

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2311 Session of 2024

INTRODUCED BY SCHLOSSBERG, BOYD, CERRATO, CIRESI, CONKLIN, DALEY, T. DAVIS, DEASY, DELLOSO, DONAHUE, FREEMAN, GREEN, HADDOCK, HOHENSTEIN, KAZEEM, KHAN, KINSEY, NEILSON, PARKER, PROBST, SANCHEZ AND STEELE, MAY 21, 2024

REFERRED TO COMMITTEE ON EDUCATION, MAY 21, 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," establishing the School Mental Health
6 Screening Grant and Development Program; and making
7 appropriations.

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

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

ARTICLE XIV-C

SCHOOL MENTAL HEALTH SCREENING

GRANT AND DEVELOPMENT PROGRAM

16 Section 1401-C. Definitions.

17 The following words and phrases when used in this article
18 shall have the meanings given to them in this section unless the
19 context clearly indicates otherwise:

1 "Applicant." A school entity that submits an application  
2 under section 1404-C to participate in the program.

3 "Department." The Department of Education of the  
4 Commonwealth.

5 "Eligible school entity." A school entity that has been  
6 determined by the department to be prepared for inclusion in the  
7 program as determined under the assessment process under section  
8 1407-C.

9 "IEP." An individualized education program established under  
10 22 Pa. Code Ch. 14 (relating to special education services and  
11 programs).

12 "Municipality." A county, city, borough, incorporated town  
13 or township.

14 "Participating school entity." An eligible school entity  
15 that has been selected by the department to participate in the  
16 program.

17 "Program." The School Mental Health Screening Grant and  
18 Development Program established under section 1402-C.

19 "School entity." A school district, intermediate unit or  
20 area career and technical school located in this Commonwealth.

21 "Secretary." The Secretary of Education of the Commonwealth.  
22 Section 1402-C. Establishment and purpose of program.

23 The School Mental Health Screening Grant and Development  
24 Program is established within the department to provide grants  
25 to participating school entities for annual evidence-based  
26 mental health screening for students in grades six through  
27 twelve.

28 Section 1403-C. Operation of program.

29 (a) Implementation.--Upon the effective date of this  
30 subsection, the department shall take steps to implement the

1 program.

2 (b) Administration.--The department shall administer the  
3 program beginning with the 2025-2026 school year.

4 Section 1404-C. Applications.

5 (a) Submittal.--A school entity that seeks to participate in  
6 the program shall submit the application to the department, in  
7 accordance with procedures and requirements prescribed by the  
8 department, including deadlines for submitting an application,  
9 procedures for submitting the application and eligibility  
10 standards.

11 (b) Requirements.--The application under this section shall  
12 include:

13 (1) A description of the mental health screenings to be  
14 implemented by the school entity and an explanation of how  
15 the school entity will make available to each student in  
16 grades six through twelve an annual mental health screening,  
17 including an indication of consent requirement for parents or  
18 guardians, that meets the standards under this article.

19 (2) A description of the evidence-based mental health  
20 screening tool implemented by the school entity or, if  
21 applicable, the name of the vendor or health care provider  
22 partnering with the school entity and specializing in youth  
23 mental health to conduct the evidence-based mental health  
24 screening and details of their screening tools.

25 (3) A description of how the grant awarded under the  
26 program will be used to further the purposes of the program,  
27 including:

28 (i) Hiring additional personnel, purchasing  
29 materials or contracting with outside entities.

30 (ii) Implementing programs to develop supportive

1           learning environments.

2           (iii) Expanding school-based programs or referral  
3           pathways with the purpose of counseling or treating  
4           students presenting mental health conditions.

5           (4) A description of how the mental health screenings  
6           will be conducted in a manner that permits real-time  
7           evaluation or rapid review of the screening results and  
8           intervention by a licensed mental health professional, school  
9           program or other intervention if required by the results of  
10          the screening.

11          (5) As applicable, the details of any partnership with a  
12          vendor or provider specializing in youth mental health  
13          services, which shall include:

14                (i) The name of the organization or provider.

