

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1827 Session of
2015

INTRODUCED BY TAYLOR, SAYLOR, ROZZI, KOTIK, KILLION, STAATS,
JAMES, PASHINSKI, SANTORA, W. KELLER, READSHAW, CORBIN,
KINSEY, MILLARD, YOUNGBLOOD, HARHART, O'BRIEN, WATSON, WARD,
THOMAS, SCHWEYER, DIGIROLAMO, GROVE, COHEN, ROSS, D. COSTA,
SCHLOSSBERG, MOUL, BULLOCK, EVANS, ROEBUCK, BRADFORD, DEAN,
DRISCOLL, McCARTER, FARRY, SIMS AND MICCARELLI,
MARCH 15, 2016

SENATOR SMUCKER, EDUCATION, IN SENATE, AS AMENDED, JUNE 27, 2016

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," providing for Drug and Alcohol
6 Recovery High School Pilot Program.

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

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

ARTICLE XIV-ADRUG AND ALCOHOL RECOVERY HIGH SCHOOL PILOT PROGRAM

14 Section 1401-A. Definitions.

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

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

3 "Individualized educational program" or "IEP." An
4 individualized education program established under 22 Pa. Code
5 Ch. 14 (relating to special education services and programs).

6 ~~"Keystone Exam." A student assessment developed and~~
7 ~~implemented under section 121.~~

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8 "Private academic school." A private academic school as
9 defined in section 2 of the act of January 28, 1988 (P.L.24,
10 No.11), known as the Private Academic Schools Act, which is
11 licensed under the requirements of the Private Academic Schools
12 Act.

13 "Program." The Drug and Alcohol Recovery High School Pilot
14 Program established under section 1402-A.

15 "Recovery high school." The school designated to serve as
16 the drug and alcohol recovery high school for purposes of the
17 program under section 1402-A(b).

18 "Resident school district." The school district in which a
19 student enrolled in the recovery high school under the program
20 resides.

21 Section 1402-A. Establishment of Drug and Alcohol Recovery High
22 School Pilot Program.

23 (a) Pilot program established.--The Drug and Alcohol
24 Recovery High School Pilot Program is established to provide a
25 program of instruction in grades 9 through 12 meeting State
26 academic standards for students who are in recovery from drug or
27 alcohol abuse or addiction.

28 (b) Designation.--Within 60 days of the effective date of
29 this section, the Secretary of Education, in consultation with
30 the Department of Drug and Alcohol Programs, shall:

1 (1) Designate, through a request for proposal process, a
2 facility that satisfies all of the following to serve as the
3 recovery high school for purposes of the program:

4 (i) Is licensed as a private academic school under
5 the act of January 28, 1988 (P.L.24, No.11), known as the
6 Private Academic Schools Act.

7 (ii) Is located in a school district of the first
8 class.

9 (iii) Has experience providing drug and alcohol
10 recovery services.

11 (iv) Has adopted and follows accreditation standards
12 and best practices set forth by the Association of
13 Recovery Schools.

14 (2) Post notice of the designation on the department's
15 publicly accessible Internet website.

16 Section 1403-A. Scope of program and selection of students.

17 (a) Maximum participation.--Beginning in the 2016-2017
18 school year, a maximum of 20 students in grades 9 through 12 may
19 be enrolled in the recovery high school under the program at any
20 one time.

21 (b) Vacancies.--If a student enrolled in the recovery high
22 school under the program withdraws or graduates from the
23 recovery high school, the vacancy may be filled by another
24 student.

25 (c) Student requirements.--A student may enroll in the
26 recovery high school under the program if the following apply:

27 (1) (i) Subject to subparagraph (ii), the student
28 resides in a school district of the first class, which
29 has approved the student's enrollment in the recovery
30 high school under the program and, with the written

1 consent of the student's parent or guardian, has applied
2 for enrollment in the recovery high school on the
3 student's behalf.

4 (ii) If fewer than 20 students residing in a school
5 district of the first class enroll in the recovery high
6 school under the program at any time under subparagraph
7 (i), a student who resides in a school district other
8 than a school district of the first class may enroll in
9 the recovery high school under the program if the
10 student's resident school district has approved the
11 student's enrollment in the recovery high school under
12 the program and, with the written consent of the
13 student's parent or guardian, has applied for enrollment
14 in the recovery high school on the student's behalf.

