
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 791 Session of
2021

INTRODUCED BY COMMITTEE ON EDUCATION, FONTANA, COSTA, TARTAGLIONE, CAPPELLETTI
AND COLLETT, JULY 6, 2021

REFERRED TO EDUCATION, JULY 6, 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 intermediate units, repealing
6 provisions relating to psychological services; in
7 professional employes, 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 and school
11 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16 repealed: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 career and technical education, dental hygienists,
3 visiting teachers, home and school visitors, school social
4 workers, school counselors, child nutrition program specialists,
5 school librarians, school secretaries the selection of whom is
6 on the basis of merit as determined by eligibility lists and
7 school nurses.

8 * * *

9 Section 3. Section 1402 of the act is amended by adding a
10 subsection to read:

11 Section 1402. Health Services.--* * *

12 (g) The following shall apply:

13 (1) When a student who enrolls in a school entity previously
14 attended a different school entity within this Commonwealth, the
15 school entity in which the student is newly enrolled shall
16 request, and the school entity the student previously attended
17 shall surrender, the student's comprehensive health record
18 maintained under this section.

19 (2) A school entity may not destroy a student's
20 comprehensive health record maintained under this section for a
21 period of at least two (2) years after the student ceases to be
22 enrolled, but at the discretion of the school entity, may
23 surrender all or a portion the student's comprehensive health
24 record to the student's parent or guardian if the student does
25 not re-enroll in a school entity.

26 (3) As used in this subsection, the term "school entity"
27 shall mean a school district, charter school, regional charter
28 school, cyber charter school, nonpublic school, intermediate
29 unit or area career and technical school operating within this
30 Commonwealth.

1 Section 4. The act is amended by adding a section to read:

2 Section 1426. School Counselors, School Psychologists,
3 School Social Workers and School Nurses.--(a) Every student of
4 school age shall be provided with school counseling,
5 psychological, social work and school nursing services by an
6 individual employed by the school entity who meets the
7 qualification requirements for the position as established by
8 the General Assembly or the Department of Education. The ratio
9 for each type of service shall be as follows:

10 (1) The number of students under the care of each school
11 counselor shall not exceed two hundred fifty (250).

12 (2) The number of students under the care of each school
13 psychologist shall not exceed five hundred (500).

14 (3) The number of students under the care of each school
15 social worker shall not exceed two hundred fifty (250).

16 (4) The number of students under the care of each school
17 nurse shall not exceed seven hundred fifty (750) with at least
18 one (1) school nurse present in each school building.

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

1 (c) For each student, the school entity must include in the
2 student's comprehensive health record required to be maintained
3 under section 1402(b) documentation of social, emotional and
4 behavioral data which a school counselor, school psychologist,
5 school social worker or school nurse has submitted to the
6 administration of the school entity and deems pertinent to a
7 student's mental or behavioral health.

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

16 (e) As used in this section:

17 "Department" means the Department of Education of the
18 Commonwealth.

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

23 "School entity" means a school district, charter school,
24 regional charter school, cyber charter school, intermediate unit
25 or area career and technical school operating within this
26 Commonwealth.

27 "School nurse" means an individual who holds a valid
28 certificate for School Nurse issued by the department which
29 qualifies the individual to be employed by and working within a
30 school entity.

1 "School psychologist" means an individual who holds a valid
2 certificate for School Psychologist issued by the department
3 which qualifies the individual to be employed by and working
4 within a school entity.

5 "School social worker" means an individual who satisfies the
6 following criteria:

7 (1) Until July 31, 2023, as follows:

8 (i) The individual holds a current license as a social
9 worker or clinical social worker under the act of July 9, 1987
10 (P.L.220, No.39), known as the "Social Workers, Marriage and
11 Family Therapists and Professional Counselors Act."

12 (ii) The individual is currently employed by a school
13 entity.

14 (iii) The individual has completed at least one (1) year of
15 satisfactory service as a school social worker or other titled
16 position providing social work-related services in a school
17 entity within the previous two (2) years.

18 (2) Beginning August 1, 2023, as follows:

19 (i) The individual holds a valid, active school social
20 worker certificate or an emergency permit issued by the
21 department and a current license as a social worker or clinical
22 social worker under the "Social Workers, Marriage and Family
23 Therapists and Professional Counselors Act."

24 (ii) The individual is enrolled in a school social worker
25 preparation program approved by the department.

26 Section 5. This act shall take effect in 60 days.