

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 410 Session of
2023

INTRODUCED BY GALLOWAY, CIRESI, BURGOS, SCHLOSSBERG, NEILSON,
HILL-EVANS, MADDEN, SANCHEZ, HOWARD, D. WILLIAMS, FLEMING,
FREEMAN, KINKEAD, N. NELSON, O'MARA AND KHAN, MARCH 14, 2023

REFERRED TO COMMITTEE ON EDUCATION, MARCH 14, 2023

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 preliminary provisions, further
6 providing for definitions; in safe schools, establishing the
7 School Student Mental Health Assistance Augmentation Account;
8 and making a repeal.

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

11 Section 1. Section 102 of the act of March 10, 1949 (P.L.30,
12 No.14), known as the Public School Code of 1949, is amended by
13 adding definitions to read:

14 Section 102. Definitions.--When used in this act the
15 following words and phrases shall have the following meanings:

16 * * *

17 "School psychologist." An individual who holds a valid
18 certificate for school psychologist issued by the Department of
19 Education which qualifies the individual to be employed by and
20 work within a school entity.

1 "School social worker." An individual who:

2 (1) holds an educational specialist certificate for school
3 social workers issued by the Department of Education;

4 (2) meets the exception for a school social worker as
5 provided under section 20(a.1) of the act of July 9, 1987

6 (P.L.220, No.39), known as the "Social Workers, Marriage and
7 Family Therapists and Professional Counselors Act"; or

8 (3) holds either a social worker license issued by the
9 Department of State or another certificate issued by the
10 Department of Education prior to the Department of Education's
11 development of an educational specialist certificate for school
12 social workers.

13 * * *

14 Section 2. The act is amended by adding a section to read:

15 Section 1302.2-A. School Student Mental Health Assistance
16 Augmentation Account.--(a) The School Student Mental Health
17 Assistance Augmentation Account is established as a restricted
18 receipts account within the General Fund.

19 (b) Notwithstanding 42 Pa.C.S. § 3733(a.1)(2)(iii) (relating
20 to deposits into account), for the fiscal year 2023-2024 and
21 each fiscal year thereafter, \$8 of each additional fee imposed
22 under 42 Pa.C.S. § 3733(a.1)(1) shall be deposited into the
23 account and \$2 of each additional fee shall be deposited into
24 the Access to Justice Account.

25 (c) Money deposited into the account is appropriated on a
26 continuing basis to the Department of Education for distribution
27 under subsection (d).

28 (d) All money deposited into the account shall be used for
29 the purpose of providing grants to school entities to support
30 school-linked mental health services. The Department of

Education shall, upon written application and subsequent approval, grant money from the account to a school entity. Allowable grant activities and related expenses include:

(1) Employing and retaining one of the following mental health professionals:

(i) A school counselor.

(ii) A school psychologist.

(iii) A school social worker.

(2) Providing mental health services and transportation for students receiving school-linked mental health services.

(e) The Department of Education shall establish grant application review procedures and shall prioritize grant funding for activities and related expenses under subsection (d)(1).

(f) Grant money allocated through the account shall be used to supplement and not supplant existing school entity spending on mental health professionals.

(g) The Department of Education shall promulgate rules and regulations as necessary to administer this section.

(h) 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:

"Account." The School Student Mental Health Assistance Augmentation Account established under subsection (a).

"School counselor." An individual who holds a valid certificate for Elementary and Secondary School Counselor issued by the Department of Education which qualifies the individual to be employed by and working within a school entity.

"School entity." A school district, charter school, regional charter school, cyber charter school, intermediate unit or area career and technical school operating within this Commonwealth.

1 Section 3. The provisions of 42 Pa.C.S. § 3733(a.1)(2)(iii)
2 are repealed insofar as they are inconsistent with the addition
3 of section 1302.2-A of the act.

4 Section 4. This act shall take effect July 1, 2023, or
5 immediately, whichever is later.