

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF HUMAN SERVICES  
BUREAU OF HUMAN SERVICES LICENSING**

**Child Residential and Day Treatment Facilities** (55 Pa.Code Chapter 3800)

**Q/A - Regulatory Clarifications – November 2016**

*The clarifications and interpretations below will remain on the Department's web site until the information is included in the next updated Regulatory Compliance Guide (RCG).*

**Regulation: § 3800.229 – Education**

*§ 3800.229 - Under 22 Pa. Code Chapters 11, 14 and 15 (relating to student attendance; special education services and programs; and protected handicapped students), each child who is of compulsory school age shall participate in a Department of Education-approved school program or an educational program under contract with the local public school district.*

**Question:** Must all educational assessments be done by December 1, 2016 or by the time of the facility's next inspection? For instance, if BHSL conducts the annual inspection in February 2017, does the facility have until February 2017 or December 1, 2016?

**ANSWER:** All Notification of Admission to Facility and School Enrollment Forms must be done by December 1, 2016 and after December 1, 2016 as soon as any school aged child is admitted to the facility and in no case longer than one business day after the student is admitted.

Facilities must demonstrate that they have submitted the form to the school for all current children by December 1, 2016. This action must be taken even if the facility is having issues with the school.

**Question:** What are all the conditions where the child may not be educated in a public classroom?

**ANSWER:** All educational decisions MUST be made by the Host school district; however, the following are conditions in which a child may not be educated in a public classroom:

- Dictated by a court order(\*)
- A result of a current expulsion for a weapons offense.

- A result of an existing interim alternative educational placement in accordance with the IDEA.
- Per current IEP/NOREP/Service Agreement.
- Agreed to by parent/authorized decision-maker and school district after consideration of public school options.

\*If the educational placement is dictated by a court order, the Host district continues to maintain the responsibility for the oversight of the educational services (both general education and special education).

**Question:** Does this apply to Secure Detention Facilities?

**ANSWER:** Yes, the notice of admission to facility and school enrollment form must be sent for detention facilities. The Department recognizes that it is highly unlikely that a child residing at a secure detention facility will attend a public school; nonetheless, the form is still required.

**Question:** Is it the "Home" or "Host" school district that is in charge of the IEP?

**ANSWER:** The Host school district (the school district in which the facility is located) is responsible for providing the education to the students (both general education and special education) who reside in the facility. The host district is also responsible for providing a Free Appropriate Public Education (FAPE) to all students with Individualized Education Programs (IEPs). The Home district (the school district of residence) will be billed for the educational services by the Host district.

\*\*For additional information about special education/educational bundling, please contact:

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