

## No. 369

## AN ACT

## HB 1000

Amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," increasing the limitation of the cost of tuition and maintenance of certain exceptional children.

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

Section 1. Subsections (a) and (b) of section 1376, act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," amended December 6, 1965 (P. L. 1029), are amended to read:

Section 1376. Cost of Tuition and Maintenance of Certain Exceptional Children in Approved Institutions.—(a) When any child between the ages of six (6) and twenty-one (21) years of age resident in this Commonwealth, who is blind or deaf, or afflicted with cerebral palsy and/or brain damage and/or muscular dystrophy, is enrolled, with the approval of the Department of Public Instruction, as a pupil in any <sup>1</sup> of the schools or institutions for the blind or deaf, or cerebral palsied and/or brain damaged and/or muscular dystrophied, under the supervision of, subject to the review of or approved by the Department of Public Instruction, in accordance with standards and regulations promulgated by the Council of Basic Education, the school district in which such child is resident shall pay twenty-five per centum (25%) of the cost of tuition and maintenance of such child in such school or institution, as determined by the Department of Public Instruction; and the Commonwealth shall pay, out of funds appropriated to the department for special education, seventy-five per centum (75%) of the cost of their tuition and maintenance, as determined by the Department. If the residence of such child in a particular school district cannot be determined, the Commonwealth shall pay, out of moneys appropriated to the department for special education, the whole cost of tuition and maintenance of such child. In no event shall the total cost of tuition and maintenance of any such child exceed [three thousand five hundred dollars (\$3,500)] four thousand two hundred dollars (\$4,200) per year.

(b) When any person less than six (6) or more than twenty-one (21) years of age resident in this Commonwealth, who is blind or deaf, or afflicted with cerebral palsy and/or brain damage and/or muscular dystrophy, is enrolled, with the approval of the Department of Public Instruction, as a pupil in any of the schools or in-

<sup>1</sup> "one" in original.

stitutions for the blind or deaf, or cerebral palsied and/or brain damaged and/or muscular dystrophied, under the supervision of or approved by the Department of Public Instruction, the Commonwealth shall pay to such school or institution, out of moneys appropriated to the department for special education, the cost of tuition and maintenance of such person, as determined by the Department of Public Instruction, subject to review and approval in accordance with standards and regulations promulgated by the Council of Basic Education, and in addition, in the case of any child less than six (6) years of age, who is blind, the cost, as determined by the Department of Public Instruction, of instructing the parent of such blind child in caring for such child. In no event shall the total cost of tuition and maintenance of any such child exceed [three thousand five hundred dollars (\$3,500)] four thousand two hundred dollars (\$4,200) per year.

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Section 2. Subsection (c) of section 1376 of the act, amended December 22, 1965 (P. L. 1158), is amended to read:

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

(c) When any child between the ages of six (6) and twenty-one (21) years of age, resident in this Commonwealth, who is socially or emotionally disturbed, is enrolled with the approval of the Department of Public Instruction as a pupil in any approved day school under supervision of or approved by the Department of Public Instruction, the school district in which such child is resident shall pay twenty-five percent (25%) of the cost of tuition of such child in such school as determined by the Department of Public Instruction, and the Commonwealth shall pay out of funds appropriated to the Department for Special Education seventy-five percent (75%) of the cost of tuition of such child as determined by the department: Provided, however, That in no event shall the cost of tuition of such child exceed [one thousand five hundred dollars (\$1500)] two thousand three hundred ten dollars (\$2310) per school year.

Section 3. Subsection (b) of section 1377 of the act, amended December 6, 1965 (P. L. 1029), is amended to read:

Section 1377. Payment of Cost of Tuition and Maintenance of Certain Exceptional Children.—\* \* \*

(b) Payments of the Commonwealth's proportion of the cost of tuition and maintenance of blind or deaf, or cerebral palsied and/or brain damaged and/or muscular dystrophied, or socially or emotionally disturbed pupils enrolled in schools or institutions for the blind or for the deaf, or for the cerebral palsied and/or brain damaged and/or muscular dystrophied, or for the socially or emotionally disturbed and of the cost of instruction of parents of blind pupils less than six (6) years of age, as hereinbefore provided, shall be

made quarterly, out of moneys appropriated to the Department of Public Instruction for special education, by warrant of the Auditor General upon the State Treasurer, after requisition by the Superintendent of Public Instruction. In no event shall the total payment for the cost of tuition and maintenance of any such child exceed [three thousand five hundred dollars (\$3,500)] four thousand two hundred dollars (\$4,200) per year. The maximum amount payable for the cost of tuition and maintenance of such children shall be subject to review at least once every four years for the purpose of recommending an adjustment thereof.

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APPROVED—The 10th day of December, A. D. 1968.

RAYMOND P. SHAFER.

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No. 370

AN ACT

SB 1676

Amending the act of May 31, 1945 (P. L. 1198), entitled "An act providing for the conservation and improvement of land affected in connection with the mining of bituminous coal by the open pit mining method; regulating such mining; and providing penalties," including within the scope of the act the mining or recovery of coal whether or not incidental to any other purpose.

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

Section 1. The definition "open pit mining" in section 3, act of May 31, 1945 (P. L. 1198), known as the "Bituminous Coal Open Pit Mining Conservation Act," amended January 19, 1968 (P. L. 1012), is amended to read:

Section 3. Definitions.—The following words and phrases, unless a different meaning is plainly required by the context, shall have the following meanings:

"Open pit mining" shall mean the mining or recovery of bituminous coal by removing the strata or material which overlies or is above the coal deposit or seam in its natural condition and shall include the mining or recovery of coal whether or not incidental to any other purpose.

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Section 2. Section 3.1 of the act, added July 16, 1963 (P. L. 238), is reenacted to read: