

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 341 Session of 2023

INTRODUCED BY D. MILLER, KHAN, SAPPEY, BENHAM, SCHLOSSBERG, DELLOSO, HANBIDGE, ISAACSON, McNEILL, HILL-EVANS, GUENST, HOHENSTEIN, SCOTT, GIRAL, SANCHEZ, MADDEN, NEILSON, BURGOS, CIRESI, WARREN, GALLOWAY, HOWARD, FIEDLER, SHUSTERMAN, DEASY, FREEMAN, STURLA, KINKEAD AND OTTEN, MARCH 13, 2023

REFERRED TO COMMITTEE ON EDUCATION, MARCH 13, 2023

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 16 repealed: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

1 school which the child regularly attends, and forcing children  
2 to go to other premises in order to have such needed services is  
3 found by the General Assembly to be both inadequate and harmful.  
4 The General Assembly expressly finds and declares diagnostic and  
5 evaluative psychological services for children to be health  
6 services, and it is the intention of the General Assembly now to  
7 make these available, on a general and even-handed basis, to all  
8 school children in the Commonwealth.

9 (b) Definitions.--The following terms, whenever used or  
10 referred to in this section, shall have the following meanings,  
11 except in those circumstances where the context clearly  
12 indicates otherwise:

13 "Nonpublic school" means any nonprofit school, other than a  
14 public school within the Commonwealth of Pennsylvania, wherein a  
15 resident of the Commonwealth may legally fulfill the compulsory  
16 school attendance requirements and which meets the requirements  
17 of Title VI of the Civil Rights Act of 1964 (Public Law 88-352).

18 "Psychological services" means diagnostic and evaluative  
19 psychological services for children.

20 (c) Provision of Services.--The Secretary of Education  
21 directly, or through the intermediate units out of their  
22 allocation under section 922.1-A of this act shall have the  
23 power and duty to furnish free to nonpublic school students,  
24 upon the premises of the nonpublic schools which they regularly  
25 attend, psychological services provided that such services are  
26 also afforded to public school students by the public school  
27 district in which such nonpublic school is located.]

28 Section 2. Section 1101(1) of the act is amended to read:

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

30 (1) The term "professional employe" shall include those who

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

9 \* \* \*

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

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

16 (b) The requirements of subsection (a) shall not apply when  
17 the individual:

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

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

29 (c) The Department of Education shall develop an educational  
30 specialist certificate for school social workers no later than

1 sixty (60) days after the effective date of this section.

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

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

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

9 (f.1) The following shall apply:

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

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

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

28 \* \* \*

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

30 Section 1426. School Counselors, School Psychologists,

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

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

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

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

14 (4) The number of students under the care of each school  
15 nurse shall not exceed seven hundred fifty (750) in a regular  
16 education population, two hundred twenty-five (225) in a mixed  
17 regular education and special education population and one  
18 hundred twenty-five (125) for students with severe or profound  
19 disabilities.

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

1 provision of appropriate services to the student.

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

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

17 (e) As used in this section:

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

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

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

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

1 school entity.

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

6 "School social worker" means an individual who:

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

9 (2) meets the exception for a school social worker as  
10 specified in section 20(a.1) of the act of July 9, 1987

11 (P.L.220, No.39), known as the "Social Workers, Marriage and  
12 Family Therapists and Professional Counselors Act"; or

13 (3) is employed as or performing the duties of a school  
14 social worker in a school entity in this Commonwealth and holds  
15 either a social worker license issued by the Department of State  
16 or another certificate issued by the department prior to the  
17 department's development of an educational specialist  
18 certificate for school social workers.

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