

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 63 Session of 2011

INTRODUCED BY GREENLEAF, TARTAGLIONE, ERICKSON AND BROWNE,
JANUARY 12, 2011

REFERRED TO EDUCATION, JANUARY 12, 2011

AN ACT

1 Establishing a Statewide program to support and guide public and
2 private schools in this Commonwealth in the establishment of
3 extended school day child-care programs for school-age
4 children; defining eligibility; and further providing for the
5 powers and duties of the Department of Public Welfare.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the School-based
10 Child-care Assistance Act.

11 Section 2. Legislative intent.

12 (a) Findings.--The General Assembly hereby finds and
13 declares that there are more than 5,000,000 school-age children
14 across the country who are on their own before and after school
15 while their parents work. These children are left unattended and
16 unsupervised and face danger of physical harm, sexual
17 exploitation, emotional distress and developmental deficiencies.

18 (b) Purpose.--The purpose of this act is to encourage and
19 support child-care services in public and private schools for

1 school-age children for the time period before and after the
2 school day.

3 Section 3. Definitions.

4 The following words and phrases when used in this act shall
5 have the meanings given to them in this section unless the
6 context clearly indicates otherwise:

7 "Department." The Department of Public Welfare of the
8 Commonwealth.

9 "Extended school day child-care programs." The term includes
10 child-care programs for the periods before and after the school
11 day.

12 "School-age child." A child who:

13 (1) is 13 years of age or under enrolled in a public or
14 private elementary or secondary school; or

15 (2) has a documented developmental age of 12 years or
16 less and chronologically no more than 16 years of age;
17 and whose parent, parents or guardian works or is being trained
18 and is unavailable in the home before or after school, or both.

19 Section 4. Powers and duties of department.

20 (a) Grants authorized.--

21 (1) The department shall provide grants to school
22 districts and private schools. A school district or private
23 school shall receive a grant for each school-age child
24 enrolled in the school district's or private school's
25 extended school day child-care program. The amount of the
26 grant for each child shall be based on the total amount
27 appropriated for that program divided by the total number of
28 school-age children enrolled in school-based child-care
29 programs throughout this Commonwealth.

30 (2) A school district or private school may retain up to

1 25% for administrative costs and shall use the remaining
2 portion of the grant to offset any fees charged to the
3 parent, parents or guardian for the services.

4 (3) If a school district or private school contracts
5 with a public or private provider that is charging the
6 parents directly for the services, the school district or
7 private school shall use the remaining portion of the grant
8 to reimburse the contractor for the offset in fees.

9 (b) Application procedure.--The department shall develop an
10 application procedure.

11 (c) Monitor programs.--The department shall monitor all
12 extended school day child-care programs to ensure that they meet
13 standards consistent with those established by regulation.

14 (d) Annual evaluation.--The department shall evaluate
15 extended school day child-care programs in this Commonwealth
16 once each fiscal year to determine the level of participation in
17 the programs.

18 (e) Regulations.--The department shall have the power to
19 establish and promulgate the rules and regulations that are
20 necessary to carry out the provisions of this act.

21 (f) Transportation.--The school district or the contractor
22 may provide transportation to children enrolled in an extended
23 school day child-care program, but in no event shall the
24 provisions of this section be construed so as to entitle such
25 children to free transportation at the expense of the school
26 district, as provided for in section 1361 of the act of March
27 10, 1949 (P.L.30, No.14), known as the Public School Code of
28 1949.

29 Section 5. Contracts for services.

30 (a) Contracts with providers.--

1 (1) The board of directors of a school district acting
2 alone or with another district or districts or an
3 intermediate unit, or a private school acting alone or with
4 another private school, may contract with a public or private
5 agency licensed or regulated by the department to provide
6 child-care programs or services before or after the regular
7 school day, during the regular school year, in the buildings
8 of such district or districts, or school or schools. In
9 contracting with a provider, the school district or private
10 school shall give priority to not-for-profit child-care
11 providers.

12 (2) Each school district or private school may lease any
13 school property for a fee that the school district or private
14 school determines reasonable or permit the free use of school
15 property for the operation of an extended school day child-
16 care program.

17 (3) Such contracts or leases may provide for the
18 contractor to charge a fee to the parents or guardians of
19 children receiving such services.

20 (b) Direct services.--

21 (1) The board of directors of any school district acting
22 alone or with another district or districts or an
23 intermediate unit, or a private school acting alone or with
24 another private school, may directly provide extended school
25 day child-care programs before or after the regular school
26 day, during the regular school year, in the buildings of such
27 district or districts, or school or schools.

28 (2) The board of directors or private school may take
29 such actions and incur such expenses as may be necessary to
30 provide such programs and services. In no event shall such

1 expenses be considered to be costs of an integral part of the
2 public school system.

3 (3) The board of directors or private schools may charge
4 a fee to the parents or guardians of children receiving such
5 services to the extent necessary to support such child-care
6 programs.

7 (4) Any balance of funds accruing from the operation of
8 extended child-care programs or services shall be used only
9 for the improvement of such programs and services and may not
10 be used for other purposes.

11 (5) (i) The board of directors may employ such staff as
12 may be necessary to provide such programs or services,
13 but in no event shall such staff be considered
14 professional employees or temporary professional
15 employees, as provided for in Article XI of the act of
16 March 10, 1949 (P.L.30, No.14), known as the Public
17 School Code of 1949, for their employment in such
18 programs.

19 (ii) Although child-care programs and services
20 provided for in this section shall not be considered an
21 integral part of the public school program of a school
22 district, school directors and employees shall be assumed
23 to be working within the scope of their duties and
24 employment in providing such programs and services for
25 purposes of governmental immunity.

26 (c) Compliance.--Contracts shall be made only with those
27 child-care provider s that comply with rules and regulations of
28 the department relating to the provision of child-care services
29 as provided for in section 4(e).

30 (d) Liability.--

1 (1) Any contract authorized in subsections (a) and (c)
2 shall address liability for accident or injury during the
3 operation of an extended school day child-care program.

4 (2) A school district may purchase the types of coverage
5 it is permitted to purchase under sections 511, 513 and 774
6 of the Public School Code of 1949.

7 Section 6. Effective date.

8 This act shall take effect July 1, 2011, or immediately,
9 whichever is later.