

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1181 Session of 2018

INTRODUCED BY RESCHENTHALER, ARGALL, VULAKOVICH, BOSCOLA AND REGAN, MAY 30, 2018

SENATOR EICHELBERGER, EDUCATION, AS AMENDED, JUNE 12, 2018

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 early intervention depression screening.

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. Early Intervention Depression Screening.--(a)
13 All children of school age shall receive a depression screening
14 while in sixth grade and thereafter in accordance with the
15 schedule for mandated medical examinations under section
16 1402(e). The comprehensive health examination for a child of
17 school age shall include written confirmation from the child's
18 physician or other qualified health care professional that the
19 screening was completed.

20 ~~(b) All school entities of this Commonwealth shall ensure~~ <--

1 ~~parents and guardians are effectively notified of the~~  
2 ~~requirement under subsection (a). The notice shall do all of the~~  
3 ~~following:~~

4 (B) EACH SCHOOL ENTITY SHALL PROVIDE NOTICE OF THE <--  
5 REQUIREMENT UNDER SUBSECTION (A) TO THE PARENT OR GUARDIAN OF  
6 EACH CHILD. THE NOTICE SHALL BE DEVELOPED BY THE DEPARTMENT OF  
7 HEALTH AND MADE AVAILABLE ON THE SCHOOL ENTITY'S PUBLICLY  
8 ACCESSIBLE INTERNET WEBSITE OR INCLUDED IN ANY OTHER MATERIALS  
9 USED TO EFFECTIVELY COMMUNICATE WITH PARENTS OR GUARDIANS  
10 REGARDING THE MEDICAL EXAMINATION REQUIREMENT AND SHALL:

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

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

18 (3) Specify that the decision to act on screening results  
19 rests entirely with the parent or guardian.

20 (4) State that the school entity will not receive the  
21 results of the screening unless the parent or guardian chooses  
22 to share the results of the screening with the school entity.

23 (5) State the following:

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

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

30 (B) to the school psychologist for evaluation; or

1 (C) for evaluation under the Individuals with Disabilities  
2 Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) or  
3 under section 504 of the Rehabilitation Act of 1973 (Public Law  
4 93-112, 29 U.S.C. § 794).

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

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

11 (1) That at a minimum explain the following:

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

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

18 (2) To school entities in print format, which shall also be  
19 and posted on the publicly accessible Internet websites of the  
20 Department of Health and the Department of Education.

21 (d) The academic records of a child of school age shall not  
22 include the child's screening results or information indicating  
23 whether a screening was completed.

24 (e) The Department of Health shall amend the standard  
25 private or school physical examination of school age student  
26 form to accommodate the depression screening required under  
27 subsection (a). The form shall require the physician or other  
28 qualified health care professional completing the form to  
29 indicate confirmation that a depression screening was completed  
30 or not completed or that the parent or guardian of the student

1 opted out of the screening. The physician or other qualified  
2 health care professional who completes the screening may use  
3 this form or a form that provides substantially similar  
4 information to provide confirmation of the screening or that the  
5 parent or guardian has opted out of the screening to the school  
6 entity of the child of school age.

7 (f) Nothing in this section shall be construed to create,  
8 establish or expand civil or criminal liability on the part of a  
9 school entity or school employe.

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

16 (h) The Department of Health shall promulgate regulations  
17 necessary to implement this section-, INCLUDING A DETERMINATION <--  
18 OF WHO CAN BE DEEMED A QUALIFIED HEALTH CARE PROFESSIONAL FOR  
19 THE PURPOSE OF THIS SECTION AND PRIVACY PROCEDURES THAT APPLY  
20 WHEN DEPRESSION SCREENING IS CONDUCTED IN A SCHOOL ENTITY BY A  
21 SCHOOL PHYSICIAN OR OTHER PRACTITIONER CONTRACTED FOR THE  
22 PURPOSES OF CONDUCTING MEDICAL EXAMINATIONS UNDER SECTION  
23 1402(E).

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

28 Section 2. This act shall take effect August 1, 2018.