AN ACT

Section 1.  Section 923.1-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is repealed:

[Section 923.1-A. Psychological Services.--(a) Legislative Finding; Declaration of Policy. It is today recognized that diagnostic and evaluative psychological services to children are closely related to their physical, mental and emotional health. Such services can best be rendered upon the premises of the school which the child regularly attends, and forcing children to travel long distances for such services is unnecessary and frequently traumatic for the child.]

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

Section 1.  Section 923.1-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is repealed:

(a) Legislative Finding; Declaration of Policy. It is today recognized that diagnostic and evaluative psychological services to children are closely related to their physical, mental and emotional health. Such services can best be rendered upon the premises of the school which the child regularly attends, and forcing children to travel long distances for such services is unnecessary and frequently traumatic for the child.
to go to other premises in order to have such needed services is found by the General Assembly to be both inadequate and harmful. The General Assembly expressly finds and declares diagnostic and evaluative psychological services for children to be health services, and it is the intention of the General Assembly now to make these available, on a general and even-handed basis, to all school children in the Commonwealth.

(b) Definitions.--The following terms, whenever used or referred to in this section, shall have the following meanings, except in those circumstances where the context clearly indicates otherwise:

"Nonpublic school" means any nonprofit school, other than a public school within the Commonwealth of Pennsylvania, wherein a resident of the Commonwealth may legally fulfill the compulsory school attendance requirements and which meets the requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352).

"Psychological services" means diagnostic and evaluative psychological services for children.

(c) Provision of Services.--The Secretary of Education directly, or through the intermediate units out of their allocation under section 922.1-A of this act shall have the power and duty to furnish free to nonpublic school students, upon the premises of the nonpublic schools which they regularly attend, psychological services provided that such services are also afforded to public school students by the public school district in which such nonpublic school is located.]
principals, principals, assistant principals, vice-principals, directors of vocational education, dental hygienists, visiting teachers, home and school visitors, school social workers, school counselors, child nutrition program specialists, school librarians, school secretaries the selection of whom is on the basis of merit as determined by eligibility lists and school nurses.

* * *

Section 3. The act is amended by adding a section to read:

Section 1107.1. School Social Workers.--(a) A school entity that employs a school social worker must require the individual employed in the position to hold an educational specialist certificate for school social workers issued by the Department of Education.

(b) The requirements under subsection (a) shall not apply when the individual:

(1) meets the exception for a school social worker as provided under section 20(a.1) of the act of July 9, 1987 (P.L.220, No.39), known as the "Social Workers, Marriage and Family Therapists and Professional Counselors Act"; or

(2) is employed as or performing the duties of a school social worker in a school entity in this Commonwealth and holds either a social worker license issued by the Department of State or another certificate issued by the Department of Education prior to the development of an educational specialist certificate for school social workers by the Department of Education under subsection (c).

(c) The Department of Education shall develop an educational specialist certificate for school social workers no later than sixty (60) days after the effective date of this section.
For the purposes of this section, the term "school entity" shall mean a public school district, intermediate unit, charter school, cyber charter school, regional charter school or area vocational-technical school operating in this Commonwealth.

Section 4. Section 1402 of the act is amended by adding a subsection to read:

Section 1402. Health Services.--* * *

(g) (1) When a student who enrolls in a school entity previously attended a different school entity within this Commonwealth, the school entity in which the student is newly enrolled shall request, and the school entity the student previously attended shall surrender, the student's comprehensive health record maintained under this section. A school entity may not destroy a student's comprehensive health record maintained under this section for a period of at least two years after the student ceases to be enrolled, but at the discretion of the school entity, may surrender all or a portion of the student's comprehensive health record to the student's parent or guardian if the student does not re-enroll in a school entity.

(2) As used in this subsection, "school entity" means a school district, charter school, regional charter school, cyber charter school, nonpublic school, intermediate unit or area vocational-technical school, operating within this Commonwealth.

Section 5. The act is amended by adding a section to read:

Section 1425. School Counselors, School Psychologists, School Social Workers and School Nurses.--(a) Every student of school age shall be provided with school counseling, psychological, social work and school nursing services by an individual employed by the school entity who meets qualification requirements for the position as established by the department.
The ratio for each type of service shall be as follows:

1. the number of students under the care of each school counselor shall not exceed two hundred fifty (250);
2. the number of students under the care of each school psychologist shall not exceed five hundred (500);
3. the number of students under the care of each school social worker shall not exceed two hundred fifty (250); and
4. the number of students under the care of each school nurse shall not exceed seven hundred fifty (750) in a regular education population, two hundred twenty five (225) in a mixed regular education and special education population and one hundred twenty five (125) for students with severe or profound disabilities.

(b) School counselors, school psychologists and school social workers shall work with other school employees, including, but not limited to, school administrators, teachers, school physicians, school nurses, home and school visitors, school dental hygienists and related service providers, to deliver intervention, assessment and support services to students, and to provide referral to community resources as available and appropriate. With parental consent and authorization from an administrator of the school entity, school counselors, school psychologists and school social workers may consult with the student's private health care provider when necessary for the provision of appropriate services to the student.

(c) For each student, the school entity shall include in the student's comprehensive health record required to be maintained under section 1402(b) documentation of social, emotional and behavioral data which a school counselor, school psychologist, school social worker or school nurse has submitted to the
administration of the school entity and deems pertinent to a
student's mental or behavioral health.
(d) Documentation included in a student's comprehensive
health record under this section shall be confidential and shall
be divulged only if necessary for the assessment of and
intervention with a student whose behavior may indicate a threat
to the safety of the student, other students, school employees,
school facilities, the community or others or at the request of
the parent or guardian, to a physician, psychiatrist or
psychologist legally qualified to practice in this Commonwealth.
(e) As used in this section, the following words and phrases
shall have the meanings given to them in this subsection unless
the context clearly indicates otherwise:
"Department" means the Department of Education of the
Commonwealth.
"School counselor" means an individual who holds a valid
certificate for Elementary and Secondary School Counselor issued
by the department which qualifies the individual to be employed
by and working within a school entity.
"School entity" means a school district, charter school,
regional charter school, cyber charter school, intermediate unit
or area vocational-technical school operating within this
Commonwealth.
"School nurse" means an individual who holds a valid
certification as a school nurse issued by the department which
qualifies the individual to be employed by and working within a
school entity.
"School psychologist" means an individual who holds a valid
certificate for School Psychologist issued by the department
which qualifies the individual to be employed by and working
within a school entity.

"School social worker" means an individual who:

(1) holds an educational specialist certificate for school social workers issued by the department;

(2) meets the exception for a school social worker as provided under section 20(a.1) of the act of July 9, 1987 (P.L.220, No.39), known as the "Social Workers, Marriage and Family Therapists and Professional Counselors Act"; or

(3) is employed as or performing the duties of a school social worker in a school entity in this Commonwealth and holds either a social worker license issued by the Department of State or another certificate issued by the department prior to the department's development of an educational specialist certificate for school social workers under section 1107.1.

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