

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,
DRISCOLL, McCARTER AND FARRY, MARCH 15, 2016

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 11, 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:

1 "Department." The Department of Education of the
2 Commonwealth.

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

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

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

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

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

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

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

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

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

1 (1) Designate, through a request for proposal process, a
2 facility that satisfies all of the following to serve as the
3 recovery high school for purposes of the program:

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

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

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

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

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

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

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

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

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

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

1 consent of the student's parent or guardian, has applied
2 for enrollment in the recovery high school on the
3 student's behalf.

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

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

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

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

26 (C.1) APPROVAL OR DISAPPROVAL BY RESIDENT SCHOOL DISTRICT.-- <--
27 WITHIN 30 DAYS AFTER A STUDENT'S PARENT OR GUARDIAN SUBMITS A
28 WRITTEN REQUEST TO THE RESIDENT SCHOOL DISTRICT SEEKING THE
29 STUDENT'S ENROLLMENT IN THE RECOVERY HIGH SCHOOL UNDER THE
30 PROGRAM, THE RESIDENT SCHOOL DISTRICT SHALL ISSUE WRITTEN NOTICE

1 TO THE PARENT OR GUARDIAN APPROVING OR DISAPPROVING THE REQUEST.

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

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

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

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

22 Section 1404-A. Academic programs.

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

1 (b) Certification.--At least 75% of the professional staff
2 members of the recovery high school shall hold appropriate State
3 certification, provided that all professional staff members of
4 the recovery high school who are responsible for providing
5 special education services to students enrolled in the recovery
6 high school under the program shall hold appropriate State
7 certification in special education.

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

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

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

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

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

1 (i) The Department of Labor and Industry shall
2 determine the percentage change in the Consumer Price
3 Index for All Urban Consumers: All Items (CPI-U) for the
4 United States City Average as published by the United
5 States Department of Labor, Bureau of Labor Statistics,
6 for the 12-month period ending September 30, 2016, and
7 for each successive 12-month period thereafter.

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

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

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

24 (iv) In each successive year in which there is a
25 positive percentage change in the CPI-U for the United
26 States City Average, the positive percentage change shall
27 be multiplied by the most recent preliminary per-student
28 tuition rate, and the product shall be added to the
29 preliminary adjusted per-student tuition rate of the
30 prior year to calculate the preliminary adjusted per-

1 student tuition rate for the current year. The sum
2 thereof shall be rounded to the nearest \$100 to determine
3 the new final adjusted per-student tuition rate.

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

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

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

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

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

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

1 under the program.

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

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

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

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

18 Section 1406-A. Term of Drug and Alcohol Recovery High School
19 Pilot Program.

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

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

30 (1) The student's graduation from the recovery high

1 school.

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

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

6 Section 1407-A. Reporting.

7 (a) Report by recovery high school.--By August 31, 2018, and
8 by August 31 of each year thereafter, the recovery high school
9 shall submit annually to the Secretary of Education, the
10 Secretary of the Pennsylvania Department of Drug and Alcohol <--
11 Programs, the chairperson and minority chairperson of the
12 Education Committee of the Senate, the chairperson and minority
13 chairperson of the Education Committee of the House of
14 Representatives, the chairperson and minority chairperson of the
15 Public Health and Welfare Committee of the Senate and the
16 chairperson and minority chairperson of the Health Committee of
17 the House of Representatives a written report concerning the
18 program. The report shall include, but not be limited to, all of
19 the following, subject to the requirements of the Family
20 Educational Rights and Privacy Act of 1974 (Public Law 90-247,
21 20 U.S.C. § 1232g) and to the extent such reporting does not
22 reveal identifying information concerning any individual
23 student:

24 (1) The number of students who:

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

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

30 (iii) Enrolled in the recovery high school but who

1 were not participants in the program for the preceding
2 reporting period.

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

8 (i) Earned a high school diploma from the recovery
9 high school.

10 (ii) Withdrew from the recovery high school and
11 requested transfer of educational records to another
12 school.

13 (iii) Withdrew from the recovery high school without
14 requesting transfer of educational records to another
15 school.

16 (iv) Maintained enrollment in the recovery high
17 school in good standing.

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

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

26 (5) Recommendations for improvements to the program.

27 (6) Any information regarding the program that the
28 recovery high school determines would be useful to the
29 General Assembly, the Department of Education and the
30 Department of Drug and Alcohol Programs in determining

1 whether changes to the program are necessary and whether the
2 program should be continued.

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

17 Section 1408-A. Audit required.

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

1 Section 2. This act shall take effect immediately.