

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1021 Session of  
1975

INTRODUCED BY GALLAGHER, IRVIS, FINEMAN, A. P. KELLY, CRAWFORD,  
GREENFIELD, MORRIS, BERLIN, BERSON, LINCOLN, DiCARLO,  
MILANOVICH, SHUPNIK, PRATT, PANCOAST, GREEN, SCHWEDER,  
McLANE, RICHARDSON AND PARKER, APRIL 15, 1975

REFERRED TO COMMITTEE ON EDUCATION, APRIL 16, 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  
19 emotionally disturbed, is enrolled, with the approval of the

1 Department of Education, as a pupil in any of the schools or  
2 institutions for the blind or deaf, or cerebral palsied and/or  
3 brain damaged and/or muscular dystrophied, and/or mentally  
4 retarded, and/or socially and emotionally disturbed, under the  
5 supervision of, subject to the review of or approved by the  
6 Department of Education, in accordance with standards and  
7 regulations promulgated by the Council of Basic Education, the  
8 school district in which such child is resident shall pay  
9 twenty-five per centum (25%) of the cost of tuition and  
10 maintenance of such child in such school or institution, as  
11 determined by the Department of Education; and the Commonwealth  
12 shall pay, out of funds appropriated to the department for  
13 special education, seventy-five per centum (75%) of the cost of  
14 their tuition and maintenance, as determined by the Department.  
15 If the residence of such child in a particular school district  
16 cannot be determined, the Commonwealth shall pay, out of moneys  
17 appropriated to the department for special education, the whole  
18 cost of tuition and maintenance of such child. In no event shall  
19 the total cost of tuition and maintenance for [residential  
20 students exceed five thousand five hundred dollars (\$5,500) per  
21 year for tuition of deaf or blind day students, four thousand  
22 one hundred twenty-five dollars (\$4,125) per year and for  
23 tuition of cerebral palsied and/or brain damaged and/or muscular  
24 dystrophied day students three thousand five hundred dollars  
25 (\$3,500) per year.] blind, deaf, cerebral palsied and/or brain  
26 damaged and/or muscular dystrophied and/or socially and  
27 emotionally disturbed and/or mentally retarded residential  
28 students exceed eight thousand five hundred dollars (\$8,500) per  
29 year, for tuition of blind, deaf, cerebral palsied and/or  
30 muscular dystrophied day students exceed six thousand three

1 hundred seventy-five dollars (\$6,375) per year, and for tuition  
2 of brain damaged and/or socially and emotionally disturbed  
3 and/or mentally retarded day students exceed five thousand  
4 dollars (\$5,000) per year. However, when there is an increase  
5 during the school year 1975-1976 and any school year thereafter,  
6 in the Consumers' Price Index (United States City Average - All  
7 Items, published by the United States Bureau of Labor  
8 Statistics, available on June 30, 1975) the reimbursements for  
9 cost of tuition and/or maintenance of exceptional children in  
10 approved institutions shall be increased proportionately to  
11 compensate therefor, but not to exceed ten per centum (10%) in  
12 any school year, commencing in the school year 1976-1977.

13 (b) When any person less than six (6) or more than twenty-  
14 one (21) years of age resident in this Commonwealth, who is  
15 blind or deaf, or afflicted with cerebral palsy and/or brain  
16 damage and/or muscular dystrophy, is enrolled, with the approval  
17 of the Department of Education, as a pupil in any of the schools  
18 or institutions for the blind or deaf, or cerebral palsied  
19 and/or brain damaged and/or muscular dystrophied, under the  
20 supervision of or approved by the Department of Education, the  
21 Commonwealth shall pay to such school or institution, out of  
22 moneys appropriated to the department for special education, the  
23 cost of tuition and maintenance of such person, as determined by  
24 the Department of Education, subject to review and approval in  
25 accordance with standards and regulations promulgated by the  
26 Council of Basic Education, and in addition, in the case of any  
27 child less than six (6) years of age, who is blind, the cost, as  
28 determined by the Department of Education of instructing the  
29 parent of such blind child in caring for such child. In no event  
30 shall the total cost of tuition and maintenance for residential

1 students exceed [five thousand five hundred dollars (\$5,500)]  
2 eight thousand five hundred dollars (\$8,500) per year for  
3 tuition of deaf or blind and/or cerebral palsied and/or muscular  
4 dystrophied day students [four thousand one hundred twenty-five  
5 dollars (\$4,125)] exceed six thousand three hundred seventy-five  
6 dollars (\$6,375) per year, and for tuition of [cerebral palsied  
7 and/or] brain damaged [and/or muscular dystrophied] day students  
8 [three thousand five hundred dollars (\$3,500)] four thousand  
9 five hundred dollars (\$4,500) per year.

10 [(c) When any child between the ages of six (6) and twenty-  
11 one (21) years of age, resident in this Commonwealth, who is  
12 socially and emotionally disturbed, is enrolled with the  
13 approval of the Department of Education, as a pupil in any  
14 approved day school under supervision of or approved by the  
15 Department of Education, the school district in which such child  
16 is resident shall pay twenty-five percent (25%) of the cost of  
17 tuition of such child in such school as determined by the  
18 Department of Education, and the Commonwealth shall pay out of  
19 funds appropriated to the Department for Special Education  
20 seventy-five percent (75%) of the cost of tuition of such child  
21 as determined by the department: Provided, however, That in no  
22 event shall the cost of tuition of such child exceed three  
23 thousand three hundred dollars (\$3,300) per school year.]

24 Section 2. Section 1377 of the act, amended December 6, 1965  
25 (P.L.1029, No.383), and subsection (b) amended November 15, 1972  
26 (P.L.1279, No.273), is amended to read:

27 Section 1377. Payment of Cost of Tuition and Maintenance of  
28 Certain Exceptional Children.--(a) To facilitate payments by the  
29 several school districts to the schools or institutions in which  
30 deaf or blind, or cerebral palsied and/or brain damaged and/or

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

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

1 Education. In no event shall the total payment for the cost of  
2 tuition and maintenance of any such child exceed [five thousand  
3 five hundred dollars (\$5,500)] eight thousand five hundred  
4 dollars (\$8,500) per year. The maximum amount payable for the  
5 cost of tuition and maintenance of such children shall be  
6 subject to review at least once every two years for the purpose  
7 of recommending an adjustment thereof.

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

21 Section 3. In addition to any other subsidies or  
22 reimbursements otherwise provided by law, the following sums are  
23 hereby specifically appropriated for the 1975-1976 school year  
24 to the following State-chartered schools, to cover excess costs  
25 of tuition and maintenance of blind and deaf residential and day  
26 students: to the Western Pennsylvania School for Blind Children,  
27 the sum of \$650,000; and to the Pennsylvania School for the  
28 Deaf, the sum of \$905,000.

29 Section 4. This act shall take effect immediately.