

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 199 Session of 2019

INTRODUCED BY REGAN, J. WARD, MARTIN, BREWSTER, ARGALL, KILLION, BOSCOLA, BROWNE, BARTOLOTTA AND LANGERHOLC, FEBRUARY 4, 2019

REFERRED TO EDUCATION, FEBRUARY 4, 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 school health services, providing  
 6 for early intervention depression screening.

7 The General Assembly of the Commonwealth of Pennsylvania  
 8 hereby enacts as follows:

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
 10 as the Public School Code of 1949, is amended by adding a  
 11 section to read:

12 Section 1425. Early Intervention Depression Screening.--(a)  
 13 All children of school age shall receive a depression screening  
 14 while in sixth grade and thereafter in accordance with the  
 15 schedule for mandated medical examinations under section  
 16 1402(e). The comprehensive health examination for a child of  
 17 school age shall include written confirmation from the child's  
 18 physician or other qualified health care professional that the  
 19 screening was completed.

20 (b) (1) If the parent or guardian chooses to share the

1 results of the screening with the school entity and the  
2 screening indicates the presence of thoughts or behaviors often  
3 associated with a diagnosis of depression, the school entity  
4 shall refer the child:

5 (i) to the school's student assistance program;

6 (ii) to the school psychologist for evaluation; or

7 (iii) for evaluation under the Individuals with Disabilities

8 Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) or

9 under section 504 of the Rehabilitation Act of 1973 (Public Law

10 93-112, 29 U.S.C. § 794).

11 (2) The school entity shall notify the parent or guardian at  
12 the point of referral that an evaluation under this subsection  
13 will not be performed unless the parent or guardian consents to  
14 the evaluation.

15 (c) Each school entity shall provide notice of the  
16 requirement under subsection (a) to the parent or guardian of  
17 each child. The notice shall be developed by the Department of  
18 Health and made available on the school entity's publicly  
19 accessible Internet website or included in any other materials  
20 used to effectively communicate with parents or guardians  
21 regarding the medical examination requirement and shall:

22 (1) Explain that a physician or other qualified health care  
23 professional shall conduct the depression screening as required  
24 under subsection (a) and provide the school entity in which the  
25 child is enrolled with written confirmation that the screening  
26 was completed.

27 (2) State that a parent or guardian may opt out of the  
28 depression screening required under subsection (a).

29 (3) Specify that the decision to act on screening results  
30 rests entirely with the parent or guardian.

1 (4) State that the school entity will not receive the  
2 results of the screening unless the parent or guardian chooses  
3 to share the results of the screening with the school entity.

4 (5) State the following:

5 (i) If the parent or guardian chooses to share the results  
6 of the screening with the school entity and the screening  
7 indicates the presence of thoughts or behaviors often associated  
8 with a diagnosis of depression, the school entity shall refer  
9 the child:

10 (A) to the school's student assistance program;

11 (B) to the school psychologist for evaluation; or

12 (C) for evaluation under the Individuals with Disabilities  
13 Education Act or under section 504 of the Rehabilitation Act of  
14 1973.

15 (ii) The parent or guardian shall be notified at the point  
16 of referral and that an evaluation under this clause may not be  
17 performed unless the parent or guardian consents to the  
18 evaluation.

19 (d) The Department of Health, in conjunction with the  
20 Department of Education, shall make available materials:

21 (1) That at a minimum explain the following:

22 (i) The importance of early diagnosis for mental health and  
23 common challenges for students with undiagnosed or untreated  
24 depression.

25 (ii) Related Federal and State privacy protections and  
26 parental rights in relation to the health requirements of  
27 children of school age.

28 (2) To school entities in print format. The materials shall  
29 also be posted on the publicly accessible Internet websites of  
30 the Department of Health and the Department of Education.

1 (e) The academic records of a child of school age shall not  
2 include the child's screening results or information indicating  
3 whether a screening was completed.

4 (f) The Department of Health shall amend the standard  
5 private or school physical examination of school age student  
6 form to accommodate the depression screening required under  
7 subsection (a). The form shall require the physician or other  
8 qualified health care professional completing the form to  
9 indicate confirmation that a depression screening was completed  
10 or not completed or that the parent or guardian of the student  
11 opted out of the screening. The physician or other qualified  
12 health care professional who completes the screening may use  
13 this form or a form that provides substantially similar  
14 information to provide confirmation of the screening or that the  
15 parent or guardian has opted out of the screening to the school  
16 entity of the child of school age.

17 (g) Nothing in this section shall be construed to create,  
18 establish or expand civil or criminal liability on the part of a  
19 school entity or school employe.

20 (h) Within ninety (90) days of the effective date of this  
21 section, each school entity shall adopt or revise existing  
22 procedures concerning the school entity's response if it is  
23 provided with a depression screening indicating that a student  
24 has thoughts or engages in behaviors that are often associated  
25 with a diagnosis of depression.

26 (i) The Department of Health shall promulgate regulations  
27 necessary to implement this section, including a determination  
28 of who can be deemed a qualified health care professional for  
29 the purpose of this section and privacy procedures that apply  
30 when depression screening is conducted in a school entity by a

1 school physician or other practitioner contracted for the  
2 purposes of conducting medical examinations under section  
3 1402(e).

4 (j) As used in this section, "school entity" shall mean a  
5 school district, charter school, cyber charter school, regional  
6 charter school, area vocational-technical school, intermediate  
7 unit or nonpublic school in this Commonwealth.

8 Section 2. The addition of section 1425 of the act shall  
9 apply to the 2019-2020 school year and each school year  
10 thereafter.

11 Section 3. This act shall take effect immediately.