

PENNSYLVANIA DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION  
November 16, 2016  
Penn\*Link

TO: School District Superintendents  
School District Special Education Directors  
Charter School Chief Executive Officers  
Charter School Special Education Directors  
Intermediate Unit Executive Directors  
Intermediate Unit Special Education Directors

FROM: Patricia Hozella, Director  
Bureau of Special Education

SUBJECT: Section 1306 Students with Disabilities in State Hospitals or State Developmental Centers

This Penn\*Link will provide updated information regarding the host district's responsibility to include the following facilities – state hospitals and state developmental centers – in the description of Section 1306 responsibilities in their special education plan and during monitoring activities.

The Pennsylvania Department of Human Services (DHS) operates six state hospitals: Clarks Summit, Danville, Norristown, Torrance, Warren, and Wernersville. The mission statement of the state hospital system is "To provide all persons who have serious mental illness, including those with co-occurring disorder, the opportunity for growth, recovery and inclusion in their community. This is provided through evidence and promise-based psychiatric treatment and substance abuse services, access to the supports and services of their choice, so they may enjoy a quality of life that facilitates personal growth and achievement."

Additionally, DHS through the Office of Developmental Programs, operates five intermediate care facilities, called state centers, for people with intellectual disabilities: Ebensburg, Hamburg, Polk, Selinsgrove, and White Haven. The mission statement of the state centers is "To provide a healthy and safe home that supports people to have a full, rich, and self-determined life." The state centers place a high value upon the self-determined principles of everyday lives which promotes that people and their families want an everyday life that is typical of the general population.

School age children are sometimes placed in residential programs for reasons not related to the child's educational needs. This may occur, for example, under the auspices of a county intellectual disabilities program, mental health program, children and youth agency, or through a local court. The PA Public School Code considers these residential programs for the "care or training" of the children and youth who reside in children's institutions. The educational rights of students who are residing in a children's institution whose parents are not residents of the school district in which the institution is located are set out in school code (24 P.S. §13-1306), and the students are referred to in the Basic Education Circular (BEC) titled *Nonresident Students in Institutions*. Children's institutions include other residential settings, residential treatment facilities, licensed shelters, group homes, drug and alcohol treatment centers, and detention homes (22 PA Code §11.18).

Under Section 1306 of the PA Public School Code, the host district (the school district where the children's institution is physically located) is required to allow a nonresident student in a children's institution to attend the public schools of the host district until the student receives a diploma or completes the school term in which they turn 21. The host district is responsible for providing the educational program for students, including students with disabilities who are placed in that facility, and for ensuring the provision of a "free appropriate public education" for eligible children with Individualized Education Programs in accordance

with the federal Individuals with Disabilities Education Act and for “qualified handicapped students” with service agreements in accordance with § 504 of the Rehabilitation Act of 1973 and 22 PA Code Chapter 15.

The components of the special education plan for each school district include providing information under the section Core Foundations 13-1306 titled *Non-Resident Students Oversight*. Local educational agencies are reminded to include state hospitals and state developmental centers that are within school district boundaries.

Compliance monitoring activities for school districts/charter schools that include Section 1306 students in children’s institutions are required to include state hospitals and state developmental centers. In addition, private residential rehabilitative institutions, partial hospitalizations, and residential treatment facilities are included when compliance monitoring activities are enacted.

The BEC titled *Educational Programs for Students in "Non-Educational" Placements* per 22 PA Code Section 14.102 (a)(2)(xiii) can be accessed at: <http://www.education.pa.gov/Documents/Codes%20and%20Regulations/Basic%20Education%20Circul ars/PA%20Code/Educational%20Programs%20for%20Students%20in%20Non-Educational%20Placements.pdf>.

The DHS bulletin titled *Educational Portions of “Non-Educational” Residential Placement* sets forth the common policy of the Departments of Education and Human Services regarding educational services for students who receive non-educational placements and can be accessed at: <http://www.dhs.pa.gov/publications/bulletinsearch/bulletinselected/index.htm?bn=OMHSAS-10-02&o=N&po=OCYF&id=01/04/2010>.

Additional information pertaining to state hospitals and state centers can be accessed at: <http://www.dhs.pa.gov/citizens/statehospitals/>, and <http://www.dhs.pa.gov/citizens/statecenters/index.htm>.

If you have further questions pertaining to the information contained in this Penn\*Link, please contact Patrick Scanlon at [pascanlon@pa.gov](mailto:pascanlon@pa.gov) or John Gombocz at [jgombocz@pa.gov](mailto:jgombocz@pa.gov).

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