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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1879 Session of  
1995

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INTRODUCED BY BARD, WAUGH, DEMPSEY, TRELLO, JAROLIN, FLICK,  
EGOLF, SATHER AND HORSEY, JUNE 28, 1995

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REFERRED TO COMMITTEE ON EDUCATION, JUNE 28, 1995

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AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," further providing for school health  
6 services; and making editorial changes.

7 The General Assembly finds and declares as follows:

8 (1) Established State requirements for education,  
9 licensing and registration of health professionals within  
10 this Commonwealth ensure the public that nurses and dental  
11 hygienists maintain high standards within their respective  
12 professions.

13 (2) Even though these professionals are so licensed and  
14 registered and maintain the high standards of their  
15 profession, they are not qualified to be employed by a school  
16 district without additional educational certification.

17 (3) This mandate has served to eliminate from such  
18 employment licensed and registered nurses and dental  
19 hygienists who have the professional training to carry out

1 the requirements of a school health program.

2 (4) The dual certification requirement restricts  
3 employment opportunities without ensuring greater  
4 professionalism in health care for this Commonwealth's school  
5 children.

6 (5) This mandate has placed a financial burden,  
7 particularly on school districts with limited resources.

8 (6) Many school districts, particularly those in rural  
9 areas, have difficulty finding and recruiting such certified  
10 personnel.

11 (7) As duly elected local officials who serve as agents  
12 of the General Assembly and who are charged with providing  
13 for the educational and health needs of students within each  
14 community, school directors have the responsibility to hire  
15 qualified professionals and provide the necessary programs to  
16 fulfill those needs.

17 (8) It is the intent of the General Assembly to provide  
18 for quality school health programs throughout this  
19 Commonwealth and to afford school boards greater flexibility  
20 in developing and providing for the most efficient, thorough  
21 and comprehensive delivery of health programs to school  
22 children throughout this Commonwealth.

23 The General Assembly of the Commonwealth of Pennsylvania  
24 hereby enacts as follows:

25 Section 1. Section 1205.1 of the act of March 10, 1949  
26 (P.L.30, No.14), known as the Public School Code of 1949, is  
27 amended by adding a subsection to read:

28 Section 1205.1. Continuing Professional Development.--\* \* \*

29 (d.1) Licensed registered nurses hired by school entities  
30 after the effective date of this act shall be subject to the

1 provisions of this section.

2 \* \* \*

3 Section 2. Section 1401 of the act, amended or added July  
4 15, 1957 (P.L.937, No.404) and August 9, 1963 (P.L.641, No.339),  
5 is amended to read:

6 Section 1401. Definitions.--As used in this article--

7 (1) "Children of school age" or "child of school age" means  
8 every child attending or who should attend an elementary grade  
9 or high school, either public or private, within the  
10 Commonwealth and children who are attending a kindergarten which  
11 is an integral part of a local school district.

12 (2) "Teachers" means professional employes, temporary  
13 professional employes and substitutes and instructors in public  
14 or private schools within the Commonwealth.

15 (3) "Other employes" means janitors, bus drivers, cooks and  
16 other cafeteria help and all others employed at schools.

17 (4) "School physician" means a physician legally qualified  
18 to practice medicine and surgery or osteopathy or osteopathic  
19 surgery in the Commonwealth, who has been appointed or approved  
20 by the Secretary of Health.

21 (5) "School dentist" means a doctor of dental surgery or  
22 dental medicine legally qualified to practice dentistry in the  
23 Commonwealth, who has been appointed or approved by the  
24 Secretary of Health.

25 (6) "Family physician" means either a doctor of medicine  
26 legally qualified to practice medicine and surgery in the  
27 Commonwealth, or an osteopath or osteopathic surgeon legally  
28 qualified to practice osteopathy or osteopathic surgery in the  
29 Commonwealth, who has been designated by the parent or guardian  
30 as the personal physician of the child.

1 (7) "Family dentist" means a doctor of dental surgery or  
2 dental medicine legally qualified to practice dentistry in the  
3 Commonwealth, who has been designated by the parent or guardian  
4 as the personal dentist of the child.

5 (8) "School nurse" means a licensed registered nurse  
6 [properly certificated by the Superintendent of Public  
7 Instruction as a school nurse who is employed by a school  
8 district or joint school board as a school nurse,] who may  
9 obtain educational certification from the Secretary of  
10 Education, or is employed in providing school nurse services to  
11 children of school age by a county health unit or a department  
12 or board of health of any municipality with which a school  
13 district or joint school board has contracted for school health  
14 services pursuant to the provisions of section 1411 of this act.  
15 The employment of any nurse employed by a school district or  
16 joint school board as a school nurse prior to the effective date  
17 of this act shall not be affected by a contract for school  
18 health services that may be entered into by any school district  
19 or joint school board under the provisions of this act.

