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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1181 Session of  
2018

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INTRODUCED BY RESCHENTHALER, ARGALL, VULAKOVICH, BOSCOLA AND  
REGAN, MAY 30, 2018

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REFERRED TO EDUCATION, MAY 30, 2018

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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," in school health services, providing  
6 for early intervention depression screening.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
10 as the Public School Code of 1949, is amended by adding a  
11 section to read:

12 Section 1425. Early Intervention Depression Screening.--(a)  
13 All children of school age shall receive a depression screening  
14 while in sixth grade and thereafter in accordance with the  
15 schedule for mandated medical examinations under section  
16 1402(e). The comprehensive health examination for a child of  
17 school age shall include written confirmation from the child's  
18 physician or other qualified health care professional that the  
19 screening was completed.

20 (b) All school entities of this Commonwealth shall ensure

1 parents and guardians are effectively notified of the  
2 requirement under subsection (a). The notice shall do all of the  
3 following:

4 (1) Explain that a physician or other qualified health care  
5 professional shall conduct the depression screening as required  
6 under subsection (a) and provide the school entity in which the  
7 child is enrolled with written confirmation that the screening  
8 was completed.

9 (2) State that a parent or guardian may opt out of the  
10 depression screening required under subsection (a).

11 (3) Specify that the decision to act on screening results  
12 rests entirely with the parent or guardian.

13 (4) State that the school entity will not receive the  
14 results of the screening unless the parent or guardian chooses  
15 to share the results of the screening with the school entity.

16 (5) State the following:

17 (i) If the parent or guardian chooses to share the results  
18 of the screening with the school entity and the screening  
19 indicates the presence of thoughts or behaviors often associated  
20 with a diagnosis of depression, the school entity shall refer  
21 the child:

22 (A) to the school's student assistance program;

23 (B) to the school psychologist for evaluation; or

24 (C) for evaluation under the Individuals with Disabilities  
25 Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) or  
26 under section 504 of the Rehabilitation Act of 1973 (Public Law  
27 93-112, 29 U.S.C. § 794).

28 (ii) The parent or guardian shall be notified at the point  
29 of referral and that an evaluation under this paragraph may not  
30 be performed unless the parent or guardian consents to the

1 evaluation.

2 (c) The Department of Health, in conjunction with the  
3 Department of Education, shall make available materials:

4 (1) That at a minimum explain the following:

5 (i) The importance of early diagnosis for mental health and  
6 common challenges for students with undiagnosed or untreated  
7 depression.

8 (ii) Related Federal and State privacy protections and  
9 parental rights in relation to the health requirements of  
10 children of school age.

11 (2) To school entities in print format, which shall also be  
12 and posted on the publicly accessible Internet websites of the  
13 Department of Health and the Department of Education.

14 (d) The academic records of a child of school age shall not  
15 include the child's screening results or information indicating  
16 whether a screening was completed.

17 (e) The Department of Health shall amend the standard  
18 private or school physical examination of school age student  
19 form to accommodate the depression screening required under  
20 subsection (a). The form shall require the physician or other  
21 qualified health care professional completing the form to  
22 indicate confirmation that a depression screening was completed  
23 or not completed or that the parent or guardian of the student  
24 opted out of the screening. The physician or other qualified  
25 health care professional who completes the screening may use  
26 this form or a form that provides substantially similar  
27 information to provide confirmation of the screening or that the  
28 parent or guardian has opted out of the screening to the school  
29 entity of the child of school age.

30 (f) Nothing in this section shall be construed to create,

1 establish or expand civil or criminal liability on the part of a  
2 school entity or school employe.

3 (g) Within ninety (90) days of the effective date of this  
4 section, each school entity shall adopt or revise existing  
5 procedures concerning the school entity's response if it is  
6 provided with a depression screening indicating that a student  
7 has thoughts or engages in behaviors that are often associated  
8 with a diagnosis of depression.

9 (h) The Department of Health shall promulgate regulations  
10 necessary to implement this section.

11 (i) As used in this section, "school entity" shall mean a  
12 school district, charter school, cyber charter school, regional  
13 charter school, area vocational-technical school, intermediate  
14 unit or nonpublic school in this Commonwealth.

15 Section 2. This act shall take effect August 1, 2018.