

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  
AND DRISCOLL, MARCH 15, 2016

REFERRED TO COMMITTEE ON EDUCATION, MARCH 15, 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:

12 ARTICLE XIV-A

13 DRUG 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:

18 "Department." The Department of Education of the

1 Commonwealth.

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

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

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

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

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

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

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

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

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

30 (1) Designate, through a request for proposal process, a

facility that satisfies all of the following to serve as the recovery high school for purposes of the program:

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

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

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

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

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

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

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

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

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

(1) (i) Subject to subparagraph (ii), the student resides in a school district of the first class, which has approved the student's enrollment in the recovery high school under the program and, with the written consent of the student's parent or guardian, has applied

1 for enrollment in the recovery high school on the  
2 student's behalf.

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

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

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

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

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

29 (1) For a student with an IEP, the due process hearing  
30 requirements of 22 Pa. Code Ch. 14 (relating to special

1 education services and programs) shall apply.

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

6 (3) If a student's enrollment in the recovery high  
7 school under the program is not approved by the student's  
8 resident school district or if the student's parent or  
9 guardian chooses not to participate in the program  
10 established under section 1402-A, the student's parent or  
11 guardian may pay the student's tuition to enroll in the  
12 recovery high school, provided that the recovery high school  
13 has approved the student's enrollment in the recovery high  
14 school.

15 Section 1404-A. Academic programs.

16 (a) Assessments.--The recovery high school shall administer  
17 to all students enrolled in the recovery high school under the  
18 program the Keystone Exams and any other assessments that are  
19 required under 22 Pa. Code Ch. 4 (relating to academic standards  
20 and assessment). Student scores on Keystone Exams and any other  
21 required assessments shall be attributed to the student's  
22 resident school district for purposes of compliance with the  
23 Every Student Succeeds Act (Public Law 114-95, 129 Stat. 1802).

24 (b) Certification.--At least 75% of the professional staff  
25 members of the recovery high school shall hold appropriate State  
26 certification, provided that all professional staff members of  
27 the recovery high school who are responsible for providing  
28 special education services to students enrolled in the recovery  
29 high school under the program shall hold appropriate State  
30 certification in special education.

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

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

6 (a) Tuition rate.--No later than June 30 of each year, the  
7 department shall establish a per-student regular education  
8 tuition rate for each student enrolled in the recovery high  
9 school under the program, provided that the recovery high school  
10 may not set a per-student regular education tuition rate for  
11 students enrolled in the recovery high school who are not  
12 participants in the program that is lower than the per-student  
13 regular education tuition rate established for students enrolled  
14 in the recovery high school under the program. The per-student  
15 regular education tuition rate for students enrolled in the  
16 recovery high school under the program shall be determined as  
17 follows:

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

21 (2) Beginning in the 2017-2018 school year, and in each  
22 school year thereafter, annual adjustments to the amount set  
23 forth in paragraph (1) shall be made as follows:

24 (i) The Department of Labor and Industry shall  
25 determine the percentage change in the Consumer Price  
26 Index for All Urban Consumers: All Items (CPI-U) for the  
27 United States City Average as published by the United  
28 States Department of Labor, Bureau of Labor Statistics,  
29 for the 12-month period ending September 30, 2016, and  
30 for each successive 12-month period thereafter.

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

5           (iii) (A) If the Department of Labor and Industry  
6 determines that there is a positive percentage change  
7 in the first year that the determination is made  
8 under subparagraph (i), the positive percentage  
9 change shall be multiplied by the amount set forth in  
10 paragraph (1), and the product shall be added to the  
11 amount set forth in paragraph (1), and the sum shall  
12 be the preliminary adjusted per-student tuition rate.

13           (B) The preliminary adjusted per-student tuition  
14 rate shall be rounded to the nearest \$100 to  
15 determine the final adjusted per-student tuition  
16 rate.

17           (iv) In each successive year in which there is a  
18 positive percentage change in the CPI-U for the United  
19 States City Average, the positive percentage change shall  
20 be multiplied by the most recent preliminary per-student  
21 tuition rate, and the product shall be added to the  
22 preliminary adjusted per-student tuition rate of the  
23 prior year to calculate the preliminary adjusted per-  
24 student tuition rate for the current year. The sum  
25 thereof shall be rounded to the nearest \$100 to determine  
26 the new final adjusted per-student tuition rate.

