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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 997 Session of  
2018

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INTRODUCED BY COSTA, FONTANA, FARNESE, SCHWANK, STREET,  
RAFFERTY, YUDICHAK, RESCHENTHALER, SABATINA AND BREWSTER,  
SEPTEMBER 17, 2018

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REFERRED TO EDUCATION, SEPTEMBER 17, 2018

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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," in intermediate units, repealing  
6 provisions relating to psychological services; in  
7 professional employees, providing for school social workers;  
8 and, in school health services, further providing for health  
9 services and providing for school counselors, school  
10 psychologists and school social workers.

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

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15 repealed:

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

28 Section 1107.1. School Social Workers.--(a) A school entity  
29 that employs a school social worker must require the individual  
30 to hold an educational specialist certificate for school social

1 worker issued by the Department of Education.

2 (b) The requirements of subsection (a) shall not apply when  
3 the individual:

4 (1) meets the exception for a school social worker as set  
5 forth in section 20(a.1) of the act of July 9, 1987 (P.L.220,  
6 No.39), known as the "Social Workers, Marriage and Family  
7 Therapists and Professional Counselors Act"; or

8 (2) is employed as or performing the duties of a school  
9 social worker in a school entity in this Commonwealth and holds  
10 either a social worker license issued by the Department of State  
11 or another certificate issued by the Department of Education  
12 prior to the development of an educational specialist  
13 certificate for school social worker by the Department of  
14 Education under subsection (c).

15 (c) The Department of Education shall develop an educational  
16 specialist certificate for school social worker no later than  
17 sixty (60) days after the effective date of this section.

18 (d) For the purposes of this section, the term "school  
19 entity" shall mean a public school district, intermediate unit,  
20 charter school, cyber charter school, regional charter school or  
21 area vocational-technical school.

22 Section 3. Section 1402(b) and (e) of the act are amended to  
23 read:

24 Section 1402. Health Services.--\* \* \*

25 (b) For each child of school age, a comprehensive health  
26 record shall be maintained by the school district or joint  
27 school board, which shall include the results of the tests,  
28 measurements and regularly scheduled examinations and special  
29 examinations [herein specified], including examinations and  
30 assessments under section 1425.

1 \* \* \*

2 (e) [The school] Except as provided in section 1425:

3 (1) School physicians of each district or joint board shall  
4 make a medical examination and a comprehensive appraisal of the  
5 health of every child of school age, (1) upon original entry  
6 into school in the Commonwealth, (2) while in sixth grade, (3)  
7 while in eleventh grade, and (4) prior to the issuance of a farm  
8 or domestic service permit unless the child has been given a  
9 scheduled or special medical examination within the preceding  
10 four months.

11 (2) The health record of the child shall be made available  
12 to the school physician at the time of the regularly scheduled  
13 health appraisals.

14 \* \* \*

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

16 Section 1425. School Counselors, School Psychologists and  
17 School Social Workers.--(a) Every student of school age shall  
18 be provided with school counseling, psychological and social  
19 work services. The ratio for each type of service shall be as  
20 follows:

21 (1) the number of students under the care of each school  
22 counselor may not exceed two hundred fifty (250);

23 (2) the number of students under the care of each school  
24 psychologist may not exceed five hundred (500); and

25 (3) the number of students under the care of each school  
26 social worker may not exceed two hundred fifty (250).

27 (b) School counselors, school psychologists and school  
28 social workers shall collaborate to deliver intervention,  
29 assessment and support services to students. School counselors,  
30 school psychologists and school social workers shall work with

1 other school professionals, including school administrators,  
2 teachers, school physicians, school nurses and school dental  
3 hygienists to deliver intervention, assessment and support  
4 services to students.

5 (c) For each student, for inclusion in the health record  
6 required under section 1402(b), school counselors, school  
7 psychologists and school social workers shall collaborate to  
8 keep a record of a student's mental or behavioral health status.

9 (d) The Secretary of Health, in cooperation with the  
10 Secretary of Education and the Secretary of Drug and Alcohol  
11 Programs, shall develop diagnostic tools that may be used by  
12 school counselors, school psychologists and school social  
13 workers.

14 (e) School counselors, school psychologists and school  
15 social workers shall conduct examinations in a room that is  
16 equipped for examinations and which are equipped with adequate  
17 facilities.

18 (f) Parents or guardians of students shall be advised in  
19 advance of the date of an examination and urged to be present.  
20 An examination shall be made in the presence of the parent or  
21 guardian of the student if requested by the parent or guardian.

22 (g) Recommendations as to mental or behavioral health care  
23 shall be sent to each parent or guardian on forms prepared or  
24 approved by the Secretary of Health with instructions to the  
25 parent or guardian to notify the school authorities of the  
26 action taken with respect to the recommendations.

27 (h) In lieu of an examination required under this section, a  
28 student may furnish local school officials with a report of an  
29 examination made at the student's own expense by the student's  
30 family psychiatric or psychological counselor on a form approved

1 by the Secretary of Health. An examination under this subsection  
2 shall be made and the report shall be furnished prior to the  
3 date fixed for the regularly scheduled examination but not  
4 earlier than four (4) months prior to the opening of the school  
5 term during which the regular examination is scheduled.

6 (i) (1) Each health record established and maintained under  
7 this section shall be confidential and the contents of the  
8 health records shall be divulged only if necessary for the  
9 health of the student or at the request of the parent or  
10 guardian, to a physician, psychiatrist or psychologist legally  
11 qualified to practice in this Commonwealth.

12 (2) For a student who enrolls in a school entity and who  
13 previously attended a different school entity within this  
14 Commonwealth, the school entity where the student is newly  
15 enrolled shall request and the school entity where the student  
16 previously attended shall surrender the health record of the  
17 student. A school entity may not destroy a student's health  
18 record collected under this section for a period of at least two  
19 (2) years after the student ceases to be enrolled, but may  
20 surrender all or a portion the student's health record to the  
21 student's parent or guardian if the student does not re-enroll  
22 in a school entity.

23 (j) As used in this section:

24 "Department" means the Department of Education of the  
25 Commonwealth.

26 "School counselor" means a licensed professional counselor as  
27 defined in section 16.3 of the act of July 9, 1987 (P.L.220,  
28 No.39), known as the Social Workers, Marriage and Family  
29 Therapists and Professional Counselors Act, and who holds a  
30 valid certificate for Elementary and Secondary School Counselor

1 issued by the department to be employed by and working within a  
2 school entity.

3 "School entity" means a public school, including a charter  
4 school or cyber charter school, private school, nonpublic  
5 school, regional charter school, intermediate unit or area  
6 vocational-technical school, operating within this Commonwealth.

7 "School psychologist" means a licensed psychologist as  
8 provided for in section 3 of the act of March 23, 1972 (P.L.136,  
9 No.52), known as the Professional Psychologists Practice Act,  
10 and who holds a valid certificate for School Psychologist issued  
11 by the department to be employed by and working within a school  
12 entity.

13 "School social worker" means a licensed social worker or a  
14 licensed clinical social worker as those terms are defined in  
15 section 3 of the Social Workers, Marriage and Family Therapists  
16 and Professional Counselors Act, employed by and working within  
17 a school entity or meets the exception for a school social  
18 worker as set forth in section 20 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" and who holds  
21 an educational specialist certificate for school social worker  
22 under section 1107.1(c).

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