

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 129 Session of
1993

INTRODUCED BY COWELL, EVANS, ITKIN, BATTISTO, STAIRS, MUNDY,
ROEBUCK, COLAFELLA, TIGUE, REBER, DALEY, LESCOVITZ,
VAN HORNE, PESCI, HALUSKA, GORDNER, VEON, STABACK, CARONE,
KREBS, RUDY, BEBKO-JONES, M. COHEN, BELARDI, TANGRETTI,
MERRY, GRUITZA, HANNA, FEE, GEORGE, COLAIZZO, CAPPABIANCA,
CESSAR, ROBINSON, L. I. COHEN, RAYMOND, ROHRER, STRITTMATTER,
ZUG, TRUE, SCHULER, ARMSTRONG, MELIO, RITTER, DeLUCA, McCALL,
PRESTON, JAROLIN, KASUNIC, STEELMAN, SANTONI, CURRY, CIVERA,
GANNON, SCRIMENTI, D. W. SNYDER, ROBERTS, LAUGHLIN,
GIGLIOTTI, PISTELLA, MICHLOVIC, PETRONE, RICHARDSON, LAUB,
FICHTER, DERMODY, MAYERNIK, LEVDANSKY, KAISER, HESS AND
STEIGHNER, JANUARY 27, 1993

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
FEBRUARY 10, 1993

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," requiring a report of certain racial~~
6 ~~and ethnic groupings; further providing for school tax levies~~
7 ~~in certain districts of the third class; providing for~~
8 ~~instructional support, for payments to intermediate units and~~
9 ~~for special education payments to school districts; and~~
10 ~~creating a fund for payments to approved private schools.~~
11 AMENDING THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), ENTITLED "AN <—
12 ACT RELATING TO THE PUBLIC SCHOOL SYSTEM, INCLUDING CERTAIN
13 PROVISIONS APPLICABLE AS WELL TO PRIVATE AND PAROCHIAL
14 SCHOOLS; AMENDING, REVISING, CONSOLIDATING AND CHANGING THE
15 LAWS RELATING THERETO," PROVIDING FOR PUPIL SCHOOL ASSIGNMENT
16 AND TRANSPORTATION AND FOR CURRICULUM REQUIREMENTS; AND
17 FURTHER PROVIDING FOR TAX LEVIES IN CERTAIN DISTRICTS, FOR
18 PAYMENTS TO INTERMEDIATE UNITS AND FOR SPECIAL EDUCATION
19 PAYMENTS.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

Section 1. ~~The act of March 10, 1949 (P.L.30, No.14), known~~
~~as the Public School Code of 1949, is amended by adding a~~
~~section to read:~~

~~Section 112. Report of Racial and Ethnic Groupings. (a)~~
~~The Secretary of Education shall conduct a thorough review of~~
~~the 1991-1992 PennData report "Statistical Summary for 1991-~~
~~1992" and identify those school districts that have special~~
~~education enrollments whose gender and ethnic representation~~
~~exceeds by five (5) per centum the gender and ethnic makeup of~~
~~the student population for the 1992-1993 school year.~~

~~(b) The Secretary of Education shall report to the Education~~
~~Committee of the Senate and the Education Committee of the House~~
~~of Representatives by October 1993 the findings of the review by~~
~~the Secretary of Education, an outline of what further~~
~~investigative steps should be taken, recommendations for~~
~~appropriate corrective actions to be taken by the Department of~~
~~Education, and any technical assistance services to be provided~~
~~by the Department of Education to school districts.~~

Section 2. ~~Section 672 of the act is amended by adding a~~
~~subsection to read:~~

~~Section 672. Tax Levy; Limitations. * * *~~

~~(c) The board of school directors of any school district of~~
~~the third class with a coterminous boundary with a third class~~
~~city, may, in any year, levy separate and different rates of~~
~~taxation for school purposes on all real estate classified as~~
~~land, exclusive of the buildings thereon, and on all real estate~~
~~classified as buildings on land. When real estate taxes are so~~
~~levied, the following shall apply:~~

~~(1) The rates shall be determined annually by a vote of the~~
~~board of school directors of a school district of the third~~

~~class based upon passage of the school district's annual budget.~~

~~(2) The rates may be levied by a school district of the third class: Provided, That (i) the revenue obtained in the first year of the levy is not in excess of fifteen (15) per centum of the aggregate revenue which the school district collected from a levy on real estate in the prior year, and (ii) in the second and subsequent years, the school district levy on real estate shall not be in excess of the aggregate revenue which a school district is empowered to collect under existing statute.~~

