

No. 373

AN ACT

SB 1669

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," changing the method of payments on account of courses for exceptional children further providing for reimbursements and making an appropriation.

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

Section 1. Section 2509, act of March 10, 1949 (P.L.30), known as the "Public School Code of 1949," amended September 12, 1961 (P.L.1245) and September 12, 1961 (P.L.1252), is amended to read:

Section 2509. Payments on Account of Courses for Exceptional Children.—Annually, before the first day of July, every school district or joint board of school directors planning to conduct classes or schools for the exceptional shall submit, for prior review and approval to establish the amount on which reimbursement will be paid by the Department of **[Public Instruction] Education**, an estimate of the cost of classes or schools for exceptional children to be operated by the district or joint board during the ensuing school year, and for transportation of pupils to and from classes and schools for exceptional children conducted by the district or joint board of school directors. Every school district, regardless of classification, shall be paid by the Commonwealth for the school term 1953-1954, the sum of twenty dollars (\$20) per pupil in average daily membership in a course or courses for mentally handicapped children, and the sum of thirty dollars (\$30) per pupil in average daily membership in a course or courses for physically handicapped children, approved by the **[Superintendent of Public Instruction] Secretary of Education**. Beginning with the school term of 1954-1955 and for every school term thereafter, every school district, regardless of classification, shall be paid by the Commonwealth an amount to be determined by multiplying the average daily membership in a course or courses for exceptional children, (1) at the elementary level, by an amount determined by subtracting the "instruction cost per elementary pupil," as defined in section 2561 of this act, from the "instruction cost per special class pupil," as hereinafter defined, for the preceding school term, or from the instruction cost per special class elementary pupil as approved for reimbursement by the Department of **[Public Instruction] Education** in the budget for classes or schools for exceptional children for the school year in which the class is operated, whichever is the lesser, (2) at the secondary level, by an amount determined by subtracting the "instruction cost per high school pupil," as defined in section 2561 of this act, from the "instruction cost per special

class pupil," as hereinafter defined, for the preceding school term, or from the instruction cost per special classes secondary pupil as approved for reimbursement by the Department of **[Public Instruction] Education** in the budget for classes or school for exceptional children for the school year in which the class is operated, whichever is the lesser.

To find the "instruction cost per special class pupil," add (1) salaries of directors and supervisors of special education, public school psychologists, principals of special schools and assistants, teachers of approved special classes for exceptional children, clerks and assistants employed in the district's program for special education, (2) the district's contribution to the retirement fund on behalf of directors and supervisors of special education, public school psychologists, principals of special schools and assistants, teachers of approved special classes for exceptional children, clerks and assistants employed in the district's program for special education, (3) the cost of textbooks and supplies of the second class used in the district's special education classes or schools, (4) the cost of telephonic system equipment which enables handicapped children to remain in their homes and still participate in classroom activities. Divide the sum of (1), (2), (3), and (4) on that part thereof which is approved by the Department of **[Public Instruction] Education** for reimbursement by the total number of pupils, including those pupils who have available for use telephonic system equipment whereby they may remain at home and still participate in classroom activities, in average daily membership in the district's approved special classes for exceptional children. The quotient so obtained shall be the "instruction cost per special class pupil."

The average daily membership of speech correction classes shall be calculated by multiplying (1) the average number of pupils in speech correction classes per week by (2) the number of periods per week that speech correction is provided for the individual pupil by (3) the number of minutes per period in speech correction class. Divide the product of (1), (2) and (3) by the total number of minutes spent in all classes weekly by the average pupil. The quotient thus obtained will be the "average daily membership for pupils in speech correction classes."

