

Educational Programs for Students in Noneducational Placements

A Comparison of Locations

Introduction

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 Mental Health/Intellectual Disabilities (MH/ID) program agency, 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. Children's institutions under 22 PA Code §11.18 include, among other residential settings, residential treatment facilities, licensed shelters, group homes, drug and alcohol treatment centers, and detention homes. 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 the PA Public School Code under 24 P.S. §13-1306, and the students are referred to as §1306 students.

When a noneducational placement is made, such a placement is presumed to determine where the child lives and where the child may receive noneducational services. This residential placement is not presumed to determine where the child will be educated. Rather, the presumption is that the student will receive their education in a regular public school unless the parents/guardians and appropriate public officials determine that such an educational placement is unwise for the child or improper. In the case of children with a disability, this determination is made through the Individualized Education Program (IEP) process or through a Service Agreement, unless a court order explicitly prescribes how educational services are to be provided.

There are, of course, legitimate reasons that would overcome the presumption of education in a regular school. Many placements made through the juvenile justice system, for example, require separate schooling for security reasons that are part of a court order. Security and safety of the child are also important parts of some placements made by other systems. Also, the treatment needs of some children placed by children and youth or a MH/ID program agency may be incompatible with educating the child at any site other than at the therapeutic treatment site.

[The chart on the following page provides a comparison of different noneducational placement locations.](#)

Education for Students in Noneducational Placements

Location	State Hospital	Partial Hospitalization	PRRI	RTF/PRTF	RTF	Foster Care	County Prisons/ County Detention Facility	State Prison Department of Corrections	State Juvenile Facility
Regulatory Reference	55 PA Code § 5100 et seq. 24 PS § 13-1306	55 PA Code § 5210 et seq. 22 PA Code § 14.102	24 PS § 9-914.1-A 22 PA Code § 14.102	Accredited Joint Commission, CARF, and COA	OCYF Residential 24 PS § 13-1306 22 PA Code § 14.102	24 PS § 13-1305 22 PA Code § 14.102	24 PS § 13-1306.2 22 PA Code § 14.102	24 PS § 13-1306.2	24 PS § 13-1306.2
Who places the student?	DHS	A qualified professional based on medical necessity	Public agencies	A qualified professional based on medical necessity	Public agencies	Parents/ Court/ Parole Officer/ Caseworker	Courts	Courts	Courts
Who is responsible for the student's education?	Host School District	IU/Host School District/Resident School District*	IU/School District - contract	Host School District	Host School District	School district where foster parents reside	Host School District	State - Department of Corrections	State - IUs on contract
Who pays for the student's education?	Resident District	Resident (home) School District/ Parents/DHS Access	The funds flow from the state to the district or IU that holds the contract for services.	Resident (home) School District	Resident (home) School District	School District where foster parents reside	Resident (home) School District	State contract	State contract
Who issues the license?	DHS	DHS-OMHSAS Field Office	PDE-PRRI DHS-Res	DHS	DHS	DHS	County Jail/DHS for Detention	State	State DHS
What type of license is issued?	DHS-Res	Partial Hospital	PDE-PRRI DHS-Res	3800 license and approval from OMHSAS	OCYF and/or OMHSAS	Foster Care	County Jail/DHS for Detention	State	State
Types of students	Varies/ Courts/ Public Agencies	Students with/ without IEPs with a mental health diagnosis that meets necessity	Public Agencies - Students with/ without IEPs	Students with/ without IEPs with a mental health diagnosis that meets necessity	Varies -MH/Drug/ Alcohol (all)	Varies	Charged/convicted	Convicted as an adult	Convicted/ adjudicated
What types of services are provided?	Residential/ Education	Mental Health and Education	Therapeutic/ Education	Physical Health, Mental Health and Education	Therapeutic/ Education	Foster care	Incarcerated	Incarcerated	Incarcerated
What is the responsibility of the school district in which the facility/ residence is located?	Education services	Education services	None, unless they hold contract	Education services	Education services	Education services	Education services - Host School District	None	None

*The IU may hold a contract to educate, from the resident or the host, depending on the location of the facility. Most host school districts will educate, but the resident school district may also educate.

Similarities/Differences

1. RTF, Partial, PRRI
Some can be licensed as all three and also have a license as a licensed private academic school.
 - RTF: 24/7 with therapeutic treatment and education services
 - Partial: Day treatment with therapeutic and educational services
 - PRRI: Residential with therapeutic treatment and education services
2. Juvenile Detention Facility/County Prisons/State Correction Institutions
 - 24/7 with court placement
 - Education is a state responsibility for State Correctional Institutions.
 - The host school district/IU on contract is responsible for education at a County Prison or a Juvenile Detention Facility.

Abbreviations

DHS – Department of Human Services (DHS)
IU – Intermediate Unit
OMHSAS – Office of Mental Health and Substance Abuse Services
PRRI – Private Residential Rehabilitation Institution
PRTF – Psychiatric Residential Treatment Facility
RTF – Residential Treatment Facility
SD – School District

For more information, see the Basic Education Circular at
<https://tinyurl.com/NoneducationalPlacements>

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