AMENDMENTS TO HOUSE BILL NO. 2022

Sponsor: REPRESENTATIVE SONNEY

Printer's No. 2810

Amend Bill, page 1, line 6, by striking out "school-based behavioral health assistance" and inserting

School-Based Mental Health Services Pilot Grant Program

Amend Bill, page 1, lines 12 through 20; pages 2 and 3, lines 1 through 30; page 4, lines 1 through 13; by striking out all of said lines on said pages and inserting

Section 130. School-Based Mental Health Services Pilot Grant Program.--(a) The School-Based Mental Health Services Pilot Grant Program is established within the department to award grants to school entities for the purpose of providing supplemental mental health services to their students that are in addition to services provided by the employes of school entities. The program shall support the use of community resources and organizations so that students of a school entity can have their mental health needs met within the school entity.

(b) Within ninety (90) days of the effective date of this section, the department shall develop a procedure for awarding grants, including an application form and a review process. The application form shall include, at a minimum, the following:

(1) A description of the way the school entity intends to use the grant award to provide supplemental mental health services to students in a school setting.

(2) A description of how mental health specialists will consult with school staff, including multidisciplinary teams, the services that mental health specialists will provide and how mental health specialists will work under the supervision of an employe of the school entity who is identified by the school entity's chief school administrator as the coordinator of supplemental mental health services within the school entity.

(3) The amount of grant money requested.

(4) Additional information the department determines is necessary.

(c) The department shall award grant awards each fiscal year. A school entity may receive a grant award in multiple fiscal years. Grant money received by a school entity under the

program may not be included when calculating the amount to be paid to a charter school under section 1725-A.

(d) The department shall make no more than thirty-five (35) grant awards each fiscal year of the program. Grant awards shall be geographically dispersed across this Commonwealth no later than December 1, 2022, and July 1 of each year thereafter.

(e) In order to receive a grant, a school entity must agree to use grant money to supplement and not supplant existing school entity spending on student mental health services, and for any fiscal year in which the school entity receives a grant, the school entity may not reduce, curtail or eliminate any program or service related to student mental health that existed at the time of application.

(f) The department shall fund grant awards with appropriations for the program or with grants or other funding from the Federal Government, private foundations or other sources.

(g) A school entity that receives a grant award shall do the following:

(1) Post the approved application on the school entity's publicly accessible Internet website.

(2) Enter into one or more memoranda of understanding with the mental health services entity with which the mental health specialist is affiliated or employed. A memorandum of understanding under this paragraph shall be supplemented or updated as necessary and shall specify the following:

(i) The name of the school entity and each school in which supplemental mental health services will be provided.

(ii) The cost and length of the agreement.

(iii) A description of the following:

(A) The manner in which mental health specialists will work in consultation and coordination with existing school counselors, social workers and school psychologists who are employed by the school entity.

(B) How the mental health services specialist will work under the supervision of an employe designated by the chief school administrator of the school entity.

(C) The services that the mental health specialist will provide.

(iv) The name of the mental health specialist who will be assigned to the school entity, the qualifications of the mental health specialist and evidence that the mental health specialist has satisfied the requirements under sections 111, 111.1 and 1109(a) and 23 Pa.C.S. Ch. 63 Subch. C (relating to powers and duties of department).

(v) The name of the point of contact within the mental health services entity with which the mental health specialist is affiliated and a process by which the point of contact shall cooperate with the school entity to resolve concerns regarding services provided by the mental health specialist.

(vi) A description of quality standards that the mental

health services entity will meet with respect to continuity of mental health specialists assigned to school entities to provide supplemental mental health services to individual students.

(h) A school entity shall ensure that supplemental mental health services funded with a grant are provided consistent with the Family Educational Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g), with any provision of this act and with the school entity's trauma-informed approach plan developed under section 1311-B, the student services plan required under 22 Pa. Code § 12.41 (relating to student services) and the student assistance program required under 22 Pa. Code § 12.42 (relating to student assistance program).

(i) (1) After entering into a memorandum of understanding in accordance with this section, a school entity shall notify parents or legal guardians of all students enrolled in the school entity that the school entity has entered into a memorandum of understanding with a mental health services entity under this section.

(2) The notification shall include the following information:

(i) A link to the approved application and a description of the program.

(ii) A statement that, if a student is identified by the school entity as needing supplemental mental health services, the parent or legal guardian of a student will be notified and has the option, after consultation with the school entity, to exempt the student from receiving supplemental mental health services by signing and submitting an opt-out form to the school entity.

(3) The opt-out form shall be developed by the department and provided to all school entities. The opt-out form shall be posted on the publicly accessible Internet website of each school entity for use by parents and legal guardians of students.

(j) Within one (1) year after receiving a grant, a school entity shall report to the department a description of how the grant award has enabled the school entity to provide school-based supplemental mental health services to students of the school entity. The report shall be on a form developed by the department.

(k) By April 30 of each year, the department shall compile the reports received under subsection (j) for the immediately preceding year and transmit them, along with any suggestions for improvements to the program, to the chairperson and minority chairperson of the Appropriations Committee of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives, the chairperson and minority chairperson of the Education Committee of the Senate and the chairperson and minority chairperson of the Education Committee of the House of Representatives.

(l) Within ninety (90) days of the effective date of this

section, the department, in conjunction with the Department of Human Services, shall develop guidelines to implement the provisions of this section. Upon development of the guidelines, the department shall post the guidelines on the department's publicly accessible Internet website.

(m) Nothing in this section shall be construed to:

(1) Supersede or preempt the rights, remedies and procedures afforded to school employes or labor organizations under Federal or State law, including the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act," or any provision of a collective bargaining agreement negotiated between a school employer and an exclusive representative of the employes in accordance with the Public Employe Relations Act.

(2) Supersede the provisions of the act of February 13, 1970 (P.L.19, No.10), entitled "Enabling certain minors to consent to medical, dental and health services, declaring consent unnecessary under certain circumstances."

(n) This section shall expire June 30, 2027.

(o) 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:

"Chief school administrator" shall mean the superintendent of a school district or chief executive officer of a charter school, cyber charter school or regional charter school.

"Department" shall mean the Department of Education of the Commonwealth.

"Grant" shall mean a grant awarded under this section.

"Mental health services" shall mean the provision of assistance or preparation of a plan of assistance to students who are experiencing anxiety, stress, trauma or other mental or emotional impairments interfering with their education and behavior at school, with the goal of helping students engage in their school community in a productive and positive manner that maximizes their social and emotional development and learning.

"Mental health services entity" shall mean a county or community organization or agency that is licensed under State law to provide mental health services for students. The term includes an intermediate unit.

"Mental health specialist" shall mean an individual who is a volunteer or employe of a mental health services entity and holds a valid and current Pennsylvania license as a psychologist, counselor, social worker or clinical social worker.

"Program" shall mean the School-Based Mental Health Services Pilot Grant Program established under this section.

"School entity" shall mean a school district, charter school, regional charter school or cyber charter school.

"Supplemental mental health services" shall mean mental health services provided by a mental health specialist and in addition to the mental health services being provided by a school entity's employes.