
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 749 Session of
2019

INTRODUCED BY COSTA, FONTANA, SANTARSIERO, BREWSTER, BLAKE,
HUGHES, COLLETT AND YUDICHAK, JUNE 10, 2019

REFERRED TO EDUCATION, JUNE 10, 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, further providing for definitions and
8 providing for school social workers; and, in school health
9 services, further providing for health services and providing
10 for school counselors, school psychologists, school social
11 workers and school nurses.

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

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16 repealed:

17 [Section 923.1-A. Psychological Services.--(a) Legislative
18 Finding; Declaration of Policy. It is today recognized that
19 diagnostic and evaluative psychological services to children are
20 closely related to their physical, mental and emotional health.
21 Such services can best be rendered upon the premises of the
22 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. Section 1101(1) of the act is amended to read:

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

29 (1) The term "professional employe" shall include those who
30 are certificated, such as teachers, supervisors, supervising

1 principals, principals, assistant principals, vice-principals,
2 directors of vocational education, dental hygienists, visiting
3 teachers, home and school visitors, school social workers,
4 school counselors, child nutrition program specialists, school
5 librarians, school secretaries the selection of whom is on the
6 basis of merit as determined by eligibility lists and school
7 nurses.

8 * * *

9 Section 3. The act is amended by adding a section to read:

10 Section 1107.1. School Social Workers.--(a) A school entity
11 that employs a school social worker must require the individual
12 employed in the position to hold an educational specialist
13 certificate for school social workers issued by the Department
14 of Education.

15 (b) The requirements under subsection (a) shall not apply
16 when the individual:

17 (1) meets the exception for a school social worker as
18 provided under section 20(a.1) of the act of July 9, 1987
19 (P.L.220, No.39), known as the "Social Workers, Marriage and
20 Family Therapists and Professional Counselors Act"; or

21 (2) is employed as or performing the duties of a school
22 social worker in a school entity in this Commonwealth and holds
23 either a social worker license issued by the Department of State
24 or another certificate issued by the Department of Education
25 prior to the development of an educational specialist
26 certificate for school social workers by the Department of
27 Education under subsection (c).

28 (c) The Department of Education shall develop an educational
29 specialist certificate for school social workers no later than
30 sixty (60) days after the effective date of this section.

1 (d) For the purposes of this section, the term "school
2 entity" shall mean a public school district, intermediate unit,
3 charter school, cyber charter school, regional charter school or
4 area vocational-technical school operating in this Commonwealth.

5 Section 4. Section 1402 of the act is amended by adding a
6 subsection to read:

7 Section 1402. Health Services.--* * *

8 (g) (1) When a student who enrolls in a school entity
9 previously attended a different school entity within this
10 Commonwealth, the school entity in which the student is newly
11 enrolled shall request, and the school entity the student
12 previously attended shall surrender, the student's comprehensive
13 health record maintained under this section. A school entity may
14 not destroy a student's comprehensive health record maintained
15 under this section for a period of at least two years after the
16 student ceases to be enrolled, but at the discretion of the
17 school entity, may surrender all or a portion of the student's
18 comprehensive health record to the student's parent or guardian
19 if the student does not re-enroll in a school entity.

20 (2) As used in this subsection, "school entity" means a
21 school district, charter school, regional charter school, cyber
22 charter school, nonpublic school, intermediate unit or area
23 vocational-technical school, operating within this Commonwealth.

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

25 Section 1425. School Counselors, School Psychologists,
26 School Social Workers and School Nurses.--(a) Every student of
27 school age shall be provided with school counseling,
28 psychological, social work and school nursing services by an
29 individual employed by the school entity who meets qualification
30 requirements for the position as established by the department.

1 The ratio for each type of service shall be as follows:

2 (1) the number of students under the care of each school
3 counselor shall not exceed two hundred fifty (250);

4 (2) the number of students under the care of each school
5 psychologist shall not exceed five hundred (500);

6 (3) the number of students under the care of each school
7 social worker shall not exceed two hundred fifty (250); and

8 (4) the number of students under the care of each school
9 nurse shall not exceed seven hundred fifty (750) in a regular
10 education population, two hundred twenty five (225) in a mixed
11 regular education and special education population and one
12 hundred twenty five (125) for students with severe or profound
13 disabilities.

14 (b) School counselors, school psychologists and school
15 social workers shall work with other school employes, including,
16 but not limited to, school administrators, teachers, school
17 physicians, school nurses, home and school visitors, school
18 dental hygienists and related service providers, to deliver
19 intervention, assessment and support services to students, and
20 to provide referral to community resources as available and
21 appropriate. With parental consent and authorization from an
22 administrator of the school entity, school counselors, school
23 psychologists and school social workers may consult with the
24 student's private health care provider when necessary for the
25 provision of appropriate services to the student.

26 (c) For each student, the school entity shall include in the
27 student's comprehensive health record required to be maintained
28 under section 1402(b) documentation of social, emotional and
29 behavioral data which a school counselor, school psychologist,
30 school social worker or school nurse has submitted to the

1 administration of the school entity and deems pertinent to a
2 student's mental or behavioral health.

3 (d) Documentation included in a student's comprehensive
4 health record under this section shall be confidential and shall
5 be divulged only if necessary for the assessment of and
6 intervention with a student whose behavior may indicate a threat
7 to the safety of the student, other students, school employees,
8 school facilities, the community or others or at the request of
9 the parent or guardian, to a physician, psychiatrist or
10 psychologist legally qualified to practice in this Commonwealth.

11 (e) As used in this section, the following words and phrases
12 shall have the meanings given to them in this subsection unless
13 the context clearly indicates otherwise:

14 "Department" means the Department of Education of the
15 Commonwealth.

16 "School counselor" means an individual who holds a valid
17 certificate for Elementary and Secondary School Counselor issued
18 by the department which qualifies the individual to be employed
19 by and working within a school entity.

20 "School entity" means a school district, charter school,
21 regional charter school, cyber charter school, intermediate unit
22 or area vocational-technical school operating within this
23 Commonwealth.

24 "School nurse" means an individual who holds a valid
25 certification as a school nurse issued by the department which
26 qualifies the individual to be employed by and working within a
27 school entity.

28 "School psychologist" means an individual who holds a valid
29 certificate for School Psychologist issued by the department
30 which qualifies the individual to be employed by and working

1 within a school entity.

2 "School social worker" means an individual who:

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

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) is employed as or performing the duties of a school
10 social worker in a school entity in this Commonwealth and holds
11 either a social worker license issued by the Department of State
12 or another certificate issued by the department prior to the
13 department's development of an educational specialist
14 certificate for school social workers under section 1107.1.

15 Section 6. This act shall take effect in 60 days.