

No. 273

AN ACT

HB 1020

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," further providing for the cost of tuition and maintenance of certain exceptional children and for modified sparsity payments.

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

Section 1. Section 1376 and subsection (b) of section 1377, act of March 10, 1949 (P.L.30), known as the "Public School Code of 1949," amended December 10, 1968 (P.L.1165), 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,] Department of Education**, as a pupil in any 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,] Department of Education**, 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] Department of Education**; 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 four thousand two hundred dollars (\$4,200) per year.] for residential students exceed five thousand five hundred dollars (\$5,500) per year for tuition of deaf or blind day students, four thousand one hundred twenty-five dollars (\$4,125) per year and for tuition of cerebral palsied and/or brain damaged and/or muscular dystrophied day students three thousand five hundred dollars (\$3,500) 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,] Department of Education**, as a pupil in any 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 or approved by the **[Department of Public Instruction,] Department of Education**, 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,] Department of Education**, 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,] Department of Education** 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 four thousand two hundred dollars (\$4,200) per year.] for residential students exceed five thousand five hundred dollars (\$5,500) per year for tuition of deaf or blind day students, four thousand one hundred twenty-five dollars (\$4,125) per year and for tuition of cerebral palsied and/or brain damaged and/or muscular dystrophied day students three thousand five hundred dollars (\$3,500) per year.**

(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] and** emotionally disturbed, is enrolled with the approval of the **[Department of Public Instruction] Department of Education** as a pupil in any approved day school under supervision of or approved by the **[Department of Public Instruction,] Department of Education**, 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,] Department of Education**, 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 **[two thousand three hundred ten dollars (\$2310)] three thousand three hundred dollars (\$3,300)** per school year.

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] and** 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] *and* 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] *Department of Education* for special education, by warrant of the Auditor General upon the State Treasurer, after requisition by the [Superintendent of Public Instruction.] *Secretary of Education*. In no event shall the total payment for the cost of tuition and maintenance of any such child exceed [four thousand two hundred dollars (\$4,200) per year.] *five thousand five hundred dollars (\$5,500) 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] *two* years for the purpose of recommending an adjustment thereof.

* * *

Section 2. Clause (17) of section 2501 of the act, amended August 18, 1971 (P.L.339), is amended to read:

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

* * *

(17) “Sparsity Factor” shall be assigned for those districts whose population is less than fifty (50) per square mile as determined by the Secretary of Education from the most recent records of the United States Census Bureau. A school district qualifying under the sparsity factor shall be paid by the Commonwealth on account of excess expenditures per weighted average daily membership, not to exceed for the school year 1966-1967 one hundred dollars (\$100), for the school year 1967-1968 one hundred fifty dollars (\$150), for the school year 1968-1969 two hundred dollars (\$200), for the school year 1969-1970 and each school year thereafter two hundred fifty dollars (\$250) in excess of four hundred dollars (\$400), an amount to be determined by multiplying the excess expenditures by the aid ratio or by three hundred seventy-five thousandths (.375), whichever is greater and by the number of weighted pupils, such amount to be in addition to any other payment for such pupils: Provided, however, a school district qualifying under the sparsity factor may, in lieu of the above payment, elect for any school year to be paid and the Commonwealth shall pay on account of excess expenditures per weighted average daily membership in excess of four hundred dollars (\$400) a sum of thirty dollars (\$30) per weighted average daily membership, such amount to be in addition to any other payments for such pupils.

Any school district [which was] assigned [a] sparsity factor for any school year prior to 1969-1970 [and] or for any subsequent school year and any reorganized or merged school district comprised of one or more component school districts any of which had been assigned sparsity factor for any school year prior to 1969-1970 or any subsequent school

year which for any school year thereafter [as] is determined by the Secretary of Education to have a population of fifty (50) per square mile or more shall, for the school year 1970-1971 and each school year thereafter, qualify for a modified sparsity payment which shall be the ratio of its population per square mile to fifty (50) subtracted from 2.00 and multiplied by the amount to which it would have been entitled had its population per square mile been less than fifty (50).

Section 3. This act shall take effect immediately and shall be retroactive to July 1, 1971.

APPROVED—The 15th day of November, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 273.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "M".

Secretary of the Commonwealth.