

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1254

Session of
1975

INTRODUCED BY MESSRS. GALLAGHER, IRVIS, FINEMAN, MRS. KELLY,
MRS. CRAWFORD, MESSRS. GREENFIELD, MORRIS, BERLIN, BERSON,
LINCOLN, DiCARLO, MILANOVICH, SHUPNIK, PANCOAST, SCHWEDER,
McLANE, PRATT, RICHARDSON, REED, COHEN AND PARKER, MAY 7,
1975

AS REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JULY 15, 1975

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, and making appropriations.

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 November 15, 1972 (P.L.1229, No.273), 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%) of the cost of tuition and
11 maintenance of such child in such school or institution, as
12 determined by the Department of Education; and the Commonwealth
13 shall pay, out of funds appropriated to the department for
14 special education, seventy-five per centum (75%) of the cost of
15 their tuition and maintenance, as determined by the Department.
16 If the residence of such child in a particular school district
17 cannot be determined, the Commonwealth shall pay, out of moneys
18 appropriated to the department for special education, the whole
19 cost of tuition and maintenance of such child. [In no event
20 shall the total cost of tuition and maintenance for residential
21 students exceed five thousand five hundred dollars (\$5,500) per
22 year for tuition of deaf or blind day students, four thousand
23 one hundred twenty-five dollars (\$4,125) per year and for
24 tuition of cerebral palsied and/or brain damaged and/or muscular
25 dystrophied day students three thousand five hundred dollars
26 (\$3,500) per year.] In no event shall the total cost of tuition
27 and maintenance for blind, deaf, cerebral palsied and/or brain
28 damaged and/or muscular dystrophied and/or socially and <—
29 emotionally disturbed and/or mentally retarded residential
30 students exceed eight thousand five hundred dollars (\$8,500) per

1 year, for tuition of blind, deaf, cerebral palsied and/or
2 muscular dystrophied day students exceed five thousand four <—
3 hundred dollars (\$5,400) FIVE THOUSAND ONE HUNDRED DOLLARS <—
4 (\$5,100) per year, and for tuition of brain damaged and/or
5 socially and emotionally disturbed and/or mentally retarded day
6 students exceed four thousand five hundred dollars (\$4,500) FOUR <—
7 THOUSAND ONE HUNDRED DOLLARS (\$4,100) per year. When there is an <—
8 increase during the school year 1975 1976 and any school year
9 thereafter, in the Consumers' Price Index (United States City
10 Average — All items, published by the United States Bureau of
11 Labor Statistics, available on June 30, 1975) the maximum
12 amounts payable for cost of tuition and maintenance of
13 exceptional children in approved institutions shall be increased
14 proportionately to compensate therefor, but not to exceed ten
15 per centum (10%) in any school year, commencing in the school
16 year 1976 1977. Such adjustments shall be made on June 30, 1976
17 and each year thereafter for the following school year. The
18 Department of Education shall be provided with such financial
19 data from private schools as may be necessary to determine the
20 reasonableness of charges for tuition and room and board of the
21 institution made on Pennsylvania resident approved reimbursed
22 students. The Department of Education shall evaluate such data
23 and shall disallow any charge deemed unreasonable. Any charges
24 deemed unreasonable by the Department of Education for
25 disallowance shall be considered an adjudication within the
26 meaning of the act of June 4, 1945 (P.L.1388, No.442), known as
27 the "Administrative Agency Law," and regulations promulgated
28 thereunder.

29 (b) When any person less than six (6) or more than twenty-
30 one (21) years of age resident in this Commonwealth, who is

1 blind or deaf, or afflicted with cerebral palsy and/or brain
2 damage and/or muscular dystrophy, is enrolled, with the approval
3 of the Department of Education, as a pupil in any of the schools
4 or institutions for the blind or deaf, or cerebral palsied
5 and/or brain damaged and/or muscular dystrophied, under the
6 supervision of or approved by the Department of Education, the
7 Commonwealth shall pay to such school or institution, out of
8 moneys appropriated to the department for special education, the
9 cost of tuition and maintenance of such person, as determined by
10 the Department of Education, subject to review and approval in
11 accordance with standards and regulations promulgated by the
12 Council of Basic Education, and in addition, in the case of any
13 child less than six (6) years of age, who is blind, the cost, as
14 determined by the Department of Education of instructing the
15 parent of such blind child in caring for such child. In no event
16 shall the total cost of tuition and maintenance for residential
17 students exceed [five thousand five hundred dollars (\$5,500)]
18 eight thousand five hundred dollars (\$8,500) per year for
19 tuition of deaf or blind and/or cerebral palsied and/or muscular
20 dystrophied day students, [four thousand one hundred twenty-five
21 dollars (\$4,125)] exceed five thousand four hundred dollars <—
22 (\$5,400) FIVE THOUSAND ONE HUNDRED DOLLARS (\$5,100) per year and <—
23 for tuition of [cerebral palsied and/or] brain damaged [and/or
24 muscular dystrophied] day students [three thousand five hundred
25 dollars (\$3,500)] four thousand five hundred dollars (\$4,500) <—
26 FOUR THOUSAND ONE HUNDRED DOLLARS (\$4,100) per year. <—

