

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1181 Session of 2018

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

AS AMENDED ON THIRD CONSIDERATION, SEPTEMBER 25, 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) (1) IF THE PARENT OR GUARDIAN CHOOSES TO SHARE THE

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1 RESULTS OF THE SCREENING WITH THE SCHOOL ENTITY AND THE  
2 SCREENING INDICATES THE PRESENCE OF THOUGHTS OR BEHAVIORS OFTEN  
3 ASSOCIATED WITH A DIAGNOSIS OF DEPRESSION, THE SCHOOL ENTITY  
4 SHALL REFER THE CHILD:

5 (I) TO THE SCHOOL'S STUDENT ASSISTANCE PROGRAM;  
6 (II) TO THE SCHOOL PSYCHOLOGIST FOR EVALUATION; OR  
7 (III) FOR EVALUATION UNDER THE INDIVIDUALS WITH DISABILITIES  
8 EDUCATION ACT (PUBLIC LAW 91-230, 20 U.S.C. § 1400 ET SEQ.) OR  
9 UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973 (PUBLIC LAW  
10 93-112, 29 U.S.C. § 794).

11 (2) THE SCHOOL ENTITY SHALL NOTIFY THE PARENT OR GUARDIAN AT  
12 THE POINT OF REFERRAL THAT AN EVALUATION UNDER THIS SUBSECTION  
13 WILL NOT BE PERFORMED UNLESS THE PARENT OR GUARDIAN CONSENTS TO  
14 THE EVALUATION.

15 ~~(b)~~ (C) Each school entity shall provide notice of the <--  
16 requirement under subsection (a) to the parent or guardian of  
17 each child. The notice shall be developed by the Department of  
18 Health and made available on the school entity's publicly  
19 accessible Internet website or included in any other materials  
20 used to effectively communicate with parents or guardians  
21 regarding the medical examination requirement and shall:

22 (1) Explain that a physician or other qualified health care  
23 professional shall conduct the depression screening as required  
24 under subsection (a) and provide the school entity in which the  
25 child is enrolled with written confirmation that the screening  
26 was completed.

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

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

1 (4) State that the school entity will not receive the  
2 results of the screening unless the parent or guardian chooses  
3 to share the results of the screening with the school entity.

4 (5) State the following:

5 (i) If the parent or guardian chooses to share the results  
6 of the screening with the school entity and the screening  
7 indicates the presence of thoughts or behaviors often associated  
8 with a diagnosis of depression, the school entity shall refer  
9 the child:

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

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

12 (C) for evaluation under the Individuals with Disabilities  
13 Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) or  
14 under section 504 of the Rehabilitation Act of 1973 (Public Law  
15 93-112, 29 U.S.C. § 794).

16 (ii) The parent or guardian shall be notified at the point  
17 of referral and that an evaluation under this paragraph may not  
18 be performed unless the parent or guardian consents to the  
19 evaluation.

20 ~~(e)~~ (D) The Department of Health, in conjunction with the <--  
21 Department of Education, shall make available materials:

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

23 (i) The importance of early diagnosis for mental health and  
24 common challenges for students with undiagnosed or untreated  
25 depression.

26 (ii) Related Federal and State privacy protections and  
27 parental rights in relation to the health requirements of  
28 children of school age.

29 (2) To school entities in print format, which shall also be  
30 and posted on the publicly accessible Internet websites of the

1 Department of Health and the Department of Education.

2 ~~(d)~~ (E) The academic records of a child of school age shall <--  
3 not include the child's screening results or information  
4 indicating whether a screening was completed.

5 ~~(e)~~ (F) The Department of Health shall amend the standard <--  
6 private or school physical examination of school age student  
7 form to accommodate the depression screening required under  
8 subsection (a). The form shall require the physician or other  
9 qualified health care professional completing the form to  
10 indicate confirmation that a depression screening was completed  
11 or not completed or that the parent or guardian of the student  
12 opted out of the screening. The physician or other qualified  
13 health care professional who completes the screening may use  
14 this form or a form that provides substantially similar  
15 information to provide confirmation of the screening or that the  
16 parent or guardian has opted out of the screening to the school  
17 entity of the child of school age.

18 ~~(f)~~ (G) Nothing in this section shall be construed to <--  
19 create, establish or expand civil or criminal liability on the  
20 part of a school entity or school employe.

21 ~~(g)~~ (H) Within ninety (90) days of the effective date of <--  
22 this section, each school entity shall adopt or revise existing  
23 procedures concerning the school entity's response if it is  
24 provided with a depression screening indicating that a student  
25 has thoughts or engages in behaviors that are often associated  
26 with a diagnosis of depression.

27 ~~(h)~~ (I) The Department of Health shall promulgate <--  
28 regulations necessary to implement this section, including a  
29 determination of who can be deemed a qualified health care  
30 professional for the purpose of this section and privacy

1 procedures that apply when depression screening is conducted in  
2 a school entity by a school physician or other practitioner  
3 contracted for the purposes of conducting medical examinations  
4 under section 1402(e).

5 ~~(i)~~ (J) As used in this section, "school entity" shall mean <--  
6 a school district, charter school, cyber charter school,  
7 regional charter school, area vocational-technical school,  
8 intermediate unit or nonpublic school in this Commonwealth.

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