

## AMENDMENTS TO HOUSE BILL NO. 2022

Sponsor: REPRESENTATIVE SONNEY

Printer's No. 2810

1 Amend Bill, page 1, line 6, by striking out "school-based  
2 behavioral health assistance" and inserting

3 School-Based Mental Health Services Pilot Grant Program

4 Amend Bill, page 1, lines 12 through 20; pages 2 and 3, lines  
5 1 through 30; page 4, lines 1 through 13; by striking out all of  
6 said lines on said pages and inserting

7 Section 130. School-Based Mental Health Services Pilot Grant  
8 Program.--(a) The School-Based Mental Health Services Pilot  
9 Grant Program is established within the department to award  
10 grants to school entities for the purpose of providing  
11 supplemental mental health services to their students that are  
12 in addition to services provided by the employees of school  
13 entities. The program shall support the use of community  
14 resources and organizations so that students of a school entity  
15 can have their mental health needs met within the school entity.

16 (b) Within ninety (90) days of the effective date of this  
17 section, the department shall develop a procedure for awarding  
18 grants, including an application form and a review process. The  
19 application form shall include, at a minimum, the following:

20 (1) A description of the way the school entity intends to  
21 use the grant award to provide supplemental mental health  
22 services to students in a school setting.

23 (2) A description of how mental health specialists will  
24 consult with school staff, including multidisciplinary teams,  
25 the services that mental health specialists will provide and how  
26 mental health specialists will work under the supervision of an  
27 employee of the school entity who is identified by the school  
28 entity's chief school administrator as the coordinator of  
29 supplemental mental health services within the school entity.

30 (3) The amount of grant money requested.

31 (4) Additional information the department determines is  
32 necessary.

33 (c) The department shall award grant awards each fiscal  
34 year. A school entity may receive a grant award in multiple  
35 fiscal years. Grant money received by a school entity under the

1 program may not be included when calculating the amount to be  
2 paid to a charter school under section 1725-A.

3 (d) The department shall make no more than thirty-five (35)  
4 grant awards each fiscal year of the program. Grant awards shall  
5 be geographically dispersed across this Commonwealth no later  
6 than December 1, 2022, and July 1 of each year thereafter.

7 (e) In order to receive a grant, a school entity must agree  
8 to use grant money to supplement and not supplant existing  
9 school entity spending on student mental health services, and  
10 for any fiscal year in which the school entity receives a grant,  
11 the school entity may not reduce, curtail or eliminate any  
12 program or service related to student mental health that existed  
13 at the time of application.

14 (f) The department shall fund grant awards with  
15 appropriations for the program or with grants or other funding  
16 from the Federal Government, private foundations or other  
17 sources.

18 (g) A school entity that receives a grant award shall do the  
19 following:

20 (1) Post the approved application on the school entity's  
21 publicly accessible Internet website.

22 (2) Enter into one or more memoranda of understanding with  
23 the mental health services entity with which the mental health  
24 specialist is affiliated or employed. A memorandum of  
25 understanding under this paragraph shall be supplemented or  
26 updated as necessary and shall specify the following:

27 (i) The name of the school entity and each school in which  
28 supplemental mental health services will be provided.

29 (ii) The cost and length of the agreement.

30 (iii) A description of the following:

31 (A) The manner in which mental health specialists will work  
32 in consultation and coordination with existing school  
33 counselors, social workers and school psychologists who are  
34 employed by the school entity.

35 (B) How the mental health services specialist will work  
36 under the supervision of an employee designated by the chief  
37 school administrator of the school entity.

38 (C) The services that the mental health specialist will  
39 provide.

40 (iv) The name of the mental health specialist who will be  
41 assigned to the school entity, the qualifications of the mental  
42 health specialist and evidence that the mental health specialist  
43 has satisfied the requirements under sections 111, 111.1 and  
44 1109(a) and 23 Pa.C.S. Ch. 63 Subch. C (relating to powers and  
45 duties of department).

46 (v) The name of the point of contact within the mental  
47 health services entity with which the mental health specialist  
48 is affiliated and a process by which the point of contact shall  
49 cooperate with the school entity to resolve concerns regarding  
50 services provided by the mental health specialist.

51 (vi) A description of quality standards that the mental

1 health services entity will meet with respect to continuity of  
2 mental health specialists assigned to school entities to provide  
3 supplemental mental health services to individual students.

