

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2057 Session of
2015

INTRODUCED BY D. MILLER, WARD, CALTAGIRONE, V. BROWN, D. COSTA,
PASHINSKI, STAATS, ORTITAY, BULLOCK, McNEILL, M. DALEY,
PHILLIPS-HILL, DeLUCA, TRUITT, ROZZI, KORTZ, KOTIK, ROEBUCK
AND ZIMMERMAN, AUGUST 5, 2016

REFERRED TO COMMITTEE ON EDUCATION, AUGUST 5, 2016

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 brain health and mental health checkups.

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. Brain Health and Mental Health Checkups.--(a)
13 Except as provided in subsection (f), before a student reaches
14 fourteen (14) years of age, each school district in this
15 Commonwealth shall obtain from the student's parent or guardian
16 a written confirmation statement that the student has received a
17 brain health and mental health checkup, which at a minimum shall
18 include a depression screening.

19 (b) No later than the start of the school year in which a

1 student will reach thirteen (13) years of age, each school
2 district shall provide notice to the student's parent or
3 guardian of the requirement under subsection (a). The notice
4 shall:

5 (1) explain who may administer the screening;

6 (2) describe how a parent or guardian may opt out of the
7 requirement;

8 (3) state that the completed screening need not be shared
9 with the school district; and

10 (4) specify clearly that the decision to do the screening,
11 where to do the screening and whether to act on any screening
12 recommendation rests entirely with the student's parent or
13 guardian in accordance with law.

14 (c) The Department of Education, in conjunction with the
15 Department of Health and the Department of Human Services, shall
16 make available through online sources and in printed materials
17 information that at a minimum explains:

18 (1) the importance of screening and the impact of untreated
19 mental health issues on adolescents specifically;

20 (2) the requirements of this section and the role of school
21 districts as prescribed; and

22 (3) privacy requirements and related parental rights and
23 decisions.

24 (d) The Department of Education, in consultation with the
25 Department of Health and the Department of Human Services, may
26 convene a task force to include school psychologists, licensed
27 psychologists and pediatricians to develop or choose a
28 standardized evidence-based screening tool that comports with
29 the requirements of this section.

30 (e) The Department of Education or a school district may

1 enhance the requirement under subsection (a) to include
2 additional screening items or increase the frequency of the
3 screening if any enhancement is applied universally and in
4 accordance with this section.

5 (f) A student's parent or guardian may opt out of the
6 requirement under subsection (a) by providing written
7 notification to the school district of the decision to opt out.
8 The notification need not state a reason for the decision.

9 (g) A brain health and mental health checkup shall be
10 conducted by a person trained to administer the screening. The
11 person conducting the screening shall provide to the student's
12 parent or guardian the results of the screening and a written
13 confirmation statement affirming the date of the student's
14 completed screening. The written confirmation statement shall be
15 submitted by the student's parent or guardian to the school
16 district prior to the student's fourteenth birthday.

17 (h) A school district may offer the screening under this
18 section directly or indirectly, but the student's parent or
19 guardian shall be encouraged to have the student examined
20 privately to provide for continuity in the student's medical
21 care.

22 (i) Nothing in this section shall be interpreted to negate
23 Federal or State privacy requirements.

24 (j) The screening or lack of screening may not be included
25 in the academic records of the student.

26 (k) If a student reaches fourteen (14) years of age after
27 the effective date of this section and prior to September 1,
28 2018, the student's school district shall provide notice to the
29 student's parent or guardian if the student is not subject to
30 the requirements of this section. The notice shall include

1 information developed under subsection (c).

2 (l) This section shall apply to each student who reaches
3 fourteen (14) years of age on or after September 1, 2018, and
4 that student's parent or guardian shall comply with the
5 requirements of this section.

6 (m) The Department of Education shall promulgate regulations
7 necessary to implement this section.

8 Section 2. This act shall take effect in 60 days.