
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1401 Session of
2019

INTRODUCED BY D. MILLER, MURT, SCHLOSSBERG, HILL-EVANS, BRIGGS,
YOUNGBLOOD, CALTAGIRONE, SCHMITT, HOWARD, READSHAW,
RAVENSTAHL, McCLINTON, A. DAVIS, ULLMAN, STURLA, GALLOWAY,
DeLUCA, WARREN, MARKOSEK, McNEILL AND FRANKEL, MAY 8, 2019

REFERRED TO COMMITTEE ON EDUCATION, MAY 8, 2019

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 employees, providing for school social workers;
8 and, in school health services, further providing for health
9 services and providing for school counselors, school
10 psychologists and school social workers.

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

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15 repealed:

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

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

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

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

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

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

27 Section 2. The act is amended by adding a section to read:

28 Section 1107.1. School Social Workers.--(a) A school entity
29 that employs a school social worker must require the individual
30 to hold an educational specialist certificate for school social

1 worker issued by the Department of Education.

2 (b) The requirements of subsection (a) shall not apply when
3 the individual:

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

8 (2) is employed as or performing the duties of a school
9 social worker in a school entity in this Commonwealth and holds
10 either a social worker license issued by the Department of State
11 or another certificate issued by the Department of Education
12 prior to the development of an educational specialist
13 certificate for school social worker by the Department of
14 Education under subsection (c).

15 (c) The Department of Education shall develop an educational
16 specialist certificate for school social worker no later than
17 sixty (60) days after the effective date of this section.

18 (d) For the purposes of this section, the term "school
19 entity" shall mean a public school district, intermediate unit,
20 charter school, cyber charter school, regional charter school or
21 area vocational-technical school.

22 Section 3. Section 1402(b) and (e) of the act are amended to
23 read:

24 Section 1402. Health Services.--* * *

25 (b) For each child of school age, a comprehensive health
26 record shall be maintained by the school district or joint
27 school board, which shall include the results of the tests,
28 measurements and regularly scheduled examinations and special
29 examinations [herein specified], including examinations and
30 assessments under section 1425.

1 * * *

2 (e) [The school] Except as provided in section 1425:

3 (1) School physicians of each district or joint board shall
4 make a medical examination and a comprehensive appraisal of the
5 health of every child of school age, (1) upon original entry
6 into school in the Commonwealth, (2) while in sixth grade, (3)
7 while in eleventh grade, and (4) prior to the issuance of a farm
8 or domestic service permit unless the child has been given a
9 scheduled or special medical examination within the preceding
10 four months.

11 (2) The health record of the child shall be made available
12 to the school physician at the time of the regularly scheduled
13 health appraisals.

14 * * *

15 Section 4. The act is amended by adding a section to read:

16 Section 1425. School Counselors, School Psychologists and
17 School Social Workers.--(a) Every student of school age shall
18 be provided with school counseling, psychological and social
19 work services. The ratio for each type of service shall be as
20 follows:

21 (1) the number of students under the care of each school
22 counselor may not exceed two hundred fifty (250);

23 (2) the number of students under the care of each school
24 psychologist may not exceed five hundred (500); and

25 (3) the number of students under the care of each school
26 social worker may not exceed two hundred fifty (250).

27 (b) School counselors, school psychologists and school
28 social workers shall collaborate to deliver intervention,
29 assessment and support services to students. School counselors,
30 school psychologists and school social workers shall work with

1 other school professionals, including school administrators,
2 teachers, school physicians, school nurses and school dental
3 hygienists to deliver intervention, assessment and support
4 services to students.

5 (c) For each student, for inclusion in the health record
6 required under section 1402(b), school counselors, school
7 psychologists and school social workers shall collaborate to
8 keep a record of a student's mental or behavioral health status.

9 (d) The Secretary of Health, in cooperation with the
10 Secretary of Education and the Secretary of Drug and Alcohol
11 Programs, shall develop diagnostic tools that may be used by
12 school counselors, school psychologists and school social
13 workers.

14 (e) School counselors, school psychologists and school
15 social workers shall conduct examinations in a room that is
16 equipped for examinations and which are equipped with adequate
17 facilities.

18 (f) Parents or guardians of students shall be advised in
19 advance of the date of an examination and urged to be present.
20 An examination shall be made in the presence of the parent or
21 guardian of the student if requested by the parent or guardian.

22 (g) Recommendations as to mental or behavioral health care
23 shall be sent to each parent or guardian on forms prepared or
24 approved by the Secretary of Health with instructions to the
25 parent or guardian to notify the school authorities of the
26 action taken with respect to the recommendations.

27 (h) In lieu of an examination required under this section, a
28 student may furnish local school officials with a report of an
29 examination made at the student's own expense by the student's
30 family psychiatric or psychological counselor on a form approved

1 by the Secretary of Health. An examination under this subsection
2 shall be made and the report shall be furnished prior to the
3 date fixed for the regularly scheduled examination but not
4 earlier than four (4) months prior to the opening of the school
5 term during which the regular examination is scheduled.

6 (i) (1) Each health record established and maintained under
7 this section shall be confidential and the contents of the
8 health records shall be divulged only if necessary for the
9 health of the student or at the request of the parent or
10 guardian, to a physician, psychiatrist or psychologist legally
11 qualified to practice in this Commonwealth.

12 (2) For a student who enrolls in a school entity and who
13 previously attended a different school entity within this
14 Commonwealth, the school entity where the student is newly
15 enrolled shall request and the school entity where the student
16 previously attended shall surrender the health record of the
17 student. A school entity may not destroy a student's health
18 record collected under this section for a period of at least two
19 (2) years after the student ceases to be enrolled, but may
20 surrender all or a portion the student's health record to the
21 student's parent or guardian if the student does not re-enroll
22 in a school entity.

23 (j) As used in this section:

24 "Department" means the Department of Education of the
25 Commonwealth.

26 "School counselor" means a licensed professional counselor as
27 defined in section 16.3 of the act of July 9, 1987 (P.L.220,
28 No.39), known as the "Social Workers, Marriage and Family
29 Therapists and Professional Counselors Act," and who holds a
30 valid certificate for Elementary and Secondary School Counselor

1 issued by the department to be employed by and working within a
2 school entity.

3 "School entity" means a public school, including a charter
4 school or cyber charter school, private school, nonpublic
5 school, regional charter school, intermediate unit or area
6 vocational-technical school, operating within this Commonwealth.

7 "School psychologist" means a licensed psychologist as
8 provided for in section 3 of the act of March 23, 1972 (P.L.136,
9 No.52), known as the "Professional Psychologists Practice Act,"
10 and who holds a valid certificate for School Psychologist issued
11 by the department to be employed by and working within a school
12 entity.

13 "School social worker" means a licensed social worker or a
14 licensed clinical social worker as those terms are defined in
15 section 3 of the "Social Workers, Marriage and Family Therapists
16 and Professional Counselors Act," employed by and working within
17 a school entity or meets the exception for a school social
18 worker as set forth in section 20 of the "Social Workers,
19 Marriage and Family Therapists and Professional Counselors Act"
20 and who holds an educational specialist certificate for school
21 social worker under section 1107.1(c).

22 Section 5. This act shall take effect in 60 days.