

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2095 Session of  
2018

INTRODUCED BY D. MILLER, WARD, KINSEY, MURT, V. BROWN,  
CALTAGIRONE, BULLOCK, D. COSTA, SIMS, SCHLOSSBERG, McNEILL,  
MATZIE, ROZZI, ORTITAY, M. QUINN AND DeLUCA,  
FEBRUARY 16, 2018

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 16, 2018

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 Each child of school age shall receive a depression screening no  
14 later than the child's entrance into sixth grade and thereafter  
15 in accordance with the schedule for mandated medical  
16 examinations under section 1402(e). The comprehensive health  
17 record for the child shall include written confirmation from the  
18 child's physician or other qualified health care professional  
19 that the screening was completed.

1 (b) Each school entity shall provide notice to the parent or  
2 guardian of each child of school age of the requirement under  
3 subsection (a) on a form developed by the Department of Health.

4 The notice shall do all of the following:

5 (1) Explain that a physician or other qualified health care  
6 professional shall conduct the depression screening as required  
7 under subsection (a) and provide written confirmation that the  
8 screening was completed to the school entity in which the child  
9 is enrolled or, for a child of school age enrolled in a home  
10 education program, in which the child would be enrolled as a  
11 result of the child's residence.

12 (2) Detail how a parent or guardian may opt out of the  
13 requirement by providing a written statement to the school  
14 entity.

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

17 (4) State that the school entity will not receive the  
18 results of the screening unless the parent or guardian chooses  
19 to share the results of the screening with the school entity.

20 (5) State that, if the parent or guardian chooses to share  
21 the results of the screening with the school entity and the  
22 screening indicates the presence of thoughts or behaviors often  
23 associated with a diagnosis of depression, the school entity  
24 shall refer the child for an evaluation under the Individuals  
25 with Disabilities Education Act (Public Law 91-230, 20 U.S.C. §  
26 1400 et seq.) or under section 504 of the Rehabilitation Act of  
27 1973 (Public Law 93-112, 29 U.S.C. § 794) and notify the parent  
28 or guardian at the point of referral, but the evaluation may not  
29 be performed unless the parent or guardian consents to the  
30 evaluation.

1 (c) The Department of Health, in conjunction with the  
2 Department of Education, shall produce materials that:

3 (1) At a minimum explain the following:

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

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

10 (2) Are made available to school entities in print format  
11 and posted on the publicly accessible Internet websites of the  
12 Department of Health and the Department of Education.

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

16 (e) The Department of Health shall amend the standard  
17 private or school physical examination form regarding a child of  
18 school age to include confirmation by the child's physician or  
19 other qualified health care professional that a depression  
20 screening was completed consistent with the requirements of this  
21 section and to state that the school entity will not receive the  
22 results of the screening unless the parent or guardian chooses  
23 to share the results of the screening with the school entity.  
24 The physician or other qualified health care professional who  
25 completes the screening may use this form or a form that  
26 provides substantially similar information to provide  
27 confirmation of the screening to the school entity of the child.

28 (f) Nothing in this section shall be construed to create,  
29 establish or expand civil or criminal liability on the part of a  
30 school entity or school employe.

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

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

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

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