

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 1332** Session of
2006

INTRODUCED BY CONTI, SEPTEMBER 22, 2006

SENATOR WENGER, APPROPRIATIONS, RE-REPORTED AS AMENDED,
OCTOBER 3, 2006

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 definitions, for health services, for dental
7 examinations and dental hygiene services, for facilities, for
8 examinations and for recommendations of health professionals;
9 deleting provisions relating to examination by family
10 physician or dentist; and further providing for care and
11 treatment of school-age children, for precautions against
12 spread of certain diseases and for medical examination of
13 school personnel.

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

16 Section 1. Section 1401 of the act of March 10, 1949
17 (P.L.30, No.14), known as the Public School Code of 1949,
18 repealed and added July 15, 1957 (P.L.937, No.404) and amended
19 August 9, 1963 (P.L.641, No.339), and November 30, 2004
20 (P.L.1471, No.187), is amended to read:

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

22 (1) "Children of school age" or "child of school age" means

1 every child attending or who should attend an elementary grade
2 or high school, either public or private, within the
3 Commonwealth and children who are attending a kindergarten which
4 is an integral part of a local school district.

5 (2) "Teachers" means professional employes, temporary
6 professional employes and substitutes and instructors in public
7 or private schools within the Commonwealth.

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

10 (4) "School physician" means a physician [legally qualified]
11 licensed to practice medicine and surgery or osteopathy or
12 osteopathic surgery in the Commonwealth, who has [been appointed
13 or approved by the Secretary of Health] contracted with a school
14 district or joint school board to provide school physician
15 services.

16 (5) "School dentist" means a [doctor of dental surgery or
17 dental medicine legally qualified] dentist licensed to practice
18 dentistry in the Commonwealth, who has [been appointed or
19 approved by the Secretary of Health.] contracted with a school
20 district or joint school board to provide school dentist
21 services.

22 (6) ["Family physician" means either a doctor of medicine
23 legally qualified to practice medicine and surgery in the
24 Commonwealth, or an osteopath or osteopathic surgeon legally
25 qualified to practice osteopathy or osteopathic surgery in the
26 Commonwealth, who has been designated by the parent or guardian
27 as the personal physician of the child.] "Primary care provider"
28 means a physician licensed to practice medicine and surgery or
29 osteopathic medicine and surgery, or other individual licensed
30 or certified to practice in the Commonwealth who works in

1 collaboration with and under the direction of a physician, who
2 has been designated by the parent or guardian as the primary
3 care provider of the child.

4 (7) "[Family] Private dentist" means a [doctor of dental
5 surgery or dental medicine legally qualified] dentist licensed
6 to practice dentistry in the Commonwealth, who has been
7 designated by the parent or guardian as the [personal] primary
8 dentist of the child.

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

25 (9) "Dental hygienist" means a dental hygienist licensed [by
26 the State Dental Council and Examining Board,] to practice
27 dental hygiene in this Commonwealth who is assigned to a school
28 district or joint school board, or a dental hygienist licensed
29 [by the State Dental Council and Examining Board and
30 certificated as a school dental hygienist by the Superintendent

1 of Public Instruction,] to practice dental hygiene in this
2 Commonwealth and certificated by the Department of Education as
3 a school dental hygienist who is employed by a school district
4 or joint school board as a dental hygienist. The employment of
5 any dental hygienist employed by a school district or joint
6 school board as a dental hygienist prior to the effective date
7 of this act shall not be affected by a contract for school
8 health services that may be entered into by any school district
9 or joint school board under the provisions of this act.

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

13 "Health care assistant" means a licensed or unlicensed
14 individual who assists the school nurse, school physician,
15 school dentist or other qualified health professional by
16 performing assigned duties and who has no pupil assignments.

17 (11) ["Sanitarian" means a person having such training and
18 experience as required by the Secretary of Health and qualified
19 to conduct sanitary inspections of school buildings and grounds
20 in connection with water supply, sewage and refuse disposal,
21 food service, heating, lighting, ventilation and safety.]

22 "Qualified health professional" means an individual who holds a
23 license or certification issued by the Commonwealth which allows
24 for the performance of a physical or dental examination or
25 evaluation.

26 (12) "Asthma inhaler" means a prescribed device used for
27 self-administration of short-acting, metered doses of prescribed
28 medication to treat an acute asthma attack.

29 Section 2. Section 1402 of the act, repealed and added July
30 15, 1957 (P.L.937, No.404) and amended December 7, 1965

1 (P.L.1041, No.390) and July 11, 2006 (P.L.1092, No.114), is
2 amended to read:

3 Section 1402. Health Services.--(a) [Each] A school
4 district or joint school board shall provide the following to
5 each child of school age [shall be given by methods established
6 by the Advisory Health Board], in accordance with guidelines
7 issued by the Department of Health:

8 (1) a vision [test by a school nurse, medical technician or
9 teacher,] screening;

10 (2) a hearing [test by a school nurse or medical technician,]
11 screening;

12 (3) a [measurement of height and weight by a school nurse or
13 teacher, who shall use the measurement to compute a child's
14 weight-for-height ratio,] growth screening, which shall include
15 computation of a child's weight-for-height ratio;

16 (4) [tests for tuberculosis under medical supervision,] a
17 scoliosis screening; and

18 (5) such other tests as the [Advisory Health Board]
19 Department of Health may deem advisable to protect the health of
20 the child. [Vision tests shall be given at least annually and
21 other tests at intervals established by the Advisory Health
22 Board.]

23 A school district or joint school board shall make information
24 available to the parent or guardian of each child informing the
25 parent or guardian of the health screenings to be performed
26 during the school year. School nurses and other qualified school
27 personnel as determined by the rules and regulations of the
28 Department of Health shall be authorized to perform screenings
29 under this section.

30 (a.1) Every child of school age shall be provided with

1 school nurse services: Provided, however, That the number of
2 pupils under the care of each school nurse shall not exceed one
3 thousand five hundred (1,500).

4 (b) [For each child of school age, a comprehensive health
5 record shall be maintained by the school district or joint
6 school board, which shall include the results of the tests,
7 measurements and regularly scheduled examinations and special
8 examinations herein specified.] A school district or joint
9 school board shall maintain for each child of school age a
10 health record which shall include the following:

11 (1) a record of immunization as required by Article XIII;

12 (2) results of all screenings and measurements;

13 (3) results of regularly scheduled and special examinations;

14 (4) documentation of special health care needs and plans of
15 care; and

16 (5) other information as specified by the Department of
17 Health.

18 (b.1) Health records shall be maintained on forms prescribed
19 by or approved by the Department of Health.

20 (c) Medical questionnaires, suitable for diagnostic
21 purposes, furnished by the Secretary of Health and completed by
22 the child or by the child's parent or guardian, at such times as
23 the Secretary of Health may direct, shall become a part of the
24 child's health record.

25 (d) All teachers and other employes shall report to the
26 school nurse [or], school physician or school dentist any
27 unusual behavior, changes in physical appearance, changes in
28 attendance habits and changes in scholastic achievement, which
29 may indicate impairment of a child's health. The school nurse or
30 school physician or school dentist may, upon referral by the

1 teacher or other employe or on his own initiative, advise a
2 child's parent or guardian of the apparent need for a special
3 [medical] PHYSICAL or dental examination. If a parent or <—
4 guardian fails to obtain the examination or fails to report the
5 results to the [nurse or school physician] school nurse, school
6 physician or school dentist, the [nurse or school physician]
7 school nurse, school physician or school dentist shall arrange,
8 in collaboration with the parent or guardian, a special
9 [medical] physical or dental examination for the child.

10 (e) [The school physicians of each district or joint board
11 shall make a medical examination and a comprehensive appraisal
12 of the health of every child of school age, (1) upon original
13 entry into school in the Commonwealth, (2) while in sixth grade,
14 (3) while in eleventh grade, and (4) prior to the issuance of a
15 farm or domestic service permit unless the child has been given
16 a scheduled or special medical examination within the preceding
17 four months. The health record of the child shall be made
18 available to the school physician at the time of the regularly
19 scheduled health appraisals.] For the 2007-2008 school year and
20 each year thereafter, a school district or joint school board
21 shall ensure THAT IT HAS RECEIVED evidence of a physical <—
22 examination of every child of school age:

23 (1) within one year prior to original entry into school;
24 (2) one year before or during the fifth grade;
25 (3) one year before or during the ninth grade; and
26 (4) prior to the issuance of an employment certificate, or
27 farm or domestic service permit. The examination under this
28 paragraph shall be conducted in accordance with the provisions
29 of the act of May 13, 1915 (P.L.286, No.177), known as the
30 "Child Labor Law."

1 (e.1) A physical examination under subsection (e) shall be
2 performed by the child's own primary care provider and the
3 parent or guardian shall provide the results of the physical
4 examination to the school district or joint school board. If the
5 parent or guardian does not provide the results of the physical
6 examination prior to the deadline established by the school
7 district or joint school board for the conduct of the
8 examination, the school district or joint school board shall
9 schedule the child to be examined by a qualified health
10 professional designated by the school district or joint school
11 board.

12 (f) The Secretary of Health, upon petition of the school
13 board or joint school board or on his own initiative with the
14 concurrence of the school board or joint school board, may
15 [modify for individual school districts] approve a modification
16 to the school health services program specified in this
17 [section] this article. [The program as modified shall conform
18 to approved medical or dental practices and shall permit valid
19 statistical appraisals of the various components of the
20 program.] Modifications must conform to generally accepted
21 standards of medical, dental and nursing practices.

22 Section 3. Section 1403 of the act, amended August 27, 1963
23 (P.L.1380, No.535), is amended to read:

24 Section 1403. Dental Examinations and Dental Hygiene
25 Services.--(a) [All children of school age in the Commonwealth,
26 (i) upon original entry into the school, (ii) while in the third
27 grade, and (iii) while in the seventh grade, shall be given a
28 dental examination by a school dentist: Provided, however, That
29 this requirement shall not apply to those school districts or
30 joint school boards which have instituted a program of dental

1 hygiene services as provided in subsection (b) of this section.]

2 A FOR THE 2007-2008 SCHOOL YEAR AND EACH YEAR THEREAFTER, A <—
3 school district or joint school board shall ensure THAT IT HAS <—
4 RECEIVED evidence of a dental examination of every child of
5 school age:

6 (1) within one year prior to original entry into school;

7 (2) one year before or during the third grade; and

8 (3) one year before or during the seventh grade.

9 (a.1) A dental examination under subsection (a) shall be
10 performed by the child's own private dentist and the parent or
11 guardian shall provide the results of the dental examination to
12 the school district or joint school board. If the parent or
13 guardian does not provide the results of the dental examination
14 prior to the deadline established by the school district or
15 joint school board for the conduct of the examination, the
16 school district or joint school board shall schedule the child
17 to be examined by a school dentist.

18 (b) Any school district or joint school board may institute
19 a program of dental hygiene services for children of school age,
20 which program shall be approved by the [Secretary] Department of
21 Health, and for that purpose may employ dental hygienists.

22 Section 4. Sections 1404 and 1405 of the act, repealed and
23 added July 15, 1957 (P.L.937, No.404), are amended to read:

24 Section 1404. [Place of Examination; Use of Hospital
25 Facilities.--The school physician and school dentist shall
26 conduct medical, dental and other examinations in rooms set
27 aside for this special purpose and equipped with adequate
28 facilities and with such other accessories as may be required by
29 the Secretary of Health for the thorough examination of
30 children. The school physicians shall require the removal of

1 sufficient clothing to insure complete examination. If
2 facilities in schools are inadequate for conducting medical,
3 dental and other examinations, the school districts or joint
4 school boards and private schools may, subject to the approval
5 of the Secretary of Health, make arrangements for the use of
6 laboratories and facilities of hospitals or clinics for
7 examinations herein provided for.] Facilities for Delivery of
8 Health Services.--Health services delivered to children of
9 school age by school health program staff shall be provided in
10 rooms or facilities set aside for this purpose and equipped to
11 meet minimum standards as required by the Department of Health.
12 A school district or joint school board may, subject to the
13 approval of the Department of Health, make arrangements for the
14 use of alternate facilities for the provision of health
15 services.

16 Section 1405. [Assistance; Presence of Parents.--Every
17 school physician shall be assisted by a school nurse and every
18 school dentist by a dental hygienist, if available, or trained
19 assistant, who shall be present during each examination. Parents
20 or guardians of children of school age shall be advised in
21 advance of the date of examination and urged to be present.
22 Medical examinations shall be made in the presence of the parent
23 or guardian of the child when so requested by the parent or
24 guardian.] Physical Examinations and Dental Examinations or
25 Dental Screenings by Qualified Health Professionals.--(a) A
26 qualified health professional designated by a school district or
27 joint school board shall perform an examination only when the
28 parent or guardian of a child of school age fails to obtain a
29 private examination within the time frames specified by the
30 school district or joint school board. A school nurse, dental

1 hygienist or health care assistant shall assist the qualified
2 health professional during the examination. A school with a
3 dental hygiene services program may use a dental hygienist to
4 perform a dental screening and permit a school nurse or health
5 care assistant to assist during a dental screening.

6 (b) A school district or joint school board shall advise the
7 parent or guardian of a child in advance of the date, time and
8 place of a physical or dental examination or dental screening
9 and invite the parent or guardian to be present. A physical or
10 dental examination or dental screening shall be made in the
11 presence of the parent or guardian of a child when the parent or
12 guardian requests to be present. A school district or joint
13 school board shall obtain the prior written consent of the
14 parent or guardian before a qualified health professional
15 conducts a physical or dental examination or dental screening.

16 (c) A qualified health professional performing a physical or
17 dental examination or dental screening shall have access to a
18 child's health record maintained by the school. The results of
19 the physical or dental examination or dental screening shall be
20 recorded on forms prescribed or approved by the Department of
21 Health and included in a child's health record.

22 Section 5. Section 1406 of the act, amended December 9, 2002
23 (P.L.1317, No.153), is amended to read:

24 Section 1406. [Recommendations.--(a) Recommendations as to
25 medical, surgical or dental care shall be sent to each parent or
26 guardian and to the family physician or family dentist on forms
27 prepared or approved by the Secretary of Health with
28 instructions to the parent or guardian to consult the family
29 physician or family dentist and to notify the school authorities
30 of the action taken with respect to the recommendations.

1 (b) School physicians or school nurses shall inform teachers
2 of the health conditions of pupils which may affect behavior,
3 appearance or scholastic performance.] Referral for Evaluation
4 and Treatment.--(a) In the event the school district or joint
5 school board provides the physical or dental examination, the
6 school district or joint school board shall send the
7 recommendation of a qualified health professional for further
8 evaluation or treatment of a child to the child's parent or
9 guardian with instructions to the parent or guardian to consult
10 the child's primary care provider, private dentist or other
11 appropriate health care provider and to notify the school nurse
12 of the action taken with respect to the recommendation.

13 (c) Notice of the existence of and eligibility for the
14 program under Article XXIII of the act of May 17, 1921 (P.L.682,
15 No.284), known as "The Insurance Company Law of 1921," shall be
16 prepared by, paid for and provided to each school district in
17 Pennsylvania by the Insurance Department annually, not later
18 than the fifteenth day of August, in sufficient quantities to
19 provide the parent or legal guardian of every school student
20 enrolled in the district with such notice. The school district
21 shall provide such notice to the parent or guardian of each
22 student enrolled in the district during the school year. The
23 Insurance Department shall provide sufficient copies of the
24 notice to nonpublic schools upon request.

25 Section 6. Section 1407 of the act, added July 15, 1957
26 (P.L.937, No.404), is amended to read:

27 [Section 1407. Examinations by Examiners of Own Choice.--In
28 lieu of the medical or dental examinations prescribed by this
29 article, any child of school age may furnish the local school
30 officials with a medical or dental report of examination made at

1 his own expense by his family physician or family dentist on a
2 form approved by the Secretary of Health for this purpose. The
3 in lieu examinations shall be made and the report shall be
4 furnished prior to the date fixed for the regularly scheduled
5 examination but no earlier than four months prior to the opening
6 of the school term during which the regular examination is
7 scheduled.]

8 Section 7. Sections 1414 and 1416 of the act, added July 15,
9 1957 (P.L.937, No.404), are amended to read:

10 Section 1414. [Care and Treatment of Pupils] Ancillary
11 Health Services.--Any school district or joint school board may
12 provide for the health care and treatment of [defective eyes,
13 ears and teeth of] all children of school age within the
14 district if the school district or joint school board has
15 obtained prior written consent of the child's parent or
16 guardian.

