
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. **365** Session of
2021

INTRODUCED BY HARKINS, GALLOWAY, SAMUELSON, SANCHEZ, FREEMAN,
HILL-EVANS, SCHLEGEL CULVER, KINSEY, McNEILL, SCHLOSSBERG,
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FEBRUARY 3, 2021

SENATOR BROWNE, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, OCTOBER 18, 2022

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 ACTUAL COST OF TUITION AND MAINTENANCE OF
7 CERTAIN EXCEPTIONAL CHILDREN IN THE FOUR CHARTERED SCHOOLS
8 FOR EDUCATION OF THE DEAF AND THE BLIND; MAKING A REPEAL; AND
9 making editorial changes.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 ~~Section 1. Section 502 of the act of March 10, 1949 (P.L.30, <--~~
13 ~~No.14), known as the Public School Code of 1949, amended October~~
14 ~~30, 2019 (P.L.460, No.76), is amended to read:~~

15 SECTION 1. SECTIONS 502, 925(F), 923.2-A, 1328, 1338 AND <--
16 1376(A) OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS
17 THE PUBLIC SCHOOL CODE OF 1949, ARE AMENDED TO READ:

18 Section 502. Additional Schools and Departments.--In

1 addition to the elementary public schools, the board of school
2 directors in any school district may establish, equip, furnish,
3 and maintain the following additional schools or departments for
4 the education and recreation of persons residing in said
5 district, and for the proper operation of its schools, namely:--

6 High schools,

7 Trade schools,

8 Career and technical schools,

9 Cafeterias,

10 Agricultural schools,

11 Evening schools,

12 Kindergartens,

13 Libraries,

14 Museums,

15 Reading-rooms,

16 Gymnasiums,

17 Playgrounds,

18 Schools for [physically and mentally handicapped] children

19 with physical or mental disabilities,

20 Truant schools,

21 Parental schools,

22 Schools for adults,

23 Public lectures,

24 Such other schools or educational departments as the
25 directors, in their wisdom, may see proper to establish.

26 Said additional schools or departments, when established,
27 shall be an integral part of the public school system in such
28 school district and shall be so administered.

29 No pupil shall be refused admission to the courses in these
30 additional schools or departments, by reason of the fact that

1 his elementary or academic education is being or has been
2 received in a school other than a public school.

3 ~~Section 2. Sections 925(f), 923.2 A, 1328, 1338, 1376(a), <--~~
4 ~~1377, 1377.1, 1379, 1502 E(b) and 2108 of the act are amended to~~
5 ~~read:~~

6 Section 925. Powers and Duties.--

7 (f) (1) Any county board of school directors may make
8 contracts of insurance with any insurance company, or nonprofit
9 hospitalization corporation, or nonprofit medical service
10 corporation, authorized to transact business within the
11 Commonwealth, insuring its employes, their spouses and
12 dependents and retired employes under a policy or policies of
13 group insurance covering life, health, hospitalization medical
14 service, or accident insurance, and for such purposes may agree
15 to pay part or all of the premiums or charges for carrying such
16 contracts, and may include the cost of such charges in its
17 estimate of the cost of operating and administering classes or
18 schools for [handicapped and institutionalized] children with
19 physical or mental disabilities to be operated by the county
20 board during the ensuing school year. No contract or contracts
21 of insurance authorized by this section shall be purchased from
22 or through any person employed by the county board in a teaching
23 or administrative capacity.

24 (2) The county board of school directors is hereby
25 authorized to deduct from the employe's pay, salary, or
26 compensation, such part of the premium as is payable by the
27 employe and as may be so authorized by the employe in writing.

28 (3) All contracts procured hereunder shall conform and be
29 subject to all the provisions of any existing or future laws
30 concerning group insurance contracts.

1 Section 923.2-A. Visual Services.--(a) Legislative Finding;
2 Declaration of Policy. [Defects] Impairments in vision are
3 health-related. It is today recognized that the diagnosis and
4 evaluation of those [defects] impairments and the rendering of
5 instruction in skills appropriate for the education, safety and
6 independence of children afflicted by visual impairments are
7 closely related to their physical, mental and emotional health.
8 Such services can best be rendered upon the premises of the
9 school which the child regularly attends and forcing children to
10 go to other premises in order to have such needed services is
11 found by the General Assembly to be both inadequate and harmful.
12 The General Assembly expressly finds and declares diagnostic,
13 evaluative and instructional services for such children to be
14 health services and it is the intention of the General Assembly
15 now to make these available, on a general and even-handed basis
16 to all school children in the Commonwealth.