15                (ii) The number of students being served by the  
16                organization or provider.

17                (iii) The expected time frame to screen the  
18                students.

19                (iv) The costs associated with engaging in a  
20                partnership with the organization or provider.

21                (v) The location where the screenings will occur.

22          (6) An emergency mental health intervention plan  
23          describing how the participating school entity will notify  
24          the student's parent or guardian of an immediate mental  
25          health concern and provide the parent or guardian of the  
26          student in need of immediate mental health intervention a  
27          list of recommended evidence-based resources and  
28          interventions, including emergency mental health services,  
29          support services, mental health providers and professionals  
30          and community organizations partnered with the school entity.

1           (7) A description of the design, current student  
2           capacity and structure of student mental health supports,  
3           including school counselors, school psychologists, school  
4           psychiatrists, school social workers, the Pennsylvania  
5           Student Assistance Program, the Safe2Say Something program  
6           and external referral partners.

7           (c) Posting.--The application shall be posted on the  
8           publicly accessible Internet website of the department.

9           Section 1405-C. Consultation.

10          In implementing, administering and evaluating the program,  
11          the department shall consult with:

12           (1) The National Center for School Mental Health.

13           (2) The Mental Health Technology Transfer Center  
14           Network.

15           (3) The National Alliance on Mental Illness.

16           (4) Other recognized organizations that specialize in  
17           and have expertise with youth mental health screening and  
18           intervention services.

19          Section 1406-C. Vendors.

20          (a) List.--In consultation with school entities and the  
21          Department of Human Services, the department shall establish a  
22          list of vendors that may provide mental health screenings, or  
23          support services to provide mental health screenings, for  
24          participating school entities.

25          (b) Eligibility criteria.--The department shall ensure that  
26          each vendor described in subsection (a) meets the following  
27          eligibility criteria:

28           (1) The vendor shall have the capacity to collect and  
29           report data to the participating school entity and the  
30           department.

1           (2) The vendor shall have experience delivering and  
2 managing youth mental health screenings with reliable and  
3 consistent performance.

4           (3) The vendor shall provide trauma-informed practices  
5 and support.

6           (4) The vendor shall abide by the Federal Educational  
7 Rights and Privacy Act (20 U.S.C. § 1232g) with all student  
8 information accessed during a screening under the program.

9           (5) The vendor shall comply with any other requirement  
10 that is deemed necessary by the department or participating  
11 school entity.

12           (6) The vendor shall use an age-appropriate evidence-  
13 based mental health screening tool approved by the department  
14 under section 1410-C, unless the department grants a waiver  
15 to this requirement.

16 Section 1407-C. Assessments.

17           (a) Authorization.--The department shall assess each school  
18 entity to determine the ability of the school entity to  
19 participate in the program.

20           (b) Components.--The assessment under this section shall  
21 include a review of the following:

22           (1) The current status of each school entity toward  
23 meeting the necessary criteria needed for inclusion in the  
24 program.

25           (2) Any obstacle to participation in the program by a  
26 school entity, including:

27           (i) Adequate qualified personnel necessary to  
28 provide, oversee and assess student mental health  
29 screenings, including vendors, if applicable.

30           (ii) Capacity of school programs, such as the

1 Student Assistance Program, to provide adequate quality  
2 mental health or behavioral health student support.

3 (iii) Any contract or memorandum of understanding  
4 with a municipality or local partner in providing  
5 counseling services, including how to utilize resources  
6 to provide necessary counseling services to students  
7 identified as needing services by the program.

8 (iv) Any contract or memorandum of understanding  
9 with emergency services or emergency mental health  
10 services.

11 (v) Any contract or memorandum of understanding  
12 signed with a vendor to provide or review mental health  
13 screening services or other support services for mental  
14 health screenings, as appropriate.

15 (vi) Any contract or memorandum of understanding  
16 signed with another school entity for joint use of  
17 resources and coordination.

18 (3) Any recommendation to help a nonparticipating school  
19 entity meet the eligibility qualifications or selection  
20 criteria for the program, including any model contract or  
21 memorandum of understanding with another agency or facility.