17 Section 1416. [Precautions Against Spread of Tuberculosis.--
18 No person having any form of tuberculosis in a transmissible
19 stage shall be a pupil, teacher, janitor or any other employe in
20 any school except in a special school carried on under the
21 regulations made for such schools by the Secretary of Health.
22 The board of directors of any school district or joint school
23 board may appropriate the necessary funds to pay for X-ray or
24 other medical examinations to determine the presence or absence
25 of tuberculosis in any teacher, janitor or other employe of the
26 district.] Precautions Against the Spread of Communicable
27 Disease.--A student or any person having direct contact with
28 students having or suspected of having a communicable disease,
29 infection or condition listed in 28 Pa. Code § 27.71 (relating
30 to exclusion of children, and staff having contact with children

1 for specified diseases and infectious conditions), 27.72
2 (relating to exclusions of children, and staff having contact
3 with children, for showing symptoms) and 27.75 (relating to
4 exclusion of children, and staff having contact with children,
5 during a measles outbreak) shall be excluded from school in
6 accordance with the applicable regulation. Readmission to school
7 shall be governed by 28 Pa. Code § 27.71, 27.73 (relating to
8 readmission of excluded children, and staff having contact with
9 children) or 27.74 (relating to readmission of exposed or
10 isolated children, and staff having contact with children), as
11 applicable. A school district or joint school board may
12 appropriate the necessary funds to pay for examinations and
13 testing to determine the presence or absence of a communicable
14 disease.

15 Section 8. Section 1418 of the act, amended July 14, 1971
16 (P.L.229, No.47), is amended to read:

17 Section 1418. [Medical Examinations of Teachers and Other
18 Persons.--(a) All teachers, janitors, cooks and other cafeteria
19 help and all others employed at schools shall be required to
20 take a pre-employment medical examination, the results of which
21 shall be recorded on forms prescribed by the Secretary of Health
22 and shall be made available to the employing authorities.

23 (b) Each teacher, any other school employe and any person
24 providing services for school children under contract shall be
25 given tests for tuberculosis in accordance with rules and
26 regulations adopted by the Advisory Health Board. Each student
27 teacher and volunteer participating in student activities shall
28 be given the same tests for tuberculosis, but no person shall be
29 required to submit to a particular test if he shall furnish a
30 statement setting forth adequate reasons for being excused from

1 taking the test. In such case, an alternative method of testing
2 shall be administered.

3 (c) School boards may require a special medical examination
4 for any school employe at any time.

5 (d) Medical examinations shall be made by the school
6 physician of the district if provision therefor is made by the
7 district or joint school board or by a physician of the
8 employe's own choice legally qualified to practice medicine and
9 surgery or osteopathy or osteopathic surgery in the
10 Commonwealth.] Health Evaluations of School Personnel.--(a) A
11 school district or joint school board shall ~~insure~~ ENSURE that <—
12 each teacher and other employe, prior to beginning work,
13 provides documentation on a form prescribed or approved by the
14 Department of Health evidencing a physical examination performed
15 by a qualified health professional within one (1) year prior to
16 the person's start date. The results of the physical examination
17 shall include information showing that the individual was
18 evaluated for tuberculosis risk factors and for other
19 communicable diseases listed in 28 Pa. Code § 27.71 (relating to
20 exclusion of children, and staff having contact with children,
21 for specified diseases and infectious conditions), § 27.72
22 (relating to exclusion of children, and staff having contact
23 with children, for showing symptoms) and § 27.75 (relating to
24 exclusion of children, and staff having contact with children,
25 during a measles outbreak) and tested as necessary.

26 (b) A school district or joint school board shall ~~insure~~ <—
27 ENSURE that each individual, including a volunteer, who will <—
28 have direct contact with students for ten (10) or more hours
29 weekly, be evaluated prior to contact with students for
30 tuberculosis risk factors and other communicable diseases as

1 listed in 28 Pa. Code §§ 27.71, 27.72 and 27.75 and tested as
2 necessary. Documentation shall be provided on a form prescribed
3 or approved by the Department of Health.

4 (c) School boards may require a special medical examination
5 for any school employe at any time.

6 (d) The physical examination and evaluation for tuberculosis
7 risk factors, other communicable diseases and special medical
8 examinations shall be made by the school physician, or other
9 qualified health professional of the district, or by a qualified
10 health professional of the employe's own choice.

11 Section 9. This act shall take effect in 180 days.