



**PENNSYLVANIA
PUBLIC
SCHOOL
CODE
OF 1949**

**ACT OF 1949, P.L. 30, NO. 14
REVISED DECEMBER 1, 2006**

1 of 1 DOCUMENT

PENNSYLVANIA STATUTES, ANNOTATED BY LEXISNEXIS(R)

* THIS DOCUMENT IS CURRENT THROUGH ACT 116 OF THE REG SESSION AND ACT 1 OF THE SP. LEG-
ISLATIVE SESSION*

*** DECEMBER 1, 2006 ANNOTATION SERVICE ***

PENNSYLVANIA STATUTES
TITLE 24. EDUCATION
CHAPTER 1.. PUBLIC SCHOOL CODE OF 1949
ARTICLE XIII.. PUPILS AND ATTENDANCE
(A) ATTENDANCE

24 P.S. § 13-1303a (2006)

§ 13-1303a. Immunization required; penalty

(a) It shall be the duty of all school directors, superintendents, principals, or other persons in charge of any public, private, parochial, or other school including kindergarten, to ascertain that every child, prior to admission to school for the first time has been immunized, as the Secretary of Health may direct, against such diseases as shall appear on a list to be made and from time to time reviewed by the Advisory Health Board. All certificates of immunization shall be issued in accordance with the rules and regulations promulgated by the Secretary of Health with the sanction and advice of the Advisory Health Board.

(b) Any person who shall fail, neglect, or refuse to comply with, or who shall violate, any of the provisions or requirements of this section, except as hereinafter provided, shall, for every such offense, upon summary conviction thereof, be sentenced to pay a fine of not less than five dollars (\$ 5) nor more than one hundred dollars (\$ 100), and in default thereof, to undergo an imprisonment in the jail of the proper county for a period not exceeding sixty (60) days. All such fines shall be paid into the treasury of the school district.

(c) The provisions of this section shall not apply in the case of any child deemed to have a medical contraindication which may contraindicate immunization and so certified by a physician. Such certificates may be accepted in lieu of a certificate of immunization.

(d) The provisions of this section shall not apply in the case of any child whose parent or guardian objects in writing to such immunization on religious grounds.

PENNSYLVANIA STATUTES, ANNOTATED BY LEXISNEXIS(R)

* THIS DOCUMENT IS CURRENT THROUGH ACT 116 OF THE REG SESSION AND ACT 1 OF THE SP. LEGISLATIVE SESSION*

*** DECEMBER 1, 2006 ANNOTATION SERVICE ***

PENNSYLVANIA STATUTES
TITLE 24. EDUCATION
CHAPTER 1.. PUBLIC SCHOOL CODE OF 1949
ARTICLE XIV.. SCHOOL HEALTH SERVICES

24 P.S. § 14-1401 (2006)

§ 14-1401. Definitions

As used in this article--

(1) "CHILDREN OF SCHOOL AGE" or "CHILD OF SCHOOL AGE" means every child attending or who should attend an elementary grade or high school, either public or private, within the Commonwealth and children who are attending a kindergarten which is an integral part of a local school district.

(2) "TEACHERS" means professional employes, temporary professional employes and substitutes and instructors in public or private schools within the Commonwealth.

(3) "OTHER EMPLOYES" means janitors, bus drivers, cooks and other cafeteria help and all others employed at schools.

(4) "SCHOOL PHYSICIAN" means a physician legally qualified to practice medicine and surgery or osteopathy or osteopathic surgery in the Commonwealth, who has been appointed or approved by the Secretary of Health.

(5) "SCHOOL DENTIST" means a doctor of dental surgery or dental medicine legally qualified to practice dentistry in the Commonwealth, who has been appointed or approved by the Secretary of Health.

(6) "FAMILY PHYSICIAN" means either a doctor of medicine legally qualified to practice medicine and surgery in the Commonwealth, or an osteopath or osteopathic surgeon legally qualified to practice osteopathy or osteopathic surgery in the Commonwealth, who has been designated by the parent or guardian as the personal physician of the child.

(7) "FAMILY DENTIST" means a doctor of dental surgery or dental medicine legally qualified to practice dentistry in the Commonwealth, who has been designated by the parent or guardian as the personal dentist of the child.

(8) "SCHOOL NURSE" means a licensed registered nurse properly certificated by the Superintendent of Public Instruction as a school nurse who is employed by a school district or joint school board as a school nurse, or is employed in providing school nurse services to children of school age by a county health unit or a department or board of health of any municipality with which a school district or joint school board has contracted for school health services pursuant to the provisions of section 1411 of this act. The employment of any nurse employed by a school district or joint school board as a school nurse prior to the effective date of this act shall not be affected by a contract for school health services that may be entered into by any school district or joint school board under the provisions of this act.

(9) "DENTAL HYGIENIST" means a dental hygienist licensed by the State Dental Council and Examining Board, who is assigned to a school district or joint school board or a dental hygienist licensed by the State Dental Council and Examining Board and certificated as a school dental hygienist by the Superintendent of Public Instruction, who is employed by a school district or joint school board as a dental hygienist. The employment of any dental hygienist employed by a school district or joint school board as a dental hygienist prior to the effective date of this act shall not be affected by a contract for school health services that may be entered into by any school district or joint school board under the provisions of this act.

(10) "MEDICAL TECHNICIAN" means a person skilled in the operation of X-ray or other diagnostic equipment having such training and experience as required by the Secretary of Health.

(11) "SANITARIAN" means a person having such training and experience as required by the Secretary of Health and qualified to conduct sanitary inspections of school buildings and grounds in connection with water supply, sewage and refuse disposal, food service, heating, lighting, ventilation and safety.

(12) "ASTHMA INHALER" means a prescribed device used for self-administration of short-acting, metered doses of prescribed medication to treat an acute asthma attack.

HISTORY: Act 2004-187 (H.B. 1113), § 2, approved Nov. 30, 2004, eff. immediately.

§ 14-1402. Health services

(a) Each child of school age shall be given by methods established by the Advisory Health Board, (1) a vision test by a school nurse, medical technician or teacher, (2) a hearing test by a school nurse or medical technician, (3) a measurement of height and weight by a school nurse or teacher, who shall use the measurement to compute a child's weight-for-height ratio, (4) tests for tuberculosis under medical supervision, and (5) such other tests as the Advisory Health Board may deem advisable to protect the health of the child. Vision tests shall be given at least annually and other tests at intervals established by the Advisory Health Board.

(a.1) Every child of school age shall be provided with school nurse services: Provided, however, That the number of pupils under the care of each school nurse shall not exceed one thousand five hundred (1,500).

(b) For each child of school age, a comprehensive health record shall be maintained by the school district or joint school board, which shall include the results of the tests, measurements and regularly scheduled examinations and special examinations herein specified.

(c) Medical questionnaires, suitable for diagnostic purposes, furnished by the Secretary of Health and completed by the child or by the child's parent or guardian, at such times as the Secretary of Health may direct, shall become a part of the child's health record.

(d) All teachers shall report to the school nurse or school physician any unusual behavior, changes in physical appearance, changes in attendance habits and changes in scholastic achievement, which may indicate impairment of a child's health. The nurse or school physician or school dentist may, upon referral by the teacher or on his own initiative, advise a child's parent or guardian of the apparent need for a special medical or dental examination. If a parent or guardian fails to report the results to the nurse or school physician, the nurse or school physician shall arrange a special medical examination for the child.

(e) The school physicians of each district or joint board shall make a medical examination and a comprehensive appraisal of the health of every child of school age, (1) upon original entry into school in the Commonwealth, (2) while in sixth grade, (3) while in eleventh grade, and (4) prior to the issuance of a farm or domestic service permit unless the child has been given a scheduled or special medical examination within the preceding four months. The health record of the child shall be made available to the school physician at the time of the regularly scheduled health appraisals.

(f) The Secretary of Health, upon petition of the school board or joint school board or on his own initiative with the concurrence of the school board or joint school board, may modify for individual school districts the school health services program specified in this section. The program as modified shall conform to approved medical or dental practices and shall permit valid statistical appraisals of the various components of the program.

HISTORY: Act 2006-114 (H.B. 185), § 2.5, approved July 11, 2006, eff. immediately.

CASE NOTES

24 P.S. § 14-1402

1. School board did not abuse its discretion in deciding to not renew a school nurse's contract because there had been a substantial decrease in student enrollment and the number of private and parochial students pupils under the care of each remaining school nurse did not exceed 1500 as provided by the Public School Code of 1949, codified at 24 P.S. § 14-1402(a.1). *Phillippi v. School Dist.*, 28 Pa. Commw. 185, 367 A.2d 1133, 1977 Pa. Commw. LEXIS 636 (1977).

