
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 407 Session of
2021

INTRODUCED BY GALLOWAY, N. NELSON, LEE, HILL-EVANS, SAPPEY,
SANCHEZ, CONKLIN, SCHLOSSBERG, HOWARD, CIRESI, PASHINSKI,
SIMS, NEILSON, DEASY, O'MARA, SCHWEYER, FRANKEL AND
PISCIOTTANO, FEBRUARY 4, 2021

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 4, 2021

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 preliminary provisions, further
6 providing for definitions; in safe schools, establishing the
7 School Student Mental Health Assistance Augmentation Account
8 and providing for deposit of court costs and filing fees into
9 the account; and making an inconsistent repeal.

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

12 Section 1. Section 102 of the act of March 10, 1949 (P.L.30,
13 No.14), known as the Public School Code of 1949, is amended by
14 adding definitions to read:

15 Section 102. Definitions.--When used in this act the
16 following words and phrases shall have the following meanings:

17 * * *

18 "School psychologist." An individual who holds a valid
19 certificate for school psychologist issued by the Department of
20 Education which qualifies the individual to be employed by and

1 work within a school entity.

2 "School social worker." An individual who:

3 (1) holds an educational specialist certificate for school
4 social workers issued by the Department of Education;

5 (2) meets the exception for a school social worker as
6 provided under section 20(a.1) of the act of July 9, 1987

7 (P.L.220, No.39), known as the "Social Workers, Marriage and
8 Family Therapists and Professional Counselors Act", or

9 (3) holds either a social worker license issued by the
10 Department of State or another certificate issued by the
11 Department of Education prior to the Department of Education's
12 development of an educational specialist certificate for school
13 social workers.

14 * * *

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

16 Section 1302.2-A. School Student Mental Health Assistance
17 Augmentation Account.--(a) The School Student Mental Health
18 Assistance Augmentation Account is established as a restricted
19 receipts account within the General Fund.

20 (b) Notwithstanding 42 Pa.C.S. § 3733(a.1)(2)(iii) (relating
21 to deposits into account), for the fiscal year 2021-2022 and
22 each fiscal year thereafter, \$8 of each additional fee imposed
23 under 42 Pa.C.S. § 3733(a.1)(1) shall be deposited into the
24 account and \$2 of each additional fee shall be deposited into
25 the Access to Justice Account.

26 (c) Money deposited into the account is appropriated on a
27 continuing basis to the Department of Education for distribution
28 under subsection (d).

29 (d) All money deposited into the account shall be used for
30 the purpose of providing grants to school entities to support

1 school-linked mental health services. The Department of
2 Education shall, upon written application and subsequent
3 approval, grant money from the account to a school entity.

4 Allowable grant activities and related expenses include:

5 (1) Employing and retaining one of the following mental
6 health professionals:

7 (i) A school counselor.

8 (ii) A school psychologist.

9 (iii) A school social worker.

10 (2) Providing mental health services and transportation for
11 students receiving school-linked mental health services.

12 (e) The Department of Education shall establish grant
13 application review procedures and shall prioritize grant funding
14 for activities and related expenses under subsection (d)(1).

15 (f) Grant money allocated through the account shall be used
16 to supplement and not supplant existing school entity spending
17 on mental health professionals.

18 (g) The Department of Education shall promulgate rules and
19 regulations as necessary to administer this section.

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

23 "Account." The School Student Mental Health Assistance
24 Augmentation Account established under subsection (a).

25 "School counselor." An individual who holds a valid
26 certificate for Elementary and Secondary School Counselor issued
27 by the Department of Education which qualifies the individual to
28 be employed by and working within a school entity.

29 "School entity." A school district, charter school, regional
30 charter school, cyber charter school, intermediate unit or area

1 vocational-technical school operating within this Commonwealth.

2 Section 3. The provisions of 42 Pa.C.S. § 3733(a.1)(2)(iii)
3 are repealed insofar as they are inconsistent with the addition
4 of section 1302.2-A of the act.

5 Section 4. This act shall take effect July 1, 2021, or
6 immediately, whichever is later.