15 (2) The student has at least 30 days of sobriety at the
16 time of application for enrollment.

17 (3) The student commits to participate in a recovery
18 plan, including, but not limited to, school-based drug
19 testing, as designed by the recovery high school and approved
20 by the Department of Drug and Alcohol Programs.

21 (4) The recovery high school approves the student's
22 enrollment in the recovery high school. A determination by
23 the recovery high school not to approve a student's
24 enrollment in the recovery high school may not be appealed to
25 the department.

26 (c.1) Approval or disapproval by resident school district.--
27 Within 30 days after a student's parent or guardian submits a
28 written request to the resident school district seeking the
29 student's enrollment in the recovery high school under the
30 program, the resident school district shall issue written notice

1 to the parent or guardian approving or disapproving the request.

2 (d) Hearing.--If a parent or guardian disagrees with a
3 resident school district's disapproval of the student's
4 enrollment in the recovery high school under the program, the
5 following shall apply:

6 (1) For a student with an IEP, the due process hearing
7 requirements of 22 Pa. Code Ch. 14 (relating to special
8 education services and programs) shall apply.

9 (2) For a student without an IEP, the resident school
10 district shall follow a notice and hearing process that the
11 department shall develop and post on its publicly accessible
12 Internet website.

13 (3) If a student's enrollment in the recovery high
14 school under the program is not approved by the student's
15 resident school district or if the student's parent or
16 guardian chooses not to participate in the program
17 established under section 1402-A, the student's parent or
18 guardian may pay the student's tuition to enroll in the
19 recovery high school, provided that the recovery high school
20 has approved the student's enrollment in the recovery high
21 school.

22 Section 1404-A. Academic programs.

23 (a) Assessments.--The recovery high school shall administer
24 to all students enrolled in the recovery high school under the
25 program ~~the Keystone Exams and any other~~ ANY assessments that <--
26 are required under 22 Pa. Code Ch. 4 (relating to academic
27 standards and assessment). Student scores on ~~Keystone Exams and~~ <--
28 ~~any other~~ required assessments shall be attributed to the
29 student's resident school district for purposes of compliance
30 with the Every Student Succeeds Act (Public Law 114-95, 129

1 Stat. 1802).

2 (b) Certification.--At least 75% of the professional staff
3 members of the recovery high school shall hold appropriate State
4 certification, provided that all professional staff members of
5 the recovery high school who are responsible for providing
6 special education services to students enrolled in the recovery
7 high school under the program shall hold appropriate State
8 certification in special education.

9 (c) Licensure.--If a student enrolled in the recovery high
10 school is subject to an IEP, the recovery high school must be
11 licensed to provide any services required to be provided under
12 the student's IEP.

13 Section 1405-A. Establishment and payment of tuition.

14 (a) Tuition rate.--No later than June 30 of each year, the
15 department shall establish a per-student regular education
16 tuition rate for each student enrolled in the recovery high
17 school under the program, provided that the recovery high school
18 may not set a per-student regular education tuition rate for
19 students enrolled in the recovery high school who are not
20 participants in the program that is lower than the per-student
21 regular education tuition rate established for students enrolled
22 in the recovery high school under the program. The per-student
23 regular education tuition rate for students enrolled in the
24 recovery high school under the program shall be determined as
25 follows:

26 (1) For the 2016-2017 school year, the per-student
27 regular education tuition rate for each student enrolled in
28 the recovery high school under the program shall be \$20,000.

29 (2) Beginning in the 2017-2018 school year, and in each
30 school year thereafter, annual adjustments to the amount set

1 forth in paragraph (1) shall be made as follows:

2 (i) The Department of Labor and Industry shall
3 determine the percentage change in the Consumer Price
4 Index for All Urban Consumers: All Items (CPI-U) for the
5 United States City Average as published by the United
6 States Department of Labor, Bureau of Labor Statistics,
7 for the 12-month period ending September 30, 2016, and
8 for each successive 12-month period thereafter.

9 (ii) If the Department of Labor and Industry
10 determines that there is no positive percentage change,
11 then no adjustment to the amount set forth in paragraph
12 (1) shall occur for the relevant time period.

