**[J-83-2025]**
**IN THE SUPREME COURT OF PENNSYLVANIA**
**MIDDLE DISTRICT**

**TODD, C.J., DONOHUE, DOUGHERTY, WECHT, MUNDY, BROBSON, McCAFFERY, JJ.**

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| STATE COLLEGE AREA SCHOOL DISTRICT, | : | No. 86 MAP 2024 |
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| | : | Appeal from the Order of the |
| Appellant | : | Commonwealth Court at |
| | : | No. 337 CD 2022, dated October 2, |
| | : | 2023, Affirming the Decision of the |
| v. | : | Department of Human Services, |
| | : | Bureau of Hearings and Appeals at |
| | : | Nos. 018-16-0030M, 018-16-0031M, |
| DEPARTMENT OF HUMAN SERVICES, | : | 018-16-0032M, 018-16-0033M, 018- |
| | : | 16-0034M and 018-16-0035M dated |
| Appellee | : | March 10, 2022 |
| | : | |
| | : | ARGUED: October 8, 2025 |

## OPINION

**JUSTICE BROBSON** **DECIDED: November 17, 2026**

The Human Services Code[1] provides that the Department of Human Services (DHS) "shall have supervision over . . . [a]ll children's institutions within this Commonwealth." 62 P.S. § 902(3). We granted allowance of appeal in this matter to determine whether the State College Area School District (District) qualifies as a "children's institution" under the Human Services Code such that DHS has supervisory authority over the District's Community Education Extended Learning (CEEL) program, which is offered in six of the District's elementary schools before and after the regular school day. If we conclude that it does, we are also asked to decide whether the Public School Code of 1949 (School Code)[2] authorizes the District to operate its CEEL program

[1] Act of June 13, 1967, P.L. 31, *as amended*, 62 P.S. §§ 101-1503.

[2] Act of March 10, 1949, P.L. 30, *as amended*, 24 P.S. §§ 1-101 to 27-2702.

without regulatory approval from the Pennsylvania Department of Education (PDE) and supervision by DHS. For the reasons that follow, we hold that the District qualifies as a "children's institution" under the Human Services Code under the circumstances presented, and, thus, the District's CEEL program is subject to DHS's supervision. We further hold that DHS maintains this supervisory authority irrespective of whether the School Code authorizes the District to operate the CEEL program and whether the program is subject to PDE's approval. As the Commonwealth Court came to the same conclusions, we affirm.

## I. BACKGROUND

### A. Relevant Law

#### *i. Statutory Law*

The provisions of the Human Services Code that are most pertinent to a fulsome understanding of the present matter are found in Article IX, which sets forth DHS's powers and duties as to the supervision of certain entities, and Article X, which sets forth DHS's powers and duties as to the licensure of certain entities.[3] Beginning with an overview of Article IX, which is primarily at issue here, Section 902 provides that "[DHS] shall have supervision over," *inter alia*, "[a]ll children's institutions within this Commonwealth."[4]

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[3] "DHS was previously known as the Department of Public Welfare, and the Human Services Code was known as the Public Welfare Code." *Rehab. & Cmty. Providers Ass'n v. Dep't of Hum. Servs. Off. of Developmental Programs*, 283 A.3d 260, 263 n.4 (Pa. 2022) (citing Act of September 24, 2014, P.L. 2458, 62 P.S. § 103 (changing department's name); Act of December 28, 2015, P.L. 500, 62 P.S. § 101 (changing code's name)). We refer only to "DHS" and the "Human Services Code" throughout this Opinion for ease of discussion.

[4] Section 902 of the Human Services Code provides, in full:

> [DHS] shall have supervision over:
>
> (1) All State institutions;
>
> (2) All supervised institutions;

(continued…)

62 P.S. § 902(3). Section 901 provides definitions for various terms as used in Article IX, and it ascribes the following meaning to the term "children's institutions":

> [*A*]ny *incorporated or unincorporated organization, society, corporation or agency, public or private, which may receive or care for children, or place them in foster family homes, either at board, wages or free*; or any individual who, for hire, gain or reward, receives for care a child, unless he is related to such child by blood or marriage within the second degree; or any individual, not in the regular employ of the court or of an organization, society, association or agency, duly certified by [DHS], who in any manner becomes a party to the placing of children in foster homes, unless he is related to such children by blood or marriage within the second degree, or is the duly appointed guardian thereof. The term shall not include a family child care home or child care center operated for profit and subject to the provisions of Article X.

62 P.S. § 901 (emphasis added). Section 901 also defines the term "child care" as "care in lieu of parental care given for part of the twenty-four hour day to a child under sixteen years of age, away from the child's home but does not include child care furnished in a place of worship during religious services." *Id*.

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> (3) All children's institutions within this Commonwealth;
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> (4) All maternity homes and hospitals within this Commonwealth;
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> (5) Any labor or system of labor carried on in the penal, correctional or reformatory institutions of the State;
>
> (6) Any system of reparation provided by the Commonwealth for relief from conditions caused by mine-caves, fire, flood, or other casualty, and constituting a menace to public safety and welfare;
>
> (7) All boarding homes for children which have been licensed by the State;
>
> (8) All institutions for adults within this Commonwealth.

62 P.S. § 902.

Section 911 of the Human Services Code outlines DHS's powers and duties relative to visitation and inspection of the entities subject to its supervision under Article IX. Section 911(a) provides:

> (a) [DHS] shall have the power, and its duty shall be:
>
> (1) To make and enforce rules and regulations for a visitation, examination and inspection of all supervised institutions[5] and said visitation, examination or inspection may occur both before and after the beginning of operation of the supervised facility.
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> (2) To visit and inspect, at least once in each year, all State and supervised institutions; to inquire and examine into their methods of instruction, discipline, detention, care or treatment, the care, treatment, government or management of their inmates or those committed thereto, or being detained, treated or residing therein, the official conduct of their inspectors, trustees, managers, directors or other officer or officers charged with their management by law or otherwise, or having the management, care, custody or control thereof, the buildings, grounds, premises, and equipment thereof, or connected therewith, and all and every matter and thing relating to their usefulness, administration, and management, and to the welfare of the inmates thereof, or those committed thereto or being detained, treated or residing therein.

62 P.S. § 911(a). Section 911(b) further provides that, for the above purposes and for purposes of determining whether a facility should be subject to DHS's supervision under Section 902 of the Human Services Code, DHS "shall have free and full access" to the entity's "grounds, premises, and buildings" and its "records, books or papers," as well as a "full opportunity to interrogate or interview" persons detained therein. 62 P.S. § 911(b). In instances where DHS finds a condition that, in its opinion, "is unlawful, unhygienic, or detrimental to the proper maintenance and discipline of [a] supervised institution, or to the proper maintenance, custody, safety, and welfare of" the persons detained therein, Section 911(c) requires DHS to direct the officers or managers of the supervised

[5] The Human Services Code defines "supervised institution" to include "all children's institutions . . . within the Commonwealth." 62 P.S. § 901.

institution to correct the condition. 62 P.S. § 911(c). Upon a failure to correct the condition, DHS "may request the Department of Justice to institute appropriate legal proceeding[s] to enforce compliance therewith, or . . . [DHS] may withhold any State money available for such institution until such officer or officers comply with such direction." *Id.*

The remaining substantive provisions of Article IX of the Human Services Code include:[6] (1) Section 916, which sets forth DHS's power and duty to provide recommendations to officers or managers of supervised institutions; (2) Section 921, which contains additional provisions that are applicable to certain institutions, such as hospitals; and (3) Section 922, which provides that "[n]othing in this act shall be construed to repeal or affect Reorganization Plan No. 5 of 1955"[7]—a point to which we will return *infra*.