17 (b) Definitions. As used in this section:

18 "Nonpublic school" means any nonprofit school, other than a
19 public school within the Commonwealth of Pennsylvania, wherein a
20 resident of the Commonwealth may legally fulfill the compulsory
21 school attendance requirements and which meets the requirements
22 of Title VI of the Civil Rights Act of 1964 (Public Law 88-352).

23 "Visual services" means diagnostic, evaluative and
24 instructional visual services for children.

25 (c) Provision of Services. The Secretary of Education,
26 directly or through the intermediate units out of their
27 allocation under section 922.1-A shall have the power and duty
28 to furnish free to nonpublic school students, upon the premises
29 of the nonpublic schools which they regularly attend, services
30 adequate for the diagnosis and evaluation of visual [defects]

1 impairments and instruction and training in skills advisable for
2 the education, independence and safety of such children,
3 including but not limited to mobility training, provided that
4 such services are also afforded to public school students by the
5 public school district in which such nonpublic school is
6 located.

7 Section 1328. Compulsory Education of Children with Physical
8 [Defectives] Impairments.--Every parent, guardian, or other
9 person, having control or charge of any child of compulsory
10 school age who is deaf or blind, [or is so crippled,] or whose
11 hearing or vision is so [defective] impaired as to make it
12 impracticable to have such child educated in the public schools
13 of the district in which he is a resident, shall allow such
14 child to be sent to some school where proper provision is made
15 for the education of the deaf, or of the blind, [or of crippled
16 children,] or shall provide for the tuition of such child by a
17 legally certified private tutor.

18 Section 1338. Dependent Children.--In case any child of
19 compulsory school age cannot be kept in school in compliance
20 with the provisions of this act, on account of incorrigibility,
21 truancy, insubordination, or [other bad] inappropriate conduct,
22 or if the presence of any child attending school is detrimental
23 to the welfare of such school, on account of incorrigibility,
24 truancy, insubordination, or [other bad] inappropriate conduct,
25 the board of school directors may, by its superintendent,
26 secretary, attendance officer or State, municipal, port
27 authority, transit authority or housing authority police
28 officer, under such rules and regulations as the board may
29 adopt, proceed against said child before the juvenile court, or
30 otherwise, as is now or may hereafter be provided by law for

1 incorrigible, truant, insubordinate, or dependent children.

2 Section 1376. Cost of Tuition and Maintenance of Certain
3 Exceptional Children in Approved Institutions.--(a) When any
4 child between school entry age and twenty-one (21) years of age
5 and resident in this Commonwealth, who is blind or deaf, or has
6 cerebral palsy and/or neurological impairment and/or muscular
7 dystrophy and/or is [mentally retarded] intellectually disabled
8 and/or has a serious emotional [disturbance] disability and/or
9 has autism/pervasive developmental disorder and is enrolled,
10 with the approval of the Department of Education, as a pupil in
11 an approved private school approved by the Department of
12 Education, in accordance with standards and regulations
13 promulgated by the State Board of Education, the school district
14 in which such child is resident or, for students placed by a
15 charter school, the charter school in which the student was
16 enrolled shall pay the greater of either twenty per centum (20%)
17 of the actual audited cost of tuition and maintenance of such
18 child in such school, as determined by the Department of
19 Education, or its "tuition charge per elementary pupil" or its
20 "tuition charge per high school pupil," as calculated pursuant
21 to section 2561, and the Commonwealth shall pay, out of funds
22 appropriated to the department for special education, the
23 balance due for the costs of such child's tuition and
24 maintenance, as determined by the department. For the school
25 years 1989-1990, 1990-1991 and 1991-1992, the school district
26 payment shall be no greater than forty percent (40%) of the
27 actual audited costs of tuition and maintenance of such child in
28 such school. For the 1992-1993 school year through the 2003-2004
29 school year, the school district or charter school payment shall
30 be the greater of forty percent (40%) of the actual audited