13 (iii) (A) If the Department of Labor and Industry
14 determines that there is a positive percentage change
15 in the first year that the determination is made
16 under subparagraph (i), the positive percentage
17 change shall be multiplied by the amount set forth in
18 paragraph (1), and the product shall be added to the
19 amount set forth in paragraph (1), and the sum shall
20 be the preliminary adjusted per-student tuition rate.

21 (B) The preliminary adjusted per-student tuition
22 rate shall be rounded to the nearest \$100 to
23 determine the final adjusted per-student tuition
24 rate.

25 (iv) In each successive year in which there is a
26 positive percentage change in the CPI-U for the United
27 States City Average, the positive percentage change shall
28 be multiplied by the most recent preliminary per-student
29 tuition rate, and the product shall be added to the
30 preliminary adjusted per-student tuition rate of the

1 prior year to calculate the preliminary adjusted per-
2 student tuition rate for the current year. The sum
3 thereof shall be rounded to the nearest \$100 to determine
4 the new final adjusted per-student tuition rate.

5 (v) The determinations and adjustments required
6 under this subparagraph shall be made in the period
7 between April 1, 2017, and April 30, 2017, and annually
8 between April 1 and April 30 of each year thereafter.

9 (vi) The final adjusted per-student tuition rates
10 obtained under subparagraphs (iii) and (iv) shall become
11 effective July 1 for the school year following the year
12 in which the determination required under this paragraph
13 is made.

14 (vii) The department shall publish notice in the
15 Pennsylvania Bulletin prior to July 1 of each year of the
16 annual percentage change determined under subparagraph
17 (i) and the unadjusted or final adjusted per-student
18 tuition rate determined under subparagraphs (iii) and
19 (iv) for the school year following the year in which the
20 per-student tuition rate is determined. The notice shall
21 include a written and illustrative explanation of the
22 calculations performed by the department in establishing
23 the unadjusted or final adjusted per-student tuition rate
24 under this section for the ensuing calendar year.

25 (viii) The annual increase in the preliminary
26 adjusted per-student tuition rate determined under
27 subparagraphs (iii) and (iv) shall not exceed 3%.

28 (b) Payment of regular education tuition rate.--

29 (1) The department shall pay 60% of the per-student
30 regular education tuition rate established under subsection

1 (a) for each student enrolled in the recovery high school
2 under the program.

3 (2) The resident school district of each student
4 enrolled in the recovery high school under the program shall
5 pay the amount of the per-student tuition rate established
6 under subsection (a) that remains following payment by the
7 department under paragraph (1).

8 (c) Special education.--For each student enrolled in the
9 recovery high school under the program who is subject to an IEP,
10 the student's resident school district shall ~~pay the amount~~ <--

11 ~~required under subsections (a) and (b) and do one of the~~
12 ~~following,~~ IN ADDITION TO THE REGULAR EDUCATION TUITION PAYMENT <--
13 MADE ON BEHALF OF THE STUDENT:

14 (1) provide the student with special education services
15 required under the student's IEP, at the resident school
16 district's cost; or

17 (2) make payment to the recovery high school for special
18 education services provided to the student by the recovery
19 high school.

20 (D) TREATMENT OF SCHOOL DISTRICT SUBSIDIES.--A STUDENT <--
21 ENROLLED IN A RECOVERY HIGH SCHOOL UNDER THE PROGRAM SHALL BE
22 INCLUDED IN THE AVERAGE DAILY MEMBERSHIP OF THE STUDENT'S
23 DISTRICT OF RESIDENCE FOR THE PURPOSE OF PROVIDING BASIC
24 EDUCATION FUNDING PAYMENTS AND SPECIAL EDUCATION FUNDING UNDER
25 ARTICLE XXV.

26 Section 1406-A. Term of Drug and Alcohol Recovery High School
27 Pilot Program.

28 (a) Enrollment of new students.--Unless the program is
29 permanently established by action of the General Assembly, the
30 recovery high school shall not enroll new students under the

1 program after June 30, 2020.

2 (b) Continued enrollment.--If the program is not permanently
3 established by action of the General Assembly on or before June
4 30, 2020, a student enrolled in the recovery high school under
5 the program as of June 30, 2020, may remain enrolled in the
6 recovery high school under the program until the earlier of the
7 following:

8 (1) The student's graduation from the recovery high
9 school.

10 (2) The student's withdrawal from the recovery high
11 school.

12 (3) The student's completion of four years of enrollment
13 in the recovery high school under the program.

14 Section 1407-A. Reporting.

15 (a) Report by recovery high school.--By August 31, 2018, and
16 by August 31 of each year thereafter, the recovery high school
17 shall submit annually to the Secretary of Education, the
18 Secretary of Drug and Alcohol Programs, the chairperson and
19 minority chairperson of the Education Committee of the Senate,
20 the chairperson and minority chairperson of the Education
21 Committee of the House of Representatives, the chairperson and
22 minority chairperson of the Public Health and Welfare Committee
23 of the Senate and the chairperson and minority chairperson of
24 the Health Committee of the House of Representatives a written
25 report concerning the program. The report shall include, but not
26 be limited to, all of the following, subject to the requirements
27 of the Family Educational Rights and Privacy Act of 1974 (Public
28 Law 90-247, 20 U.S.C. § 1232g) and to the extent such reporting
29 does not reveal identifying information concerning any
30 individual student:

1 (1) The number of students who:

2 (i) Enrolled in the recovery high school under the
3 program for the preceding reporting period.

4 (ii) Requested enrollment in the recovery high
5 school under the program but were denied participation in
6 the program for the preceding reporting period.

7 (iii) Enrolled in the recovery high school but who
8 were not participants in the program for the preceding
9 reporting period.

10 (2) The number and percentage of students enrolled in
11 the recovery high school during the previous reporting period
12 to whom each of the following apply, reported separately
13 based on whether or not the students were participants in the
14 program:

15 (i) Earned a high school diploma from the recovery
16 high school.

17 (ii) Withdrew from the recovery high school and
18 requested transfer of educational records to another
19 school.

20 (iii) Withdrew from the recovery high school without
21 requesting transfer of educational records to another
22 school.

23 (iv) Maintained enrollment in the recovery high
24 school in good standing.

25 (3) A narrative description of the academic outcomes for
26 students enrolled in the recovery high school, including <--
27 aggregate Keystone Exam results, reported separately based on
28 whether or not the students were participants in the program.

29 (4) A narrative description of student success in
30 managing issues concerning drug or alcohol abuse or

1 addiction, reported separately based on whether or not the
2 students were participants in the program.

3 (5) Recommendations for improvements to the program.

4 (6) Any information regarding the program that the
5 recovery high school determines would be useful to the
6 General Assembly, the Department of Education and the
7 Department of Drug and Alcohol Programs in determining
8 whether changes to the program are necessary and whether the
9 program should be continued.

10 (b) Report by Department of Education and Department of Drug
11 and Alcohol Programs.--By December 31, 2019, the Department of
12 Education and the Department of Drug and Alcohol Programs,
13 jointly, shall submit to the chairperson and minority
14 chairperson of the Education Committee of the Senate, the
15 chairperson and minority chairperson of the Education Committee
16 of the House of Representatives, the chairperson and minority
17 chairperson of the Public Health and Welfare Committee of the
18 Senate and the chairperson and minority chairperson of the
19 Health Committee of the House of Representatives a written
20 report assessing the success of the program and making
21 recommendations regarding the possible extension and expansion
22 of the program, including a proposed timeline for any potential
23 expansion.

24 Section 1408-A. Audit required.

25 The recovery high school shall submit annually to the
26 Secretary of Education, the Secretary of Drug and Alcohol
27 Programs, the chairperson and minority chairperson of the
28 Education Committee of the Senate, the chairperson and minority
29 chairperson of the Education Committee of the House of
30 Representatives, the chairperson and minority chairperson of the

1 Public Health and Welfare Committee of the Senate and the
2 chairperson and minority chairperson of the Health Committee of
3 the House of Representatives a complete certified audit of the
4 recovery high school's participation in the program. The audit
5 shall be conducted by a qualified independent certified public
6 accountant under generally accepted audit standards of the
7 Governmental Accounting Standards Board.

8 Section 2. This act shall take effect immediately.