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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 1598** Session of  
2008

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INTRODUCED BY PICCOLA, ORIE, BRUBAKER AND O'PAKE,  
SEPTEMBER 29, 2008

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REFERRED TO EDUCATION, SEPTEMBER 29, 2008

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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 maintenance of certain exceptional children in approved  
7 institutions.

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

10 Section 1. Section 1376 (a.2) of the act of March 10, 1949  
11 (P.L.30, No.14), known as the Public School Code of 1949,  
12 amended July 4, 2004 (P.L.536, No.70), is amended and the  
13 section is amended by adding a subsection to read:

14 Section 1376. Cost of Tuition and Maintenance of Certain  
15 Exceptional Children in Approved Institutions.--\* \* \*

16 (a.2) [For] Except as provided in subsection (a.3), for the  
17 2005-2006 school year and each school year thereafter, the  
18 Department of Education shall determine the payment amount for  
19 each approved private school for all students enrolled in an  
20 approved private school for the prior school year as follows:

1 (1) (i) Multiply the payment determined for the immediate  
2 preceding school year by one hundred and twenty-five percent  
3 (125%) of the percentage increase in the appropriation for  
4 special education for the fiscal year prior to the fiscal year  
5 in which payments under this subsection are made.

6 (ii) Add the product from subparagraph (i) to the payment  
7 determined for the immediate preceding school year.

8 (2) No later than May 10, 2005, and no later than May 10 of  
9 each year thereafter, the Department of Education shall notify  
10 each school district of residence or charter school of a child  
11 enrolled in an approved private school of its payment amount  
12 under subsection (a).

13 (3) The Department of Education shall pay each approved  
14 private school the total amount calculated pursuant to this  
15 subsection divided into twelve (12) monthly payments. The  
16 Department of Education shall withhold the school district or  
17 charter school payment amount calculated under subsection (a)  
18 from the amount of any and all State payments made to the school  
19 district or charter school. In no event shall the sum of the  
20 Commonwealth's share of payments to approved private schools  
21 under this subsection exceed the appropriation for approved  
22 private schools.

23 (a.3) For the 2009-2010 school year with respect to an  
24 approved private school referenced in subsection (a.1)(3), the  
25 Department of Education shall determine the payment amount under  
26 subsection (a.2) by multiplying the school's approved tuition  
27 rate determined pursuant to subsection (c.5) for the 2007-2008  
28 school year by the enrollment capacity for the school approved  
29 by the Department of Education in August 2003. For the 2010-2011  
30 school year and each school year thereafter, payments shall be

1 calculated in accordance with subsection (a.2)(1).

2 \* \* \*

3 Section 2. This act shall take effect immediately.