For the school term of 1972-1973 and for the school term of each school year thereafter, such payments shall consist of an amount payable in two equal installments during the year of operation, with adjustments to be made during the next succeeding school year. The amount to be paid in equal installments on or about the first day of August and on or about the first day of January of the operating year shall be the sum of the products determined by multiplying the anticipated equivalent full-time average daily membership in courses for exceptional children as reported on the approved budget for the operating year (1) at the elementary level times an amount determined by subtracting the estimated instruction cost per elementary pupil, as defined in section 2561 of this act, for the preceding school term from

the budgeted instruction cost per special class elementary pupil as approved by the Department of Education for the operating year and (2) at the secondary level times an amount determined by subtracting the estimated instruction cost per high school pupil, as defined in section 2561 of this act, for the preceding school term from the budgeted instruction cost per special class secondary pupil as approved by the Department of Education for the operating year.

The adjustment to be made during the school year immediately succeeding the operating year shall be determined by subtracting the payments made during the preceding year from the actual amount of reimbursement which would have been payable for said year if calculated as during the year 1954-1955 through 1971-1972. When determined, the adjusted amount, if positive, shall be paid promptly to the district and, if negative, shall be withheld from any moneys due to such district out of any State appropriation.

Section 2. Section 2592 of the act, amended June 30, 1967 (P.L.166), is amended to read:

Section 2592. Guaranteed Payment.—(a) The [Superintendent of Public Instruction] *Secretary of Education* shall, for each school district, determine the sum of the following subsidies payable in 1967-1968: instruction, as defined in section 2502, supplemental payments, tuition, minimum reimbursements as defined in section 2503.1 and extension education. The sum of such subsidies shall be divided by the weighted average daily membership of all pupils during 1966-1967 to determine an amount per pupil.

In 1967-1968, and in each school year thereafter, each school district shall receive from the Commonwealth an amount which is the greater of (a) the amount per pupil determined for 1966-1967 according to the preceding paragraph times the weighted average daily membership applicable to the year for which payment is being made, or (b) the amount as determined in accordance with subsections (d) and (e) of section 2502 of this act.

(b) *The Secretary of Education shall, for each school district, determine the sum of the following subsidies payable in 1971-1972; payments on account of instruction under subsections (d) and (e) of section 2502 or subsection (a) of this section, whichever is applicable; payments on account of low actual instruction expense under subsection (g) of section 2502. The sum of such subsidies shall be divided by the weighted average daily membership of the district's pupils for the school year 1970-1971 to determine an amount per weighted average daily membership.*

In 1972-1973 and in each school year thereafter, each school district shall receive from the Commonwealth an amount which is the greater of (a) the amount per weighted average daily membership determined for 1970-1971 according to the preceding paragraph for the district or

its components times the weighted average daily membership applicable to the year for which payment is being made, or (b) the amount as determined in accordance with subsections (d) and (e) of section 2502 of this act.

(c) In the event that a district is eligible under the density or sparsity fraction, there shall be added to its payment, as determined above, an amount determined by multiplying the aid ratio or by three hundred seventy-five thousandths (.375), whichever is greater times expenditures in excess of four hundred dollars (\$400) per weighted average daily membership, up to a maximum of, 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) and times the weighted average daily membership: Provided, however, a district eligible for added payment under the density or sparsity fraction may, in lieu of the above payment, elect for any school year to have added to its payment, and the Commonwealth shall add to its payment, 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.

Section 3. The sum of forty-one million one hundred five thousand dollars (\$41,105,000), or as much thereof as may be necessary, is hereby appropriated to the Department of Education for the purpose of making payments to school districts on account of classes and schools for exceptional children to be conducted by the district during the school year 1972-1973 and one million eight hundred sixty thousand nine hundred dollars (\$1,860,900) is appropriated for the provision included herein relative to the basic instructional subsidy for the school year 1972-1973. All funds to implement this act are to be paid from Federal revenue sharing funds made available to the Commonwealth under the State and Local Fiscal Assistance Act of 1972, and are hereby appropriated out of the State Treasury from such funds.

Section 4. This act shall take effect immediately and the payment for August, 1972 shall be paid within thirty days.

APPROVED—The 29th day of December, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 373.

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

Secretary of the Commonwealth.