2. Student-to-nurse ratio set out in 24 P.S. § 14-1402 was unequivocal and mandatory; during those periods of the week in which a part-time nurse was not working, the school district had only one nurse serving a population of 1,606 students when the statute required a minimum of one nurse for every 1,500 students. *Battaglia v. Lakeland Sch. Dist.*, 677 A.2d 1294, 1996 Pa. Commw. LEXIS 240 (Pa. Commw. Ct. 1996).

TREATISES AND ANALYTICAL MATERIALS

1. *1 P.L.E. SCHOOLS § 184*, Pennsylvania Law Encyclopedia, SCHOOLS, § 184 Health Regulations; Vaccination, Copyright 2006, Matthew Bender & Company, Inc., a member of the LexisNexis Group.

§ 14-1403. Dental examinations and dental hygiene services

(a) All children of school age, in the Commonwealth, (i) upon original entry into the school, (ii) while in the third grade, and (iii) while in the seventh grade, shall be given a dental examination by a school dentist: Provided, however, That this requirement shall not apply to those school districts or joint school boards which have instituted a program of dental hygiene services as provided in subsection (b) of this section.

(b) Any school district or joint school board may institute a program of dental hygiene services for children of school age, which program shall be approved by the Secretary of Health, and for that purpose may employ dental hygienists.

§ 14-1404. Place of examination, use of hospital facilities

The school physician and school dentist shall conduct medical, dental and other examinations in rooms set aside for this special purpose and equipped with adequate facilities and with such other accessories as may be required by the Secretary of Health for the thorough examination of children. The school physicians shall require the removal of sufficient clothing to insure complete examination. If facilities in schools are inadequate for conducting medical, dental and other examinations, the school districts or joint school boards and private schools may, subject to the approval of the Secretary of Health, make arrangements for the use of laboratories and facilities of hospitals or clinics for examinations herein provided for.

§ 14-1405. Assistance; presence of parents

Every school physician shall be assisted by a school nurse and every school dentist by a dental hygienist, if available, or trained assistant, who shall be present during each examination. Parents or guardians of children of school age shall be advised in advance of the date of examination and urged to be present. Medical examinations shall be made in the presence of the parent or guardian of the child when so requested by the parent or guardian.

§ 14-1406. Recommendations

(a) Recommendations as to medical, surgical or dental care shall be sent to each parent or guardian and to the family physician or family dentist on forms prepared or approved by the Secretary of Health with instructions to the parent or guardian to consult the family physician or family dentist and to notify the school authorities of the action taken with respect to the recommendations.

(b) School physicians or school nurses shall inform teachers of the health conditions of pupils which may affect behavior, appearance or scholastic performance.

(c) Notice of the existence of and eligibility for the program under Article XXIII of the act of May 17, 1921 (P.L. 682, No. 284), known as "The Insurance Company Law of 1921," shall be prepared by, paid for and provided to each school district in Pennsylvania by the Insurance Department annually, not later than the fifteenth day of August, in sufficient

quantities to provide the parent or legal guardian of every school student enrolled in the district with such notice. The school district shall provide such notice to the parent or guardian of each student enrolled in the district during the school year. The Insurance Department shall provide sufficient copies of the notice to nonpublic schools upon request.

HISTORY: Act 2002-153 (H.B. 204), § 3, approved Dec. 9, 2002, eff. immediately.

§ 14-1407. Examinations by examiners of own choice

In lieu of the medical or dental examinations prescribed by this article, any child of school age may furnish the local school officials with a medical or dental report of examination made at his own expense by his family physician or family dentist on a form approved by the Secretary of Health for this purpose. The in lieu examinations shall be made and the report shall be furnished prior to the date fixed for the regularly scheduled examination but no earlier than four months prior to the opening of the school term during which the regular examination is scheduled.

§ 14-1408. Reports

Every school district of the Commonwealth or school districts jointly, school physicians, school dentists and school nurses, shall file with the Secretary of Health and/or the Superintendent of Public Instruction such reports as required by the regulations of the two departments.

§ 14-1409. Confidentiality, transference and removal of health records

All health records established and maintained pursuant to this act shall be confidential, and their contents shall be divulged only when necessary for the health of the child or at the request of the parent or guardian to a physician legally qualified to practice medicine and surgery or osteopathy or osteopathic surgery in the Commonwealth.

In the case of any child of school age who enrolls in any school, public or private, in any district and who previously attended school in another district in Pennsylvania, the district or school wherein the child is newly enrolled shall request and the district or school where the child previously attended shall surrender the health record of the child. School districts, joint school boards or private schools, shall not destroy a child's health record for a period of at least two years after the child ceases to be enrolled, but may surrender such child's health record or portion thereof to his parent or guardian if the child does not re-enroll in an elementary or secondary school in Pennsylvania.

§ 14-1410. Employment of school health personnel

Except as otherwise provided in this article, all school districts alone or jointly with other districts or joint school boards shall employ school physicians and school dentists but only with the approval of the Secretary of Health, and shall compensate them on a basis agreed upon by the school physician or school dentist and the employing district or joint school board, and shall employ one or more school nurses. Health officers of municipalities may be appointed as school physicians by school districts or joint school boards. For special examinations recommended by school physicians, school districts or joint school boards may engage the services of ophthalmologists or other licensed medical specialists or of optometrists. Any school district alone or jointly with other districts or joint school boards may employ dental hygienists and such other technical and clerical personnel as are necessary to carry out the provisions of this article.

LexisNexis (R) Notes:

TREATISES AND ANALYTICAL MATERIALS

1. *1 P.L.E. SCHOOLS § 158*, Pennsylvania Law Encyclopedia, SCHOOLS, § 158 Suspension, Copyright 2006, Matthew Bender & Company, Inc., a member of the LexisNexis Group.

2. *1 P.L.E. SCHOOLS § 184*, Pennsylvania Law Encyclopedia, SCHOOLS, § 184 Health Regulations; Vaccination, Copyright 2006, Matthew Bender & Company, Inc., a member of the LexisNexis Group.

§ 14-1411. Cooperation with political subdivisions

Any school district or joint school board may, in any health work in which it is authorized to engage, cooperate with any county, city, borough, town or township engaged in health work. Any school district of the first class A may, with the approval of the Secretary of Health and the Superintendent of Public Instruction, contract with county health units or the department or board of health of any municipality for school health services.

LexisNexis (R) Notes:

TREATISES AND ANALYTICAL MATERIALS

1. *1 P.L.E. SCHOOLS § 177*, Pennsylvania Law Encyclopedia, SCHOOLS, § 177 Health Regulations; Vaccination, Copyright 2004, Matthew Bender & Company, Inc., a member of the LexisNexis Group..

§ 14-1412. Municipal civil service status protected

In any school district of the first class or first class A, any physician or nurse who is an employe with civil service status under any municipal corporation within the territorial limits of the school district and who performs any duty or duties under this act shall continue to be an employe of the municipal corporation and shall retain all of his or her civil service rights and rights under the pension system of the said municipal corporation.

§ 14-1413. Supplemental duties of school physicians

Duties of school physicians shall include the vaccination of children of indigent parents, official re-vaccination of children having temporary vaccination certificates, physical examination of children incident to the issuance of employment certificates as required by the provisions of the Child Labor Act, approval of the return of pupils who have been absent due to a contagious disease or suspected contagious disease, and such other duties as may be required by the board of school directors not inconsistent with the rules and regulations of the Secretary of Health.

§ 14-1414. Care and treatment of pupils

Any school district or joint school board may provide for the care and treatment of defective eyes, ears and teeth of all children of school age within the district.

§ 14-1414.1. Possession and use of asthma inhalers

(a) Each school entity shall develop a written policy to allow for the possession and self-administration by children of school age of an asthma inhaler and the prescribed medication to be administered thereby in a school setting.

(b) The policy under this section shall require a child of school age that desires to possess and self-administer an asthma inhaler in a school setting to demonstrate the capability for self-administration and for responsible behavior in the use thereof and to notify the school nurse immediately following each use of an asthma inhaler. The school entity shall develop a system whereby the child may verify to the school nurse that the child is capable of self-administration and has permission for carrying and taking the medication through the use of the asthma inhaler. The school entity shall also restrict the availability of the asthma inhaler and the prescribed medication contained therein from other children of school age, with immediate confiscation of both the asthma inhaler and the medication and loss of privileges if the school policies are abused or ignored.

(c) The policy under this section may include the following:

(1) The requirement of a written statement from the physician, certified registered nurse practitioner or physician assistant that provides the name of the drug, the dose, the times when the medication is to be taken and the diagnosis or reason the medicine is needed unless the reason should remain confidential. The physician, certified registered nurse practitioner or physician assistant shall indicate the potential of any serious reaction that may occur to the medication, as

well as any necessary emergency response. The physician, certified registered nurse practitioner or physician assistant shall state whether the child is qualified and able to self-administer the medication.

(2) The requirement of a written request from the parent or guardian that the school entity comply with the order of the physician, certified registered nurse practitioner or physician assistant. The parent's note shall include a statement relieving the school entity or any school employe of any responsibility for the benefits or consequences of the prescribed medication when it is parent-authorized and acknowledging that the school entity bears no responsibility for ensuring that the medication is taken.

(3) The ability of the school entity to reserve the right to require a statement from the physician, certified registered nurse practitioner or physician assistant for the continued use of any medication beyond a specified time period.

(d) As used in this section, "school entity" means a school district, intermediate unit or area vocational-technical school.

HISTORY: Act 2004-187 (H.B. 1113), § 3, approved Nov. 30, 2004, eff. immediately.

§ 14-1415. Public assistance for medical, dental or surgical care

If the medical record of any child at any time discloses a condition which requires medical, dental or surgical treatment and the parent or guardian states to the school authorities that he is financially unable to have a physician or dentist of his choice render such care, he shall be advised that the cost of such care may be provided if application is made to the appropriate county board of public assistance. Upon application, the county board of assistance shall authorize payment for necessary medical, dental or surgical care as assistance is defined in the standards, rules and regulations established by the Secretary of Public Welfare in consultation with the Secretary of Health. If it appears that the parent or guardian was financially able to pay for the medical, dental or surgical care for which payment was made on the authorization of a county board of assistance, the Department of Public Welfare shall recover the amounts thus expended from the parent or guardian liable for the support of such child as provided in the support law.

§ 14-1416. Precautions against spread of tuberculosis

No person having any form of tuberculosis in a transmissible stage shall be a pupil, teacher, janitor or any other employe in any school except in a special school carried on under the regulations made for such schools by the Secretary of Health. The board of directors of any school district or joint school board may appropriate the necessary funds to pay for X-ray or other medical examinations to determine the presence or absence of tuberculosis in any teacher, janitor or other employe of the district.

§ 14-1417. Pupils relieved from compulsory attendance

Any pupil prevented from attending school on account of the health or sanitation laws of this Commonwealth, or by the sanitary regulations of the local board of health or the board of school directors, is relieved from complying with the provisions of the act amended hereby concerning compulsory attendance during the time he is prevented from attending school.

§ 14-1418. Medical examinations of teachers and other persons

(a) All teachers, janitors, cooks and other cafeteria help and all others employed at schools shall be required to take a pre-employment medical examination, the results of which shall be recorded on forms prescribed by the Secretary of Health and shall be made available to the employing authorities.

(b) Each teacher, any other school employe and any person providing services for school children under contract shall be given tests for tuberculosis in accordance with rules and regulations adopted by the Advisory Health Board. Each student teacher and volunteer participating in student activities shall be given the same tests for tuberculosis, but no person shall be required to submit to a particular test if he shall furnish a statement setting forth adequate reasons for being excused from taking the test. In such case, an alternative method of testing shall be administered.

(c) School boards may require a special medical examination for any school employe at any time.

(d) Medical examinations shall be made by the school physician of the district if provision therefor is made by the district or joint school board or by a physician of the employe's own choice legally qualified to practice medicine and surgery or osteopathy or osteopathic surgery in the Commonwealth.

§ 14-1419. Objections to examination or treatment on religious grounds

This article shall not be construed to compel any person to submit to any medical or dental examination or treatment under the authority of this act when the person or the parent or guardian of the person, if a minor, objects to the examination or treatment on religious grounds or to permit any discrimination against any person on account of such objections: Provided, That exemption from medical or dental examination shall not be granted if the Secretary of Health finds that facts exist under which the exemption constitutes a present substantial menace to the health of other persons exposed to contact with the unexamined person.

LexisNexis (R) Notes:

TREATISES AND ANALYTICAL MATERIALS

1. *1 P.L.E. SCHOOLS § 184*, Pennsylvania Law Encyclopedia, SCHOOLS, § 184 Health Regulations; Vaccination, Copyright 2006, Matthew Bender & Company, Inc., a member of the LexisNexis Group.

§ 14-1420. Examinations of school buildings and grounds

The Secretary of Health shall employ sanitarians or request local health authorities to assign a sanitarian to make a careful examination of all privies, water-closets, urinals, cellars, the water-supply and drinking-vessels and utensils and sewage and refuse disposal systems, lighting, heating and ventilating systems, and such additional examinations of the sanitary conditions of the school buildings and grounds as the regulations of the Secretary of Health may require.

§ 14-1421. Powers and duties of the Secretary of Health and of the Superintendent of Public Instruction; rules and regulations

(a) The technical content of the medical, dental, nursing and sanitary portions of the school health program shall be prescribed by and under the general direction of the Secretary of Health who shall--

1.. Approve all appointments of school physicians and school dentists and prescribe their duties and formulate and prescribe standards for medical technicians and sanitary officers for employment in the school health program.

2.. Suggest or recommend to the State Board of Education standards of qualification for school nurses and dental hygienists for employment by a school district or joint school board in the school health services program and advise school administrators on matters connected with carrying out the school health program.

(b) The administration and supervision of the educational and teaching aspects of the program shall be the responsibility of the Superintendent of Public Instruction who shall--

1.. Approve certification of school nurses and dental hygienists for employment by a school district or joint school board and administer and direct their services and program: Provided, That the services of school nurses and dental hygienists shall be utilized exclusively in connection with medical and dental examinations and associated health activities.

2.. Advise the Secretary of Health and school physicians and school dentists on matters pertaining to the educational impact of the school health services program.

(c) The Secretary of Health and the Superintendent of Public Instruction, after consultation, shall--

1.. Adopt such records and report forms as will facilitate the efficient operation, administration and comprehensive evaluation of the school health program.

2.. Adopt and enforce rules and regulations for the school health program not inconsistent with the provisions of this act.

§ 14-1422. Advisory health councils

District superintendents may set up advisory health councils to study health needs, assist in organizing follow-up programs and provide recommendations on the development of the local wellness policy required under section 1422.1. To every extent possible, an advisory health council shall be composed of district representatives, including a school administrator, a student and a school food service professional, and representatives of the medical and dental associations, social organizations, parent-teacher associations, service clubs, physical education, health education, school counseling, school psychological and social services, health and wellness professionals, including a certified school nurse and a licensed dietitian, and other family and community organizations in the area served. Those making the medical and dental examinations shall make to this advisory council an annual report, and later a report on the remedial work which has been accomplished during the school year.

HISTORY: Act 2006-114 (H.B. 185), § 2.6, approved July 11, 2006, eff. immediately.

§ 14-1422.1. Local wellness policy

(a) Not later than the first day of the school year beginning after June 30, 2006, each local education agency shall, pursuant to section 204 of the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265, 118 Stat. 729), establish a local wellness policy for schools within the local education agency.

(b) A local education agency to which *22 Pa. Code § 4.13* (relating to strategic plans) applies shall include the local wellness policy as part of the strategic plan required under *22 Pa. Code § 4.13*.

(c) A local education agency may submit its local wellness policy or information on other initiatives regarding child health, nutrition and physical education to the Department of Education for inclusion in the clearinghouse established under section 1422.3(3).

HISTORY: Act 2006-114 (H.B. 185), § 2.7, approved July 11, 2006, eff. immediately.

§ 14-1422.2. Interagency Coordinating Council for Child Health, Nutrition and Physical Education

(a) The Secretary of Education, the Secretary of Health and the Secretary of Agriculture shall establish an interagency coordinating council which shall annually review, revise and publish a Pennsylvania Child Wellness Plan to promote child health, nutrition and physical education. The council shall be composed of employees of the Department of Education, the Department of Health and the Department of Agriculture. The Secretary of Education shall appoint the chairman of the council.

(b) The Secretary of Education shall establish an advisory committee to offer recommendations to the council. The secretary shall appoint no fewer than eight members to the advisory committee, who may include experts from the fields of health, education, research, community development and business. The advisory committee shall meet at least twice annually.

(c) In the initial publication of the Pennsylvania Child Wellness Plan to promote child health, nutrition and physical education, the council shall integrate the contents of the Pennsylvania Nutrition and Activity Plan to Prevent Obesity and Related Chronic Diseases and shall include additional recommendations regarding:

- (1) Nutritional guidelines for food and beverages sold in schools.
- (2) Local wellness policies.

(3) Physical education curriculum.

(4) Teaching about nutrition and obesity.

(5) The utilization of any Federal funds identified by the council that may be available to local education agencies to enhance initiatives regarding child health, nutrition, physical education, local wellness policies and advisory health councils.

(6) A process through which the Secretary of Education may monitor and evaluate any outcomes that may result from the implementation of initiatives regarding child health, nutrition, physical education, local wellness policies and advisory health councils.

(d) The council shall submit the plan to the Secretary of Education, the Secretary of Health and the Secretary of Agriculture no later than May 1, 2007, and May 1 of each year thereafter. The Secretary of Education shall submit the final plan to the Governor, the President pro tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives by June 1, 2007, and June 1 of each year thereafter. The final plan shall be included on the Department of Education's, Department of Health's and Department of Agriculture's Internet websites.

HISTORY: Act 2006-114 (H.B. 185), § 2.7, approved July 11, 2006, eff. immediately.

§ 14-1422.3. Duties of Department of Education

The Department of Education shall, in order to promote initiatives regarding child health, nutrition and physical education:

(1) To every extent possible, include programs related to child health, nutrition and physical education as part of the continuing professional education courses, programs, activities or learning experiences required under section 1205.2(f).

(2) Collaborate with the Department of Health to apply for Federal funds related to coordinated school health funding to enhance initiatives regarding child health, nutrition, physical education, local wellness policies and advisory health councils.

(3) Establish a clearinghouse of wellness policies and information regarding child health, nutrition and physical education submitted to the department by local education agencies pursuant to section 1422.1(c). Such information shall be made available on the department's Internet website.

(4) To every extent possible, maintain information related to teaching about nutrition and obesity, which information shall include concepts of healthy eating, including nutrient density and portion control, and the physical, psychological and nutritional causes of obesity. Such information shall be made available on the department's Internet website.

HISTORY: Act 2006-114 (H.B. 185), § 2.7, approved July 11, 2006, eff. immediately.

§ 14-1423. Automatic external defibrillators

(a) For the fiscal year 2001-2002, the department shall establish a one-time automatic external defibrillator program to assist school entities in acquiring automatic external defibrillators.

(b) The department, in consultation with the Department of General Services, shall issue an invitation to bid for the cost of automatic external defibrillators. The department shall accept the bid of the lowest responsible bidder and permit any school entity to purchase the devices at the contract bid price.

(c) To be eligible to obtain or purchase automatic external defibrillators under the program a school entity must:

(1) Assure that two (2) or more persons assigned to the location where the automatic external defibrillator will be primarily housed are trained as required in subsection (d).

(2) Ensure that the device will be secured in a safe and readily accessible location and agree to properly maintain and test the device according to the manufacturer's operational guidelines.

(3) Submit a valid prescription for the device from a licensed medical practitioner in this Commonwealth.

(4) Agree to provide the training required by subsection (d).

(d) School personnel who are expected to use the automatic external defibrillator shall complete training in cardiopulmonary resuscitation and in the use of an automatic external defibrillator provided by the American Heart Association, the American Red Cross or through an equivalent course of instruction approved by the Department of Health.

(e) A school entity may include the training required by subsection (d) in its continuing professional education plan submitted to the department under section 1205.1.

(f) The provisions of 42 Pa.C.S. § 8331.2 (relating to good Samaritan civil immunity for use of automated external defibrillator) shall apply to school employees who render care with an automatic external defibrillator.

(g) From funds appropriated for this purpose, the department, upon request, shall provide: up to two (2) automatic external defibrillators to each school district; one (1) automatic external defibrillator to each intermediate unit; and one (1) automatic external defibrillator to each area vocational-technical school.

(h) No school entity shall be required to participate in the automatic external defibrillator program.

(i) No later than June 30, 2002, the secretary shall submit a report to the General Assembly describing the effectiveness of this section in outfitting the Commonwealth's school entities with automatic external defibrillators.

(j) The department may adopt guidelines as necessary to administer this section.

(k) As used in this section--

"Automatic external defibrillator" means a portable device that uses electric shock to restore a stable heart rhythm to an individual in cardiac arrest.

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

"School entity" means an area vocational-technical school, a charter school, an intermediate unit, a nonpublic school or a school district.

"Secretary" means the Secretary of Education of the Commonwealth.