As for Article X of the Human Services Code, its provisions relating to DHS's licensure authority are much more extensive than those relating to DHS's supervisory authority as provided in Article IX. To begin, Section 1002 prohibits anyone from "maintain[ing], operat[ing] or conduct[ing] any facility, as defined [in Article X], without having a license therefor issued by" DHS. 62 P.S. § 1002. Section 1001 defines "facility" for purposes of Article X as

> an adult day care center, child care center, family child care home, boarding home for children, mental health establishment, personal care home, assisted living residence, nursing home, hospital or maternity home, as defined [in Article X], except to the extent that such a facility is operated by the State or Federal governments or those supervised by [DHS] or licensed pursuant to the act of July 19, 1979 (P.L. 130, No. 48), known as the "Health Care Facilities Act."

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[6] Several sections of Article IX of the Human Services Code are reserved for future legislation. *See* 62 P.S. §§ 903, 910, 912, 915, 917, and 920.

[7] Act of December 13, 1955, P.L. 2048, 71 P.S. § 751-5.

62 P.S. § 1001. Of further relevance, Section 1001 defines "child care center" to "mean[] any premises operated for profit in which child care is provided simultaneously for seven or more children who are not relatives of the operator, except such centers operated under social service auspices." *Id*. Additionally, the term "child care" as used in Article X "means care in lieu of parental care given for part of the twenty-four hour day to children under sixteen years of age, away from their own homes, but does not include child care furnished in places of worship during religious services." *Id.* Article X defines "social service auspices" as "any nonprofit agency regularly engaged in the affording of child or adult care." *Id.*

The remaining substantive provisions of Article X of the Human Services Code relate to applications for licensure, 62 P.S. § 1003; license fees, 62 P.S. § 1006; the issuance of licenses and provisional licenses, 62 P.S. §§ 1007, 1008; the terms and content of licenses, 62 P.S. § 1009; DHS's right to enter and inspect facilities, 62 P.S. § 1016; recordkeeping, 62 P.S. § 1018; DHS regulations, 62 P.S. § 1021; refusals and revocations of licenses and related notice requirements, 62 P.S. § 1026; violations and penalties, 62 P.S. § 1031; injunctions against unlicensed activities, 62 P.S. §§ 1051-59; and personal care homes, 62 P.S. §§ 1085-88.[8]

As alluded to above, reorganization plans such as Reorganization Plan No. 5 of 1955—mentioned in Section 922 of the Human Services Code—are also worthy of discussion. Reorganization plans are enacted pursuant to the Reorganization Act of 1955 (Reorganization Act or Act)[9] "[t]o promote the better execution of the laws" and the effectiveness and efficiency of "the executive and administrative branch of the Government," among other purposes. 71 P.S. § 750-3(a)(1), (3); *see also* 71 P.S.

[8] Additional sections are either reserved for future legislation, 62 P.S. §§ 1004, 1005, 1010, 1015, 1017, 1019, 1020, 1022, 1025, 1027, 1030; or repealed, 62 P.S. §§ 1070-80.

[9] Act of April 7, 1955, P.L. 23, 71 P.S. §§ 750-1 to -12.

§ 750-3(a)(2), (4)-(6) (setting additional objectives of "reduc[ing] expenditures and promot[ing] economy;" "group[ing], coordinat[ing] and consolidat[ing] agencies and functions of the Government, as nearly as may be, according to major purposes;" reducing number of agencies through consolidation of agencies with similar functions or abolishment of agencies or functions thereof that may be unnecessary; and "eliminat[ing] overlapping and duplication of effort"). The Act sets forth a process to accomplish its purposes faster than "the enactment of specific legislation." 71 P.S. § 750-3(b).

As a part of the Act's process, the Governor is to examine periodically the organization of all state agencies and determine what changes are required to accomplish the purposes of the Act.[10] 71 P.S. § 750-3(a). Upon investigating and making certain required findings regarding the necessity of reorganization, the Governor prepares a reorganization plan for approval by the General Assembly. 71 P.S. § 750-4. "Reorganization" pursuant to the Act can entail, *inter alia*, transferring part or all of one agency or its functions to the jurisdiction and control of another, abolishing all or part of an agency's functions, and consolidating or coordinating agencies or their functions in whole or in part. 71 P.S. § 750-2(2). *But see* 71 P.S. § 750-6 (outlining limitations on powers respecting reorganizations). A reorganization plan becomes effective once approved by the General Assembly in accordance with the Act. *See* 71 P.S. § 750-7 (relating to approval procedures and requirements).

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[10] The Reorganization Act defines "[a]gency" to include

> any executive or administrative department, commission, council, board, bureau, division, service, office, officer, administration, or other establishment in the executive or administrative branch of the State Government. The term does not include the Auditor General, State Treasurer, or Secretary of Internal Affairs, or the departments of which they are the heads, or any agency within any of those departments, nor does the term include any independent administrative board or commission.

71 P.S. § 750-2(1).

Of further note, in preparing the reorganization plan, the Governor is to "enumerate all acts of the General Assembly which may be suspended if the reorganization plan becomes effective." 71 P.S. § 750-5(6). The Act relatedly directs that, "[f]rom the effective date of a reorganization plan and as long as it is in effect[,] the operation of any act of Assembly inconsistent therewith shall be suspended insofar as it is inconsistent with the reorganization plan." 71 P.S. § 750-11. Pertinent to this matter, several reorganization plans have transferred functions, powers, and duties originally resting with DHS under Articles IX and X of the Human Services Code to other agencies and suspended those articles insofar as they conflict with the reorganization plans.[11]

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[11] *See, e.g.*, Reorganization Plan No. 2 of 1973, Act of May 22, 1973, P.L. 457, 71 P.S. § 751-14 (transferring functions, powers, and duties of DHS as to supervision and licensing of general and special hospitals as set forth in Articles IX and X of Human Services Code to Department of Health (DOH) and suspending those articles insofar as they conflict with reorganization plan); Reorganization Plan No. 3 of 1975, Act of September 1, 1975, P.L. 629, 71 P.S. § 751-23 (transferring certain functions, powers, and duties of DHS with regard to supervision, approval, and licensing of skilled nursing homes and related facilities, "but only insofar as the homes provide nursing care," as set forth under Articles IX and X of Human Services Code to DOH and suspending those articles to extent they conflict with reorganization plan); Reorganization Plan No. 2 of 1977, Act of June 6, 1977, P.L. 372, 71 P.S. § 751-25 (transferring functions, powers, and duties of DHS as to regulation, supervision, and licensing of drug and alcohol facilities as set forth in Articles IX and X of Human Services Code to Governor's Council on Drug and Alcohol Abuse and suspending those articles to extent they conflict with reorganization plan); Reorganization Plan No. 1 of 1980, Act of September 24, 1980, P.L. 1353, 71 P.S. § 751-27 (transferring functions, powers, and duties of DHS relating to supervision, approval, and licensing of maternity homes and hospitals insofar as they provide medical or nursing services as set forth in Articles IX and X of Human Services Code to DOH, but retaining "functions, powers and duties of [DHS] with regard to supervision, approval and licensing of maternity homes and hospitals insofar as [they] provide residential or social services," and suspending Articles IX and X to extent that they conflict with reorganization plan). Reorganization Plan No. 5 of 1955, mentioned previously, concerns, *inter alia*, the transfer of DHS's functions, powers, and duties regarding the supervision, visitation, and inspection of county and municipal prisons and jails as provided under predecessor provisions to the Human Services Code to the (continued…)

*ii. Case Law*

The instant matter is not the first case in which this Court has addressed the extent of agency authority under Article IX of the Human Services Code. Insofar as our precedent on this topic also informs our present analysis, we summarize those cases, beginning with *Hospital Association of Pennsylvania v. MacLeod*, 410 A.2d 731 (Pa. 1980) (*HAP*). *HAP* involved a challenge presented by the Hospital Association of Pennsylvania and twenty-one Pennsylvania hospitals (Hospitals) to a set of regulations promulgated by DOH and its secretary governing "general and special hospitals."[12] *HAP*, 410 A.2d at 732. The challenged regulations numbered over 500 and spanned twenty-six chapters. *Id.* They covered a broad range of topics, including governance and management, patient rights, admissions and discharge, the provision of medical and social services, and construction standards. *Id.* at 732 & n.3. The thrust of the Hospitals' claim was that they possessed "managerial prerogatives" that fell outside of the scope of DOH's supervisory powers under Article IX. *Id.* at 733.

