
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1129 Session of
2011

INTRODUCED BY DINNIMAN, ERICKSON, FONTANA AND RAFFERTY,
JUNE 10, 2011

REFERRED TO EDUCATION, JUNE 10, 2011

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.

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 failure to comply with the provisions of this act. If the
9 district shall fail to comply within fifteen (15) days following
10 the second notice, said failures to return the blank shall be
11 construed as an acknowledgement of said child's residence. The
12 tuition of such inmates as are included in the sworn statement
13 to the board of school directors shall be paid by the district
14 of residence of the inmates upon receipt of a bill from the
15 district in which the institution is located setting forth the
16 names, ages and tuition charges of the inmates. The district so
17 charged with tuition may file an appeal with the Secretary of
18 Education, in which it shall be the complainant and the district
19 in which the institution is located the respondent. The decision
20 of the Secretary of Education, as to which of said parties is
21 responsible for tuition, shall be final.

22 (b) In the event that the district in which the institution
23 is located contracts with a third party to provide educational
24 services to children who are inmates of the institution, the
25 third party may seek payment of tuition directly from the
26 district of residence. The third party shall notify the district
27 in which the institution is located of its payment request to
28 the district of residence and, if the district of residence
29 makes payment to the third party, the third party shall notify
30 the district in which the institution is located. Such payment

1 to the third party shall satisfy and extinguish the contractual
2 payment obligation of the district in which the institution is
3 located. The district so charged with tuition by the third party
4 may file an appeal with the secretary as set forth in subsection
5 (a).

6 (c) If any inmates have been received from outside of
7 Pennsylvania, or if the institution cannot certify as to their
8 residence, their tuition shall be paid by the institution having
9 the care or custody of said children, 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. In such cases their tuition
15 shall be paid by the Commonwealth out of moneys appropriated by
16 the General Assembly for the purposes of this act. Enrollment of
17 any out-of-state student in a school district or intermediate
18 unit program shall be conditioned upon a guarantee, or actual
19 advance receipt, of tuition and transportation payment from the
20 institution, from the student's home state or out-of-state
21 school district, or from the out-of-state party or agency which
22 placed the student in the institution, except in the case of
23 medically indigent children hospitalized in exclusively
24 charitable children's hospitals exempt under section 501(c)(3)
25 of the Internal Revenue Code which make no charges to any of its
26 patients nor accepts any third-party payments for services
27 provided to any of its patients where the Commonwealth is paying
28 the tuition as otherwise provided for in this paragraph. If the
29 Secretary of Education decides that the legal residence of any
30 of said inmates is in Pennsylvania, but cannot be fixed in a

1 particular district, the Commonwealth shall pay the tuition of
2 such inmate out of moneys appropriated to the Department of
3 Education by the General Assembly for the maintenance and
4 support of the public schools of the Commonwealth.

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