~~(3) The rates levied by a school district of the third class shall be uniform as to all real estate within such classification.~~

~~Section 3. Section 1376 of the act is amended by adding a subsection to read:~~

~~Section 1376. Cost of Tuition and Maintenance of Certain Exceptional Children in Approved Institutions. * * *~~

~~(c.1) Any funds remaining from the appropriation line items "for special education approved private schools" from the general appropriations acts for fiscal years 1978 1979 through 1992 1993 inclusive shall be transferred by the State Treasurer into a restricted account (continuing appropriation) for audit resolution which is hereby established. The department shall also deposit into this restricted account any funds returned to or recovered by the department from approved private schools for overpayments during fiscal years 1978 1979 through 1992 1993 inclusive. The funds in the restricted account are hereby appropriated upon approval of the Governor to the Department of Education for payments to approved private schools for audit resolutions for fiscal years 1978 1979 through 1991 1992~~

~~inclusive. Funds in this restricted account shall not be subject to the limitations in subsection (c) which prohibit advance payments and final reimbursement from exceeding the appropriation available for approved private schools. Any uncommitted funds remaining in this restricted account on June 30, 1995, shall lapse into the General Fund.~~

~~Section 4. The act is amended by adding a section to read:~~

~~Section 1548. Instructional Support. The instructional support program currently found at 22 Pa. Code § 14.24 (relating to instructional support) or any successor regulation shall not apply to students who are thought to be gifted, to students beyond the eighth grade who are thought to be eligible, to students attending non public schools who are thought to be exceptional or to young children not yet of kindergarten age or not enrolled in a public school program.~~

~~Section 5. Section 2509.1(d) and (g) of the act, amended or added August 5, 1991 (P.L.219, No.25) and July 9, 1992 (P.L.392, No.85), are amended and the section is amended by adding subsections to read:~~

~~Section 2509.1. Payments to Intermediate Units. * * *~~

~~(b.2) For the 1992 1993 school year, the Commonwealth shall pay intermediate units, on account of their costs of operating and administering classes or schools for institutionalized children, an amount to be determined by the Department of Education following review of annual reports of the costs of such classes or schools for the immediately preceding year.~~

~~(b.3) To qualify for such payments, each intermediate unit that operates and administers classes or schools for institutionalized children annually shall submit to the Department of Education, on or before the first day of July, a~~

~~report of the cost of operating and administering such classes or schools. Notwithstanding the foregoing, intermediate units may submit their annual reports for the 1991-1992 school year until April 30, 1993.~~

~~(b.4) The Department of Education shall determine, from its review of the annual reports, an approved amount for payment to each intermediate unit. The Commonwealth shall pay each intermediate unit the approved amount.~~

~~* * *~~

~~(d) For the 1991-1992 school year, each intermediate unit which is coterminous to a school district of the first class or first class A shall be paid fifty percent (50%) of the amount received by the intermediate unit for the cost of operating and administering classes or schools for exceptional children, as approved by the Department of Education for the 1990-1991 school year. For the 1991-1992 school year, each intermediate unit not coterminous with a school district which operates all the special education programs for handicapped children for its constituent school districts shall be paid ten percent (10%) of the amount received by the intermediate unit for the cost of operating and administering classes or schools for handicapped children, as approved by the Department of Education for the 1990-1991 school year. For the 1992-1993 school year, each intermediate unit which is coterminous to a school district of the first class or first class A shall be paid twenty five percent (25%) of the amount received by the intermediate unit for the cost of operating and administering classes or schools for exceptional children, as approved by the Department of Education for the 1990-1991 school year. The actual percentage of this payment shall be adjusted to ensure that each~~

~~intermediate unit which is coterminous to a school district of the first class or first class A does not have fewer special education resources, including tuition expenditure obligations, in the aggregate than it had available in the preceding school year.~~

~~* * *~~

~~(g) (1) For the 1991-1992 school year [and each school year thereafter], for each child enrolled in an intermediate unit class for institutionalized children, the school district in which the child is resident shall pay to the Commonwealth a sum equal to the "tuition charge per elementary pupil" or the "tuition charge per high school pupil," as determined for the schools operated by the district or by a joint board of which the district is a member, for the same year in which the class or school is operated, as provided for in section 2561. In the event that any school district has not established such "tuition charge per elementary pupil" or "tuition charge per high school pupil," the Secretary of Education shall fix a reasonable charge for such district for the year in question.~~

~~(2) In addition, the district shall pay on account of transportation by the intermediate unit of pupils to and from classes and schools for exceptional children, whether or not conducted by the intermediate unit, an amount to be determined by subtracting from the cost of transportation per pupil the reimbursement due the district on account of such transportation.~~

