
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1397 Session of
2008

INTRODUCED BY ERICKSON, PILEGGI, RAFFERTY, TOMLINSON, CORMAN AND
EARLL, MAY 8, 2008

REFERRED TO EDUCATION, MAY 8, 2008

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," in pupils and attendance, further
6 providing for liability for tuition and enforcement of
7 payment and for cost of tuition.

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

10 Section 1. Section 1308 of the act of March 10, 1949
11 (P.L.30, No.14), known as the Public School Code of 1949,
12 amended June 7, 1993 (P.L.49, No.16), is amended to read:

13 Section 1308. Liability for Tuition and Enforcement of
14 Payment.--(a) In all cases not covered by the preceding section
15 if a charge is made by any school district for tuition for the
16 inmates of any such institution, the officers of the institution
17 shall submit to the board of school directors a sworn statement,
18 setting forth the names, ages, and school districts liable for
19 tuition of all children who are inmates thereof, and desire to
20 attend public school in the district. The district in which the

1 institution is located shall obtain a blank acknowledging or
2 disclaiming residence, signed by the secretary of the school
3 district in which the institution declares the legal residence
4 of the child to be. If said district shall fail to file said
5 blank within fifteen (15) days from the date it is sent to the
6 district by registered mail, the district in which the
7 institution is located shall again notify the district [of its]
8 and shall notify the secretary of the district's failure to
9 comply with the provisions of this act. If the district shall
10 fail to comply within fifteen (15) days following the second
11 notice, said failures to return the blank shall be construed as
12 an acknowledgement of said child's residence[.] and shall
13 authorize the secretary to make payments for tuition charges on
14 behalf of the district of residence. The district of residence
15 shall not disclaim an inmate solely for convenience or to avoid
16 adhering to the timeline set forth in this section for
17 acknowledging or disclaiming residence of any inmate or for
18 paying tuition. The tuition of such inmates [as are] included in
19 the sworn statement to the board of school directors or, in the
20 case of a school district of the first class, the board of public
21 education shall be paid by the district of residence of the
22 inmates upon receipt of a bill from the district in which the
23 institution is located setting forth the names, ages and tuition
24 charges of the inmates. The district so charged with tuition may
25 file an appeal with the Secretary of Education, in which it
26 shall be the complainant and the district in which the
27 institution is located the respondent. The decision of the
28 Secretary of Education, as to which of said parties is
29 responsible for tuition, shall be final.

30 (b) Where a bill from the district in which the institution

1 is located remains unpaid by the district of residence seventy-
2 five (75) days following its receipt by the district of
3 residence, such bill having been sent following the second
4 notice to the district of residence, the secretary shall be
5 required to make payments for tuition charges on behalf of the
6 district of residence. The district in which the institution is
7 located shall provide the secretary with copies of all bills and
8 notices previously provided to the district of residence from
9 which a bill remains unpaid. The secretary shall pay the
10 district in which the institution is located the amount of the
11 unpaid bill within thirty (30) days of the receipt of such bills
12 and notices. Subsequent bills from the district in which the
13 institution is located for tuition charges incurred for the same
14 inmates shall be submitted to the secretary, who shall pay such
15 bills within thirty (30) days of receipt. Where the secretary
16 makes payments for tuition charges on behalf of a district of
17 residence, the secretary shall withhold from any payments due to
18 the district of residence an amount equal to the tuition charges
19 paid. The district of residence may file an appeal with the
20 secretary. An appeal by the district of residence shall not
21 cause delay in payment to the district in which the institution
22 is located.

23 (c) If any inmates have been received from outside of
24 Pennsylvania, or if the institution cannot certify as to their
25 residence, their tuition shall be paid by the institution having
26 the care or custody of said children, except in the case of
27 medically indigent children hospitalized in exclusively
28 charitable children's hospitals exempt under section 501(c)(3)
29 of the Internal Revenue Code which make no charges to any of its
30 patients nor accepts any third-party payments for services

1 provided to any of its patients. In such cases their tuition
2 shall be paid by the Commonwealth out of moneys appropriated by
3 the General Assembly for the purposes of this act. Enrollment of
4 any out-of-state student in a school district or intermediate
5 unit program shall be conditioned upon a guarantee, or actual
6 advance receipt, of tuition and transportation payment from the
7 institution, from the student's home state or out-of-state
8 school district, or from the out-of-state party or agency which
9 placed the student in the institution, except in the case of
10 medically indigent children hospitalized in exclusively
11 charitable children's hospitals exempt under section 501(c)(3)
12 of the Internal Revenue Code which make no charges to any of its
13 patients nor accepts any third-party payments for services
14 provided to any of its patients where the Commonwealth is paying
15 the tuition as otherwise provided for in this paragraph. If the
16 Secretary of Education decides that the legal residence of any
17 of said inmates is in Pennsylvania, but cannot be fixed in a
18 particular district, the Commonwealth shall pay the tuition of
19 such inmate out of moneys appropriated to the Department of
20 Education by the General Assembly for the maintenance and
21 support of the public schools of the Commonwealth.

22 Section 2. Section 1309(a) of the act is amended by adding a
23 paragraph to read:

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

28 * * *

29 (3) When a child who is an inmate of an institution receives
30 specialized instruction, including remedial, rehabilitative or

1 alternative education or services, the district in which the
2 institution is located may charge the district of residence and
3 the district of residence shall pay the full cost for such
4 specialized instruction, including remedial, rehabilitative or
5 alternative education or services. Such charge when combined
6 with the applicable tuition charge shall not exceed the total
7 net cost of the education or services provided.

8 * * *

9 Section 3. This act shall take effect in 60 days.