27 (c) When any child between the ages of six (6) and twenty-
28 one (21) years of age, resident in this Commonwealth, who is
29 socially and emotionally disturbed, is enrolled with the
30 approval of the Department of Education, as a pupil in any

1 approved day school under supervision of or approved by the
2 Department of Education, the school district in which such child
3 is resident shall pay twenty-five percent (25%) of the cost of
4 tuition of such child in such school as determined by the
5 Department of Education, and the Commonwealth shall pay out of
6 funds appropriated to the Department for Special Education
7 seventy-five percent (75%) of the cost of tuition of such child
8 as determined by the department: Provided, however, That in no
9 event shall the cost of tuition of such child exceed [three <—
10 thousand three hundred dollars (\$3,300)] FOUR THOUSAND ONE <—
11 HUNDRED DOLLARS (\$4,100) per school year.

12 (d) No private institution receiving payment in accordance
13 with this section shall impose any charge on the student and/or
14 parents who are Pennsylvania approved reimbursable residents for
15 tuition and maintenance; A PROGRAM OF INSTRUCTION AND <—
16 MAINTENANCE APPROPRIATE TO THE CHILD'S NEEDS; except that
17 tuition and maintenance charges for programs not part of the <—
18 normal school year may be made.

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

27 (f) Where the private institution provides special education
28 programs for multihandicapped students which is adjudged
29 necessary by the Department of Education, the maximum rate
30 payable shall be increased by seventy-five percent (75%) for the

1 second severe handicap, eighty-five percent (85%) for the third
2 severe handicap and one hundred percent (100%) for more than
3 three severe handicaps.

4 Section 2. Section 1377 of the act, amended December 6, 1965
5 (P.L.1029, No.383), subsection (b) amended November 15, 1972
6 (P.L.1229, No.273), is amended to read:

7 Section 1377. Payment of Cost of Tuition and Maintenance of
8 Certain Exceptional Children.--(a) To facilitate payments by the
9 several school districts to the schools or institutions in which
10 deaf or blind, or cerebral palsied and/or brain damaged and/or
11 muscular dystrophied, or socially [or] and emotionally disturbed
12 or mentally retarded children are enrolled, of amounts due by
13 such districts for their proportion of the cost of tuition and
14 maintenance of such children, the [Superintendent of Public
15 Instruction] Secretary of Education shall withhold from any
16 moneys due to such districts out of any State appropriation for
17 the assistance as reimbursement of school districts, the amounts
18 due by such districts to such schools or institutions for the
19 blind or the deaf, or the cerebral palsied and/or brain damaged
20 and/or muscular dystrophied or the socially [or] and emotionally
21 disturbed and/or mentally retarded. Amounts so withheld shall be
22 paid to such schools or institutions by warrant of the Auditor
23 General upon the State Treasurer, after requisition of the
24 [Superintendent of Public Instruction] Secretary of Education,
25 for which purpose all amounts so withheld are hereby
26 specifically appropriated to the Department of [Public
27 Instruction] Education.

28 (b) Payments of the Commonwealth's proportion of the cost of
29 tuition and maintenance of blind or deaf, or cerebral palsied
30 and/or brain damaged and/or muscular dystrophied, or socially

1 and emotionally disturbed and/or mentally retarded pupils
2 enrolled in schools or institutions for the blind or for the
3 deaf, or for the cerebral palsied and/or brain damaged and/or
4 muscular dystrophied, or for the socially and emotionally
5 disturbed and of the cost of instruction of parents of blind
6 pupils less than six (6) years of age, as hereinbefore provided,
7 shall be made quarterly, out of moneys appropriated to the
8 Department of Education for special education, by warrant of the
9 Auditor General upon the State Treasurer, after requisition by
10 the Secretary of Education. In no event shall the total payment
11 for the cost of tuition and maintenance of any such child exceed
12 [five thousand five hundred dollars (\$5,500)] the rates per year
13 allowed under section 1376. The maximum amount payable for the
14 cost of tuition and maintenance of such children shall be
15 subject to review at least once every two years for the purpose
16 of recommending an adjustment thereof.

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

30 FOR THE PURPOSE OF PROVIDING ADEQUATE ADMINISTRATION OF THE

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1 PROGRAM AND TO CARRY OUT THE PREAUDIT FUNCTIONS AUTHORIZED IN
2 SECTION 1376(A), ONE-QUARTER OF ONE PERCENT (.25%) OF THE TOTAL
3 APPROPRIATIONS FOR APPROVED PRIVATE SCHOOLS FROM ALL FUNDS SHALL
4 BE ALLOCATED TO THE DEPARTMENT OF EDUCATION.

5 Section 3. This act shall take effect ~~July 1, 1975,~~ <—
6 IMMEDIATELY, and shall apply to the school year 1975-1976 and <—
7 each year thereafter.