4 (h) A school entity shall ensure that supplemental mental  
5 health services funded with a grant are provided consistent with  
6 the Family Educational Rights and Privacy Act of 1974 (Public  
7 Law 90-247, 20 U.S.C. § 1232g), with any provision of this act  
8 and with the school entity's trauma-informed approach plan  
9 developed under section 1311-B, the student services plan  
10 required under 22 Pa. Code § 12.41 (relating to student  
11 services) and the student assistance program required under 22  
12 Pa. Code § 12.42 (relating to student assistance program).

13 (i) (1) After entering into a memorandum of understanding  
14 in accordance with this section, a school entity shall notify  
15 parents or legal guardians of all students enrolled in the  
16 school entity that the school entity has entered into a  
17 memorandum of understanding with a mental health services entity  
18 under this section.

19 (2) The notification shall include the following  
20 information:

21 (i) A link to the approved application and a description of  
22 the program.

23 (ii) A statement that, if a student is identified by the  
24 school entity as needing supplemental mental health services,  
25 the parent or legal guardian of a student will be notified and  
26 has the option, after consultation with the school entity, to  
27 exempt the student from receiving supplemental mental health  
28 services by signing and submitting an opt-out form to the school  
29 entity.

30 (3) The opt-out form shall be developed by the department  
31 and provided to all school entities. The opt-out form shall be  
32 posted on the publicly accessible Internet website of each  
33 school entity for use by parents and legal guardians of  
34 students.

35 (j) Within one (1) year after receiving a grant, a school  
36 entity shall report to the department a description of how the  
37 grant award has enabled the school entity to provide school-  
38 based supplemental mental health services to students of the  
39 school entity. The report shall be on a form developed by the  
40 department.

41 (k) By April 30 of each year, the department shall compile  
42 the reports received under subsection (j) for the immediately  
43 preceding year and transmit them, along with any suggestions for  
44 improvements to the program, to the chairperson and minority  
45 chairperson of the Appropriations Committee of the Senate, the  
46 chairperson and minority chairperson of the Appropriations  
47 Committee of the House of Representatives, the chairperson and  
48 minority chairperson of the Education Committee of the Senate  
49 and the chairperson and minority chairperson of the Education  
50 Committee of the House of Representatives.

51 (l) Within ninety (90) days of the effective date of this

1 section, the department, in conjunction with the Department of  
2 Human Services, shall develop guidelines to implement the  
3 provisions of this section. Upon development of the guidelines,  
4 the department shall post the guidelines on the department's  
5 publicly accessible Internet website.

6 (m) Nothing in this section shall be construed to:

7 (1) Supersede or preempt the rights, remedies and procedures  
8 afforded to school employees or labor organizations under Federal  
9 or State law, including the act of July 23, 1970 (P.L.563,  
10 No.195), known as the "Public Employee Relations Act," or any  
11 provision of a collective bargaining agreement negotiated  
12 between a school employer and an exclusive representative of the  
13 employees in accordance with the Public Employee Relations Act.

14 (2) Supersede the provisions of the act of February 13, 1970  
15 (P.L.19, No.10), entitled "Enabling certain minors to consent to  
16 medical, dental and health services, declaring consent  
17 unnecessary under certain circumstances."

18 (n) This section shall expire June 30, 2027.

19 (o) As used in this section, the following words and phrases  
20 shall have the meanings given to them in this subsection unless  
21 the context clearly indicates otherwise:

22 "Chief school administrator" shall mean the superintendent of  
23 a school district or chief executive officer of a charter  
24 school, cyber charter school or regional charter school.

25 "Department" shall mean the Department of Education of the  
26 Commonwealth.

27 "Grant" shall mean a grant awarded under this section.

28 "Mental health services" shall mean the provision of  
29 assistance or preparation of a plan of assistance to students  
30 who are experiencing anxiety, stress, trauma or other mental or  
31 emotional impairments interfering with their education and  
32 behavior at school, with the goal of helping students engage in  
33 their school community in a productive and positive manner that  
34 maximizes their social and emotional development and learning.

35 "Mental health services entity" shall mean a county or  
36 community organization or agency that is licensed under State  
37 law to provide mental health services for students. The term  
38 includes an intermediate unit.

39 "Mental health specialist" shall mean an individual who is a  
40 volunteer or employe of a mental health services entity and  
41 holds a valid and current Pennsylvania license as a  
42 psychologist, counselor, social worker or clinical social  
43 worker.

44 "Program" shall mean the School-Based Mental Health Services  
45 Pilot Grant Program established under this section.

46 "School entity" shall mean a school district, charter school,  
47 regional charter school or cyber charter school.

48 "Supplemental mental health services" shall mean mental  
49 health services provided by a mental health specialist and in  
50 addition to the mental health services being provided by a  
51 school entity's employes.