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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 80 Session of  
2017

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INTRODUCED BY GREENLEAF, HAYWOOD, SCHWANK AND BREWSTER,  
JANUARY 31, 2017

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REFERRED TO EDUCATION, JANUARY 31, 2017

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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, 2017, or immediately,  
10 whichever is later.