

No. 1982-6

AN ACT

HB 942

Amending the act of March 10, 1949 (P.L.30, No.14), 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," further providing for the payment of tuition of out-of-state medically indigent children hospitalized in certain exclusively charitable children's hospitals and making an appropriation.

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

Section 1. Section 1308, act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," amended December 9, 1980 (P.L.1123, No.199), is amended to read:

Section 1308. Liability for Tuition and Enforcement of Payment.— In all cases not covered by the preceding section if a charge is made by any school district for tuition for the inmates of any such institution, the officers of the institution shall submit to the board of school directors a sworn statement, setting forth the names, ages, and school districts liable for tuition of all children who are inmates thereof, and desire to attend public school in the district, together with a blank acknowledging or disclaiming residence, signed by the secretary of the school district in which the institution declares the legal residence of the child to be. If said district shall fail to file said blank with said institution within fifteen (15) days from the date it is sent to the district by the institution by registered mail, the institution shall again notify the district of its failure to comply with the provisions of this act. If the district shall fail to comply within fifteen (15) days following the second notice, said failures to return the blank shall be construed as an acknowledgement of said child's residence. The tuition of such inmates as are included in the sworn statement to the board of school directors shall be withheld by the Secretary of Education from any moneys due to the district liable for said tuition upon receipt of a sworn statement setting forth the names, ages, tuition charges, and school district liable for tuition of said inmates. All money thus withheld shall be paid by him to the district entitled to receive the same. The district so charged with tuition may file an appeal with the Secretary of Education, in which it shall be the complainant and the institution the respondent. The decision of the Secretary of Education, as to which of said parties is responsible for tuition, shall be final.

If any inmates have been received from outside of Pennsylvania, or if the institution cannot certify as to their residence, their tuition shall be paid by the institution having the care or custody of said children, *except in the case of medically indigent children hospitalized in exclusively charitable children's hospitals exempt under section 501(c)(3) of the Internal*

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

Section 2. The sum of \$100,000, or as much thereof as is necessary, is hereby appropriated to the Department of Education for the purposes of this act.

Section 3. This act shall take effect immediately and shall be retroactive to July 1, 1981.

APPROVED—The 5th day of February, A. D. 1982.

DICK THORNBURGH