Upon review, the Court concluded that Article IX of the Human Services Code provided ample authority for the challenged regulations. *Id.* at 732. After observing that Section 902 expressly provided DOH with supervisory authority over "institutions for adults" such as "general and special hospitals," the Court explained that the Human Services Code did not define those "supervisory powers." *Id.* at 733. Nonetheless, the

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Department of Justice, as well as the suspension of those predecessor provisions to the extent that they conflicted with Reorganization Plan No. 5 of 1955. 71 P.S. § 751-5.

[12] Again, Section 902 of the Human Services Code gives DHS supervisory authority over "[a]ll institutions for adults within this Commonwealth." 62 P.S. § 902(8). Section 901 of the Human Services Code defines "institution for adults" to include "general and special hospitals." 62 P.S. § 901. Moreover, as noted above, Reorganization Plan No. 2 of 1973 transferred DHS's "functions, powers and duties . . . with regard to the supervision and licensing of special and general hospitals, as set forth in Articles [IX] and [X] of" the Human Services Code to DOH. 71 P.S. § 751-14; *see also HAP*, 410 A.2d at 733 n.6.

Court recognized that administrative rulemaking "should be upheld whenever the statutory delegation can reasonably be construed to authorize it" and concluded that, reasonably construed, the Human Services Code permitted DOH to supervise hospitals' managerial prerogatives by virtue of its rules and regulations. *Id.* at 733-34 (citation omitted).

In support, the Court reasoned that "hospital administration is expressly within the purview of existing departmental regulatory obligations" as demonstrated by Sections 911 and 921 of the Human Services Code. *Id.* at 734. The Court explained that Section 921 applied to "hospitals" and directed DOH "to set 'standards for the safe and adequate care of individuals,' making 'adequate and proper provision . . . for . . . humane care.'" *Id.* at 734 & n.8 (quoting 62 P.S. § 921(c)). The Court then analogized Section 921 to Section 911, insomuch as Section 911 "expressly contemplates [DOH]'s review of the managerial practices of 'supervised institutions,'" including "all hospitals . . . maintained by any county, city, borough, township or poor district of this Commonwealth." *Id.* (quoting 62 P.S. § 911(a)(2) (obligating DOH to examine, *inter alia*, "all and every matter and thing relating to [the] usefulness, administration, and management [of supervised institutions], and to the welfare of the inmates thereof")). Given that the General Assembly had conferred upon DOH the authority over managerial practices of such "supervised institutions" under Section 911, the Court was convinced that the General Assembly had done the same with respect to DOH's authority as it concerned the managerial practices of hospitals subject to Section 921. *Id.* at 734. The Court bolstered its conclusion by noting that similar regulations pertaining to hospital governance were in effect prior to the enactment of the Human Services Code in 1967 and that, in codifying the statutory provisions at issue, the General Assembly did not disturb those prior regulations. *Id.* at 734 n.10.

Finally, the Court concluded that Section 902 of the Human Services Code authorized DOH to supervise the managerial practices of hospitals via "rules and regulations." *Id.* at 734. The Court initially acknowledged that no provision of Article IX expressly confers authority upon DOH to establish "rules and regulations" governing hospitals and that Section 921(c) of the Human Services Code spoke only to the establishment of required departmental "standards." *Id.* at 734-35. Notwithstanding, the Court explained that the General Assembly clearly contemplated departmental "rules and regulations" affecting hospitals as an appropriate means of enforcing those standards as evidenced by Section 921(e) of the Human Services Code. *Id.* (quoting 62 P.S. § 921(e) (providing for certain departmental action "[w]henever [DOH] shall upon inspection, investigation or complaint find any violation in any institution of rules or regulations adopted by [DOH], or any failure to establish, provide or maintain standards and facilities required by this act or by" DOH)). The Court reasoned that "Section 921(e) could contemplate 'rules and regulations adopted by [DOH]' only if some other provision of the [Human Services] Code grant[ed] [DOH] authority." *Id.* at 735. The Court concluded that, to give effect to both Section 902 and 921, DOH must be able to formulate rules and regulations as part of its supervisory powers. *Id.*

Following *HAP*, this Court decided *St. Elizabeth's Child Care Center v. Department of Public Welfare*, 963 A.2d 1274 (Pa. 2009). In *St. Elizabeth's Child Care Center*, a DHS field representative visited St. Elizabeth's Child Care Center (St. Elizabeth's), a nonprofit, religiously affiliated child day care center. *St. Elizabeth's Child Care Ctr.*, 963 A.2d at 1274-75. The field representative determined that St. Elizabeth's was operating without a certificate of compliance as required by DHS's regulations. *Id.* at 1275 (explaining further that DHS regulations "require[d] all child day care centers providing care for seven or more children, like St. Elizabeth's, to obtain a certificate of compliance

before commencing operations"). DHS, thus, ordered St. Elizabeth's to cease and desist operating its child day care center. *Id.* The matter eventually reached this Court, which was tasked with addressing whether DHS's regulatory power under Article IX of the Human Services Code extended beyond mere supervision to include the authority to require St. Elizabeth's to have a certificate of compliance to operate. *Id.* at 1276.

Upon review, this Court first opined that St. Elizabeth's qualified as a children's institution subject to DHS's supervisory power as a private child day care provider under Sections 901 and 902 of the Human Services Code.[13] *Id.* at 1277. The Court additionally observed that "Article IX neither explicitly forbids nor requires [DHS] to issue regulations mandating that supervised institutions have a certificate of compliance." *Id.* Hearkening to the deference owed to an administrative agency's interpretation of the statute that it is charged with executing, the Court concluded that DHS's interpretation of the Human Services Code as authorizing the imposition of the certificate-of-compliance requirement was not clearly erroneous in light of the express terms of Section 911 of the Human Services Code. *Id.* According to the Court, it was "reasonable to infer [that] Article IX permits [DHS] to certify [that] supervised institutions have passed the inspection process [DHS] is required to perform." *Id.*

The Court added that "Article IX has been interpreted as granting broad supervisory powers to" DHS, citing the circumstances of *HAP*. *Id.* at 1277-78. Like the Court in *HAP*, the Court in *St. Elizabeth's Child Care Center* also found it significant that DHS's "regulations requiring nonprofit and for-profit child care centers receive a certificate of compliance ha[d] been in effect in some form" for over 30 years without any disturbance

[13] At the time, Section 901 of the Human Services Code defined "children's institutions" the same as it is defined today, save for the last sentence, which provided: "The term shall not include a family day care home in which care is provided in lieu of parental care to six or less children for part of a twenty-four hour day." 62 P.S. § 901 (amended 2015).

on the part of the General Assembly, suggesting that the regulations were consistent with legislative intent. *Id.* at 1278. Based on the foregoing, the Court upheld DHS's regulations requiring St. Elizabeth's to hold a certificate of compliance.[14] *Id.*

Notably, this Court reached its majority holdings in *HAP* and *St. Elizabeth's Child Care Center* over forceful dissents. In *HAP*, Justice Flaherty—joined by Justice Larsen—criticized the majority for "giv[ing] an unwarranted license to a governmental agency to enact social legislation in the form of regulation without a semblance of authority to be found in the enabling legislation." *HAP*, 410 A.2d at 735 (Flaherty, J., dissenting). Viewing DHS's authority as limited to "simply assuring supervision of minimum quality standards of health care," Justice Flaherty cautioned that "[g]overnmental agencies must not be allowed to go unchecked in their natural tendency to continually create rules which stretch their authority, while invading more and more areas traditionally proper for private freedom of action." *Id.* at 737, 740.

