

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 1525 Session of  
2019

---

INTRODUCED BY TOOHL, MURT, McNEILL, SCHLOSSBERG, A. DAVIS,  
OTTEN, DeLUCA, McCLINTON, MIZGORSKI, SAPPEY, HILL-EVANS,  
CALTAGIRONE, HARRIS, SCHLEGEL CULVER, WILLIAMS AND BROWN,  
MAY 29, 2019

---

REFERRED TO COMMITTEE ON EDUCATION, MAY 29, 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 professional employees, further  
6 providing for definitions and providing for school clinical  
7 mental health care providers; and establishing the school  
8 mental and behavioral health care augmentation fund.

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

11 Section 1. Section 1101(1) of the act of March 10, 1949  
12 (P.L.30, No.14), known as the Public School Code of 1949, is  
13 amended to read:

14 Section 1101. Definitions.--As used in this article,

15 (1) The term "professional employe" shall include those who  
16 are certificated as teachers, supervisors, supervising  
17 principals, principals, assistant principals, vice-principals,  
18 directors of vocational education, dental hygienists, visiting  
19 teachers, home and school visitors, school clinical mental  
20 health care providers, school counselors, child nutrition

1 program specialists, school librarians, school secretaries the  
2 selection of whom is on the basis of merit as determined by  
3 eligibility lists and school nurses.

4 \* \* \*

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

6 Section 1106.1. School Clinical Mental Health Care

7 Providers.--(a) The board of school directors in every school  
8 district shall employ at least one school clinical mental health  
9 care provider. Any individual employed by a school district to  
10 provide clinical mental health care services within a school  
11 district must:

12 (1) maintain a valid license issued by the Pennsylvania  
13 Department of State's Bureau of Professional and Occupational  
14 Affairs to practice clinical mental health care in accordance  
15 with the laws of this Commonwealth; or

16 (2) maintain a valid certificate or accreditation from a  
17 national or State or recognized accreditation organization to  
18 practice mental health care or behavioral health care in this  
19 Commonwealth and hold a valid educational specialist  
20 certificate.

21 (b) An individual who holds a valid State-issued license as  
22 a clinical mental health care provider or holds a valid  
23 educational specialist certificate for a mental or behavioral  
24 health provider and is employed by a school district may use the  
25 title the individual is licensed or authorized to use under the  
26 laws of this Commonwealth.

27 (c) The requirements of subsection (a) (1) and (2) shall not  
28 apply when the individual is employed in a mental health  
29 capacity in a public school in this Commonwealth prior to the  
30 development of a school clinical mental health care category

1 within the educational specialist certificate developed and  
2 issued by the department.

3 (d) A certified school clinical mental health care provider  
4 employed in a school district may work under the supervision of  
5 the superintendent, assistant superintendent or other school  
6 administrator or employee as determined by the school district.

7 (e) The department shall develop a school clinical mental  
8 health care category within the educational specialist  
9 certificate no later than 120 days after the effective date of  
10 this section.

11 (f) When the school district determines that the  
12 availability of certified or accredited mental or behavioral  
13 health providers is inadequate to serve the educational, social,  
14 emotional and general mental health needs of the school district  
15 or that the loss of licensed clinical mental health care  
16 providers due to early retirement would cause the interruption  
17 of suitable and essential mental health care programs and  
18 services, the school district may hire otherwise qualified  
19 individuals without current educational specialist certificates,  
20 provided that individuals employed shall enroll in an education  
21 specialist program and meet the certification requirement of the  
22 Commonwealth within a period not to exceed three (3) years.

23 (g) The School Mental and Behavioral Health Care Grant  
24 Program is established to provide funding to enhance the  
25 delivery of mental and behavioral health care in school  
26 districts. The School Safety and Security Committee established  
27 under section 1302-B shall perform all functions related to the  
28 direct approval, disbursement and administration of grants under  
29 the program.

30 (h) Each school district may submit one application under

1 subsection (g) annually and no school district may receive an  
2 annual grant allocation that exceeds 10% of the funds available  
3 under the program. No school district may receive a grant under  
4 subsection (g) and section 1306-B for the same purposes.

5 (i) The School Mental and Behavioral Health Care  
6 Augmentation Fund is established as a special nonlapsing fund in  
7 the State Treasury. All money deposited in the fund and the  
8 interest the money accrues are appropriated on a continuing  
9 basis to award grants under this article. No administrative  
10 action shall prevent the deposit of money into the fund in the  
11 fiscal year in which the money is received.

12 (j) The fund may only be used for the grant program  
13 authorized under subsection (g) and no money in the fund may be  
14 transferred or diverted to any other purpose by administrative  
15 action. Money available to the fund shall include appropriations  
16 and transfers from Federal funds, including up to thirty million  
17 dollars (\$30,000,000) from Federal funds received by the  
18 Commonwealth for mental and behavioral health education and  
19 training, the General Fund, special funds and other sources of  
20 revenue made available to the fund.

21 (k) As used in this section, the following words and phrases  
22 shall have the meanings given to them in this subsection unless  
23 the context clearly indicates otherwise:

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

26 "Fund." The School Mental and Behavioral Health Care  
27 Augmentation Fund established under subsection (i).

28 "Program." The School Mental and Behavioral Health Care  
29 Grant Program established under subsection (g).

30 "School clinical mental health care provider." An individual

1 licensed to practice the identification of psychosocial and  
2 behavioral problems in the context of significant interpersonal  
3 relationships between students, individuals, families and groups  
4 for the purpose of assessing, diagnosing and treating mental and  
5 behavioral health issues within the scope of the individual's  
6 licensed practice. The term shall not include master level or  
7 bachelor level licensed social workers who are prohibited by law  
8 from assessing, diagnosing and developing treatment plans for  
9 clinical mental health care clients.

10 Section 3. This act shall take effect in 60 days.