HISTORY: Act 2001-4 (H.B. 996), § 4, approved May 17, 2001, eff. July 1, 2001.
§ 14-1424 to 14-1438. Repealed by 1957, July 15, P.L. 937, § 1

PENNSYLVANIA STATUTES, ANNOTATED BY LEXISNEXIS(R)

* THIS DOCUMENT IS CURRENT THROUGH ACT 116 OF THE REG SESSION AND ACT 1 OF THE SP. LEG-
ISLATIVE SESSION*

*** DECEMBER 1, 2006 ANNOTATION SERVICE ***

PENNSYLVANIA STATUTES
TITLE 24. EDUCATION
CHAPTER 1.. PUBLIC SCHOOL CODE OF 1949
ARTICLE XXV.. REIMBURSEMENTS BY COMMONWEALTH AND BETWEEN SCHOOL DISTRICTS
(B) INSTRUCTION

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

24 P.S. § 25-2505.1 (2006)

§ 25-2505.1. State reimbursement for health services

(a) Every school district and joint school board which renders health services to children of school age shall be reimbursed by the Commonwealth on account of health services which conform to standards approved by the Secretary of Health. Reimbursements shall be paid by the Secretary of Health. The amount thereof shall be the actual cost of the medical and dental services and school nurse services as certified to the Secretary of Health, less any charges deemed unreasonable by him, but for medical services shall not for any school year exceed the sum of (1) one dollar and sixty cents (\$ 1.60) multiplied by the number of children enrolled in a school for the entire school term of that school year and for whom the school district or joint school board maintains comprehensive health records as defined in section 1402, and (2) a proportionate part of one dollar and sixty cents (\$ 1.60) for each child enrolled for a part of the school term of that school year and for whom the school district or joint school board maintains a comprehensive health record as defined in section 1402, for dental services shall not for any school year exceed the sum of (1) eighty cents (\$.80) multiplied by the number of children enrolled in a school for the entire school term of that school year and for whom the school district or joint school board maintains comprehensive health records as defined in section 1402, and (2) a proportionate part of eighty cents (\$.80) for each child enrolled for a part of the school term of that school year and for whom the school district or joint school board maintains a comprehensive health record as defined in section 1402, and for school nurse services shall not for any school year exceed the sum of (1) seven dollars (\$ 7.00) multiplied by the number of children enrolled in a school for the entire school term of that school year, and (2) a proportionate part of seven dollars (\$ 7.00) for each child enrolled for a part of the school term of that school year.

(a.1) Every school district or joint school board which employs one or more dental hygienists for the purpose of dental hygiene services to children of school age shall be reimbursed by the Commonwealth on account of such services which conform to standards approved by the Secretary of Health. Reimbursement shall be made by the Secretary of Health. The amount thereof shall be the actual cost of the dental hygiene services as certified to the Secretary of Health, less any charges that shall be deemed unreasonable by him, but for any school year shall not exceed the sum of two dollars (\$ 2) multiplied by the actual number of children enrolled in the school for the entire school term who receive such dental hygiene services, and a proportionate part of two dollars (\$ 2) for each child enrolled for a part of the school term of that school year and who actually receives dental hygiene services. Reimbursement under this subsection shall be in lieu of any reimbursement provided in subsection (a) of this section for dental services.

(b) No reimbursement shall be made under this section for services for which the Commonwealth reimburses, in whole or in part, under any other section of the act to which this is an amendment. Reimbursement on account of the employment of school nurses shall be made under the provisions of this section. Reimbursement on account of health services rendered by a school district or joint school board may be withheld by the Secretary of Health unless the actual

expenditures for the health services are certified to the Secretary of Health within three months after the end of the school year during which the payment for the service was made by the school district or joint school board.

(b.1) Every school district which renders health services to children shall be reimbursed by the Commonwealth on account of health services which conform to standards approved by the Secretary of Health. Reimbursement shall be paid by the Secretary of Health. For the school year 1990-1991, the amount of this reimbursement for this subsection shall be the sum of five dollars and ninety cents (\$ 5.90) multiplied by the average daily membership of each school district. For the school year 1991-1992 and each school year thereafter, the amount of this reimbursement for this subsection shall be the sum of nine dollars and seventy cents (\$ 9.70) multiplied by the average daily membership of each school district.

(c) Nothing herein contained shall be construed to prohibit any school district or joint school board from expending for health services amounts in excess of the reimbursable amounts.

HISTORY: Act 1991-25 (H.B. 221), § 12, approved Aug. 5, 1991, See section of this act for effective date information.