In *St. Elizabeth's Child Care Center*, then-Justice Saylor—joined by Justice Seamus McCaffery—opined that the Human Services Code "expressly limited" its licensing requirement to "for profit" entities as demonstrated by Article X.[15] *St. Elizabeth's Child Care Ctr.*, 963 A.2d at 1280 (Saylor, J., dissenting). According to Justice Saylor,

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[14] The Court also faulted the Commonwealth Court, which held that DHS lacked the authority under Article IX of the Human Services Code to require St. Elizabeth's to be certified before operating its day care center, for relying exclusively upon the maxim *expressio unius est exclusio alterius* in reaching its holding. This Court noted the limitations on the maxim and explained that, when applying it, the Commonwealth Court failed to consider the weight of other applicable canons of statutory construction—*i.e.*, the administrative interpretation of the statute and lack of legislative response thereto, as well as the consequences of a particular interpretation. *St. Elizabeth's Child Care Ctr.*, 963 A.2d at 1278.

[15] Then-Justice Baer penned a concurrence in *St. Elizabeth's Child Care Center*, writing separately to distance himself from the majority's deferential reliance upon DHS's interpretation of the Human Services Code in reaching its conclusion. *St. Elizabeth's Child Care Ctr.*, 963 A.2d at 1279 (Baer, J., concurring).

DHS's certificate of compliance was tantamount to a license, and, as such, its licensing scheme extended beyond the express boundaries of the Human Services Code. *Id.* at 1281. Indeed, given the Human Services Code's express boundaries upon licensure in Article X, Justice Saylor was unpersuaded by DHS's argument that it had implied powers to impose the certificate-of-compliance requirement upon nonprofit entities under its supervisory powers provided in Article IX. *Id.* at 1281. Justice Saylor also shared that "licensure may impact the costs of providing necessary child care services and may increase concerns of supervised entities regarding the possibility of governmental intervention in their curricula and/or ministries." *Id.* at 1281-82. Believing that "the clear implication of the statute should control" over factors such as the deference owed to DHS or the longstanding tenure of its regulations, Justice Saylor further found *HAP* to be distinguishable on the ground that it "concerned the extent of powers expressly invested in [DHS] and not bounded by the Legislature in the manner of the licensure requirement." *Id.* at 1282.

**B. The Present Matter**

With the above legal landscape in mind, we turn to the matter before us. Beginning in the 2013-14 school year and extending through the next few years, the District instituted its CEEL program in six of its elementary schools. As noted, the CEEL program takes place on weekdays before and after the regular school day.[16] In May 2016, William Huling (Huling), a DHS certification representative, visited the elementary schools during the CEEL program's afternoon hours. Based upon Huling's observations, DHS concluded

[16] More specifically, the CEEL program operates on regular school days "for an hour before the school day begins and from the end of the regular school day through 4:45 p.m., although the children may remain at the facilities through 6:00 p.m., if staff supervised." (Original Record (O.R.), Item No. 14, Recommendation and Adjudication, 12/4/2020, at 3.)

that the District was providing unlicensed child care and issued cease-and-desist letters to the District concerning the CEEL program.[17] The District appealed.

An administrative law judge (ALJ) held a hearing at which several witnesses testified. Huling testified that his inspections were prompted by an anonymous parent complaint that the CEEL program did not provide the instructional and educational offerings described in the parents' handbook provided by the District for the CEEL program. Huling explained that, at each elementary school he visited, he observed at least seven children who were presumably unrelated participating in the CEEL program.[18] He also testified to his observations relative to the operation of the CEEL program, explaining that he saw children performing activities that included, *inter alia*, homework, playing games, texting on phones, and eating snack. Additionally, he witnessed parents arriving to pick up their children at varying times and removing them from whatever activity they were doing at the time. Huling added that, while the District's website advertised that the CEEL program provided academic programming and staff told him that different offerings occurred on a scheduled basis, he did not observe any academic programming.

Diane Michel (Michel), Division Chief of OCDEL's Bureau of Certification, also testified at the hearing. Michel aided in drafting and issuing DHS's cease-and-desist letters. She stated that there are 498 school districts across the Commonwealth that have

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[17] The cease-and-desist letters were issued through the Office of Child Development and Early Learning (OCDEL). OCDEL is a "dual deputate" of DHS and PDE. *Commonwealth of Pa., DHS, OCDEL*, https://www.pa.gov/agencies/dhs/departments-offices/ocdel-info (last visited March 5, 2026); *see also Commonwealth of Pa., Early Learning*, https://www.pa.gov/agencies/education/programs-and-services/instruction/early-learning (last visited March 5, 2026) (providing that OCDEL is "a partnership between" PDE and DHS). Notwithstanding this status, OCDEL's activities, at least as they relate to this case, fall under the aegis of DHS as described herein.

[18] Huling observed anywhere from approximately 25 to 70 school-age children participating in the CEEL program, depending on the elementary school.

DHS certificates of compliance to operate their before- and after-school programs. She also explained that DHS would not have jurisdiction to act as it did if PDE or another authority provided DHS with documentation that the CEEL program was authorized as an extended school day program or tutoring center, but no such documentation had been provided.[19] She indicated that, given this lack of documentation and Huling's observations, the CEEL program fell within DHS's authority.

The District called as a witness Shannon Messick (Messick), who is the District's Coordinator for its Community Education Department and is responsible for the CEEL program. Messick explained that, prior to the 2013-14 school year, the District provided short-term after-school enrichment programs in various subjects and worked with two licensed outside providers, the YMCA and the Child Development and Family Council (CDFC), which provided after-school care in the elementary schools. Thereafter, parents indicated interest in the District expanding the after-school enrichment programs, which

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[19] On this point, the record includes a letter dated January 3, 2017, from PDE's executive deputy secretary to the District's superintendent. The letter most relevantly provides that, while PDE did not wish to end the CEEL program, PDE took the following position in response to the District's request that PDE acknowledge the District's authority to operate the CEEL program under the School Code:

> [T]here is no statute, rule, regulation, procedure, or guideline to require that [PDE] review and approve this type of program. The lack of authority for [PDE] to provide oversight for this type of program only serves to support [PDE's] position that jurisdiction over this type of program rests with [OCDEL] within DHS. Without direct authority in support of the District's position, [PDE] cannot conclude that a district's general authority under the School Code abrogates the need for any regulatory oversight of the CEEL program. [PDE] supports the District's efforts to offer quality programming to students and families[] but ultimately must endeavor to ensure that the District follows the proper courses of action, as [PDE's] concern for student safety is paramount.

(O.R., Item No. 3, Exhibit C-13, at 2.)

would coincide with what was taught during the school day and would have the goal of improving student learning and achievement rather than providing child care.

Messick also testified to the proposed scheduling and content of the CEEL program, which included free time and homework help, snack, games, and optional scheduled classes and activities. With respect to the afternoon portion of the CEEL program in particular, Messick explained that elementary school dismissal would occur at 2:50 p.m. and that students would get snack and free time until 3:30 p.m., when enrichment offerings began. The structured offerings would end at 4:45 or 5:00 p.m., and students would have free time for the remainder of the CEEL program. Of further note, students had the option not to engage in any structured programming, thereby having free time for the entire afternoon.

Messick also described the District's implementation of the CEEL program in the elementary schools over time, stating that about 100 students participated during the first school year in which it was offered and that participation increased to 528 students in the 2016-17 school year. In addition, Messick explained that some offerings were conducted by outside providers and that all CEEL program staff were District employees, though not all were teachers, and some teachers from other districts were hired for certain subjects. Messick stated that parents paid a fee for their children to participate in the CEEL program, that transportation was not provided, and that parents could pick up their children at any time, although it was preferred that parents waited until organized sessions ended. She also noted that she did not consider that the CEEL program might need DHS licenses, as she and her staff viewed the CEEL program as expanded school learning, and that most of Huling's visits occurred during times when no organized activities had started and full staff might not yet have arrived.

Randy Brown (Brown), the District's Business Administrator, also testified. Brown explained that the District maintained a separate budget for the CEEL program within its overall budget and that the budget for the CEEL program was located in a category titled "Instructional Opportunities" or "'Extended Learning Opportunities' outside the school day." (Notes of Testimony (N.T.), 9/20/2016, at 123-24.) Brown noted that the budget for the CEEL program had never been identified as improperly characterized in the District's budget, which was filed with a state financial compliance office and independently audited. Brown further explained that the District did not pay for the former after-school services provided by the YMCA and CDFC; rather, those entities collected their own revenue and paid a fee to the District for use of its facilities.

Following the hearing, the parties filed briefs. In its briefing, the District pertinently argued that the District and its CEEL program did not fall within DHS's supervisory authority under the Human Services Code and that the School Code independently authorized the District to operate the CEEL program. The ALJ issued a recommendation and accompanying adjudication, concluding that DHS had not established its authority over the District's CEEL program and declining to address the remaining issues. DHS's Bureau of Hearings and Appeals (Bureau) adopted the ALJ's recommendation in its entirety, and DHS sought reconsideration.

The Secretary of DHS (Secretary) granted reconsideration and, on January 29, 2020, issued an order concluding that the District was a "children's institution" whose CEEL program fell within the purview of DHS's supervisory authority. The Secretary, thus, remanded the matter to the Bureau for consideration of the District's additional claims. In December 2020, the ALJ issued a recommendation and accompanying adjudication, denying relief on the District's additional claims. On

March 10, 2022, the Bureau issued an order adopting the ALJ's recommendation in its entirety. The District then appealed to the Commonwealth Court.

A three-judge panel of the Commonwealth Court affirmed in a unanimous unpublished memorandum opinion. *State Coll. Area Sch. Dist. v. Dep't of Hum. Servs.* (Pa. Cmwlth., No. 337 C.D. 2022, filed October 2, 2023). Relevant here, the Commonwealth Court first rejected the District's claim that the School Code independently authorized the CEEL program such that PDE's approval of the program was unnecessary and that DHS had no authority over the programs. In support, the Commonwealth Court set forth the pertinent provisions of the School Code, beginning with Section 211, which provides that "[t]he several school districts in this Commonwealth shall be, and hereby are vested as, bodies corporate, with all necessary powers to enable them to carry out the provisions of [the School Code]." 24 P.S. § 2-211.

The Commonwealth Court then explained that Section 501(a) of the School Code mandates that "[t]he board of school directors in every school district shall establish, equip, furnish, and maintain a sufficient number of elementary public schools, in compliance with the provisions of this act, to educate every person, residing in such district, between the ages of six and twenty-one years, who may attend." 24 P.S. § 5-501(a). The Commonwealth Court added that Section 502 of the School Code provides boards of school directors with optional authority to establish certain "additional schools or departments," including, *inter alia*, high schools, trade schools, technical schools, evening schools, kindergartens, schools for students with disabilities, and schools for adults, as well as libraries, cafeterias, gymnasiums, and museums, and "[s]uch other schools or educational departments as the directors, in their wisdom, may see proper to establish." 24 P.S. § 5-502 (providing further that "[s]aid additional schools

or departments, when established, shall be an integral part of the public school system in such school district and shall be so administered").

Upon review of the above School Code provisions and the record before it, the Commonwealth Court concluded that running an elementary after-school program was not a duty of the District and must be authorized, if at all, by Section 502 of the School Code. Applying principles of statutory construction, the Commonwealth Court observed that the CEEL program did not fit within the purview of any of the specific entities listed in Section 502, nor did it qualify under the catchall phrase. In support, the Commonwealth Court emphasized that free time consumed anywhere from half to all of the CEEL program's sessions, that "[t]he mere fact that the programs take place after the school day does not make them 'evening schools,'" and that the District otherwise failed to present argument as to how the CEEL program would fit within many of the categories identified in the statute. *State Coll. Area Sch. Dist.*, slip op. at 16-17. The Commonwealth Court also ascribed significance to the letter from PDE's executive deputy secretary to the District's superintendent stating that, while PDE did not disapprove of the CEEL program, it disagreed with the District's position that Section 502 independently authorized the CEEL program and that DHS lacked authority over it. Accordingly, the Commonwealth Court concluded that the School Code did not independently authorize the CEEL program.

The Commonwealth Court added that, even if the School Code contemplated the CEEL program, the District failed to provide any authority supporting its position that such a circumstance rendered the program free of DHS oversight. The Commonwealth Court reasoned that "the spheres of the School Code and the Human Services Code are not mutually exclusive" and that the District did not contest that nearly 500 similar programs run by other Pennsylvania school districts had sought and obtained licenses from DHS.

*Id.*, slip op. at 17. As such, the Commonwealth Court concluded that the District was not entitled to relief on its claim under the School Code.

The Commonwealth Court next held that the District was subject to DHS supervision under the Human Services Code. The Commonwealth Court emphasized that the Human Services Code provided DHS with supervisory authority over "children's institutions," which in turn included "[a]ny incorporated or unincorporated organization, society, corporation or agency, public or private, which may receive or care for children, or place them in foster family homes, either at board, wages or free." *Id.*, slip op. at 17-18 (emphasis omitted) (quoting 62 P.S. §§ 901, 902). In this regard, the Commonwealth Court reiterated that Section 211 of the School Code provided that school districts are "bodies corporate." 24 P.S. § 2-211. The Commonwealth Court added that, in prior cases, it had characterized a school district as "an agency of the Commonwealth or a quasi-municipal corporation created by the Commonwealth for the sole purpose of administering the Commonwealth's system of public education." *State Coll. Area Sch. Dist.*, slip op. at 20 (quoting *Penn-Delco Sch. Dist. v. Schukraft*, 506 A.2d 956, 960 (Pa. Cmwlth. 1986); citing *Sch. Dist. of Phila. v. Pa. Milk Mktg. Bd.*, 683 A.2d 972, 975 n.5 (Pa. Cmwlth. 1996)).

The Commonwealth Court elaborated that, elsewhere in our education statutes, the General Assembly defined a "local educational agency" as

> a public board of education or other public authority legally constituted within the Commonwealth for either administrative control or direction of, or to perform a service function for, elementary or secondary schools in any political subdivision or combinations thereof as are recognized in the Commonwealth as an administrative agency for its public elementary or secondary school.

*Id.* (quoting Section 1 of the Act of July 12, 1972, P.L. 765, 24 P.S. § 5311). Moreover, the Commonwealth Court opined that our courts have used the term "local educational

agency" interchangeably with the term "school district" in various contexts. *Id.*, slip op. at 20-21 (collecting cases).

The Commonwealth Court acknowledged the District's argument that it did not qualify as a "children's institution" under Sections 901 and 902 of the Human Services Code because, if anything else, it was a "political subdivision" as defined under the Statutory Construction Act of 1972 (Statutory Construction Act).[20] *See* 1 Pa. C.S. § 1991 (defining "political subdivision" to include "[a]ny county, city, borough, incorporated town, township, school district, vocational school district and county institution district"). Emphasizing that the question presented concerned whether the District was an agency or a quasi-municipal corporation for purposes of the Human Services Code, the Commonwealth Court reasoned that the Statutory Construction Act's definition was beside the point because, even if the District qualified as a political subdivision for some purposes, it may also be an "incorporated association" or "public agency" for other purposes, including "when it engages in its primary duty of educating children and when it engages in non-mandatory actions such as caring for children outside of the regular school day." *State Coll. Area Sch. Dist.*, slip op. at 19, 21. Highlighting the optional nature of the CEEL program's academic offerings and unstructured non-academic activities, the lack of documentation establishing that the CEEL program was authorized as an extended school day program with a primarily academic bent, and the fact that parents could pick up their children at any time, the Commonwealth Court concluded that the CEEL program constitutes child care and that the District acted as an "incorporated organization" or "public agency" providing that care. As such, the Commonwealth Court held that the CEEL program met the definition of "children's institution" and fell within the purview of Sections 901 and 902 of the Human Services Code.

