
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 68 Session of
2015

INTRODUCED BY GREENLEAF, STACK, TEPLITZ, HUGHES, FONTANA, BLAKE,
HAYWOOD, COSTA AND BROWNE, JANUARY 14, 2015

REFERRED TO EDUCATION, JANUARY 14, 2015

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 providing for the powers
5 and duties of the Department of Human Services.

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

19 (b) Purpose.--The purpose of this act is to encourage and

1 support child-care services in public and private schools for
2 school-age children for the time period before and after the
3 school day.

4 Section 3. Definitions.

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

8 "Department." The Department of Human Services of the
9 Commonwealth.

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

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

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

16 (2) has a documented developmental age of 12 years or
17 less and chronologically not more than 16 years of age;
18 and whose parent, parents or guardian works or is being trained
19 and is unavailable in the home before or after school, or both.

20 Section 4. Powers and duties of department.

21 (a) Grants authorized.--

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

1 (2) A school district or private school may retain up to
2 25% for administrative costs and shall use the remaining
3 portion of the grant to offset any fees charged to the
4 parent, parents or guardian for the services.

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

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

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

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

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

22 (f) Transportation.--The school district or the contractor
23 may provide transportation to children enrolled in an extended
24 school day child-care program, but in no event shall the
25 provisions of this section be construed so as to entitle such
26 children to free transportation at the expense of the school
27 district, as provided for in section 1361 of the act of March
28 10, 1949 (P.L.30, No.14), known as the Public School Code of
29 1949.

30 Section 5. Contracts for services.

1 (a) Contracts with providers.--

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

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

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

21 (b) Direct services.--

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

29 (2) The board of directors or private school may take
30 such actions and incur such expenses as may be necessary to

1 provide such programs and services. In no event shall such
2 expenses be considered to be costs of an integral part of the
3 public school system.

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

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

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

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

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

1 (d) Liability.--

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

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

8 Section 6. Effective date.

9 This act shall take effect July 1, 2015, or immediately,
10 whichever is later.