

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 102 Session of 2021

INTRODUCED BY D. MILLER, ISAACSON, HOWARD, GALLOWAY, A. DAVIS, HANBIDGE, SAPPEY, SCHLOSSBERG, ZABEL, DALEY, SANCHEZ, SHUSTERMAN, HOHENSTEIN, CONKLIN, ROZZI, PASHINSKI, SIMS, DEASY, NEILSON, OTTEN AND FREEMAN, JANUARY 11, 2021

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 11, 2021

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 intermediate units, repealing
 6 provisions relating to psychological services; in
 7 professional employes, further providing for definitions and
 8 providing for school social workers; and, in school health
 9 services, further providing for health services and providing
 10 for school counselors, school psychologists, school social
 11 workers and school nurses.

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

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 16 repealed:

17 [Section 923.1-A. Psychological Services.--(a) Legislative
 18 Finding; Declaration of Policy. It is today recognized that
 19 diagnostic and evaluative psychological services to children are
 20 closely related to their physical, mental and emotional health.
 21 Such services can best be rendered upon the premises of the

1 school which the child regularly attends, and forcing children
2 to go to other premises in order to have such needed services is
3 found by the General Assembly to be both inadequate and harmful.
4 The General Assembly expressly finds and declares diagnostic and
5 evaluative psychological services for children to be health
6 services, and it is the intention of the General Assembly now to
7 make these available, on a general and even-handed basis, to all
8 school children in the Commonwealth.

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

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

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

20 (c) Provision of Services.--The Secretary of Education
21 directly, or through the intermediate units out of their
22 allocation under section 922.1-A of this act shall have the
23 power and duty to furnish free to nonpublic school students,
24 upon the premises of the nonpublic schools which they regularly
25 attend, psychological services provided that such services are
26 also afforded to public school students by the public school
27 district in which such nonpublic school is located.]

28 Section 2. Section 1101(1) of the act, amended October 30,
29 2019 (P.L.460, No.76), is amended to read:

30 Section 1101. Definitions.--As used in this article,

1 (1) The term "professional employe" shall include those who
2 are certificated, such as teachers, supervisors, supervising
3 principals, principals, assistant principals, vice-principals,
4 directors of career and technical education, dental hygienists,
5 visiting teachers, home and school visitors, school social
6 workers, school counselors, child nutrition program specialists,
7 school librarians, school secretaries the selection of whom is
8 on the basis of merit as determined by eligibility lists and
9 school nurses.

10 * * *

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

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

17 (b) The requirements of subsection (a) shall not apply when
18 the individual:

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

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

30 (c) The Department of Education shall develop an educational

1 specialist certificate for school social workers no later than
2 sixty (60) days after the effective date of this section.

3 (d) For the purposes of this section, the term "school
4 entity" shall mean a public school district, intermediate unit,
5 charter school, cyber charter school, regional charter school or
6 area career and technical school operating in this Commonwealth.

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

9 Section 1402. Health Services.--* * *

10 (g) The following shall apply:

11 (1) When a student who enrolls in a school entity previously
12 attended a different school entity within this Commonwealth, the
13 school entity in which the student is newly enrolled shall
14 request, and the school entity the student previously attended
15 shall surrender, the student's comprehensive health record
16 maintained under this section.

17 (2) A school entity may not destroy a student's
18 comprehensive health record maintained under this section for a
19 period of at least two (2) years after the student ceases to be
20 enrolled, but at the discretion of the school entity, may
21 surrender all or a portion the student's comprehensive health
22 record to the student's parent or guardian if the student does
23 not re-enroll in a school entity.

24 (3) As used in this subsection, the term "school entity"
25 shall mean a school district, charter school, regional charter
26 school, cyber charter school, nonpublic school, intermediate
27 unit or area career and technical school operating within this
28 Commonwealth.

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

30 Section 1426. School Counselors, School Psychologists,

1 School Social Workers and School Nurses.--(a) Every student of
2 school age shall be provided with school counseling,
3 psychological, social work and school nursing services by an
4 individual employed by the school entity who meets the
5 qualification requirements for the position as established by
6 the General Assembly or the Department of Education. The ratio
7 for each type of service shall be as follows:

8 (1) The number of students under the care of each school
9 counselor shall not exceed two hundred fifty (250).

10 (2) The number of students under the care of each school
11 psychologist shall not exceed five hundred (500).

12 (3) The number of students under the care of each school
13 social worker shall not exceed two hundred fifty (250).

14 (4) The number of students under the care of each school
15 nurse shall not exceed seven hundred fifty (750) in a regular
16 education population, two hundred twenty-five (225) in a mixed
17 regular education and special education population and one
18 hundred twenty-five (125) for students with severe or profound
19 disabilities.

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

1 provision of appropriate services to the student.

2 (c) For each student, the school entity must include in the
3 student's comprehensive health record required to be maintained
4 under section 1402(b) documentation of social, emotional and
5 behavioral data which a school counselor, school psychologist,
6 school social worker or school nurse has submitted to the
7 administration of the school entity and deems pertinent to a
8 student's mental or behavioral health.

9 (d) Documentation included in a student's comprehensive
10 health record under this section shall be confidential and shall
11 be divulged only if necessary for the assessment of and
12 intervention with students whose behavior may indicate a threat
13 to the safety of the student, other students, school employees,
14 school facilities, the community or others, or at the request of
15 the parent or guardian, to a physician, psychiatrist or
16 psychologist legally qualified to practice in this Commonwealth.

17 (e) As used in this section:

18 "Department" means the Department of Education of the
19 Commonwealth.

20 "School counselor" means an individual who holds a valid
21 certificate for Elementary and Secondary School Counselor issued
22 by the department which qualifies the individual to be employed
23 by and working within a school entity.

24 "School entity" means a school district, charter school,
25 regional charter school, cyber charter school, intermediate unit
26 or area career and technical school operating within this
27 Commonwealth.

28 "School nurse" means an individual who holds a valid
29 certificate for School Nurse issued by the department which
30 qualifies the individual to be employed by and working within a

1 school entity.

2 "School psychologist" means an individual who holds a valid
3 certificate for School Psychologist issued by the department
4 which qualifies the individual to be employed by and working
5 within a school entity.

6 "School social worker" means an individual who:

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

9 (2) meets the exception for a school social worker as
10 specified in section 20(a.1) of the act of July 9, 1987

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

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

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