1 costs of tuition and maintenance of such child in such school,
2 as determined by the Department of Education, or its "tuition
3 charge per elementary pupil" or its "tuition charge per high
4 school pupil," as calculated pursuant to section 2561, and the
5 Commonwealth shall pay, out of funds appropriated to the
6 department for approved private schools, the balance due for the
7 costs of such child's tuition and maintenance, as determined by
8 the department. For the 2004-2005 school year and each school
9 year thereafter, the school district or charter school payment
10 shall be the greater of forty percent (40%) of the approved
11 tuition rate as established pursuant to subsection (c.3) or
12 (c.5) or the school district or charter school's "tuition
13 charges per elementary pupil" or "tuition charges per secondary
14 pupil" as calculated under section 2561, and the Commonwealth
15 shall pay out of funds appropriated to the department for
16 approved private schools the balance of the approved tuition
17 rate due for the cost of such child's tuition and maintenance.
18 The department will credit the district of residence with
19 average daily membership for such child consistent with the
20 rules of procedure developed in accordance with section 2501. If
21 the residence of such child in a particular school district
22 cannot be determined, the Commonwealth shall pay the whole cost
23 of tuition and maintenance of such child as established under
24 subsection (c.3) or (c.5).

25 * * *

26 SECTION 2. SECTION 1376.1(B.2) OF THE ACT IS AMENDED BY <--
27 ADDING A PARAGRAPH TO READ:

28 SECTION 1376.1. ACTUAL COST OF TUITION AND MAINTENANCE OF
29 CERTAIN EXCEPTIONAL CHILDREN IN THE FOUR CHARTERED SCHOOLS FOR
30 EDUCATION OF THE DEAF AND THE BLIND.--* * *

1 (B.2) PAYMENTS ARE AS FOLLOWS:

2 * * *

3 (4) FROM MONEY APPROPRIATED TO THE DEPARTMENT OF EDUCATION
4 FOR PENNSYLVANIA CHARTERED SCHOOLS FOR DEAF AND BLIND CHILDREN
5 FOR THE 2022-2023 FISCAL YEAR, THE AMOUNT OF \$1,000,000 SHALL BE
6 USED FOR CAPITAL-RELATED COSTS AND DEFERRED MAINTENANCE TO BE
7 DIVIDED EQUALLY BETWEEN EACH CHARTERED SCHOOL FOR EDUCATION OF
8 THE DEAF AND THE BLIND.

9 * * *

10 SECTION 3. SECTIONS 1377, 1377.1, 1379, 1502-E(B), 2108,
11 2501(11), 2509(B), 2517(E) AND 2541(B)(3) OF THE ACT ARE AMENDED
12 TO READ:

13 Section 1377. Payment of Cost of Tuition and Maintenance of
14 Certain Exceptional Children.--(a) To facilitate payments by
15 the several school districts to the schools or institutions in
16 which children who are deaf or blind, or cerebral palsied and/or
17 brain damaged and/or muscular dystrophied, or socially and
18 emotionally [disturbed] disabled or [mentally retarded children]
19 intellectually disabled are enrolled, of amounts due by such
20 districts for their proportion of the cost of tuition and
21 maintenance of such children, the Secretary of Education shall
22 withhold from any moneys due to such districts out of any State
23 appropriation for the assistance as reimbursement of school
24 districts, the amounts due by such districts to such schools or
25 institutions for the blind or the deaf, or the cerebral palsied
26 and/or brain damaged and/or muscular dystrophied or the socially
27 and emotionally [disturbed] disabled and/or [mentally retarded]
28 intellectually disabled. Amounts so withheld shall be
29 specifically appropriated to the Department of Education.

30 (b) Payments of the Commonwealth's proportion of the cost of

1 tuition and maintenance of pupils who are blind or deaf, or
2 cerebral palsied and/or brain damaged and/or muscular
3 dystrophied, or socially and emotionally [disturbed] disabled
4 and/or [mentally retarded pupils] intellectually disabled and
5 are enrolled in schools or institutions for the blind or for the
6 deaf, or for the cerebral palsied and/or brain damaged and/or
7 muscular dystrophied, or for the socially and emotionally
8 [disturbed] disabled and of the cost of instruction of parents
9 of blind pupils less than school entry age, as hereinbefore
10 provided, shall be made quarterly, out of moneys appropriated to
11 the Department of Education for special education. Except for
12 the provisions of section 1376.1 providing for the actual cost
13 of tuition and maintenance of certain exceptional children in
14 the four chartered schools for education of the deaf and of the
15 blind, in no event shall the total payment for the cost of
16 tuition and maintenance of any such child exceed the rates per
17 year allowed under section 1376. The maximum amount payable for
18 the cost of tuition and maintenance of such children shall be
19 subject to review at least once every two years for the purpose
20 of recommending an adjustment thereof.