20 (9) "Dental hygienist" means a dental hygienist licensed by  
21 the [State Dental Council and Examining Board] State Board of  
22 Dentistry, who is assigned to a school district or joint school  
23 board, or a dental hygienist licensed by the [State Dental  
24 Council and Examining Board and certificated as a school dental  
25 hygienist by the Superintendent of Public Instruction] State  
26 Board of Dentistry, who is employed by a school district or  
27 joint school board as a dental hygienist. The employment of any  
28 dental hygienist employed by a school district or joint school  
29 board as a dental hygienist prior to the effective date of this  
30 act shall not be affected by a contract for school health

1 services that may be entered into by any school district or  
2 joint school board under the provisions of this act.

3 (10) "Medical technician" means a person skilled in the  
4 operation of X-ray or other diagnostic equipment having such  
5 training and experience as required by the Secretary of Health.

6 (11) "Sanitarian" means a person having such training and  
7 experience as required by the Secretary of Health and qualified  
8 to conduct sanitary inspections of school buildings and grounds  
9 in connection with water supply, sewage and refuse disposal,  
10 food service, heating, lighting, ventilation and safety.

11 Section 3. Section 1408 of the act, added July 15, 1957  
12 (P.L.937, No.404), is amended to read:

13 Section 1408. Reports.--Every school district of the  
14 Commonwealth or school districts jointly, school physicians,  
15 school dentists and school nurses, shall file with the Secretary  
16 of Health and/or the [Superintendent of Public Instruction]  
17 Secretary of Education such reports as required by the  
18 regulations of the two departments.

19 Section 4. Section 1411 of the act, amended December 7, 1965  
20 (P.L.1041, No.390), is amended to read:

21 Section 1411. Cooperation with Political Subdivisions.--Any  
22 school district or joint school board may, in any health work in  
23 which it is authorized to engage, cooperate with any county,  
24 city, borough, town or township engaged in health work. Any  
25 school district [of the first class A] may, with the approval of  
26 the Secretary of Health and the [Superintendent of Public  
27 Instruction] Secretary of Education, contract with county health  
28 units or the department or board of health of any municipality  
29 for school health services.

30 Section 5. Section 1421 of the act, amended or added July

1 15, 1957 (P.L.937, No.404) and October 21, 1965 (P.L.601,  
2 No.312), is amended to read:

3 Section 1421. Powers and Duties of the Secretary of Health  
4 and of the [Superintendent of Public Instruction] Secretary of  
5 Education; Rules and Regulations.--(a) The technical content of  
6 the medical, dental, nursing and sanitary portions of the school  
7 health program shall be prescribed by and under the general  
8 direction of the Secretary of Health who shall--

9 1. Approve all appointments of school physicians and school  
10 dentists and prescribe their duties and formulate and prescribe  
11 standards for medical technicians and sanitary officers for  
12 employment in the school health program.

13 2. Suggest or recommend to the State Board of Education  
14 standards of qualification for school nurses and dental  
15 hygienists for employment by a school district or joint school  
16 board in the school health services program and advise school  
17 administrators on matters connected with carrying out the school  
18 health program.

19 (b) The administration and supervision of the educational  
20 [and teaching] aspects of the program shall be the  
21 responsibility of the [Superintendent of Public Instruction]  
22 Secretary of Education who shall--

23 1. [Approve certification of school nurses and dental  
24 hygienists] Administer and direct the services and program of  
25 school nurses and dental hygienists and approve certification of  
26 school nurses desiring such certification for employment by a  
27 school district or joint school board [and administer and direct  
28 their services and program]: Provided, That the services of  
29 school nurses and dental hygienists shall be utilized  
30 exclusively in connection with medical and dental examinations

1 and associated health activities.

2 2. Advise the Secretary of Health and school physicians and  
3 school dentists on matters pertaining to the educational impact  
4 of the school health services program.

5 (c) The Secretary of Health and the [Superintendent of  
6 Public Instruction] Secretary of Education, after consultation,  
7 shall--

8 1. Adopt such records and report forms as will facilitate  
9 the efficient operation, administration and comprehensive  
10 evaluation of the school health program.

11 2. Adopt and enforce rules and regulations for the school  
12 health program not inconsistent with the provisions of this act.

13 Section 6. This act shall take effect in 60 days.