

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 942

Session of
1981

INTRODUCED BY BOYES, MERRY, CAPPABIANCA, BOWSER, BURD,
DOMBROWSKI, McCLATCHY, PIEVSKY, SWEET, MADIGAN, WOGAN,
SALVATORE, LEVI, COSLETT, B. SMITH, BRANDT, WILT, PETERSON,
JACKSON, RASCO, SWIFT, GRUPPO, W. W. FOSTER, E. H. SMITH,
NOYE, W. D. HUTCHINSON, FLECK, WESTON, A. C. FOSTER, JR.,
ROCKS, MOWERY, KENNEDY, MACKOWSKI, ANDERSON, DAIKELER,
SAURMAN, DeWEESE, MILLER, KLINGAMAN, HEISER, DeVERTER,
SPENCER, PITTS, E. Z. TAYLOR, GEIST, DORR, CALTAGIRONE,
BITTLE, CORNELL AND ARTY, MARCH 17, 1981

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 23, 1981

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 the payment of
6 tuition of out-of-state medically indigent children
7 hospitalized in certain exclusively charitable childrens
8 hospitals and making an appropriation.

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

11 Section 1. Section 1308, act of March 10, 1949 (P.L.30,
12 No.14), known as the "Public School Code of 1949," amended
13 December 9, 1980 (P.L.1123, No.199), is amended to read:

14 Section 1308. Liability for Tuition and Enforcement of
15 Payment.--In all cases not covered by the preceding section if a
16 charge is made by any school district for tuition for the
17 inmates of any such institution, the officers of the institution

1 shall submit to the board of school directors a sworn statement,
2 setting forth the names, ages, and school districts liable for
3 tuition of all children who are inmates thereof, and desire to
4 attend public school in the district, together with a blank
5 acknowledging or disclaiming residence, signed by the secretary
6 of the school district in which the institution declares the
7 legal residence of the child to be. If said district shall fail
8 to file said blank with said institution within fifteen (15)
9 days from the date it is sent to the district by the institution
10 by registered mail, the institution shall again notify the
11 district of its failure to comply with the provisions of this
12 act. If the district shall fail to comply within fifteen (15)
13 days following the second notice, said failures to return the
14 blank shall be construed as an acknowledgement of said child's
15 residence. The tuition of such inmates as are included in the
16 sworn statement to the board of school directors shall be
17 withheld by the Secretary of Education from any moneys due to
18 the district liable for said tuition upon receipt of a sworn
19 statement setting forth the names, ages, tuition charges, and
20 school district liable for tuition of said inmates. All money
21 thus withheld shall be paid by him to the district entitled to
22 receive the same. The district so charged with tuition may file
23 an appeal with the Secretary of Education, in which it shall be
24 the complainant and the institution the respondent. The decision
25 of the Secretary of Education, as to which of said parties is
26 responsible for tuition, shall be final.

27 If any inmates have been received from outside of
28 Pennsylvania, or if the institution cannot certify as to their
29 residence, their tuition shall be paid by the institution having
30 the care or custody of said children, except in the case of

1 medically indigent children hospitalized in exclusively
2 charitable childrens hospitals exempt under section 501(c)(3) of
3 the Internal Revenue Code which make no charges to its patients
4 nor accepts any third-party payments for services provided to
5 its patients. In such cases their tuition shall be paid by the
6 Commonwealth out of moneys appropriated by the General Assembly
7 for the purposes of this act. Enrollment of any out-of-state
8 student in a school district or intermediate unit program shall
9 be conditioned upon a guarantee, or actual advance receipt, of
10 tuition and transportation payment from the institution, from
11 the student's home state or out-of-state school district, or
12 from the out-of-state party or agency which placed the student
13 in the institution, except in the case of medically indigent
14 children hospitalized in exclusively charitable childrens
15 hospitals exempt under section 501(c)(3) of the Internal Revenue
16 Code which make no charges to its patients nor accept any third-
17 party payments for services provided to its patients where the
18 Commonwealth is paying the tuition as otherwise provided for in
19 this paragraph. If the Secretary of Education decides that the
20 legal residence of any of said inmates is in Pennsylvania, but
21 cannot be fixed in a particular district, the Commonwealth shall
22 pay the tuition of such inmate out of moneys appropriated to the
23 Department of Education by the General Assembly for the
24 maintenance and support of the public schools of the
25 Commonwealth.

26 Section 2. The sum of \$100,000, or as much thereof as is
27 necessary, is hereby appropriated to the Department of Education
28 for the purposes of this act.

29 Section 3. This act shall take effect immediately AND SHALL <—
30 BE RETROACTIVE TO JULY 1, 1981.