[20] 1 Pa. C.S. §§ 1501-1991.

## II. ISSUES AND LEGAL STANDARDS

We granted discretionary review to consider the following two issues, as stated by the District:

> (1) Is the . . . District a political subdivision and/or a quasi-corporation, that does not come within Section 902 [of the Human Services Code], and is not, therefore, subject to [DHS's] supervision or control?
>
> (2) Does the . . . School Code . . . specifically and independently authorize the . . . District to operate its [CEEL p]rogram without needing approval from [PDE], and without supervision or control from [DHS]?

*State Coll. Area Sch. Dist. v. Dep't of Hum. Servs.*, 328 A.3d 999 (Pa. 2024) (per curiam) (some alterations in original). Both issues, which we address together given their interrelatedness, require the Court to engage in statutory interpretation. As such, they present questions of law for which our standard of review is de novo and our scope of review is plenary. *Sch. Dist. of Phila. v. Dep't of Educ.*, 92 A.3d 746, 751 (Pa. 2014).

Our analysis of the questions presented is guided by the Statutory Construction Act, which provides that the object of all statutory interpretation "is to ascertain and effectuate the intention of the General Assembly." 1 Pa. C.S. § 1921(a). Generally, the plain language of the statute "provides the best indication of legislative intent." *Miller v. Cnty. of Centre*, 173 A.3d 1162, 1168 (Pa. 2017). When the statutory language is ambiguous, however, we may ascertain the General Assembly's intent by considering the factors set forth in Section 1921(c) of the Statutory Construction Act, 1 Pa. C.S. § 1921(c), and other rules of statutory construction. *See Pa. Sch. Bds. Ass'n, Inc. v. Pub. Sch. Emps.' Ret. Bd.*, 863 A.2d 432, 436 (Pa. 2004) (observing that "other interpretive rules of statutory construction are to be utilized only where the statute at issue is ambiguous").

Additionally, "[w]ords and phrases shall be construed according to rules of grammar and according to their common and approved usage," though "technical words

and phrases and such others as have acquired a peculiar and appropriate meaning or are defined in [the Statutory Construction Act] shall be construed according to such peculiar and appropriate meaning or definition." 1 Pa. C.S. § 1903(a). "When the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit." 1 Pa. C.S. § 1921(b). "We also presume that 'the General Assembly does not intend a result that is absurd, impossible of execution or unreasonable,' and that 'the General Assembly intends the entire statute to be effective and certain.'" *Berner v. Montour Twp. Zoning Hearing Bd.*, 217 A.3d 238, 245 (Pa. 2019) (quoting 1 Pa. C.S. § 1922(1)-(2)).

## III. ANALYSIS

### A. Parties' Arguments

The District reiterates that DHS does not have supervisory authority over the District under Sections 901 and 902 of the Human Services Code because the District is a "school district" or "political subdivision" that does not fall within the purview of those provisions. (District's Brief at 20 (quoting 1 Pa. C.S. § 1991 (defining "political subdivision" to include "school district"); citing *Kimmel Twp. Taxpayers Ass'n v. Claysburg Kimmel Sch. Dist.*, 604 A.2d 1149, 1151 (Pa. Cmwlth. 1992) (opining that "[a] school district is a political subdivision")).) The District further argues that, insofar as the Commonwealth Court held that a school district can be a political subdivision for some purposes as well as an "incorporated association" or "public agency" when educating children or caring for them outside of the regular school day, the Commonwealth Court cited no legal authority in support of that proposition. According to the District, if the General Assembly intended to include school districts or political subdivisions within the scope of DHS's authority, it could have but did not.

Suggesting that the statutory provisions at issue are unambiguous, the District adds that, when considering Section 902 of the Human Services Code and Section 502 of the School Code—which was enacted prior to Section 902 of the Human Services Code—together, it is clear that DHS does not have supervisory authority over school districts and political subdivisions. Indeed, with respect to the School Code, the District reiterates that it has express authority to operate the CEEL program without DHS's supervision pursuant to Sections 211 and 502 of the School Code. The District claims that the Commonwealth Court interpreted Section 502 too narrowly in reaching its contrary conclusion as demonstrated by the text of the statute and interpretive case law, as well as the record before it regarding the nature of the CEEL program.[21]

DHS counters that, because Section 901 of the Human Services Code defines "children's institution" to include public organizations, corporations, and agencies, the District's CEEL program is subject to DHS supervision pursuant to Section 902 of the Human Services Code. In support, DHS argues that the "School Code and relevant case law have consistently defined school districts as local education agencies, quasi-municipal corporations, and bodies corporate, which [are] fairly encompassed by the definition of [a] children's institution in Section 901." (DHS's Brief at 11.) DHS contends that the District reads Section 901 too narrowly in disregard of the law and that a broad interpretation is warranted "given DHS's responsibility to ensure the health and

[21] The Pennsylvania School Boards Association (PSBA) has filed an *amicus curiae* brief in support of the District. Therein, PSBA argues, *inter alia*, that the School Code vests school boards with broad authority and discretion to develop local educational programs and fulfill their constitutional duty to provide a "thorough and efficient system of public education" to Pennsylvania's schoolchildren. (PSBA's Brief at 7 (quoting Pa. Const. art. III, § 14).) Noting that courts have long recognized this broad power and deferred to school boards' discretion in this regard, PSBA adds that DHS's position, as endorsed by the Commonwealth Court, is based upon a deficient evidentiary record and constitutes an "overreach [that] sets a dangerous precedent for further administrative intrusion into school affairs." (*Id.* at 18.)

safety of children" and PDE's position that it lacks oversight over the CEEL program. (*Id.* (relying upon *St. Elizabeth's Child Care Ctr.*, 963 A.2d at 1277).)

DHS adds that the District is misguided insofar as it claims "that a school district can only be a school district or political subdivision and not also an incorporated or unincorporated organization, society, corporation, or agency."[22] (*Id.* at 12.) DHS also argues that, if the General Assembly intended for school districts to be more limited in their characterization for purposes of DHS's supervision in the wake of case law recognizing them as "local education agencies" or corporate bodies, it would have reflected as much via amendment to the relevant statutory language. DHS claims that, because the General Assembly has not acted in this regard, we are to presume that the General Assembly intends to follow the case law.

In addition, DHS asserts that its "consistent position is that school districts, which offer before[-] and after[-]school programs, are 'children's institutions' that require DHS licensure under Section 902" of the Human Services Code. (*Id.* at 17.) DHS submits that its interpretation of the relevant provisions of the Human Services Code is entitled to great deference and that it is insignificant that case law has never applied Section 902 to a school district or political subdivision. Highlighting that it routinely requires other school districts to license their before- and after-school programs and that it has licensed approximately 500 such programs, DHS further argues that "[t]he District incorrectly

[22] DHS also challenges the notion that a school district is a political subdivision and claims that the term "children's institutions" is broad enough to encompass a political subdivision in any event. (*See* DHS's Brief at 14 n.9 (explaining that definition of local educational agency "suggests that a school district . . . performs a service within a political subdivision and is not an independent political subdivision" (emphasis omitted)); *id.* at 19 (arguing that "a political subdivision categorically fits within the language of being an 'incorporated or unincorporated organization' that is 'public or private' and 'receives or cares for children,' especially when PDE . . . concluded that the District's CEEL [p]rogram is not an extension of the school day").)

assumes that authority to create district programs is greater than DHS's own broad authority to supervise and protect the health and safety of children within children's institutions." (*Id.* at 18.)

