

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1055 Session of
2024

INTRODUCED BY COMMITTEE, FEBRUARY 12, 2024

REFERRED TO EDUCATION, FEBRUARY 12, 2024

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16 repealed: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
23 to go to other premises in order to have such needed services is

1 found by the General Assembly to be both inadequate and harmful.
2 The General Assembly expressly finds and declares diagnostic and
3 evaluative psychological services for children to be health
4 services, and it is the intention of the General Assembly now to
5 make these available, on a general and even-handed basis, to all
6 school children in the Commonwealth.

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

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

16 "Psychological services" means diagnostic and evaluative
17 psychological services for children.

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

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

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

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

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

7 * * *

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

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

14 (b) The requirements of subsection (a) shall not apply when
15 the individual:

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

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

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

30 (d) For the purposes of this section, the term "school

1 entity" shall mean a public school district, intermediate unit,
2 charter school, cyber charter school, regional charter school or
3 area career and technical school operating in this Commonwealth.

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

6 Section 1402. Health Services.--* * *

7 (f.1) The following shall apply:

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

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

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

26 * * *

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

28 Section 1426. School Counselors, School Psychologists,
29 School Social Workers and School Nurses.--(a) Every student of
30 school age shall be provided with school counseling,

1 psychological, social work and school nursing services by an
2 individual employed by the school entity who meets the
3 qualification requirements for the position as established by
4 the General Assembly or the Department of Education. The ratio
5 for each type of service shall be as follows:

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

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

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

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

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

30 (c) For each student, the school entity must include in the

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

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

15 (e) As used in this section:

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

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

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

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

30 "School psychologist" means an individual who holds a valid

1 certificate for School Psychologist issued by the department
2 which qualifies the individual to be employed by and working
3 within a school entity.

4 "School social worker" means an individual who:

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

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

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

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

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