
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 417

Session of
1979

INTRODUCED BY MESSRS. ROCKS, McKELVEY, MRS. ARTY, MESSRS. POLITE,
L. E. SMITH, PERZEL, GLADECK, CORNELL, IRVIS, SALVATORE,
D. M. O'BRIEN, MRS. DURHAM, MESSRS. NAHILL, PYLES,
WHITE, RICHARDSON, BARBER, DUMAS AND MRS. E. Z. TAYLOR,
FEBRUARY 23, 1979

SENATOR SMITH, APPROPRIATIONS, IN SENATE, AS AMENDED,
APRIL 30, 1979

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," further providing for exceptional
6 children and reimbursements for certain special education
7 services.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 1376, act of March 10, 1949 (P.L.30,
11 No.14), known as the "Public School Code of 1949," amended
12 December 15, 1975 (P.L.484, No.144), is amended to read:

13 Section 1376. Cost of Tuition and Maintenance of Certain
14 Exceptional Children in Approved Institutions.--(a) When any
15 child between the ages of six (6) and twenty-one (21) years of
16 age resident in this Commonwealth, who is blind or deaf, or
17 afflicted with cerebral palsy and/or brain damage and/or
18 muscular dystrophy and/or mentally retarded and/or socially and

1 emotionally disturbed, is enrolled, with the approval of the
2 Department of Education, as a pupil in any of the schools or
3 institutions for the blind or deaf, or cerebral palsied and/or
4 brain damaged and/or muscular dystrophied and/or mentally
5 retarded, and/or socially and emotionally disturbed, under the
6 supervision of, subject to the review of or approved by the
7 Department of Education, in accordance with standards and
8 regulations promulgated by the Council of Basic Education, the
9 school district in which such child is resident shall pay
10 ~~【twenty-five per centum (25%)】~~ TWENTY PER CENTUM (20%) of the <—
11 cost of tuition and maintenance of such child in such school or
12 institution, as determined by the Department of Education; and
13 the Commonwealth shall pay, out of funds appropriated to the
14 department for special education, ~~【seventy-five per centum~~ <—
15 ~~(75%)】~~ EIGHTY PER CENTUM (80%) of the cost of their tuition and <—
16 maintenance, as determined by the Department. If the residence
17 of such child in a particular school district cannot be
18 determined, the Commonwealth shall pay, out of moneys
19 appropriated to the department for special education, the whole
20 cost of tuition and maintenance of such child. In no event shall
21 the total cost of tuition and maintenance for blind, deaf,
22 cerebral palsied and/or brain damaged and/or muscular
23 dystrophied and/or socially and emotionally disturbed and/or
24 mentally retarded residential students exceed [eight thousand
25 five hundred dollars (\$8,500)] nine thousand five hundred
26 dollars (\$9,500) for the school year 1979-1980 and ten thousand
27 five hundred dollars (\$10,500) [per year,] for the school year
28 1980-1981 and each year thereafter for tuition of blind, deaf,
29 cerebral palsied and/or muscular dystrophied day students exceed
30 [five thousand one hundred dollars (\$5,100)] five thousand six

1 hundred dollars (\$5,600) for the school year 1979-1980 and six
2 thousand one hundred dollars (\$6,100) [per year,] for the school
3 year 1980-1981 and each year thereafter and for tuition of brain
4 damaged and/or socially and emotionally disturbed and/or
5 mentally retarded day students exceed [four thousand one hundred
6 dollars (\$4,100)] four thousand six hundred dollars (\$4,600) for
7 the school year 1979-1980 and five thousand one hundred dollars
8 (\$5,100) [per year] for the school year 1980-1981 and each year
9 thereafter. The Department of Education shall be provided with
10 such financial data from private schools as may be necessary to
11 determine the reasonableness of charges for tuition and room and
12 board of the institution made on Pennsylvania resident approved
13 reimbursed students. The Department of Education shall evaluate
14 such data and shall disallow any charge deemed unreasonable. Any
15 charges deemed unreasonable by the Department of Education for
16 disallowance shall be considered an adjudication within the
17 meaning of [the act of June 4, 1945 (P.L.1388, No.442), known as
18 the "Administrative Agency Law,"] Title 2 of the Pa.C.S.
19 (relating to administrative law and procedure) and regulations
20 promulgated thereunder.