Finally, DHS claims that the School Code does not independently authorize the District's CEEL program without approval from PDE or supervision by DHS. DHS reiterates that the CEEL program does not fall under any of the specific enumerated schools or departments listed in Section 502 of the School Code or its catchall provision. DHS adds that, even if Section 502 authorized the CEEL program, there is nothing in that provision or elsewhere in the School Code that "suggest[s] that school districts are granted exclusive authority over all types of authorized programs" or that "abrogate[s] the District's responsibility to comply with the supervisory and licensure requirements of DHS." (DHS's Brief at 23-24.) DHS bolsters its position by again highlighting PDE's representations in this matter regarding its lack of oversight over the CEEL program and the fact that DHS has licensed nearly 500 before- and after-school programs that are operated by school districts.

**B. Discussion**

Once again, Section 902 of the Human Services Code gives DHS supervisory authority over "[a]ll children's institutions within this Commonwealth." 62 P.S. § 902(3). While Section 901 of the Human Services Code does not expressly reference the term "school districts" within the list of entities qualifying as "children's institutions," the statute does explicitly include "*any incorporated or unincorporated organization, society, corporation or agency, public or private,* which may receive or care for children, or place them in foster family homes, either at board, wages or free." 62 P.S. § 901 (emphasis added). None of the aforementioned entities are further defined in the Human Services Code or the Statutory Construction Act. They are, however, undoubtedly sweeping terms,

and we have little trouble concluding that, at the least, a school district constitutes an "agency" as contemplated under Section 901.[23]

To begin, common and legal definitions of the word "agency" include "a person or thing through which power is exerted or an end is achieved" and "a department or other administrative unit of a government."[24] *Agency*, Webster's Third New International Dictionary 40 (1993). *See also Agency*, Black's Law Dictionary 77 (12th ed. 2024) (defining "agency" as "[a]n official body, esp. within the government, with the authority to implement, manage, and administer public policy, usu. in accordance with specific legislation"); *id.* (defining "local agency" as "[a] political subdivision of a state" and explaining that "[l]ocal agencies include counties, cities, school districts, etc."). Consistent

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[23] The School Code plainly identifies school districts as "bodies corporate," 24 P.S. § 2-211, supporting the conclusion that school districts qualify as "corporations" for purposes of Section 901 of the Human Services Code. Nonetheless, an argument can be made that a "body corporate" does not always equate to a "corporation" *per se*, and the District correctly points out instances in which our case law identifies school districts as "quasi[-]corporations," suggesting that they occupy some lesser status than true "corporations." *See, e.g.*, *Wharton v. Cass Twp. Sch. Dirs.*, 42 Pa. 358, 363 (1862) ("School districts are not, strictly speaking, municipal corporations, for they have neither a common seal nor legislative powers, both of which are characteristic of such corporations. . . . They belong to that class of *quasi*[-]corporations to which counties and townships belong—exercising within a prescribed sphere many of the faculties of a corporation.").

It may very well be that any distinction between a "body corporate," "corporation," and/or "quasi-corporation" in the present context is one without a difference. Moreover, the Secretary and the Commonwealth Court concluded that the District qualified as a public incorporated "organization" in addition to a public "agency" under Section 901 of the Human Services Code. (O.R., Item No. 13, at 1); *State Coll. Area Sch. Dist.*, slip op. at 21. While we acknowledge the potential for a school district to fit within the scope of Section 901 as a public "corporation" or incorporated "organization," we believe that Section 901's use of the term "agency" unambiguously indicates that a school district qualifies as a "children's institution" under that provision and, thus, ground our holding in this aspect of the statute's plain language as explained below in more detail.

[24] In matters of statutory construction, this Court often consults dictionary definitions when discerning legislative intent. *Commonwealth v. Gamby*, 283 A.3d 298, 307 (Pa. 2022).

with these definitions, and as pointed out by DHS and the Commonwealth Court, our case law and the Commonwealth's education statutes have long recognized school districts as "agencies" or "local education agencies." Indeed, this Court has repeatedly identified school districts as agencies of the Commonwealth for over a century. *See, e.g.*, *Minsinger v. Rau*, 84 A. 902, 903 (Pa. 1912) (observing that "school district is but an agency of the [C]ommonwealth"); *Smith v. Sch. Dist. of Phila.*, 5 A.2d 535, 538 (Pa. 1939) ("A school district is an agency of the Commonwealth and as such a quasi-corporation for the sole purpose of administering the system of public education."); *Slippery Rock Area Joint Sch. Sys. v. Franklin Twp. Sch. Dist.*, 133 A.2d 848, 852 (Pa. 1957) (stating that "a school district is an agency of the State, created by law for the purpose of promoting education, deriving all of its powers from the statute, and discharging only such duties as are imposed upon it by statute"); *Chartiers Valley Joint Schs. v. Cnty. Bd. of Sch. Dirs. of Allegheny Cnty.*, 211 A.2d 487, 500 (Pa. 1965) (explaining that this Court has "repeatedly held that [a] [s]chool [d]istrict is a creature or agency of the Legislature and has only the powers that are granted by statu[t]e" (some alterations in original) (citation and internal quotation marks omitted)); *J.S. ex rel. H.S. v. Bethlehem Area Sch. Dist.*, 807 A.2d 847, 853 n.7 (Pa. 2002) ("A school district is deemed to be a local agency for purposes of judicial review."), *abrogated on other grounds by Commonwealth v. Knox*, 190 A.3d 1146 (Pa. 2018); *Cent. Dauphin Sch. Dist. v. Hawkins*, 286 A.3d 726, 741 (Pa. 2022) (explaining that "[s]chool districts are local agencies subject to" Right-to-Know Law[25]).

Moreover, Section 1 of the Act of July 12, 1972, P.L. 765, which is included within our education statutes, defines the term "local educational agency" to mean

> a public board of education or other public authority legally constituted within the Commonwealth for either administrative control or direction of, or to perform a service function for, elementary or secondary schools in any

[25] Act of February 14, 2008, P.L. 6, *as amended*, 65 P.S. §§ 67.101 to .3104.

> political subdivision or combinations thereof as are recognized in the Commonwealth as an administrative agency for its public elementary or secondary school.

24 P.S. § 5311(4); *see also* Section 702-A of the Workforce Development Act, Act of December 18, 2001, P.L. 949, *as amended*, added by the Act of December 16, 2002, P.L. 1930, 24 P.S. § 6250.702-A (defining "local education agency" as "[a] Pennsylvania institution certified by [PDE], which may include . . . . [p]ublic school districts").

In an attempt to escape its characterization as an "agency" here, the District relies upon Section 1991 of the Statutory Construction Act and related case law to argue that, if anything else, it is a "political subdivision" that is likewise not subject to DHS's supervisory authority. We disagree. For one, Section 1991 provides definitions for "*words . . . used in any statute* finally enacted on or after September 1, 1937, unless the context clearly indicates otherwise." 1 Pa. C.S. § 1991 (emphasis added). Insofar as none of the sections of the Human Services Code at issue here use the word "political subdivision," thereby prompting us to resort to the Statutory Construction Act's definition of that term for guidance, that definition is neither controlling nor particularly persuasive for our present purposes.

Additionally, even accepting that the District is a political subdivision—and assuming *arguendo* that a political subdivision falls outside the scope of Sections 901 and 902 of the Human Services Code—we see no reason to conclude that the District's characterization as a political subdivision would be to the exclusion of other labels. While the District complains that there is no legal authority for the proposition that a school district can be both a political subdivision and an agency, the statutory and decisional law discussed herein, describing school districts not only as "political subdivisions" but also

as "agencies," "bodies corporate," "quasi-municipal corporations," and more[26]—including at times in the same breath—demonstrates the legal soundness of the point, to the extent that it could be reasonably disputed at all. Indeed, the District's argument that a school district constitutes a political subdivision requires an acceptance of the basic premise that a school district can qualify as more than one thing at a time. And, despite its own criticisms in this regard, the District offers no legal authority to support its contrary position that, if not a "school district," then the District can only be properly characterized as a "political subdivision" here.

