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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 1035** Session of  
1985

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INTRODUCED BY GALLAGHER, KOSINSKI, BELFANTI, STABACK,  
AFFLERBACH, PETRONE, E. Z. TAYLOR, ARTY, CLYMER, LINTON,  
HALUSKA, POTT, RYBAK AND DALEY, APRIL 29, 1985

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REFERRED TO COMMITTEE ON EDUCATION, APRIL 29, 1985

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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 payments on  
6 account of courses for exceptional children.

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

9 Section 1. Section 2509 of the act of March 10, 1949  
10 (P.L.30, No.14), known as the Public School Code of 1949,  
11 amended December 29, 1972 (P.L.1732, No.373), is amended to  
12 read:

13 Section 2509. Payments on Account of Courses for Exceptional  
14 Children.--Annually, before the first day of July, every school  
15 district or joint board of school directors planning to conduct  
16 classes or schools for the exceptional shall submit, for prior  
17 review and approval to establish the amount on which  
18 reimbursement will be paid by the Department of Education, an  
19 estimate of the cost of classes or schools for exceptional

1 children to be operated by the district or joint board during  
2 the ensuing school year, and for transportation of pupils to and  
3 from classes and schools for exceptional children conducted by  
4 the district or joint board of school directors. Every school  
5 district, regardless of classification, shall be paid by the  
6 Commonwealth for the school term 1953-1954, the sum of twenty  
7 dollars (\$20) per pupil in average daily membership in a course  
8 or courses for mentally handicapped children, and the sum of  
9 thirty dollars (\$30) per pupil in average daily membership in a  
10 course or courses for physically handicapped children, approved  
11 by the Secretary of Education. Beginning with the school term of  
12 1954-1955 and for every school term thereafter, every school  
13 district, regardless of classification, shall be paid by the  
14 Commonwealth an amount to be determined by multiplying the  
15 average daily membership in a course or courses for exceptional  
16 children, (1) at the elementary level, by an amount determined  
17 by subtracting the "instruction cost per elementary pupil," as  
18 defined in section 2561 of this act, from the "instruction cost  
19 per special class pupil," as hereinafter defined, for the  
20 preceding school term, or from the instruction cost per special  
21 class elementary pupil as approved for reimbursement by the  
22 Department of Education in the budget for classes or schools for  
23 exceptional children for the school year in which the class is  
24 operated, whichever is the lesser, (2) at the secondary level,  
25 by an amount determined by subtracting the "instruction cost per  
26 high school pupil," as defined in section 2561 of this act, from  
27 the "instruction cost per special class pupil," as hereinafter  
28 defined, for the preceding school term, or from the instruction  
29 cost per special classes secondary pupil as approved for  
30 reimbursement by the Department of Education in the budget for

1 classes or school for exceptional children for the school year  
2 in which the class is operated, whichever is the lesser.

3 To find the "instruction cost per special class pupil," add  
4 (1) salaries of directors and supervisors of special education,  
5 public school psychologists, principals of special schools and  
6 assistants, teachers of approved special classes for exceptional  
7 children, clerks and assistants employed in the district's  
8 program for special education, (2) the district's contribution  
9 to the retirement fund on behalf of directors and supervisors of  
10 special education, public school psychologists, principals of  
11 special schools and assistants, teachers of approved special  
12 classes for exceptional children, clerks and assistants employed  
13 in the district's program for special education, (3) the cost of  
14 textbooks and supplies of the second class used in the  
15 district's special education classes or schools, (4) the cost of  
16 telephonic system equipment which enables handicapped children  
17 to remain in their homes and still participate in classroom  
18 activities. Divide the sum of (1), (2), (3), and (4) on that  
19 part thereof which is approved by the Department of Education  
20 for reimbursement by the total number of pupils, including those  
21 pupils who have available for use telephonic system equipment  
22 whereby they may remain at home and still participate in  
23 classroom activities, in average daily membership in the  
24 district's approved special classes for exceptional children.  
25 The quotient so obtained shall be the "instruction cost per  
26 special class pupil."

27 The average daily membership of speech correction classes  
28 shall be calculated by multiplying (1) the average number of  
29 pupils in speech correction classes per week by (2) the number  
30 of periods per week that speech correction is provided for the

1 individual pupil by (3) the number of minutes per period in  
2 speech correction class. Divide the product of (1), (2) and (3)  
3 by the total number of minutes spent in all classes weekly by  
4 the average pupil. The quotient thus obtained will be the  
5 "average daily membership for pupils in speech correction  
6 classes."

7 For the school term of 1972-1973 and for the school term of  
8 each school year thereafter, such payments shall consist of an  
9 amount payable in two equal installments during the year of  
10 operation, with adjustments to be made during the next  
11 succeeding school year. The amount to be paid in equal  
12 installments on or about the first day of August and on or about  
13 the first day of January of the operating year shall be the sum  
14 of the products determined by multiplying the anticipated  
15 equivalent full-time average daily membership in courses for  
16 exceptional children as reported on the approved budget for the  
17 operating year (1) at the elementary level times an amount  
18 determined by subtracting the estimated instruction cost per  
19 elementary pupil, as defined in section 2561 of this act, for  
20 the preceding school term from the budgeted instruction cost per  
21 special class elementary pupil as approved by the Department of  
22 Education for the operating year and (2) at the secondary level  
23 times an amount determined by subtracting the estimated  
24 instruction cost per high school pupil, as defined in section  
25 2561 of this act, for the preceding school term from the  
26 budgeted instruction cost per special class secondary pupil as  
27 approved by the Department of Education for the operating year.

28 For the adjustment made during the school year immediately  
29 succeeding the 1984-1985 operating year and each year  
30 thereafter, the above adjustment formula shall not include in

1 the equivalent full-time average daily membership any children  
2 who are provided services from funds which have been directly  
3 transferred from the district to the intermediate unit. Such  
4 fund transfer shall be noted in the district's annual operating  
5 budget and in the intermediate unit's estimate of the costs for  
6 operation of the classes or schools for exceptional children. It  
7 shall be the responsibility of the district and intermediate  
8 unit to provide for the appropriate accounting procedures and  
9 documentation necessary to substantiate that these children were  
10 served from funds transferred from the district.

11       The adjustment to be made during the school year immediately  
12 succeeding the operating year shall be determined by subtracting  
13 the payments made during the preceding year from the actual  
14 amount of reimbursement which would have been payable for said  
15 year if calculated as during the year 1954-1955 through 1971-  
16 1972. When determined, the adjusted amount, if positive, shall  
17 be paid promptly to the district and, if negative, shall be  
18 withheld from any moneys due to such district out of any State  
19 appropriation.

20       Section 2. This act shall take effect immediately.