21 (b) When any person less than six (6) or more than twenty-
22 one (21) years of age resident in this Commonwealth, who is
23 blind or deaf, or afflicted with cerebral palsy and/or brain
24 damage and/or muscular dystrophy, is enrolled, with the approval
25 of the Department of Education, as a pupil in any of the schools
26 or institutions for the blind or deaf, or cerebral palsied
27 and/or brain damaged and/or muscular dystrophied, under the
28 supervision of or approved by the Department of Education, the
29 Commonwealth shall pay to such school or institution, out of
30 moneys appropriated to the department for special education, the

1 cost of tuition and maintenance of such person, as determined by
2 the Department of Education, subject to review and approval in
3 accordance with standards and regulations promulgated by the
4 Council of Basic Education, and in addition, in the case of any
5 child less than six (6) years of age, who is blind, the cost, as
6 determined by the Department of Education of instructing the
7 parent of such blind child in caring for such child. In no event
8 shall the total cost of tuition and maintenance for residential
9 students exceed [eight thousand five hundred dollars (\$8,500)]
10 nine thousand five hundred dollars (\$9,500) for the school year
11 1979-1980 and ten thousand five hundred dollars (\$10,500) [per
12 year] for the school year 1980-1981 and each year thereafter for
13 tuition of deaf or blind and/or cerebral palsied and/or muscular
14 dystrophied day students, exceed [five thousand one hundred
15 dollars (\$5,100)] five thousand six hundred dollars (\$5,600) for
16 the school year 1979-1980 and six thousand one hundred dollars
17 (\$6,100) [per year] for the school year 1980-1981 and each year
18 thereafter and for tuition of brain damaged day students [four
19 thousand one hundred dollars (\$4,100)] four thousand six hundred
20 dollars (\$4,600) for the school year 1979-1980 and five thousand
21 one hundred dollars (\$5,100) [per year] for the school year
22 1980-1981 and each year thereafter.

23 (c) When any child between the ages of six (6) and twenty-
24 one (21) years of age, resident in this Commonwealth, who is
25 socially and emotionally disturbed, is enrolled with the
26 approval of the Department of Education as a pupil in any
27 approved day school under supervision of or approved by the
28 Department of Education, the school district in which such child
29 is resident shall pay [twenty-five percent (25%)] TWENTY PERCENT <—
30 (20%) of the cost of tuition of such child in such school as

1 determined by the Department of Education, and the Commonwealth
2 shall pay out of funds appropriated to the Department for
3 Special Education [seventy-five percent (75%)] EIGHTY PERCENT <—
4 (80%) of the cost of tuition of such child as determined by the
5 department: Provided, however, That in no event shall the cost
6 of tuition of such child exceed [four thousand one hundred
7 dollars (\$4,100)] four thousand six hundred dollars (\$4,600) for
8 the school year 1979-1980 and five thousand one hundred dollars
9 (\$5,100) [per school year] for the school year 1980-1981 and
10 each year thereafter.

11 (d) No private institution receiving payment in accordance
12 with this section shall impose any charge on the student and/or
13 parents who are Pennsylvania approved reimbursable residents for
14 a program of instruction and maintenance appropriate to the
15 child's needs; except that charges for programs not part of the
16 normal school year may be made.

17 (e) Where the private institution provides a vocational
18 education program to the students enrolled therein as an
19 established and integral part of its on-going approved program
20 and where the department deems such program to be necessary
21 because of the unavailability of an appropriate program for such
22 students, the maximum rate payable shall be increased by the
23 audited cost of the program per approved Pennsylvania resident
24 enrolled in the program.

25 (f) Where the private institution provides special education
26 programs for multihandicapped students which is adjudged
27 necessary by the Department of Education, the maximum rate
28 payable shall be increased by seventy-five percent (75%) for the
29 second severe handicap, eighty-five percent (85%) for the third
30 severe handicap and one hundred percent (100%) for more than

1 three severe handicaps.

2 Section 2. The act is amended by adding a section to read:

3 Section 1376.1. Actual Cost of Tuition and Maintenance of
4 Certain Exceptional Children in the Four Chartered Schools for
5 Education of the Deaf and the Blind.--(a) The following term,
6 whenever used or referred to in this section, shall have the
7 following meaning. "Chartered School" shall mean any of the four
8 (4) chartered schools for the education of the deaf or the
9 blind: the Pennsylvania School for the Deaf; the Overbrook
10 School for the Blind; the Western Pennsylvania School for Blind
11 Children; and the Western Pennsylvania School for the Deaf.

12 (b) When any child of school age resident in this
13 Commonwealth, who is blind or deaf, is enrolled with the
14 approval of the Department of Education as a pupil in any of
15 the four (4) chartered schools in accordance with standards and
16 regulations promulgated by the Council of Basic Education, the
17 school district in which such child is resident shall pay
18 ~~twenty five percent (25%)~~ TWENTY PERCENT (20%) of the actual <—
19 cost of tuition and maintenance of such child in such
20 institution, as determined by the Department of Education; and
21 the Commonwealth shall pay, out of funds appropriated to the
22 department for special education, ~~seventy five percent (75%)~~ <—
23 EIGHTY PERCENT (80%) of the actual cost of their tuition and <—
24 maintenance, as determined by the department. If the residence
25 of such child in a particular school district cannot be
26 determined, the Commonwealth shall pay, out of moneys
27 appropriated to the department for special education, the whole
28 cost of tuition and maintenance of such child. The Department of
29 Education shall be provided with such financial data from each
30 of the chartered schools as may be necessary to determine the

reasonableness of charges for tuition and room and board of each of the chartered schools made on Pennsylvania resident approved students. The Department of Education shall evaluate such data and shall disallow any charges deemed unreasonable. Any charge deemed unreasonable by the Department of Education for disallowance shall be considered an adjudication within the meaning of Title 2 of the Pa.C.S. (relating to administrative law and procedure) and regulations promulgated thereunder.