22 (4) The ability of the school entity to participate in  
23 the program and, as a participating school entity, implement  
24 annual mental health screenings.

25 (5) The financial and technical needs of each school  
26 entity to provide a mental health screening to each student  
27 of the school entity in grades six through twelve.

28 (c) Other assistance.--The department may enter into a  
29 contract with external partners for the purpose of providing  
30 additional capability and oversight necessary for assessing

1 school entities under the program.

2 (d) Designation.--Following the assessment process in this  
3 section, the department shall designate school entities which  
4 the department has determined to have demonstrated the capacity  
5 and procedures to adequately provide mental health supports to  
6 students identified under the program through the assessment  
7 process under this section. The designated school entities shall  
8 be considered eligible school entities.

9 (e) Report.--

10 (1) Within three years after the effective date of this  
11 paragraph, the department shall issue a report on the  
12 assessment of all school entities and their ability to  
13 provide ongoing mental health support to students identified  
14 through mental health screenings as needing additional mental  
15 health services.

16 (2) The department shall submit the report under this  
17 subparagraph to the following:

18 (i) The Governor.

19 (ii) The secretary.

20 (iii) The President pro tempore of the Senate.

21 (iv) The Speaker of the House of Representatives.

22 (v) The Majority Leader and Minority Leader of the  
23 Senate.

24 (vi) The Majority Leader and Minority Leader of the  
25 House of Representatives.

26 Section 1408-C. Determination.

27 (a) Authorization.--If a school entity has submitted an  
28 application to participate in the program and the department has  
29 determined that the school entity is an eligible school entity,  
30 the department shall select the school entity to participate in



1 the program.

2 (b) Notice.--The department shall provide notice to each  
3 applicant of the determination under subsection (a). The  
4 following apply:

5 (1) If the application is approved, the department shall  
6 provide the applicant with the amount of the grant awarded  
7 and any conditions on the grant.

8 (2) If the application is denied, the department shall  
9 provide the applicant with the reasons for the denial and an  
10 opportunity to resubmit an application.

11 Section 1409-C. Grants and funding.

12 (a) Award of grants.--The department shall provide grants  
13 for financial and technical purposes to school entities for the  
14 purpose of participating in the program or meeting the  
15 requirements to participate in the program, including meeting  
16 the staffing or programmatic needs to address the mental health  
17 needs of students identified by the program.

18 (b) Funding sources.--The department shall apply for  
19 Federal, private and other non-State money and shall use money  
20 appropriated or otherwise made available to the department for  
21 the program.

22 (c) Administrative and other costs.--The department may use  
23 up to 5% of the funds appropriated for the program for  
24 administrative costs associated with the program or contract  
25 costs of the assessments under section 1407-C.

26 (d) Pre-application grants.--The department may provide a  
27 grant to a school entity prior to the submittal of an  
28 application by the school entity if the grant is used for the  
29 purpose of meeting the eligibility requirements for the school  
30 entity to participate in the program. The department shall

1 develop procedures and a review process to implement and  
2 administer this subsection.

3 (e) Distribution.--

4 (1) In the first three years of operation, the  
5 department shall determine how to make program grants  
6 available to school entities in accordance with this article.

7 (2) For funding after the first three years of  
8 operation, the department shall identify a methodology for  
9 grant distribution based on the goals and obstacles  
10 identified during the assessments under section 1407-C.

11 (f) Reporting information.--The department shall annually  
12 report the geographic distribution of grants provided under the  
13 program.

14 Section 1410-C. Evidence-based mental health screening tools.

15 (a) Development.--

16 (1) In conjunction with the National Center for School  
17 Mental Health and the Mental Health Technology and Transfer  
18 Center, the department shall recommend or develop evidence-  
19 based trauma-informed mental health screening tools necessary  
20 to assess the mental health and well-being of students.