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

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

6           (vii) The department shall publish notice in the  
7           Pennsylvania Bulletin prior to July 1 of each year of the  
8           annual percentage change determined under subparagraph  
9           (i) and the unadjusted or final adjusted per-student  
10           tuition rate determined under subparagraphs (iii) and  
11           (iv) for the school year following the year in which the  
12           per-student tuition rate is determined. The notice shall  
13           include a written and illustrative explanation of the  
14           calculations performed by the department in establishing  
15           the unadjusted or final adjusted per-student tuition rate  
16           under this section for the ensuing calendar year.

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

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

21           (1) The department shall pay 60% of the per-student  
22           regular education tuition rate established under subsection  
23           (a) for each student enrolled in the recovery high school  
24           under the program.

25           (2) The resident school district of each student  
26           enrolled in the recovery high school under the program shall  
27           pay the amount of the per-student tuition rate established  
28           under subsection (a) that remains following payment by the  
29           department under paragraph (1).

30           (c) Special education.--For each student enrolled in the



1 recovery high school under the program who is subject to an IEP,  
2 the student's resident school district shall pay the amount  
3 required under subsections (a) and (b) and do one of the  
4 following:

5 (1) provide the student with special education services  
6 required under the student's IEP, at the resident school  
7 district's cost; or

8 (2) make payment to the recovery high school for special  
9 education services provided to the student by the recovery  
10 high school.

11 Section 1406-A. Term of Drug and Alcohol Recovery High School  
12 Pilot Program.

13 (a) Enrollment of new students.--Unless the program is  
14 permanently established by action of the General Assembly, the  
15 recovery high school shall not enroll new students under the  
16 program after June 30, 2020.

17 (b) Continued enrollment.--If the program is not permanently  
18 established by action of the General Assembly on or before June  
19 30, 2020, a student enrolled in the recovery high school under  
20 the program as of June 30, 2020, may remain enrolled in the  
21 recovery high school under the program until the earlier of the  
22 following:

23 (1) The student's graduation from the recovery high  
24 school.

25 (2) The student's withdrawal from the recovery high  
26 school.

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

29 Section 1407-A. Reporting.

30 (a) Report by recovery high school.--By August 31, 2018, and

by August 31 of each year thereafter, the recovery high school shall submit annually to the Secretary of Education, the Secretary of the Pennsylvania Department of Drug and Alcohol Programs, the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a written report concerning the program. The report shall include, but not be limited to, all of the following, subject to the requirements of the Family Educational Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g) and to the extent such reporting does not reveal identifying information concerning any individual student:

(1) The number of students who:

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

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

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

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

1           (i) Earned a high school diploma from the recovery  
2           high school.

3           (ii) Withdrew from the recovery high school and  
4           requested transfer of educational records to another  
5           school.

6           (iii) Withdrew from the recovery high school without  
7           requesting transfer of educational records to another  
8           school.

9           (iv) Maintained enrollment in the recovery high  
10          school in good standing.

11          (3) A narrative description of the academic outcomes for  
12          students enrolled in the recovery high school, including  
13          aggregate Keystone Exam results, reported separately based on  
14          whether or not the students were participants in the program.

15          (4) A narrative description of student success in  
16          managing issues concerning drug or alcohol abuse or  
17          addiction, reported separately based on whether or not the  
18          students were participants in the program.

19          (5) Recommendations for improvements to the program.

20          (6) Any information regarding the program that the  
21          recovery high school determines would be useful to the  
22          General Assembly, the Department of Education and the  
23          Department of Drug and Alcohol Programs in determining  
24          whether changes to the program are necessary and whether the  
25          program should be continued.

26          (b) Report by Department of Education and Department of Drug  
27          and Alcohol Programs.--By December 31, 2019, the Department of  
28          Education and the Department of Drug and Alcohol Programs,  
29          jointly, shall submit to the chairperson and minority  
30          chairperson of the Education Committee of the Senate, the

chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a written report assessing the success of the program and making recommendations regarding the possible extension and expansion of the program, including a proposed timeline for any potential expansion.

Section 1408-A. Audit required.

The recovery high school shall submit annually to the Secretary of Education, the Secretary of the Department of Drug and Alcohol Programs, the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a complete certified audit of the recovery high school's participation in the program. The audit shall be conducted by a qualified independent certified public accountant under generally accepted audit standards of the Governmental Accounting Standards Board.

Section 2. This act shall take effect immediately.