THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL No. 199 Session of 2019

INTRODUCED BY REGAN, J. WARD, MARTIN, BREWSTER, ARGALL, KILLION, BOSCOLA, BROWNE, BARTOLOTTA AND LANGERHOLC, FEBRUARY 4, 2019

REFERRED TO EDUCATION, FEBRUARY 4, 2019

AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," in school health services, providing for early intervention depression screening.

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

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a section to read:

Section 1425. Early Intervention Depression Screening.--(a) All children of school age shall receive a depression screening while in sixth grade and thereafter in accordance with the schedule for mandated medical examinations under section 1402(e). The comprehensive health examination for a child of school age shall include written confirmation from the child's physician or other qualified health care professional that the screening was completed.

(b) (1) If the parent or guardian chooses to share the
results of the screening with the school entity and the screening indicates the presence of thoughts or behaviors often associated with a diagnosis of depression, the school entity shall refer the child:

(i) to the school's student assistance program;
(ii) to the school psychologist for evaluation; or

(2) The school entity shall notify the parent or guardian at the point of referral that an evaluation under this subsection will not be performed unless the parent or guardian consents to the evaluation.

(c) Each school entity shall provide notice of the requirement under subsection (a) to the parent or guardian of each child. The notice shall be developed by the Department of Health and made available on the school entity's publicly accessible Internet website or included in any other materials used to effectively communicate with parents or guardians regarding the medical examination requirement and shall:

(1) Explain that a physician or other qualified health care professional shall conduct the depression screening as required under subsection (a) and provide the school entity in which the child is enrolled with written confirmation that the screening was completed.

(2) State that a parent or guardian may opt out of the depression screening required under subsection (a).

(3) Specify that the decision to act on screening results rests entirely with the parent or guardian.
(4) State that the school entity will not receive the results of the screening unless the parent or guardian chooses to share the results of the screening with the school entity.

(5) State the following:

(i) If the parent or guardian chooses to share the results of the screening with the school entity and the screening indicates the presence of thoughts or behaviors often associated with a diagnosis of depression, the school entity shall refer the child:

(A) to the school's student assistance program;

(B) to the school psychologist for evaluation; or

(C) for evaluation under the Individuals with Disabilities Education Act or under section 504 of the Rehabilitation Act of 1973.

(ii) The parent or guardian shall be notified at the point of referral and that an evaluation under this clause may not be performed unless the parent or guardian consents to the evaluation.

(d) The Department of Health, in conjunction with the Department of Education, shall make available materials:

(1) That at a minimum explain the following:

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

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

(2) To school entities in print format. The materials shall also be posted on the publicly accessible Internet websites of the Department of Health and the Department of Education.
(e) The academic records of a child of school age shall not include the child's screening results or information indicating whether a screening was completed.

(f) The Department of Health shall amend the standard private or school physical examination of school age student form to accommodate the depression screening required under subsection (a). The form shall require the physician or other qualified health care professional completing the form to indicate confirmation that a depression screening was completed or not completed or that the parent or guardian of the student opted out of the screening. The physician or other qualified health care professional who completes the screening may use this form or a form that provides substantially similar information to provide confirmation of the screening or that the parent or guardian has opted out of the screening to the school entity of the child of school age.

(g) Nothing in this section shall be construed to create, establish or expand civil or criminal liability on the part of a school entity or school employee.

(h) Within ninety (90) days of the effective date of this section, each school entity shall adopt or revise existing procedures concerning the school entity's response if it is provided with a depression screening indicating that a student has thoughts or engages in behaviors that are often associated with a diagnosis of depression.

(i) The Department of Health shall promulgate regulations necessary to implement this section, including a determination of who can be deemed a qualified health care professional for the purpose of this section and privacy procedures that apply when depression screening is conducted in a school entity by a
school physician or other practitioner contracted for the purposes of conducting medical examinations under section 1402(e).

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

Section 2. The addition of section 1425 of the act shall apply to the 2019-2020 school year and each school year thereafter.

Section 3. This act shall take effect immediately.