21 (2) The department may work with school entities to  
22 tailor screening tools to the population of the school  
23 entities. ◀

24 (b) Components.--The screening tools under subsection (a) (2) ◀  
25 shall include measures that assess a student's mental health  
26 symptoms and measures that consider social determinants of  
27 health and indicators of academic success, well-being and  
28 distress. The tools indicated by the department shall have the  
29 capability of assessing whether a student is experiencing or is  
30 at risk of experiencing social, emotional and behavioral

1 difficulties. This may include a student's:

2 (1) Community integration or isolation with factors such  
3 as:

4 (i) The number of close friends in which the student  
5 feels the ability to confide.

6 (ii) The number of adults that the student feels the  
7 ability to approach for help.

8 (iii) Whether the student feels safe in the school  
9 entity environment.

10 (iv) The number of people with whom the student  
11 feels the ability to discuss hobbies or interests.

12 (2) Health and well-being in relation to the mental  
13 health of the student, such as:

14 (i) The average number of hours of sleep per night.

15 (ii) The average number of hours per day spent on  
16 social media.

17 (iii) Whether the student has ever had episodes of  
18 depersonalization or bodily dissociation.

19 (iv) The number of times that the student has  
20 thought about self-harm in the last month.

21 (v) How often the student feels anxious, has low  
22 moods or has another emotional symptom of a mental health  
23 disorder.

24 (3) Subjective experience of mood consistent with  
25 experiencing mental health symptoms related to:

26 (i) Depression.

27 (ii) Anxiety.

28 (iii) Disruptive behavior indicative of a mental  
29 health condition.

30 (iv) Trauma exposure and behaviors.

1 Section 1411-C. Information sharing.

2 (a) By department.--The department shall share guidance,  
3 best practices and program experience with participating and  
4 nonparticipating school entities at the conclusion of the first  
5 full school year in which the program is implemented.

6 (b) Forms.--The department shall develop forms necessary for  
7 school entities to comply with reporting responsibilities under  
8 section 1413-C.

9 (c) By Department of Human Services.--In consultation with  
10 the department, the Department of Human Services shall provide  
11 materials to each participating school entity that:

12 (1) At a minimum explain the following:

13 (i) The importance of early diagnosis and  
14 intervention for student mental health and common  
15 challenges for students with undiagnosed or untreated  
16 mental health disorders.

17 (ii) Related Federal and State privacy protections  
18 and parental rights in relation to the health  
19 requirements of school-age children.

20 (2) Are made available to school entities in print  
21 format and posted on the publicly accessible Internet  
22 websites of the department and the Department of Human  
23 Services.

24 Section 1412-C. Opting out of mental health screening.

25 (a) Form.--The department shall develop a form for the  
26 parent or guardian of a school-age student who is subject to the  
27 mental health screening under the program to opt out of the  
28 mental health screening.

29 (b) Decision.--Each participating school entity shall  
30 provide sufficient time, which shall not be fewer than 30 days,

1 for the parent or guardian of each school-age student who is  
2 subject to the mental health screening under the program to  
3 inform the participating school entity of the decision to opt  
4 out of the mental health screening, using the form developed by  
5 the department under subsection (a).

6 (c) Procedures.--If the parent or guardian of a student opts  
7 out of the mental health screening under the program, the  
8 student shall be excused from participation in the program,  
9 including mental health screenings under the program. The  
10 following apply:

11 (1) The participating school entity shall keep a record  
12 in the student's comprehensive medical record that the  
13 student is not to take part in the mental health screening.

14 (2) The participating school entity may choose to notify  
15 the parent or guardian that the student may participate in  
16 future mental health screenings, but the notification may not  
17 occur more than once each year.

18 Section 1413-C. Duties of participating school entities.

19 (a) Information to be reported.--A school entity that is  
20 selected by the department for participation in the program and  
21 that implements the program shall annually report by the end of  
22 the school year in which a screening under this program was  
23 administered to the department the following:

24 (1) Compliance with the criteria of the program.

25 (2) The total number of students who have been screened  
26 through the evidence-based mental health screening tools  
27 under section 1410-C.

