services provided by the financial institutions or pension management organizations providing services to the 403(b) plan. NJSBA took no position on the bill, which is not expected to have any significant operational or financial impact on school districts to which it will apply. The bill next heads to the Assembly Education Committee for further consideration.

**Rowan VETeach Pilot Program** S-2764 would establish the "VETeach Pilot Program" in the NJDOE designed to help address the educator shortage by helping facilitate teacher certification for the state's veterans. Under the pilot program, Rowan University would enroll, in a 36-month teacher preparation program, veterans who served in the armed forces on or after Sept. 11, 2001. The program would lead to a baccalaureate degree and completion of the requirements necessary to apply to the NJDOE for a certificate of eligibility with advanced standing in certain endorsement areas. The bill is modeled on legislation that established a [similar program at Stockton University](#) in 2012 (P.L.2012, c.2). NJSBA supports the bill, which passed the Senate Education Committee



Oct. 27, the Senate Budget and Appropriations Committee Feb. 13, and now awaits further consideration by the Assembly Education Committee.

#### **Assembly Voting Session**

***DOE Registry of Tutors*** A-4458 would require the NJDOE to establish and post on its website a searchable registry of individuals and organizations interested in offering free tutoring services to students throughout New Jersey. The bill specifies certain qualifications that an individual or organization may possess to be eligible to apply for inclusion on the registry, including but not limited to a teacher with a New Jersey certification, a retired New Jersey teacher who was in good standing at the time of retirement, a student enrolled in a two- or four-year institution of higher education in the state, or an industry professional with relevant subject matter expertise. The bill would require anyone included on the registry to undergo a criminal history record check. NJSBA supports the bill.

To view the full text of any of the bills summarized above, please [visit the New Jersey Legislature's website](#).