

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 850 Session of 2015

INTRODUCED BY BROWNE, McGARRIGLE, YAW, BARTOLOTTA,
RESCHENTHALER, GREENLEAF, RAFFERTY, WARD, VULAKOVICH,
SCHWANK, LEACH, DINNIMAN, YUDICHAK, HAYWOOD AND TEPLITZ,
MAY 9, 2016

REFERRED TO EDUCATION, MAY 9, 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
19 Commonwealth.

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

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

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

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

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

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

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

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

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

29 (1) Designate, through a request for proposal process, a
30 facility that satisfies all of the following to serve as the

1 recovery high school for purposes of the program:

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

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

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

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

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

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

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

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

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

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

1 student's behalf.

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

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

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

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

24 (c.1) Approval or disapproval by resident school district.--
25 Within 30 days after a student's parent or guardian submits a
26 written request to the resident school district seeking the
27 student's enrollment in the recovery high school under the
28 program, the resident school district shall issue written notice
29 to the parent or guardian approving or disapproving the request.

30 (d) Hearing.--If a parent or guardian disagrees with a

1 resident school district's disapproval of the student's
2 enrollment in the recovery high school under the program, the
3 following shall apply:

4 (1) For a student with an IEP, the due process hearing
5 requirements of 22 Pa. Code Ch. 14 (relating to special
6 education services and programs) shall apply.

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

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

20 Section 1404-A. Academic programs.

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

29 (b) Certification.--At least 75% of the professional staff
30 members of the recovery high school shall hold appropriate State

1 certification, provided that all professional staff members of
2 the recovery high school who are responsible for providing
3 special education services to students enrolled in the recovery
4 high school under the program shall hold appropriate State
5 certification in special education.

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

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

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

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

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

29 (i) The Department of Labor and Industry shall
30 determine the percentage change in the Consumer Price

1 Index for All Urban Consumers: All Items (CPI-U) for the
2 United States City Average as published by the United
3 States Department of Labor, Bureau of Labor Statistics,
4 for the 12-month period ending September 30, 2016, and
5 for each successive 12-month period thereafter.

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

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

18 (B) The preliminary adjusted per-student tuition
19 rate shall be rounded to the nearest \$100 to
20 determine the final adjusted per-student tuition
21 rate.

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

1 the new final adjusted per-student tuition rate.

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

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

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

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

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

26 (1) The department shall pay 60% of the per-student
27 regular education tuition rate established under subsection
28 (a) for each student enrolled in the recovery high school
29 under the program.

30 (2) The resident school district of each student

1 enrolled in the recovery high school under the program shall
2 pay the amount of the per-student tuition rate established
3 under subsection (a) that remains following payment by the
4 department under paragraph (1).

5 (c) Special education.--For each student enrolled in the
6 recovery high school under the program who is subject to an IEP,
7 the student's resident school district shall pay the amount
8 required under subsections (a) and (b) and do one of the
9 following:

10 (1) provide the student with special education services
11 required under the student's IEP, at the resident school
12 district's cost; or

13 (2) make payment to the recovery high school for special
14 education services provided to the student by the recovery
15 high school.

16 Section 1406-A. Term of Drug and Alcohol Recovery High School
17 Pilot Program.

18 (a) Enrollment of new students.--Unless the program is
19 permanently established by action of the General Assembly, the
20 recovery high school shall not enroll new students under the
21 program after June 30, 2020.

22 (b) Continued enrollment.--If the program is not permanently
23 established by action of the General Assembly on or before June
24 30, 2020, a student enrolled in the recovery high school under
25 the program as of June 30, 2020, may remain enrolled in the
26 recovery high school under the program until the earlier of the
27 following:

28 (1) The student's graduation from the recovery high
29 school.

30 (2) The student's withdrawal from the recovery high

1 school.

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

4 Section 1407-A. Reporting.

5 (a) Report by recovery high school.--By August 31, 2018, and
6 by August 31 of each year thereafter, the recovery high school
7 shall submit annually to the Secretary of Education, the
8 Secretary of Drug and Alcohol Programs, the chairperson and
9 minority chairperson of the Education Committee of the Senate,
10 the chairperson and minority chairperson of the Education
11 Committee of the House of Representatives, the chairperson and
12 minority chairperson of the Public Health and Welfare Committee
13 of the Senate and the chairperson and minority chairperson of
14 the Health Committee of the House of Representatives a written
15 report concerning the program. The report shall include, but not
16 be limited to, all of the following, subject to the requirements
17 of the Family Educational Rights and Privacy Act of 1974 (Public
18 Law 90-247, 20 U.S.C. § 1232g) and to the extent such reporting
19 does not reveal identifying information concerning any
20 individual student:

21 (1) The number of students who:

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

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

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

30 (2) The number and percentage of students enrolled in

1 the recovery high school during the previous reporting period
2 to whom each of the following apply, reported separately
3 based on whether or not the students were participants in the
4 program:

5 (i) Earned a high school diploma from the recovery
6 high school.

7 (ii) Withdrew from the recovery high school and
8 requested transfer of educational records to another
9 school.

10 (iii) Withdrew from the recovery high school without
11 requesting transfer of educational records to another
12 school.

13 (iv) Maintained enrollment in the recovery high
14 school in good standing.

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

19 (4) A narrative description of student success in
20 managing issues concerning drug or alcohol abuse or
21 addiction, reported separately based on whether or not the
22 students were participants in the program.

23 (5) Recommendations for improvements to the program.

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

30 (b) Report by Department of Education and Department of Drug

1 and Alcohol Programs.--By December 31, 2019, the Department of
2 Education and the Department of Drug and Alcohol Programs,
3 jointly, shall submit to the chairperson and minority
4 chairperson of the Education Committee of the Senate, the
5 chairperson and minority chairperson of the Education Committee
6 of the House of Representatives, the chairperson and minority
7 chairperson of the Public Health and Welfare Committee of the
8 Senate and the chairperson and minority chairperson of the
9 Health Committee of the House of Representatives a written
10 report assessing the success of the program and making
11 recommendations regarding the possible extension and expansion
12 of the program, including a proposed timeline for any potential
13 expansion.

14 Section 1408-A. Audit required.

15 The recovery high school shall submit annually to the
16 Secretary of Education, the Secretary of Drug and Alcohol
17 Programs, the chairperson and minority chairperson of the
18 Education Committee of the Senate, the chairperson and minority
19 chairperson of the Education Committee of the House of
20 Representatives, the chairperson and minority chairperson of the
21 Public Health and Welfare Committee of the Senate and the
22 chairperson and minority chairperson of the Health Committee of
23 the House of Representatives a complete certified audit of the
24 recovery high school's participation in the program. The audit
25 shall be conducted by a qualified independent certified public
26 accountant under generally accepted audit standards of the
27 Governmental Accounting Standards Board.

28 Section 2: This act shall take effect immediately.