~~(3) In order to facilitate such payments by the several school districts, the Secretary of Education shall withhold from any moneys due to such districts out of a State appropriation, except from reimbursements due on account of rentals as provided~~

1 ~~for in section 2511.1, the amounts due by such school districts~~
2 ~~to the Commonwealth. All amounts so withheld are hereby~~
3 ~~specifically appropriated to the Department of Education for the~~
4 ~~support of public schools.~~

5 ~~Section 6. Section 2509.5 of the act is amended by adding~~
6 ~~subsections to read:~~

7 ~~Section 2509.5. Special Education Payments to School~~
8 ~~Districts. * * *~~

9 ~~(d) During the 1992 1993 school year, each school district~~
10 ~~shall be paid:~~

11 ~~(1) An amount to be determined by multiplying nine hundred~~
12 ~~eighty four dollars (\$984) by fifteen per centum (15%) of its~~
13 ~~average daily membership; and~~

14 ~~(2) An amount to be determined by multiplying eleven~~
15 ~~thousand three hundred seventy five dollars (\$11,375) by one per~~
16 ~~centum (1%) of its average daily membership.~~

17 ~~(e) The Secretary of Education shall develop a definition of~~
18 ~~severely classified exceptional students by March 1, 1993. This~~
19 ~~definition may include the primary exceptionality, level of~~
20 ~~intervention, type of support and related services requirements~~
21 ~~elements currently collected through the PennData system. This~~
22 ~~definition shall be submitted to the Education Committee of the~~
23 ~~Senate and the Education Committee of the House of~~
24 ~~Representatives for review and comment no later than March 1,~~
25 ~~1993. No sooner than fifteen (15) days and no later than thirty~~
26 ~~(30) days after submission of the proposed definition to the~~
27 ~~Education Committee of the Senate and the Education Committee of~~
28 ~~the House of Representatives, the Secretary of Education shall~~
29 ~~approve a definition of severely classified exceptional~~
30 ~~students.~~

1 ~~(f) the Secretary of Education shall develop a system to~~
2 ~~collect for each school district an average daily membership~~
3 ~~count of those exceptional students classified as severe.~~
4 ~~Students who are institutionalized, in approved private school~~
5 ~~placements, in detention home or mentally gifted programs, and~~
6 ~~in developmentally delayed programs operated under the act of~~
7 ~~December 19, 1990 (P.L.1372, No.212), known as the "Early~~
8 ~~Intervention Services System Act," shall be listed separately~~
9 ~~from those receiving services in school district or intermediate~~
10 ~~unit operated programs. The secretary shall use the approved~~
11 ~~definition of severely classified exceptional students in the~~
12 ~~development of the PennData report "Representation of Students~~
13 ~~with Severe Disabilities in Special Education." The secretary~~
14 ~~will provide the 1992 1993 PennData report "Representation of~~
15 ~~Students with Severe Disabilities in Special Education"~~
16 ~~detailing the full time equivalent membership by category of~~
17 ~~exceptionality for each school district for the 1992 1993~~
18 ~~academic year to the Education Committee of the Senate and the~~
19 ~~Education Committee of the House of Representatives by May 1,~~
20 ~~1993, and shall annually thereafter provide the PennData report~~
21 ~~"Representation of Students with Severe Disabilities in Special~~
22 ~~Education" detailing the full time equivalent membership by~~
23 ~~category of exceptionality for each school district for the~~
24 ~~current academic year to the Education Committee of the Senate~~
25 ~~and the Education Committee of the House of Representatives by~~
26 ~~April 1 of each year.~~

27 ~~Section 7. Sections 2509.8 and 2509.9 of the act, amended or~~
28 ~~added July 9, 1992 (P.L.392, No.85), are amended to read:~~

29 ~~Section 2509.8. Extraordinary Special Education Program~~
30 ~~Expenses. (a) The Department of Education shall, for the 1991-~~

~~1992 school year [and each school year thereafter], set aside one percent (1%) of the State special education appropriation for extraordinary expenses to be incurred in providing a special education program or service to an exceptional student as approved by the Secretary of Education.~~

~~(b) The Department of Education shall, for the 1992 1993 school year, set aside two percent (2%) of the State special education appropriation for extraordinary expenses incurred in providing special education programs or services to one or more exceptional students as approved by the Secretary of Education.~~

~~(c) The Secretary of Education shall establish guidelines for the application, approval, distribution and expenditure of these funds and shall report annually to the General Assembly on such expenditures.~~

~~Section 2509.9. Special Education Payments to Intermediate Units and School Districts for 1992 1993. Notwithstanding any provision of this act to the contrary, special education payments during the [1992 1993 school year] period from July 1, 1992, through December 31, 1992, shall be made in the following manner:~~

~~(1) Payments to intermediate units shall be equal to amounts payable under section 2509.1(d) and shall be made in accordance with the schedule under section 2509.1(c) during the 1992 1993 school year.~~

~~(2) Payments to school districts shall be equal to those paid to school districts on account of special education services and paid during the 1991 1992 school year in accordance with the schedule under section 2509.5(c), excluding those payments made under section 2509(f).~~

~~[(3) Payments to intermediate units and school districts~~

1 ~~shall be made only through December 31, 1992.~~

2 ~~Under no circumstances shall any intermediate unit receive less~~
3 ~~than it received under section 2509.1(d) during the 1991-1992~~
4 ~~school year, nor for the 1992-1993 school year shall any school~~
5 ~~district receive less than it received during the 1991-1992~~
6 ~~school year, excluding payments to school districts under~~
7 ~~section 2509(f) by the end of the 1992-1993 school year.]~~

8 ~~Section 8. The act is amended by adding a section to read:~~

9 ~~Section 2509.10. Special Education Payment Adjustments for~~
10 ~~1992-1993 School Year. Payments to each school district~~
11 ~~pursuant to section 2509.9 shall be applied to the amounts~~
12 ~~payable to such school district pursuant to section 2509.5(d)~~
13 ~~and to the intermediate unit pursuant to section 2509.1(c) and~~
14 ~~(d). Payments pursuant to section 2509.9 to each intermediate~~
15 ~~unit which is not coterminous with a school district shall be~~
16 ~~applied to the amounts payable to such intermediate unit~~
17 ~~pursuant to section 2509.1(c). Each intermediate unit which is~~
18 ~~not coterminous with a school district shall return to the~~
19 ~~Department of Education any funds received pursuant to section~~
20 ~~2509.9 that exceed the amounts payable to such intermediate unit~~
21 ~~pursuant to section 2509.1(c).~~

22 ~~Section 9. The amendment or addition of sections 2509.1(d)~~
23 ~~and (g), 2509.5(d), 2509.8 and 2509.9 of the act shall be~~
24 ~~retroactive to July 1, 1992.~~

25 ~~Section 10. This act shall take effect immediately.~~

26 ~~SECTION 1. SECTION 672 OF THE ACT OF MARCH 10, 1949 (P.L.30, <—~~
27 ~~NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, IS AMENDED BY~~
28 ~~ADDING A SUBSECTION TO READ:~~

29 ~~SECTION 672. TAX LEVY; LIMITATIONS.--* * *~~

30 ~~(E) THE BOARD OF SCHOOL DIRECTORS OF ANY SCHOOL DISTRICT OF~~

1 THE THIRD CLASS WITH A COTERMINOUS BOUNDARY WITH A THIRD CLASS
2 CITY, MAY, IN ANY YEAR, LEVY SEPARATE AND DIFFERENT RATES OF
3 TAXATION FOR SCHOOL PURPOSES ON ALL REAL ESTATE CLASSIFIED AS
4 LAND, EXCLUSIVE OF THE BUILDINGS THEREON, AND ON ALL REAL ESTATE
5 CLASSIFIED AS BUILDINGS ON LAND. WHEN REAL ESTATE TAXES ARE SO
6 LEVIED, THE FOLLOWING SHALL APPLY:

7 (1) THE RATES SHALL BE DETERMINED ANNUALLY BY A VOTE OF THE
8 BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT OF THE THIRD
9 CLASS BASED UPON PASSAGE OF THE SCHOOL DISTRICT'S ANNUAL BUDGET.

10 (2) THE RATES MAY BE LEVIED BY A SCHOOL DISTRICT OF THE
11 THIRD CLASS: PROVIDED, THAT (I) THE REVENUE OBTAINED IN THE
12 FIRST YEAR OF THE LEVY IS NOT IN EXCESS OF FIFTEEN (15) PER
13 CENTUM OF THE AGGREGATE REVENUE WHICH THE SCHOOL DISTRICT
14 COLLECTED FROM A LEVY ON REAL ESTATE IN THE PRIOR YEAR, AND (II)
15 IN THE SECOND AND SUBSEQUENT YEARS, THE SCHOOL DISTRICT LEVY ON
16 REAL ESTATE SHALL NOT BE IN EXCESS OF THE AGGREGATE REVENUE
17 WHICH A SCHOOL DISTRICT IS EMPOWERED TO COLLECT UNDER EXISTING
18 STATUTE.

19 (3) THE RATES LEVIED BY A SCHOOL DISTRICT OF THE THIRD CLASS
20 SHALL BE UNIFORM AS TO ALL REAL ESTATE WITHIN SUCH
21 CLASSIFICATION.

22 SECTION 2. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

23 SECTION 1368. PUPIL SCHOOL ASSIGNMENT AND TRANSPORTATION.--

24 (A) A PERSON MAY NOT BE DEPRIVED OF LIFE, LIBERTY OR PROPERTY
25 WITHOUT DUE PROCESS OF LAW OR DENIED EQUAL PROTECTION OF THE
26 LAWS, BUT NOTHING CONTAINED IN THIS SECTION OR ELSEWHERE IN THIS
27 ACT IMPOSES UPON THE COMMONWEALTH OR ANY PUBLIC ENTITY, BOARD OR
28 OFFICIAL ANY OBLIGATIONS OR RESPONSIBILITIES WHICH EXCEED THOSE
29 IMPOSED BY THE EQUAL PROTECTION CLAUSE OF THE 14TH AMENDMENT TO
30 THE UNITED STATES CONSTITUTION WITH RESPECT TO THE USE OF PUPIL

1 SCHOOL ASSIGNMENT OR PUPIL TRANSPORTATION. IN ENFORCING THIS ACT
2 OR ANY OTHER STATUTE, NO DEPARTMENT, BOARD, AGENCY OR COMMISSION
3 OF THE EXECUTIVE BRANCH OF THE COMMONWEALTH, INCLUDING THE
4 DEPARTMENT OF EDUCATION, THE STATE BOARD OF EDUCATION AND THE
5 HUMAN RELATIONS COMMISSION, MAY IMPOSE UPON THE COMMONWEALTH,
6 ANY SCHOOL DISTRICT, SCHOOL BOARD OR SCHOOL ADMINISTRATOR OR ANY
7 PUBLIC ENTITY, BOARD OR OFFICIAL ANY OBLIGATION OR
8 RESPONSIBILITY WITH RESPECT TO THE USE OF PUPIL SCHOOL
9 ASSIGNMENT OR PUPIL TRANSPORTATION, EXCEPT TO REMEDY A SPECIFIC
10 VIOLATION BY SUCH PARTY THAT WOULD ALSO CONSTITUTE A VIOLATION
11 OF THE EQUAL PROTECTION CLAUSE OF THE 14TH AMENDMENT TO THE
12 UNITED STATES CONSTITUTION, AND UNLESS A FEDERAL COURT WOULD BE
13 PERMITTED UNDER FEDERAL DECISIONAL LAW TO IMPOSE THAT OBLIGATION
14 OR RESPONSIBILITY UPON SUCH PARTY TO REMEDY THE SPECIFIC
15 VIOLATION OF THE EQUAL PROTECTION CLAUSE OF THE 14TH AMENDMENT
16 TO THE UNITED STATES CONSTITUTION.

17 (B) NOTHING IN THIS ACT SHALL PROHIBIT THE GOVERNING BOARD
18 OF A SCHOOL DISTRICT FROM VOLUNTARILY CONTINUING OR COMMENCING A
19 SCHOOL INTEGRATION PLAN AFTER THE EFFECTIVE DATE OF THIS ACT.

20 SECTION 1524. CURRICULUM REQUIREMENTS.--(A) THE REGULATIONS
21 ADOPTED BY THE STATE BOARD OF EDUCATION IN FINAL FORM ON JANUARY
22 14, 1993, RELATING TO STUDENT LEARNING OUTCOMES AND OUTCOME-
23 BASED EDUCATION ARE NULL AND VOID. NOTWITHSTANDING ANY OTHER
24 PROVISION OF LAW TO THE CONTRARY, THE LEGISLATIVE REFERENCE
25 BUREAU MAY NOT PUBLISH THE REGULATIONS REFERRED TO IN THIS
26 SUBSECTION IN THE PENNSYLVANIA BULLETIN AS A FINAL-FORM
27 REGULATION, AS DEFINED IN SECTION 3 OF THE ACT OF JUNE 25, 1982
28 (P.L.633, NO.181), KNOWN AS THE "REGULATORY REVIEW ACT."

29 (B) THE FOLLOWING SHALL APPLY:

30 (1) THE STATE BOARD OF EDUCATION SHALL NOT HAVE ANY

AUTHORITY TO PROMULGATE GOALS OR OUTCOMES WHICH DEAL WITH
VALUES, MORALS OR OTHER AFFECTIVE OR NONACADEMIC SUBJECTS. AS
USED IN THIS SUBSECTION, "AFFECTIVE SUBJECTS" MEANS SUBJECTS
DEALING WITH EMOTIONS, FEELINGS, MOODS, OPINIONS OR SENTIMENTS.

(2) NEITHER THE STATE BOARD OF EDUCATION NOR ANY SCHOOL
DISTRICT MAY TEST, GRADE OR GATHER DATA FROM PUPILS ON VALUES,
BELIEFS AND ATTITUDES.

SECTION 3. SECTION 2509.1(D) AND (G) OF THE ACT, AMENDED OR
ADDED AUGUST 5, 1991 (P.L.219, NO.25) AND JULY 9, 1992 (P.L.392,
NO.85), ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A
SUBSECTION TO READ:

SECTION 2509.1. PAYMENTS TO INTERMEDIATE UNITS.--* * *

(B.2) (1) FOR THE 1992-1993 SCHOOL YEAR, THE COMMONWEALTH
SHALL PAY INTERMEDIATE UNITS, ON ACCOUNT OF THEIR COSTS OF
OPERATING AND ADMINISTERING CLASSES OR SCHOOLS FOR
INSTITUTIONALIZED CHILDREN, AN AMOUNT TO BE DETERMINED BY THE
DEPARTMENT OF EDUCATION FOLLOWING REVIEW OF ANNUAL REPORTS OF
THE COSTS OF SUCH CLASSES OR SCHOOLS FOR THE IMMEDIATELY
PRECEDING YEAR.

(2) TO QUALIFY FOR SUCH PAYMENTS, EACH INTERMEDIATE UNIT
THAT OPERATES AND ADMINISTERS CLASSES OR SCHOOLS FOR
INSTITUTIONALIZED CHILDREN ANNUALLY SHALL SUBMIT TO THE
DEPARTMENT OF EDUCATION, ON OR BEFORE THE FIRST DAY OF JULY, A
REPORT OF THE COST OF OPERATING AND ADMINISTERING SUCH CLASSES
OR SCHOOLS. NOTWITHSTANDING THE FOREGOING, INTERMEDIATE UNITS
MAY SUBMIT THEIR ANNUAL REPORTS FOR THE 1991-1992 SCHOOL YEAR
UNTIL APRIL 30, 1993.

(3) THE DEPARTMENT OF EDUCATION SHALL DETERMINE, FROM ITS
REVIEW OF THE ANNUAL REPORTS, AN APPROVED AMOUNT FOR PAYMENT TO
EACH INTERMEDIATE UNIT. THE COMMONWEALTH SHALL PAY EACH

1 INTERMEDIATE UNIT THE APPROVED AMOUNT.

2 * * *

3 (D) FOR THE 1991-1992 SCHOOL YEAR, EACH INTERMEDIATE UNIT
4 WHICH IS COTERMINOUS TO A SCHOOL DISTRICT OF THE FIRST CLASS OR
5 FIRST CLASS A SHALL BE PAID FIFTY PERCENT (50%) OF THE AMOUNT
6 RECEIVED BY THE INTERMEDIATE UNIT FOR THE COST OF OPERATING AND
7 ADMINISTERING CLASSES OR SCHOOLS FOR EXCEPTIONAL CHILDREN, AS
8 APPROVED BY THE DEPARTMENT OF EDUCATION FOR THE 1990-1991 SCHOOL
9 YEAR. FOR THE 1991-1992 SCHOOL YEAR, EACH INTERMEDIATE UNIT NOT
10 COTERMINOUS WITH A SCHOOL DISTRICT WHICH OPERATES ALL THE
11 SPECIAL EDUCATION PROGRAMS FOR HANDICAPPED CHILDREN FOR ITS
12 CONSTITUENT SCHOOL DISTRICTS SHALL BE PAID TEN PERCENT (10%) OF
13 THE AMOUNT RECEIVED BY THE INTERMEDIATE UNIT FOR THE COST OF
14 OPERATING AND ADMINISTERING CLASSES OR SCHOOLS FOR HANDICAPPED
15 CHILDREN, AS APPROVED BY THE DEPARTMENT OF EDUCATION FOR THE
16 1990-1991 SCHOOL YEAR. FOR THE 1992-1993 SCHOOL YEAR, EACH
17 INTERMEDIATE UNIT WHICH IS COTERMINOUS TO A SCHOOL DISTRICT OF
18 THE FIRST CLASS OR FIRST CLASS A SHALL BE PAID TWENTY-FIVE
19 PERCENT (25%) OF THE AMOUNT RECEIVED BY THE INTERMEDIATE UNIT
20 FOR THE COST OF OPERATING AND ADMINISTERING CLASSES OR SCHOOLS
21 FOR EXCEPTIONAL CHILDREN, AS APPROVED BY THE DEPARTMENT OF
22 EDUCATION FOR THE 1990-1991 SCHOOL YEAR.

23 * * *

24 (G) (1) FOR THE 1991-1992 SCHOOL YEAR AND EACH SCHOOL YEAR
25 THEREAFTER, FOR EACH CHILD ENROLLED IN AN INTERMEDIATE UNIT
26 CLASS FOR INSTITUTIONALIZED CHILDREN, THE SCHOOL DISTRICT IN
27 WHICH THE CHILD IS RESIDENT SHALL PAY TO THE COMMONWEALTH A SUM
28 EQUAL TO THE "TUITION CHARGE PER ELEMENTARY PUPIL" OR THE
29 "TUITION CHARGE PER HIGH SCHOOL PUPIL," AS DETERMINED FOR THE
30 SCHOOLS OPERATED BY THE DISTRICT OR BY A JOINT BOARD OF WHICH

1 THE DISTRICT IS A MEMBER, FOR THE SAME YEAR IN WHICH THE CLASS
2 OR SCHOOL IS OPERATED, AS PROVIDED FOR IN SECTION 2561. IN THE
3 EVENT THAT ANY SCHOOL DISTRICT HAS NOT ESTABLISHED SUCH "TUITION
4 CHARGE PER ELEMENTARY PUPIL" OR "TUITION CHARGE PER HIGH SCHOOL
5 PUPIL," THE SECRETARY OF EDUCATION SHALL FIX A REASONABLE CHARGE
6 FOR SUCH DISTRICT FOR THE YEAR IN QUESTION.

7 (2) IN ADDITION, THE DISTRICT SHALL PAY ON ACCOUNT OF
8 TRANSPORTATION BY THE INTERMEDIATE UNIT OF PUPILS TO AND FROM
9 CLASSES AND SCHOOLS FOR EXCEPTIONAL CHILDREN, WHETHER OR NOT
10 CONDUCTED BY THE INTERMEDIATE UNIT, AN AMOUNT TO BE DETERMINED
11 BY SUBTRACTING FROM THE COST OF TRANSPORTATION PER PUPIL THE
12 REIMBURSEMENT DUE THE DISTRICT ON ACCOUNT OF SUCH
13 TRANSPORTATION. IN ORDER TO FACILITATE SUCH PAYMENTS BY THE
14 SEVERAL SCHOOL DISTRICTS, THE SECRETARY OF EDUCATION SHALL
15 WITHHOLD FROM ANY MONEYS DUE TO SUCH DISTRICT OUT OF ANY STATE
16 APPROPRIATION, EXCEPT FROM REIMBURSEMENTS DUE ON ACCOUNT OF
17 RENTALS AS PROVIDED IN SECTION 2511.1, THE AMOUNTS DUE BY SUCH
18 SCHOOL DISTRICTS TO THE COMMONWEALTH. ALL AMOUNTS SO WITHHELD
19 ARE HEREBY SPECIFICALLY APPROPRIATED TO THE DEPARTMENT OF
20 EDUCATION FOR THE SUPPORT OF PUBLIC SCHOOLS.

21 SECTION 4. SECTION 2509.5 OF THE ACT IS AMENDED BY ADDING A
22 SUBSECTION TO READ:

23 SECTION 2509.5. SPECIAL EDUCATION PAYMENTS TO SCHOOL
24 DISTRICTS.--* * *

25 (B.1) DURING THE 1992-1993 SCHOOL YEAR AND EACH SCHOOL YEAR
26 THEREAFTER, EACH SCHOOL DISTRICT SHALL BE PAID:

27 (1) AN AMOUNT TO BE DETERMINED BY MULTIPLYING ONE THOUSAND
28 DOLLARS (\$1,000) BY FIFTEEN PERCENT (15%) OF ITS AVERAGE DAILY
29 MEMBERSHIP; AND

30 (2) AN AMOUNT TO BE DETERMINED BY MULTIPLYING ELEVEN

1 THOUSAND FIVE HUNDRED FORTY DOLLARS (\$11,540) BY ONE PERCENT
2 (1%) OF ITS AVERAGE DAILY MEMBERSHIP.

3 * * *

4 SECTION 5. SECTION 2509.9 OF THE ACT, ADDED JULY 9, 1992
5 (P.L.392, NO.85), IS AMENDED TO READ:

6 SECTION 2509.9. SPECIAL EDUCATION PAYMENTS TO INTERMEDIATE
7 UNITS AND SCHOOL DISTRICTS FOR 1992-1993.--NOTWITHSTANDING ANY
8 PROVISION OF THIS ACT TO THE CONTRARY, SPECIAL EDUCATION
9 PAYMENTS DURING THE 1992-1993 SCHOOL YEAR SHALL BE MADE IN THE
10 FOLLOWING MANNER:

11 (1) PAYMENTS TO INTERMEDIATE UNITS SHALL BE EQUAL TO AMOUNTS
12 PAYABLE UNDER SECTION 2509.1(B.2), (C) OR (D) AND SHALL BE MADE
13 IN ACCORDANCE WITH THE SCHEDULE UNDER SECTION 2509.1(E) [DURING
14 THE 1992-1993 SCHOOL YEAR].

15 (2) PAYMENTS TO SCHOOL DISTRICTS SHALL BE EQUAL TO THOSE
16 PAID TO SCHOOL DISTRICTS ON ACCOUNT OF SPECIAL EDUCATION
17 SERVICES AND PAID DURING THE 1991-1992 SCHOOL YEAR IN ACCORDANCE
18 WITH THE SCHEDULE UNDER SECTION 2509.5(C), EXCLUDING THOSE
19 PAYMENTS MADE UNDER SECTION 2509(F).

20 [(3) PAYMENTS TO INTERMEDIATE UNITS AND SCHOOL DISTRICTS
21 SHALL BE MADE ONLY THROUGH DECEMBER 31, 1992.
22 UNDER NO CIRCUMSTANCES SHALL ANY INTERMEDIATE UNIT RECEIVE LESS
23 THAN IT RECEIVED UNDER SECTION 2509.1(D) DURING THE 1991-1992
24 SCHOOL YEAR, NOR FOR THE 1992-1993 SCHOOL YEAR SHALL ANY SCHOOL
25 DISTRICT RECEIVE LESS THAN IT RECEIVED DURING THE 1991-1992
26 SCHOOL YEAR, EXCLUDING PAYMENTS TO SCHOOL DISTRICTS UNDER
27 SECTION 2509(F) BY THE END OF THE 1992-1993 SCHOOL YEAR.]

28 SECTION 6. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
29 SECTION 2509.10. SPECIAL EDUCATION PAYMENT ADJUSTMENTS FOR
30 THE 1992-1993 SCHOOL YEAR.--ANY PAYMENTS MADE UNDER SECTION

1 2509.9 SHALL BE CREDITED AGAINST ANY PAYMENTS AUTHORIZED UNDER
2 SECTIONS 2509.1(C) AND (D) AND 2509.5(B.1). ANY PAYMENTS UNDER
3 SECTION 2509.1(D) MADE TO INTERMEDIATE UNITS WHICH ARE
4 COTERMINOUS WITH A SCHOOL DISTRICT SHALL BE CREDITED AGAINST THE
5 INTERMEDIATE UNITS PAYMENTS UNDER SECTION 2509.1(C) AND CREDITED
6 AGAINST PAYMENTS MADE TO THE RESPECTIVE SCHOOL DISTRICTS UNDER
7 SECTION 2509.5(B.1). ANY FUNDS PAID TO AN INTERMEDIATE UNIT
8 UNDER SECTION 2509.9 AND WHICH IS IN EXCESS OF THAT INTERMEDIATE
9 UNIT'S PAYMENTS UNDER SECTION 2509.1(C) OR (D) SHALL BE REPAYED
10 TO THE DEPARTMENT OF EDUCATION.

11 SECTION 7. THE ADDITION OF SECTION 1368 OF THE ACT SHALL NOT
12 DIMINISH OR ENLARGE ANY POWERS OR DUTIES CONFERRED BY THIS ACT
13 OR THE ACT OF AUGUST 9, 1963 (P.L.643, NO.341), KNOWN AS THE
14 FIRST CLASS CITY PUBLIC EDUCATION HOME RULE ACT.

15 SECTION 8. THE ADDITION OF SECTION 1368 OF THE ACT SHALL
16 APPLY TO ALL MATTERS PENDING BEFORE ANY COURT OR ANY BOARD,
17 AGENCY, COMMISSION OR DEPARTMENT IN THE COMMONWEALTH ON THE
18 EFFECTIVE DATE OF THIS ACT.

19 SECTION 9. ALL ACTS AND PARTS OF ACTS ARE REPEALED INsofar
20 AS THEY ARE INCONSISTENT WITH THIS ACT.

21 SECTION 10. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.