Based on the foregoing, and given further that Section 901 of the Human Services Code broadly includes "*any* . . . agency, *public* or private," within its definition of "children's institutions," we readily conclude that the District meets that element of the statute. Moreover, the parties do not dispute that the District, through the CEEL program, satisfies the remainder of the statutory definition providing that the agency at issue be one that "may receive or care for children, or place them in foster family homes, either at board, wages or free." 62 P.S. § 901. As we find no basis upon which to conclude otherwise, we hold that the District qualifies as a "children's institution" under Section 901 such that DHS has supervisory authority over the CEEL program under Section 902 of the Human Services Code.

The District's arguments premised upon the School Code do not alter our conclusion. Again, the District claims that it has express authority to operate the CEEL program without oversight or control from DHS or approval by PDE pursuant to Sections 211 and 502 of the School Code. Even if we were to agree that the School Code

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[26] *See, e.g.*, Section 102 of the Real Estate Tax Sale Law, Act of July 7, 1947, P.L. 1368, *as amended*, 72 P.S. § 5860.102 (defining "[t]axing [d]istrict" to include "school district"); *Devlin ex rel. U.S. Fid. & Guar. Co. v. Sch. Dist. of Phila.*, 10 A.2d 408, 410 (Pa. 1940) (stating "well established rule that a school district is a public charity and a state agency").

authorizes the CEEL program, and regardless of whether PDE has authority over the program, we fail to see how the existence of those circumstances would render the CEEL program free of DHS's statutorily prescribed supervision.[27] To be sure, the District has not pointed us to any authority, and we are not aware of any, in the School Code or otherwise, that abrogates DHS's broad statutory responsibility to supervise the District as a "children's institution" under the Human Services Code. Moreover, much like the proposition that an entity can be characterized as many things at once, DHS's point is well taken that an entity may be subject to regulation by multiple administrative agencies at once—a point to which the District provides no satisfactory retort.

To the above, we add that the General Assembly has signaled its specific awareness of, and ability to address, overlap existing between the Human Services Code and the School Code and the respective agencies charged with their implementation. By way of illustration, Section 776.1 of the School Code, titled "Child day-care centers in school buildings," provides:

> For purposes of the issuance or renewal of any license, or for inspections, under [S]ection 1007 of . . . the []Human Services Code,[] child day-care centers operated for school-age children in public and private school buildings, buildings utilized by intermediate units or area career and technical school buildings which meet the physical site requirements provided for by [PDE] shall be deemed to comply with any [DHS] child day-care service requirements or regulation concerning physical site requirements.

24 P.S. § 7-776.1. Relatedly, the General Assembly has demonstrated its capacity to limit DHS's authority through exceptions and exclusions. *See, e.g.*, 62 P.S. § 901 (defining "child care" to exclude "child care furnished in a place of worship during religious services").

[27] While we take notice that PDE does not claim to have administrative authority over the CEEL program, we need not determine that question today given our analysis herein.

Finally, we acknowledge the concern that our decision has the potential to breed instances of administrative overreach and intrusion into school affairs. As *amicus* PSBA submits:

> If a school [district] is a "children's institution[,]" . . . why is it that DHS only asserted authority over [the District's] activities after the final bell rang for the day? The definition of "children's institution[]" . . . does not include the time of day in which an entity is considered a children's institution or not. Its definition seems to be all or nothing: either a school district is considered subject to DHS jurisdiction at all times, or never at all. If this Honorable Court is to believe that DHS truly has authority over school district activities, that would mean that everything a school [district] did in relation to children would need to be regulated by DHS, effectively terminating school district discretion and substituting DHS's judgment for all school activities.

(PSBA's Brief at 20-21 (footnotes omitted).) Any overgeneralization and hyperbole aside, PSBA raises a valid concern to which we offer the following parting thoughts.

First, we emphasize that our holding is limited to the record and arguments before us, which pertain to the District's CEEL program specifically. The record demonstrates that the District initially contracted with licensed providers to deliver, in exchange for outside payment, before- and after-school child care in its elementary schools. Upon a survey of parents, the District developed and implemented a fee-based, before- and after-school program, the CEEL program, in place of that child care service. Moreover, while the District intended for the CEEL program to be educational in nature, free time constituted a significant part of the CEEL program's daily schedule, and parents could opt for their children to engage in free time for the entirety of the CEEL program. Parents were also free to pick up their children at any time during the CEEL program. Indeed, the District does not dispute that, through the CEEL program, it provides child care as defined in the Human Services Code. Moreover, notwithstanding the District's arguments to the contrary, the District is a public "agency" for purposes of satisfying the Human Services Code's definition of "children's institution," and we find no support for the District's

assertion of authority to operate the CEEL program under the School Code independent of DHS oversight.

Furthermore, even accepting *arguendo* that our decision today risks providing fertile ground for future instances of administrative overreach on behalf of DHS as alleged, we stress that it is our task in matters of statutory interpretation to discern the intent of the General Assembly, the best evidence of which is the plain language of the statute at issue. As explained herein, the plain language of Sections 901 and 902 of the Human Services Code reveals that, under the circumstances presented, the District is subject to DHS's "broad supervisory powers" as provided by Article IX and previously recognized by this Court. *St. Elizabeth's Child Care Ctr.*, 963 A.2d at 1277-78 (relying on *HAP*, 410 A.2d at 734-35, 738-40).[28] Importantly, "it is not this Court's role to 're-construe [statutory language] because we believe an alternative interpretation would address certain unintended consequences of the law." *Ursinus Coll. v. Prevailing Wage Appeals Bd.*, 310 A.3d 154, 173 (Pa. 2024) (alteration in original) (quoting *Commonwealth, Off. of Governor v. Donahue*, 98 A.3d 1223, 1240 (Pa. 2014)); *see also* 1 Pa. C.S. § 1921(b) ("When the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit."). Instead, "[w]e leave the task of rectifying perceived deficiencies in the statutory scheme . . . to the legislature." *Ursinus Coll.*, 310 A.3d at 173 (alterations in original) (quoting *Donahue*, 98 A.3d at 1240). In a

[28] We further emphasize that this matter concerns whether DHS has regulatory authority over the District's CEEL program pursuant to the Human Services Code. It does not involve a challenge to any particular regulation promulgated by DHS under the statute or a request that we revisit *HAP* or *St. Elizabeth's Child Care Center*, wherein this Court acknowledged that DHS's supervisory authority under Article IX was sweeping and included, *inter alia*, the power to require supervised institutions such as children's institutions to possess a certificate of compliance to operate. *See HAP*, 410 A.2d at 733-35; *St. Elizabeth's Child Care Ctr.*, 963 A.2d at 1277-78 (relying on *HAP*, 410 A.2d at 734-35, 738-40).

similar vein, should it be that our interpretation of the Human Services Code is not aligned with the General Assembly's intent, the General Assembly is "'free to correct any errant interpretation of its intentions' by amending the statute in question." *Klar v. Dairy Farmers of Am., Inc.*, 300 A.3d 361, 377 (Pa. 2023) (quoting *Hunt v. Pa. State Police*, 983 A.2d 627, 638 (Pa. 2009)). Nor do we discount the possibility that any concerns in this regard may be addressed via actions taken pursuant to the aforementioned Reorganization Act.

## IV. CONCLUSION

For the reasons stated, we agree with the Commonwealth Court's conclusion that the Human Services Code provides DHS with supervisory authority over the District's CEEL program, regardless of whether the School Code provides the District with authority for the program and whether the program is subject to PDE's approval. Accordingly, we affirm the Commonwealth Court's order.

Chief Justice Todd and Justices Donohue, Dougherty, Wecht and McCaffery join the opinion.

Justice Mundy files a concurring opinion in which Justice Dougherty joins.