
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 604 Session of
2001

INTRODUCED BY MOWERY, COSTA, SCHWARTZ, O'PAKE, TOMLINSON AND
EARLL, MARCH 9, 2001

REFERRED TO EDUCATION, MARCH 9, 2001

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 cost of tuition
6 and for manner of fixing tuition.

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

9 Section 1. Section 1309 of the act of March 10, 1949
10 (P.L.30, No.14), known as the Public School Code of 1949,
11 amended June 30, 1995 (P.L.220, No.26), is amended to read:

12 Section 1309. Cost of Tuition; How Fixed.--(a) The cost of
13 tuition in such cases shall be fixed as is now provided by law
14 for tuition costs in other cases, except in the following
15 circumstances:

16 (1) Where, for the accommodation of such children, it shall
17 be necessary to provide a separate school or to erect additional
18 school buildings, the charge for tuition for such children may
19 include a proportionate cost of the operating expenses, rental,

1 and interest on any investment required to be made in erecting
2 such new school buildings.

3 (2) When a child who is an inmate of an institution is a
4 child with exceptionalities, the district in which the
5 institution is located may charge the district of residence, and
6 the district of residence shall pay a special education charge
7 in addition to the applicable tuition charge. Such special
8 education charge when combined with the applicable tuition
9 charge shall not exceed the total net cost of the special
10 education program provided. In the case of a child with
11 exceptionalities who is an inmate of an institution and who is
12 served under section 2509.1(b), the district in which the
13 institution is located may charge the district of residence an
14 amount that does not exceed the total cost of the special
15 education program provided minus the amount received per child
16 from the Commonwealth under section 2509.1(b).

17 (3) (i) When a non-resident child who is placed in the home
18 of a resident of a school district by order of the court or by
19 arrangement with an association, agency or institution having
20 the care of neglected and dependent children is a child with
21 exceptionalities, the district in which the child is placed may
22 charge the district of residence and the district of residence
23 shall pay a special education charge in addition to the
24 applicable tuition charge. The special education charge when
25 combined with the applicable tuition charge shall not exceed the
26 total net cost of the special education program.

27 (ii) If the district of residence of the child cannot be
28 determined, the costs shall be borne by the Department of
29 Education. The department shall effectuate necessary procedures
30 for the transfer of funds from the district of residence to the

1 district in which the student is placed. In effectuating such
2 transfer, the department may deduct the appropriate amount from
3 the basic instructional subsidy of a district which had resident
4 students who were provided educational services by another
5 district under this clause.

6 (b) The tuition herein provided for shall be paid annually
7 by the Secretary of Education, the district of residence or the
8 institution as the case may be.

9 Section 2. This act shall take effect in 60 days.