21 (c) For the purpose of enabling the Department of Education
22 to determine from time to time what amounts are due to schools
23 for the blind or for the deaf or for the cerebral palsied and/or
24 brain damaged and/or muscular dystrophied or for the socially
25 and emotionally [disturbed] disabled and/or [mentally retarded]
26 intellectually disabled hereunder, such schools shall forward to
27 the department, at such times and in such form as the department
28 shall prescribe, sworn statements setting forth the names, ages,
29 and residences of all pupils enrolled hereunder, specifying the
30 school districts liable for a part of the cost of tuition and

1 maintenance of any such pupils, the per capita cost of and
2 maintenance of pupils, and such other information as the
3 department shall require.

4 For the purpose of providing adequate administration of the
5 program and to carry out the preaudit functions authorized in
6 section 1376(a), one-half of one percent (.50%) of the total
7 appropriations for approved private schools from all funds shall
8 be allocated to the Department of Education.

9 (d) When, during the course of the 1982-1983 school year,
10 programs for exceptional children are caused to be transferred
11 from schools or institutions for the blind or deaf, or cerebral
12 palsied or brain damaged or muscular dystrophied or [mentally
13 retarded] intellectually disabled, or socially and emotionally
14 [disturbed] disabled, as provided for in sections 1376 and
15 1376.1, to school districts or intermediate units, as provided
16 for in sections 2509 and 2509.1, under unanticipated or
17 emergency circumstances, and when such transfers necessitate the
18 transfer of funds from the appropriation to the Department of
19 Education for special education for approved private schools to
20 the appropriation to the Department of Education for payments on
21 account of special education of exceptional children in public
22 schools, the Secretary of Education shall be empowered so to
23 transfer such funds, upon approval of the Secretary of the
24 Budget and written notification to the State Treasurer and the
25 chairmen of the House and Senate Appropriations and Education
26 Committees.

27 Section 1377.1. Transfer of Funds for Transferral Programs.--
28 When, during the course of a school year or after the end of a
29 school year, programs for exceptional children are caused to be
30 transferred from schools or institutions for the blind or deaf,

1 or cerebral palsied or brain damaged or muscular dystrophied or
2 [mentally retarded] intellectually disabled, or socially and
3 emotionally [disturbed] disabled, as provided for in sections
4 1376 and 1376.1, to school districts or intermediate units, as
5 provided for in sections 2509 and 2509.1, and when such
6 transfers necessitate the transfer of funds from the
7 appropriation to the Department of Education for special
8 education for approved private schools to the appropriation to
9 the Department of Education for payments on account of special
10 education of exceptional children in public schools, the
11 Secretary of Education shall be empowered to transfer such
12 funds, upon approval of the Secretary of the Budget and written
13 notification to the State Treasurer and the chairmen of the
14 House and Senate Appropriations and Education Committees.

15 Section 1379. Children Under Six with [Defective] Impaired
16 Hearing; Parent or Guardian Advised of Schools, etc.--Whenever
17 notified by the Department of Health of the case of a minor
18 under six (6) years of age, who is totally deaf or whose hearing
19 is impaired, the Superintendent of Public Instruction, when in
20 his judgment the same is deemed desirable, shall communicate to
21 the parent or guardian the location of any special schools, and
22 also the nearest public school having special classes for the
23 instruction of the hard of hearing, with the information
24 concerning the advantages offered by such school or classes, the
25 benefits to accrue to the child from attending such school or
26 classes, and the manner in which the expenses of such
27 instruction will be provided for.

28 Section 1502-E. Character education program.

29 * * *

30 (b) Curriculum contents.--The program may include and teach

1 the following basic civil values and character traits:

2 (1) Trustworthiness, including honesty, integrity,
3 reliability and loyalty.

4 (2) Respect, including regard for others, tolerance and
5 courtesy.

6 (3) Responsibility, including hard work, economic self-
7 reliance, accountability, diligence, perseverance and self-
8 control.

9 (4) Fairness, including justice, consequences of [bad]
10 inappropriate behavior, principles of nondiscrimination and
11 freedom from prejudice.

12 (5) Caring, including kindness, empathy, compassion,
13 consideration, generosity and charity.

14 (6) Citizenship, including love of country, concern for
15 the common good, respect for authority and the law and
16 community mindedness.

17 * * *

18 Section 2108. Qualifications of Principals and Teachers.--

19 The board of public education in each school district of the
20 first class shall prescribe the mode or modes of determining the
21 qualifications of applicants for positions as principals or
22 teachers in the schools of the district, and shall designate the
23 kinds or grades of teachers' certificates which may or shall be
24 used in the district, together with the scholastic,
25 professional, and personal qualifications required for each kind
26 or grade of certificate.

27 No certificate shall be granted to any person who is not of
28 good moral character, or to any person who shall not first have
29 presented a certificate, from a physician recognized by the
30 board of public education as competent for the purpose, setting

1 forth that said applicant is neither mentally nor physically
2 disqualified by reason of tuberculosis, or any other chronic or
3 acute physical [defect] impairment, from successfully performing
4 the duties of a teacher.

5 ~~Section 3. Section 2501(11) of the act, amended October 30, <--~~
6 ~~2019 (P.L.460, No.76), is amended to read:~~

7 Section 2501. Definitions.--For the purposes of this article
8 the following terms shall have the following meanings:

9 * * *

10 (11) "Actual Instruction Expense Per Elementary Teaching
11 Unit, Actual Instruction Expense Per Elementary Teaching Unit in
12 a Laboratory School of a State-owned College, Actual Instruction
13 Expense Per Secondary Teaching Unit, Actual Instruction Expense
14 Per Secondary Teaching Unit in a Laboratory School of a State-
15 owned College, Actual Instruction Expense Per Joint Elementary
16 Teaching Unit, Actual Instruction Expense Per Joint Secondary
17 Teaching Unit, Actual Instruction Expense Per Area Technical
18 School Teaching Unit." In 1958 in the month of September and
19 thereafter annually in the month of September, the Department of
20 Education shall calculate for each school district for the
21 immediately preceding school year the actual instruction expense
22 per elementary teaching unit for elementary pupils educated in
23 the district's public schools, the actual instruction expense
24 per secondary teaching unit for secondary pupils educated in the
25 district's public schools, the actual instruction expense per
26 joint elementary teaching unit for elementary pupils educated in
27 elementary schools of jointures of which the district is a
28 member, the actual instruction expense per joint secondary
29 teaching unit for secondary pupils educated in secondary schools
30 of jointures of which the district is a member, the actual

1 instruction expense per area technical school teaching unit for
2 pupils educated in area technical schools in which the district
3 participates, the actual instruction expense per elementary
4 teaching unit for elementary pupils residing in the district and
5 educated in the public schools of other districts within the
6 Commonwealth, and the actual instruction expense per secondary
7 teaching unit for secondary pupils residing in the district and
8 educated in the public schools of other districts within the
9 Commonwealth. In each case, actual instruction expense per
10 teaching unit shall be the sum of (i) and (ii) below but in no
11 case shall include expenses for debt service, capital outlay,
12 rentals of capital facilities and equipment, salaries and
13 expenses for school nurses, for medical and dental services, for
14 driver education courses, for reimbursable transportation of
15 pupils, for tuition paid to other school districts, for
16 reimbursable board and lodging in lieu of transportation, for
17 salaries of directors and supervisors of special education,
18 public school psychologists, principals of special schools and
19 assistants, teachers of approved special classes for [physically
20 and mentally handicapped] children with physical or mental
21 disabilities, clerks and assistants employed in programs for
22 special education, for school district contributions to the
23 retirement fund on behalf of directors and supervisors of
24 special education, public school psychologists, principals of
25 special schools and assistants, teachers of approved special
26 classes for [physically and mentally handicapped] children with
27 physical or mental disabilities, clerks and assistants employed
28 in programs for special education, for the cost of textbooks and
29 supplies of the second class used in special education classes
30 or schools, for extension schools and classes, for extension

