

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 499 Session of 2015

INTRODUCED BY COSTA, FONTANA, YUDICHAK, BREWSTER AND SCHWANK,
FEBRUARY 19, 2015

REFERRED TO EDUCATION, FEBRUARY 19, 2015

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 2599.6. 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 as defined in section 2501(20), of the prior school
2 year 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 facility in
25 addressing the specific needs of exceptional students. The
26 intermediate unit shall assist the children's residential
27 facility and bill the children's residential facility for the
28 services. The intermediate unit may not charge the children's
29 residential facility more for any service than it charges the
30 constituent districts of the intermediate unit.

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

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

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

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

11 (d) For purposes of this section, the address of a child at
12 the time of placement resulting from a court's adjudication of
13 delinquency shall be deemed the address of residency for the
14 determination of the financial responsibility of the school
15 district of residence.

16 (e) A school district may enter into a contract with a
17 children's residential facility to provide educational services
18 to children adjudicated delinquent. The Department of Education
19 shall develop, in conjunction with the Department of Human
20 Services and the Juvenile Court Judges' Commission, written
21 guidelines for school districts contracting with children's
22 residential facilities to ensure compliance with applicable law
23 and regulation. The guidelines shall address:

24 (1) Minimum monitoring standards for children's residential
25 facilities' educational programs and services, including:

26 (i) the role of intermediate units in monitoring educational
27 services;

28 (ii) the role of school districts in which are located
29 children's residential facilities in monitoring educational
30 services;

1 (iii) the identification of the specific educational needs
2 of children adjudicated delinquent;

3 (iv) coordination of children's residential facility
4 licensure regulations of the Department of Human Services with
5 the facility's educational program; and

6 (v) measures to be taken in cases where the child
7 adjudicated delinquent is to be reintegrated into the school
8 district of residence.

9 (2) Procedures that children's residential facilities and
10 school districts should use in claiming special education costs.

11 (3) Procedures for determining districts of residence.

12 (4) Allowable education costs.

13 (5) Audit requirements.

14 (6) Eligibility of children's residential facilities for
15 indirect cost reimbursement.

16 (f) The Department of Education and the Department of Human
17 Services shall collaborate with the Juvenile Judges' Commission
18 to develop a database that effectively and uniformly tracks
19 placement of children adjudicated delinquent.

20 (g) The following words and phrases when used in this
21 section shall have the meanings given to them in this subsection
22 unless the context clearly indicates otherwise:

23 "Child adjudicated delinquent." An individual in this
24 Commonwealth who is under twenty-one (21) years of age, who
25 committed an act of delinquency before reaching eighteen (18)
26 years of age and who remains under the jurisdiction of the
27 juvenile court.

28 "Children's residential facility." A licensed private
29 academic secondary school or approved private alternative
30 education program operated by a facility that provides

1 residential services in this Commonwealth at the secondary level
2 to at least two hundred (200) adjudicated delinquents annually
3 and that operates under a certificate of compliance issued by
4 the Department of Human Services. The term does not include a
5 private residential rehabilitative institution as defined under
6 section 914.1-A.

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