28 (b) Mental health screening.--

29 (1) Each school-age student shall receive a mental  
30 health screening no later than the student's entrance into

1 sixth grade and thereafter annually through grade twelve.

2 (2) The comprehensive health record for each school-age  
3 student shall include written confirmation that the mental  
4 health screening was completed for each year that the student  
5 completes a screening.

6 (3) Schools shall develop a confidential method of  
7 recording data that indicates students who have been elevated  
8 for additional support without retaining the screening  
9 results as part of the student's comprehensive record.

10 (c) Notification.--The following apply to notice to the  
11 parent or guardian of each school-age student who is subject to  
12 the mental health screening under the program:

13 (1) Within three months of the beginning of the school  
14 year in each year that a school entity participates in the  
15 program, the participating school entity shall send written  
16 notice to the parent or guardian of the mental health  
17 screening.

18 (2) The notice shall include:

19 (i) The purpose of the mental health screening.

20 (ii) The position title of the staff member or  
21 vendor conducting the mental health screening.

22 (iii) The date and time that the mental health  
23 screening is scheduled.

24 (iv) A statement that the parent or guardian will be  
25 notified following the mental health screening if  
26 additional resources or service referrals are necessary  
27 to address a student's mental health concern.

28 (v) A statement that the parent or guardian has the  
29 right to opt the student out of participation in the  
30 mental health screening, along with information on how

1 the parent or guardian may opt out, in accordance with  
2 section 1412-C.

3 (vi) Any other information as required by the  
4 department.

5 (d) Posting.--Each participating school entity shall post  
6 the following on the publicly accessible Internet website of the  
7 participating school entity:

8 (1) The mental health screening information,  
9 questionnaire and other documents provided to students for  
10 the purpose of conducting the mental health screening.

11 (2) The opt-out form developed under section 1412-C(a).

12 (3) Policies and procedures related to performing the  
13 mental health screening.

14 (4) Any other materials related to the mental health  
15 screening as determined by the department or the  
16 participating school entity.

17 Section 1414-C. Procedures following mental health screening.

18 (a) Review.--A participating school entity shall ensure  
19 that:

20 (1) Except as provided under paragraph (2), the  
21 participating school entity or selected vendor that conducted  
22 a mental health screening reviews the mental health screening  
23 to determine whether the student has been indicated for  
24 additional mental health services, support or referrals  
25 within 24 hours after the student completes the mental health  
26 screening under the program.

27 (2) If questions related to self-harm or suicidality are  
28 asked during the mental health screening, each participating  
29 school entity or its selected vendor determines which  
30 students have been indicated for additional mental health

1 services, support or referrals immediately.

2 (b) Imminent risk.--If, after the review of the mental  
3 health screening of a student, the staff of the participating  
4 school entity or selected vendor that conducted the mental  
5 health screening believes that the student is at imminent risk  
6 of attempting suicide, physical self-harm or harming others, or  
7 is in need of the immediate attention of a health care or mental  
8 health professional, the staff of the participating school  
9 entity or selected vendor shall immediately notify the parent or  
10 guardian of the student and the administration of the  
11 participating school entity. After receiving the notification,  
12 the participating school entity shall notify its security  
13 coordinator and school psychologist who shall follow the  
14 indicated crisis response policy.

15 (c) Referral.--If, after the review of the mental health  
16 screening of a student, the staff of the participating school  
17 entity or selected vendor that conducted the mental health  
18 screening believes that the student has a mental health concern  
19 and is in need of additional mental health services, the staff  
20 of the participating school entity or selected vendor shall  
21 notify the parent or guardian of the student within 48 hours  
22 after the student completes the mental health screening and  
23 provide the parent or guardian of the student with information  
24 on the behavioral health resources and services available  
25 through the school entity, municipality or other organization  
26 assessed during consultations with the department under section  
27 1407-C. The information shall include information on how to  
28 refer to the school entity's Student Assistance Program.