1 recreation activities, for career and technical extension
2 education, or for instruction of homebound children. (i)
3 Expenses of general control per teaching unit. Expenses of
4 general control shall include: salaries, supplies and other
5 expenses of the secretary's office; commission or salary of
6 treasurer, tax collector, auditors and legal service; expenses
7 of census enumeration and other expenses of business
8 administration; salaries of the superintendent of schools and
9 clerks of the superintendent of schools; expenses of supplies
10 and other expenses of the superintendent of schools' office; and
11 other expenses of general control. In the case of computation of
12 actual instruction expense per elementary teaching unit for
13 district pupils educated in the schools of the district and for
14 district pupils educated in the public schools of other
15 districts within the Commonwealth and actual instruction expense
16 per secondary teaching unit for district pupils educated in the
17 schools of the district and for district pupils educated in the
18 public schools of other districts within the Commonwealth,
19 expenses of general control per teaching unit shall be
20 calculated by dividing the foregoing listed expenses of general
21 control of the school district by the number of teaching units
22 based on the number of all pupils who are residents of the
23 school district and are in average daily membership in the
24 public schools of the Commonwealth. In the case of computation
25 of actual instruction expense per joint elementary teaching unit
26 and actual instruction expense per joint secondary teaching
27 unit, expenses of general control per teaching unit shall be
28 calculated by dividing the foregoing listed expenses of general
29 control of the school district by the number of teaching units
30 based on the number of all pupils who are residents of the

1 school district and are in average daily membership in the
2 public schools of the Commonwealth, and adding thereto the
3 quotient obtained by dividing the foregoing listed expenses of
4 general control of the joint school district by the number of
5 joint teaching units based on the number of pupils who are
6 residents of school districts that are members of the joint
7 school district and are in average daily membership in the
8 schools of the joint school district. In the case of computation
9 of actual instruction expense per area technical school teaching
10 unit, expenses of general control per teaching unit shall be
11 computed by dividing the foregoing listed expenses of general
12 control of the school district by the number of teaching units
13 based on the total number of all pupils who are residents of the
14 school district and are in average daily membership in the
15 public schools of the Commonwealth, and adding thereto the
16 quotient obtained by dividing the foregoing listed expenses of
17 general control of the area technical school by the number of
18 area technical school teaching units based on the number of
19 pupils who are residents of districts participating in the area
20 technical school and are in average daily membership in the area
21 technical school. (ii) Expenses of the school district, joint
22 school district, area technical school, or such other school
23 district within the Commonwealth in which the districts' pupils
24 are educated, as the case may be, on account of instruction,
25 auxiliary agencies and coordinate activities, operation of
26 school plant, maintenance of school plant, and fixed charges,
27 and each separately for elementary and for secondary schools,
28 per teaching unit, calculated by dividing the sums of (a), (b),
29 (c), (d), and (e) below by the numbers of elementary, secondary,
30 joint elementary, joint secondary, and area technical school

1 teaching units, respectively, based on the number of all pupils
2 on an equivalent full-time basis in average daily membership in
3 the public schools of the district, or joint district, or the
4 area technical school, or other school district within the
5 Commonwealth in which pupils of the district are educated, as
6 the case may be; (a) expenses of instruction, to include
7 salaries of supervisors and other expenses of supervisors,
8 salaries of principals and principals' clerks, supplies of the
9 principals' offices, other expenses of supervision, teachers'
10 and teacher-librarians, salaries, textbooks, library books,
11 supplies used in instruction including library supplies,
12 expenses of attending teachers' institutes, commencement
13 exercise and exhibit expenses, and other expenses of
14 instruction, (b) expenses of auxiliary agencies and coordinate
15 activities, to include salaries, books, repairs, replacements,
16 and other expenses of public libraries, and non-reimbursable
17 transportation and board and lodging in lieu of transportation,
18 and provisions for tubercular and undernourished children,
19 community lectures, social centers and recreation, enforcement
20 of attendance, and other expenses of auxiliary agencies and
21 coordinate activities, (c) expenses of operation of school
22 plant, to include wages of janitors and other employes, fuel,
23 water, light, power, janitors' supplies, care of grounds,
24 services other than personal, telephone rental, and other
25 expenses of operation, (d) expenses of maintenance of school
26 plant, to include upkeep of grounds, repair of buildings,
27 repairs and replacements, heating, plumbing, lighting, apparatus
28 used in instruction, furniture, and other equipment, (e)
29 expenses of fixed charges, to include payments made to the
30 retirement board, rent, all insurance, and other fixed charges:

1 Provided, That the actual instruction expense for elementary
2 teaching unit for district pupils educated in the elementary
3 grades of a laboratory school of a State-owned college and the
4 actual instruction expenses for secondary teaching unit for
5 district pupils educated in the high school grades of a
6 laboratory school of a State-owned college shall be computed by
7 (i) dividing the total amount of money paid to the State-owned
8 college by the resident district for the education of all
9 resident elementary children enrolled in a laboratory school of
10 a State-owned college by the number of such elementary teaching
11 units based on the total number of such resident children in
12 average daily membership in the laboratory school, (ii) dividing
13 the total amount of money paid to the State-owned college by the
14 resident district for the education of all resident secondary
15 children enrolled in a laboratory school of a State-owned
16 college by the number of such secondary teaching units based on
17 the total number of such resident children in average daily
18 membership in the laboratory school. The teaching units are
19 computed on the basis of thirty (30) equivalent full time
20 elementary children and twenty-two (22) equivalent full time
21 secondary children.

22 * * *

23 ~~Section 4. Sections 2509(b), 2517(e) and 2541(b)(3) of the~~ <--
24 ~~act are amended to read:~~

25 Section 2509. Payments on Account of Courses for Exceptional
26 Children.--* * *

27 (b) To find the "instruction cost per special class pupil,"
28 add (1) salaries of directors and supervisors of special
29 education, public school psychologists, principals of special
30 schools and assistants, teachers of approved special classes for

1 exceptional children, clerks and assistants employed in the
2 district's program for special education, (2) the district's
3 contribution to the retirement fund on behalf of directors and
4 supervisors of special education, public school psychologists,
5 principals of special schools and assistants, teachers of
6 approved special classes for exceptional children, clerks and
7 assistants employed in the district's program for special
8 education, (3) the cost of textbooks and supplies of the second
9 class used in the district's special education classes or
10 schools, (4) the cost of telephonic system equipment which
11 enables [handicapped] children with physical or mental
12 disabilities to remain in their homes and still participate in
13 classroom activities. Divide the sum of (1), (2), (3), and (4)
14 on that part thereof which is approved by the Department of
15 Education for reimbursement by the total number of pupils,
16 including those pupils who have available for use telephonic
17 system equipment whereby they may remain at home and still
18 participate in classroom activities, in average daily membership
19 in the district's approved special classes for exceptional
20 children. The quotient so obtained shall be the "instruction
21 cost per special class pupil."

22 * * *

23 Section 2517. Payments.--* * *

24 (e) The Secretary of Education, with the approval of the
25 Governor, may make basic education funding allocation payments
26 to school districts, in advance of the dates set forth in this
27 section to school districts which are financially [handicapped]
28 burdened, when the secretary deems it necessary to enable the
29 school district to keep their public schools open.

30 Section 2541. Payments on Account of Pupil Transportation.--

1 * * *

2 (b) Such payments for pupil transportation shall be made in
3 the following cases:

4 * * *

5 (3) To all school districts, for the transportation of
6 [physically or mentally handicapped] children with physical or
7 mental disabilities regularly enrolled in special classes
8 approved by the Department of Education or enrolled in a regular
9 class in which approved educational provisions are made for
10 them.

11 * * *

12 SECTION 4. REPEALS ARE AS FOLLOWS: <--

13 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
14 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE ADDITION OF
15 SECTION 1376.1(B.2)(4) OF THE ACT.

16 (2) SECTION 1723-F.1(5)(II) OF THE ACT OF APRIL 9, 1929
17 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE, IS REPEALED.

18 SECTION 5. THE ADDITION OF SECTION 1376.1(B.2)(4) OF THE ACT
19 AND THE REPEAL UNDER SECTION 4 OF THIS ACT SHALL APPLY
20 RETROACTIVELY TO JULY 1, 2022.

21 Section ~~5~~ 6. This act shall take effect in 60 days. <--