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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1261 Session of  
2024

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INTRODUCED BY BROWN, COMITTA, FONTANA, HAYWOOD, STREET,  
BREWSTER, CAPPELLETTI, COSTA, VOGEL, SCHWANK, KANE,  
TARTAGLIONE AND MILLER, JUNE 18, 2024

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REFERRED TO EDUCATION, JUNE 18, 2024

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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," 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:

13 ARTICLE XIV-C

14 SCHOOL MENTAL HEALTH SCREENING

15 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:

20 "Applicant." A school entity that submits an application

1 under section 1404-C to participate in the program.

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

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

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

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

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

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

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

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

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

27 Section 1403-C. Operation of program.

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

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

3 Section 1404-C. Applications.

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

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

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

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

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

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

29 (ii) Implementing programs to develop supportive  
30 learning environments.

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

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

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

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

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

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

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

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

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

30          (7) A description of the design, current student

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

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

8 Section 1405-C. Consultation.

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

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

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

14 (3) The National Alliance on Mental Illness.

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

18 Section 1406-C. Vendors.

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

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

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

30 (2) The vendor shall have experience delivering and

1 managing youth mental health screenings with reliable and  
2 consistent performance.

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

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

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

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

15 Section 1407-C. Assessments.

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

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

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

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

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

29 (ii) Capacity of school programs, such as the  
30 Student Assistance Program, to provide adequate quality

1 mental health or behavioral health student support.

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

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

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

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

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

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

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

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

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

8 (e) Report.--

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

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

17 (i) The Governor.

18 (ii) The secretary.

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

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

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

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

25 Section 1408-C. Determination.

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



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

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

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

10 Section 1409-C. Grants and funding.

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

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

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

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

1 administer this subsection.

2 (e) Distribution.--

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

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

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

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

14 (a) Development.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25           (i) Depression.

26           (ii) Anxiety.

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

29           (iv) Trauma exposure and behaviors.

30 Section 1411-C. Information sharing.

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

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

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

11 (1) At a minimum explain the following:

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

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

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

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

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

28 (b) Decision.--Each participating school entity shall  
29 provide sufficient time, which shall not be fewer than 30 days,  
30 for the parent or guardian of each school-age student who is

1 subject to the mental health screening under the program to  
2 inform the participating school entity of the decision to opt  
3 out of the mental health screening, using the form developed by  
4 the department under subsection (a).

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

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

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

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

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

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

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

27 (b) Mental health screening.--

28 (1) Each school-age student shall receive a mental  
29 health screening no later than the student's entrance into  
30 sixth grade and thereafter annually through grade twelve.

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

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

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

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

17       (2) The notice shall include:

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

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

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

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

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

1 section 1412-C.

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

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

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

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

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

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

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

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

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

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

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

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

28 (d) Ongoing care and interventions.--Each participating  
29 school entity shall coordinate ongoing care and interventions,  
30 such as in school counseling, IEP services or school mental



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

5 Section 1415-C. Student privacy.

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

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

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

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

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

29 (c) Posting.--The department shall annually post each report  
30 under this section on the publicly accessible Internet website

1 of the department.

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

4 (1) The Governor.

5 (2) The secretary.

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

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

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

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

12 Section 1417-C. Other schools.

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

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

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

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

28 (1) Inform the department in writing of the decision to  
29 no longer participate in the program no later than the May 1  
30 prior to the ensuing school year.

1 (2) Either of the following:

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

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

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

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

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

15 Section 1419-C. Liability.

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

19 Section 1420-C. Rules and regulations.

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

23 Section 1421-C. Appropriations.

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

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

28 (2) No later than January 1, 2025, for the  
29 administration of the program during the 2025-2026 school  
30 year, \$15,000,000.

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

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