29 (d) Ongoing care and interventions.--Each participating  
30 school entity shall coordinate ongoing care and interventions,



1 such as in school counseling, IEP services or school mental  
2 health and behavioral health programs, with any referred  
3 services arising from the program. If additional follow-up is  
4 needed for students who have an IEP, coordination should include  
5 the IEP case manager.

6 Section 1415-C. Student privacy.

7 (a) Privacy standards.--Each participating school entity  
8 shall ensure that individually identifiable information  
9 collected for, during or after the mental health screening  
10 process is subject to the privacy standards in accordance with  
11 Federal and State privacy laws.

12 (b) Disclosure prohibited.--The staff of a participating  
13 school entity or selected vendor, or any person involved in the  
14 mental health screening process or with access to records or  
15 information involving the mental health screening process, may  
16 not disclose records or information regarding the mental health  
17 screening process, without the written consent of the student or  
18 the parent or guardian of the student, except as otherwise  
19 provided by law.

20 Section 1416-C. Reports regarding mental health screening  
21 results.

22 (a) Requirement.--The department shall issue an annual  
23 report by September 1 after the school year in which a screening  
24 under this program was administered of the total number of  
25 students in each county who have been screened. ◀

26 (b) Confidentiality.--Reports under this section shall not  
27 include any student identification information and may make  
28 amalgamate county data if necessary to guarantee student  
29 anonymity.

30 (c) Posting.--The department shall annually post each report

1 under this section on the publicly accessible Internet website  
2 of the department.

3 (d) Submittal.--The department shall submit copies of each  
4 report under this section to:

5 (1) The Governor.

6 (2) The secretary.

7 (3) The President pro tempore of the Senate.

8 (4) The Speaker of the House of Representatives.

9 (5) The Majority Leader and Minority Leader of the  
10 Senate.

11 (6) The Majority Leader and Minority Leader of the House  
12 of Representatives.

13 Section 1417-C. Other schools.

14 (a) Participation.--A school in this Commonwealth that is  
15 not a school entity may petition the department to participate  
16 in the program. The following apply:

17 (1) The requirements under this article to become a  
18 participating school entity shall apply to the school seeking  
19 to participate in the program.

20 (2) If selected to participate in the program, the  
21 school shall be considered a participating school entity for  
22 the purposes of this article and shall have the same rights  
23 and duties as other participating school entities, including  
24 access to financial and technical grants as described in  
25 section 1409-C.

26 (b) Opt out.--A school in this Commonwealth that is not a  
27 school entity but is participating in the program may opt out of  
28 participating in the program. The school shall:

29 (1) Inform the department in writing of the decision to  
30 no longer participate in the program no later than the May 1

1 prior to the ensuing school year.

2 (2) Either of the following:

3 (i) Post notice of the decision not to participate  
4 in the program in future school years on the publicly  
5 accessible Internet website of the school.

6 (ii) Directly notify all impacted students and their  
7 parents or guardians.

8 Section 1418-C. Mental health screening for other students.

9 (a) Construction.--Nothing in this section shall be  
10 construed to prohibit a participating school entity from  
11 providing mental health screening to any student in kindergarten  
12 through the fifth grade within the participating school entity.

13 (b) Funding and materials.--A participating school entity  
14 may use program funding or materials to include any student who  
15 is not in grades six through twelve.

16 Section 1419-C. Liability.

17 Nothing in this article shall be construed to create,  
18 establish or expand civil or criminal liability on the part of a  
19 school entity or school employee.

20 Section 1420-C. Rules and regulations.

21 The department shall adopt or promulgate any necessary rules  
22 and regulations to implement, administer and enforce the  
23 provisions of this article.

24 Section 1421-C. Appropriations.

25 The following amounts are appropriated from the General Fund  
26 to the department for the program:

27 (1) Upon the effective date of this paragraph, for the  
28 implementation of the program, \$10,000,000.

29 (2) No later than January 1, 2025, for the  
30 administration of the program during the 2025-2026 school

1 year, \$15,000,000.

2 (3) No later than January 1, 2026, for the  
3 administration of the program during the 2026-2027 school  
4 year, \$20,000,000.

5 Section 2. This act shall take effect in 60 days.