

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1512 Session of
2008

INTRODUCED BY M. WHITE AND COSTA, JUNE 25, 2008

REFERRED TO EDUCATION, JUNE 25, 2008

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in reimbursements by Commonwealth and
6 between school districts, providing for funding for schools
7 operated by children's residential facilities.

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 a
12 section to read:

13 Section 2599.4. Funding for Schools Operated by Children's
14 Residential Facilities.--(a) Funding for a children's
15 residential facility shall be provided in the following manner:

16 (1) There shall be no tuition charge for a resident or non-
17 resident student attending a children's residential facility.

18 (2) For non-special education students, the children's
19 residential facility shall receive for each student enrolled no
20 less than the budgeted total expenditure per average daily

1 membership of the prior school year, as defined in section
2 2501(20), minus the budgeted expenditures of the district of
3 residence for nonpublic school programs; adult education
4 programs; community/junior college programs; student
5 transportation services; special education programs; facilities
6 acquisition, construction and improvement services; and other
7 financing uses, including debt service and fund transfers as
8 provided in the Manual of Accounting and Related Financial
9 Procedures for Pennsylvania School Systems established by the
10 Department of Education. This amount shall be paid by the
11 district of residence of each student.

12 (3) For special education students, the children's
13 residential facility shall receive for each student enrolled the
14 same funding as for each non-special education student as
15 provided in paragraph (2), plus an additional amount determined
16 by dividing the district of residence's total special education
17 expenditure by the product of multiplying the combined
18 percentage of section 2509.5(k) times the district of
19 residence's total average daily membership for the prior school
20 year. This amount shall be paid by the district of residence of
21 each student.

22 (4) A children's residential facility may request the
23 intermediate unit in which the children's residential facility
24 is located to provide services to assist the children's
25 residential facility to address the specific needs of
26 exceptional students. The intermediate unit shall assist the
27 children's residential facility and bill the children's
28 residential facility for the services. The intermediate unit may
29 not charge the children's residential facility more for any
30 service than it charges the constituent districts of the

1 intermediate unit.

2 (5) Payments shall be made to the children's residential
3 facility in twelve (12) equal monthly payments, by the fifth day
4 of each month, within the operating school year. A student
5 enrolled in a children's residential facility shall be included
6 in the average daily membership of the student's district of
7 residence for the purpose of providing basic education funding
8 payments and special education funding pursuant to this article.
9 If a school district fails to make a payment to a children's
10 residential facility as prescribed in this paragraph, the
11 Secretary of Education shall deduct the estimated amount, as
12 documented by the children's residential facility, from all
13 State payments made to the district after receipt of
14 documentation from the children's residential facility.

15 (6) Within thirty (30) days after the Secretary of Education
16 makes the deduction described in paragraph (5), a school
17 district may notify the secretary that the deduction made from
18 State payments to the district under this subsection is
19 inaccurate. The secretary shall provide the school district with
20 an opportunity to be heard concerning whether the children's
21 residential facility documented that its students were enrolled
22 in the children's residential facility, the period of time
23 during which each student was enrolled, the school district of
24 residence of each student and whether the amounts deducted from
25 the school district were accurate.

26 (b) It shall be lawful for any children's residential
27 facility to receive, hold, manage and use, absolutely or in
28 trust, any devise, bequest, grant, endowment, gift or donation
29 of any property, real or personal and/or mixed, which shall be
30 made to the children's residential facility for any of the

1 purposes of this article.

2 (c) It shall be unlawful for any trustee of a children's
3 residential facility or any board of trustees of a children's
4 residential facility or any other person affiliated in any way
5 with a children's residential facility to demand or request,
6 directly or indirectly, any gift, donation or contribution of
7 any kind from any parent, teacher, employe or any other person
8 affiliated with the children's residential facility as a
9 condition for employment or enrollment and/or continued
10 attendance of any pupil. Any donation, gift or contribution
11 received by a children's residential facility shall be given
12 freely and voluntarily.

13 (d) The following words and phrases when used in this
14 section shall have the meanings given to them in this subsection
15 unless the context clearly indicates otherwise:

16 "Adjudicated delinquent." A person in this Commonwealth who
17 is under twenty-one (21) years of age, who committed an act of
18 delinquency before reaching eighteen (18) years of age and who
19 remains under the jurisdiction of the juvenile court.

20 "Children's residential facility." A licensed private
21 academic secondary school or approved private alternative
22 education program operated by a facility that provides
23 residential services in this Commonwealth at the secondary level
24 to at least two hundred (200) adjudicated delinquents annually
25 and that operates under a certificate of compliance issued by
26 the Department of Public Welfare. The term does not include a
27 private residential rehabilitative institution as defined under
28 section 914.1-A.

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