(c) When any person less than school age resident in this Commonwealth who is blind or deaf is enrolled, with the approval of the Department of Education, as a residential pupil in any of the four (4) chartered schools, the Commonwealth shall pay to the school, out of moneys appropriated to the department for special education, the actual cost of tuition and maintenance of such person, as determined by the Department of Education, subject to review and approval in accordance with standards and regulations promulgated by the Council of Basic Education, and in addition, in the case of any child less than school age, who is blind, the cost, as determined by the Department of Education of instructing the parent of such blind child in caring for such child.

(d) None of the chartered schools receiving payment in accordance with this section shall impose any charge on the student and/or parents who are approved reimbursable residents for a program of instruction and maintenance appropriate to the child's needs; except that charges for programs not part of the normal school year may be made.

Section 3. Section 1377 of the act, amended December 15, 1975 (P.L.484, No.144), is amended to read:

Section 1377. Payment of Cost of Tuition and Maintenance of

1 Certain Exceptional Children.--(a) To facilitate payments by the
2 several school districts to the schools or institutions in which
3 deaf or blind, or cerebral palsied and/or brain damaged and/or
4 muscular dystrophied, or socially and emotionally disturbed or
5 mentally retarded children are enrolled, of amounts due by such
6 districts for their proportion of the cost of tuition and
7 maintenance of such children, the Secretary of Education shall
8 withhold from any moneys due to such districts out of any State
9 appropriation for the assistance as reimbursement of school
10 districts, the amounts due by such districts to such schools or
11 institutions for the blind or the deaf, or the cerebral palsied
12 and/or brain damaged and/or muscular dystrophied or the socially
13 and emotionally disturbed and/or mentally retarded. Amounts so
14 withheld shall be paid to such schools or institutions by
15 warrant of the Auditor General upon the State Treasurer, after
16 requisition of the Secretary of Education, for which purpose all
17 amounts so withheld are hereby specifically appropriated to the
18 Department of Education.

19 (b) Payments of the Commonwealth's proportion of the cost of
20 tuition and maintenance of blind or deaf, or cerebral palsied
21 and/or brain damaged and/or muscular dystrophied, or socially
22 and emotionally disturbed and/or mentally retarded pupils
23 enrolled in schools or institutions for the blind or for the
24 deaf, or for the cerebral palsied and/or brain damaged and/or
25 muscular dystrophied, or for the socially and emotionally
26 disturbed and of the cost of instruction of parents of blind
27 pupils less than six (6) years of age, as hereinbefore provided,
28 shall be made quarterly, out of moneys appropriated to the
29 Department of Education for special education, by warrant of the
30 Auditor General upon the State Treasurer, after requisition by

1 the Secretary of Education. [In no event] Except for the
2 provisions of section 1376.1 providing for the actual cost of
3 tuition and maintenance of certain exceptional children in the
4 four chartered schools for education of the deaf and of the
5 blind, in no event shall the total payment for the cost of
6 tuition and maintenance of any such child exceed the rates per
7 year allowed under section 1376. The maximum amount payable for
8 the cost of tuition and maintenance of such children shall be
9 subject to review at least once every two years for the purpose
10 of recommending an adjustment thereof.

11 (c) For the purpose of enabling the Department of Education
12 to determine from time to time what amounts are due to schools
13 for the blind or for the deaf or for the cerebral palsied and/or
14 brain damaged and/or muscular dystrophied or for the socially
15 and emotionally disturbed and/or mentally retarded hereunder,
16 such schools shall forward to the department, at such times and
17 in such form as the department shall prescribe, sworn statements
18 setting forth the names, ages, and residences of all pupils
19 enrolled hereunder, specifying the school districts liable for a
20 part of the cost of tuition and maintenance of any such pupils,
21 the per capita cost of and maintenance of pupils, and such other
22 information as the department shall require.

23 For the purpose of providing adequate administration of the
24 program and to carry out the preaudit functions authorized in
25 section 1376(a), [one-quarter of one percent (.25%)] one-half of
26 one percent (.50%) of the total appropriations for approved
27 private schools from all funds shall be allocated to the
28 Department of Education.

29 Section 4. Section 1 of this act shall take effect July 1,
30 1979 and shall apply to the school year 1979-1980 and each year

1 thereafter. Sections 2 and 3 shall take effect immediately and
2 shall be retroactive to July 1, 1978, to apply to the school
3 year 1978-1979 and each year thereafter.