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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1805 Session of  
2023

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INTRODUCED BY SCIALABBA, DIAMOND, KAUFFMAN AND BERNSTINE,  
OCTOBER 31, 2023

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REFERRED TO COMMITTEE ON EDUCATION, OCTOBER 31, 2023

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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," providing for school counseling  
6 services.

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 an  
11 article to read:

12 ARTICLE XIII-F

13 SCHOOL COUNSELING SERVICES

14 Section 1301-F. Definitions.

15 The following words and phrases when used in this article  
16 shall have the meanings given to them in this section unless the  
17 context clearly indicates otherwise:

18 "Administrative activities." Activities that are not  
19 directly related to the plan and that are absent of any direct  
20 student services or interaction.

1 "Department." The Department of Education of the  
2 Commonwealth.

3 "Direct services." As follows:

4 (1) Services that are provided through face-to-face  
5 contact with students.

6 (2) The term includes the following:

7 (i) Classroom instruction.

8 (ii) Individual and group counseling for students.

9 (iii) Responsive services on behalf of a student  
10 whose academic or career development is at risk.

11 Responsive services include the administration of a risk-  
12 assessment.

13 (iv) Interventions for a student who is:

14 (A) at risk of dropping out of school; or

15 (B) exhibiting dangerous behaviors, such as drug  
16 use, self-harm or gang activity.

17 "Indirect services." Consultations among a student, a parent  
18 or legal guardian of the student, school staff and community  
19 agencies concerning the student's academic or career needs.

20 "Plan." The school counseling plan under section 1302-F.

21 "School entity." Any of the following:

22 (1) A school district of any class.

23 (2) An intermediate unit as described in Article IX-A.

24 (3) A charter school as defined in section 1703-A.

25 (4) A cyber charter school as defined in section 1703-A.

26 (5) A regional charter school as defined in section  
27 1703-A.

28 (6) An area career and technical school as described in  
29 section 1841.

30 Section 1302-F. School counseling plan.

1 (a) Authorization and purpose.--A school entity shall  
2 develop and implement a written school counseling plan that  
3 ensures that student services are coordinated in a manner that  
4 provides academic or career developmental support to all  
5 students of the school entity.

6 (b) Requirements generally.--A plan shall:

7 (1) Be implemented by a Pennsylvania-certified school  
8 counselor.

9 (2) Utilize nationally recognized and State-recognized  
10 counselor frameworks, which may not include medical guidance,  
11 social and emotional learning, critical race theory or  
12 behavioral health.

13 (3) Be reviewed annually and updated as needed by the  
14 school counselor, in collaboration with the affected building  
15 principal and other stakeholders, including parents or legal  
16 guardians of enrolled students.

17 (4) Be systemically aligned to kindergarten through  
18 grade 12 within the school entity.

19 (c) Components.--A plan shall contain the following:

20 (1) A foundation component that includes:

21 (i) A vision statement.

22 (ii) A mission statement.

23 (iii) Plan goals.

24 (2) A management component that utilizes assessments and  
25 other data to develop, implement and evaluate the plan.

26 (3) A delivery component that focuses on direct services  
27 and indirect services through the implementation of the plan.

28 (4) An accountability component that ensures regular  
29 analysis of the plan.

30 (d) Contents.--A plan shall:

1           (1) Guide students in academic pursuits and career  
2           planning.

3           (2) Follow the school counseling plan guidance provided  
4           by the department that is limited to academic pursuits and  
5           career planning.

6 Section 1303-F. School counselor use of time.

7           (a) General requirement.--A school entity shall allot  
8           sufficient time for the school entity's counselor to carry out  
9           the duties stated in the school entity's plan.

10          (b) Direct and indirect services.--Direct services and  
11          indirect services may be provided in collaboration with other  
12          school personnel, parents or legal guardians, as provided herein  
13          or otherwise deemed appropriate, and include:

14           (1) Providing academic advisement services, including:

15            (i) Developing an individual planning system to  
16            guide a student to access and monitor the student's own  
17            academic and career progress.

18            (ii) Guiding a student along the pathways to  
19            graduation.

20            (iii) Guiding a student in goal-setting and course  
21            selection aligned with the student's post-secondary  
22            goals, including college education, trade and industrial  
23            education and military service.

24            (iv) Addressing accelerated learning opportunities.

25            (v) Addressing academic deficits and the  
26            accessibility of resources.

27            (vi) Providing student assessment reviews, interest  
28            inventories or academic results needed to develop, review  
29            and revise a student's plan of study.

30            (vii) Providing support for students who show

1 potential so they are more likely to engage in rigorous  
2 coursework and take advantage of post-secondary  
3 opportunities.

4 (2) Providing a career planning process, including:

5 (i) Guidance in understanding the relationship  
6 between classroom performance and success in school and  
7 beyond.

8 (ii) The provision of resources to identify career  
9 interests and aptitudes to assist a student in age-  
10 appropriate college and career planning, including trade  
11 and industrial education and military service.

12 (iii) Guidance in understanding the advantages of  
13 completing career certifications, Junior Reserve  
14 Officers' Training Corps, apprenticeships and  
15 internships.

16 (iv) Interpretation of augmented, criterion-  
17 referenced or norm-referenced assessments for students  
18 and parents or guardians of students.

19 (v) The provision of information to a parent or  
20 legal guardian of a student, such as through workshops on  
21 preparing for college, a trade, military service,  
22 financial aid and career opportunities.

23 (vi) Encouragement to a parent or legal guardian of  
24 a student to support partnerships in the student's  
25 learning and career planning processes.

26 (3) Providing skills designed to:

27 (i) Address bullying, including:

28 (A) Training programs for school employees  
29 regarding how to recognize bullying behaviors.

30 (B) Protocols for responding to bullying that is

1 occurring in the school entity.

2 (C) Strategies that support a student who is  
3 being bullied.

4 (D) Protocols for immediate parental or legal  
5 guardian inclusion when responding to all bullying  
6 activity, including initial and subsequent  
7 interactions with students. Anti-bullying materials  
8 must be shared with parents or legal guardians in  
9 advance of being shared with students.

10 (ii) Address suicide through:

11 (A) Strategies that help identify a student who  
12 is at risk for suicide. Parents or legal guardians  
13 must be immediately notified if their student is  
14 considered at risk for suicide.

15 (B) Strategies and protocols that help a student  
16 who is at risk for suicide, including parental or  
17 legal guardian involvement, absent good cause shown  
18 as to why the parent or legal guardian should not be  
19 involved. If a parent or legal guardian is not  
20 involved, the school entity must obtain a court order  
21 to that effect.

22 (C) Protocols for responding to a suicide death.

23 (4) Intervening with students who are at risk of  
24 dropping out of school to determine if there is a way to keep  
25 the students in school.

26 (5) Providing orientation programs for new students and  
27 transferring students at each level of education.

28 (6) Serving as a contributing member of decision-making  
29 teams and programs, which include:

30 (i) Teams that are convened under section 504 of the

1 Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C.  
2 § 701 et seq.).

3 (ii) Multitiered System of Supports (MTSS) or  
4 Response to Intervention (RTI) teams.

5 (iii) English language learner programs.

6 (iv) Parental or legal guardian involvement or  
7 family engagement programs.

8 (v) Advanced placement and gifted and talented  
9 programs.

10 (c) Administrative activities.--Administrative activities  
11 provided by a school counselor in collaboration with other  
12 school personnel include:

13 (1) Coordinating State assessments, cognitive  
14 achievement assessments, advanced placement programs and  
15 language acquisition testing programs.

16 (2) Developing master schedules.

17 (3) Coordinating the following:

18 (i) Teams that are convened under section 504 of the  
19 Rehabilitation Act of 1973.

20 (ii) Response to Intervention (RTI) teams.

21 (iii) English language learner programs.

22 (iv) Parental or legal guardian involvement or  
23 family engagement programs.

24 (v) Advanced placement and gifted and talented  
25 programs.

26 (vi) Data entry.

27 (4) Monitoring students in common areas, such as the  
28 cafeteria, a hallway, the playground or bus lines.

29 Section 1304-F. Posting the school counseling plan.

30 A school entity shall post its school counseling plan on the

1 school entity's publicly accessible Internet website or, in the  
2 alternative, on the publicly accessible Internet website of the  
3 school entity's school district, under the category of State-  
4 required information.

5 Section 1305-F. Parental Notification and Private Right of  
6 Action.

7 (a) Policy.--The governing body of a school entity in the  
8 Commonwealth shall adopt a policy concerning school guidance and  
9 counseling programs in the schools under its jurisdiction. At a  
10 minimum, the policy shall contain the following:

11 (1) A provision for written notification, at least  
12 annually or more frequently if required in the policy, to  
13 parents or legal guardians about the academic and career  
14 guidance programs that are available to their children. The  
15 notification shall include the purpose and general  
16 description of the programs, information regarding ways  
17 parents or legal guardians may review materials to be used in  
18 guidance and counseling programs at their child's school and  
19 information about the procedures by which parents or legal  
20 guardians may limit their child's participation in the  
21 programs. If social or emotional programs are available or  
22 provided, parents or legal guardians must be provided notice  
23 of the programs and the associated materials at least two  
24 weeks prior to student engagement with the program.

25 (2) A provision prohibiting the use of counseling  
26 techniques that are beyond the scope of the professional  
27 certification or training of school counselors, including  
28 counseling techniques that are normally employed in medical  
29 or clinical settings and focus on mental illness, behavioral  
30 health or psychopathology.



1           (3) A provision requiring that information and records  
2 of social and emotional counseling be kept confidential and  
3 separate from a student's educational records and not  
4 disclosed to third parties without prior parental consent or  
5 as otherwise provided by law.

6           (4) A provision with respect to social and emotional  
7 counseling stating the procedures by which parents or legal  
8 guardians can elect in writing to have their child opt in to  
9 the counseling. In no event shall a governing body require  
10 affirmative parental consent for one-time counseling that is  
11 needed to maintain order, discipline or prevent immediate  
12 harm to a student. Parents or legal guardians must be present  
13 at all times that a student is counseled in the context of  
14 social and emotional learning or counseling.

15           (5) A provision that provides for the meaningful  
16 inclusion of a parent or legal guardian when a student  
17 receives direct or indirect services from a school counselor.

18           (b) Private right of action.--If a parent or legal guardian  
19 of a student reasonably believes that the parent or legal  
20 guardian has been denied meaningful involvement in counseling or  
21 access to the student when receiving direct or indirect services  
22 from a school counselor without good cause, the parent or legal  
23 guardian shall have a private right of action against the  
24 governing body of the school entity.

25           Section 2. This act shall take effect immediately.