

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 301 Session of 2023

INTRODUCED BY HARKINS, SAMUELSON, KINSEY, HOHENSTEIN, SCHLOSSBERG, HILL-EVANS, CIRESI, SANCHEZ, D. WILLIAMS, PASHINSKI, MADDEN, NEILSON, WARREN, GALLOWAY, MALAGARI, FREEMAN, STURLA, KINKEAD, N. NELSON, CEPEDA-FREYITZ AND WAXMAN, MARCH 10, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 25, 2023

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. Sections 502, 925, 923.2 A, 1328, 1338, 1376(a), <--
13 1377, 1377.1, 1379, 1502 E(b), 2108, 2501(11), 2509 heading and
14 (b), 2517(e) and 2541(b) (3) of the act of March 10, 1949
15 (P.L.30, No.14), known as the Public School Code of 1949, are
16 amended to read:~~

17 SECTION 1. SECTIONS 502, 925, 923.2-A, 1328, 1338 AND <--
18 1376(A) OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS
19 THE PUBLIC SCHOOL CODE OF 1949, ARE AMENDED TO READ:

1 Section 502. Additional Schools and Departments.--In  
2 addition to the elementary public schools, the board of school  
3 directors in any school district may establish, equip, furnish,  
4 and maintain the following additional schools or departments for  
5 the education and recreation of persons residing in said  
6 district, and for the proper operation of its schools, namely:--

7 High schools,

8 Trade schools,

9 Career and technical schools,

10 Cafeterias,

11 Agricultural schools,

12 Evening schools,

13 Kindergartens,

14 Libraries,

15 Museums,

16 Reading-rooms,

17 Gymnasiums,

18 Playgrounds,

19 Schools for [physically and mentally handicapped] children  
20 with physical or intellectual disabilities,

21 [Truant schools] Alternative education schools,

22 Parental schools,

23 Schools for adults,

24 Public lectures,

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

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

30 No pupil shall be refused admission to the courses in these

1 additional schools or departments, by reason of the fact that  
2 his elementary or academic education is being or has been  
3 received in a school other than a public school.

4 Section 925. Powers and Duties.--

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

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

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

29 Section 923.2-A. Visual Services.--(a) Legislative Finding;  
30 Declaration of Policy. [Defects] Impairments in vision are

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

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

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

21 "Visual services" means diagnostic, evaluative and  
22 instructional visual services for children.

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

1 including but not limited to mobility training, provided that  
2 such services are also afforded to public school students by the  
3 public school district in which such nonpublic school is  
4 located.

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

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

1 provided by law for incorrigible, truant, insubordinate, or  
2 dependent children.

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

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

26 \* \* \*

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

29 SECTION 1376.1. ACTUAL COST OF TUITION AND MAINTENANCE OF  
30 CERTAIN EXCEPTIONAL CHILDREN IN THE FOUR CHARTERED SCHOOLS FOR

1 EDUCATION OF THE DEAF AND THE BLIND.--\* \* \*

2 (B.2) PAYMENTS ARE AS FOLLOWS:

3 \* \* \*

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

10 \* \* \*

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

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



1 emotionally [disturbed] disabled and/or [mentally retarded]  
2 intellectually disabled. Amounts so withheld shall be  
3 specifically appropriated to the Department of Education.

4 (b) Payments of the Commonwealth's proportion of the cost of  
5 tuition and maintenance of [blind or deaf] students who are  
6 visually impaired or hearing impaired, or cerebral palsied  
7 and/or [brain damaged] who have a traumatic brain injury and/or <--  
8 muscular dystrophied, or socially and emotionally [disturbed]  
9 disabled and/or [mentally retarded pupils] intellectually  
10 disabled and are enrolled in schools or institutions for the  
11 [blind or for the deaf] visually impaired or hearing impaired,  
12 or for the cerebral palsied and/or [brain damaged] ~~traumatic~~ <--  
13 brain injured and/or muscular dystrophied, or for the socially  
14 and emotionally [disturbed] disabled and of the cost of  
15 instruction of parents of [blind] visually impaired pupils less  
16 than school entry age, as hereinbefore provided, shall be made  
17 quarterly, out of moneys appropriated to the Department of  
18 Education for special education. Except for the provisions of  
19 section 1376.1 providing for the actual cost of tuition and  
20 maintenance of certain [exceptional] children with disabilities  
21 in the four chartered schools for education of the [deaf and of  
22 the blind] hearing impaired or visually impaired, in no event  
23 shall the total payment for the cost of tuition and maintenance  
24 of any such child exceed the rates per year allowed under  
25 section 1376. The maximum amount payable for the cost of tuition  
26 and maintenance of such children shall be subject to review at  
27 least once every two years for the purpose of recommending an  
28 adjustment thereof.

29 (c) For the purpose of enabling the Department of Education  
30 to determine from time to time what amounts are due to schools

1 for the [blind or for the deaf] visually impaired or hearing  
2 impaired or for the cerebral palsied and/or [brain damaged]  
3 traumatic brain injured and/or muscular dystrophied or for the <--  
4 socially and emotionally [disturbed] disabled and/or [mentally  
5 retarded] intellectually disabled hereunder, such schools shall  
6 forward to the department, at such times and in such form as the  
7 department shall prescribe, sworn statements setting forth the  
8 names, ages, and residences of all pupils enrolled hereunder,  
9 specifying the school districts liable for a part of the cost of  
10 tuition and maintenance of any such pupils, the per capita cost  
11 of and maintenance of pupils, and such other information as the  
12 department shall require.

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

18 (d) When, during the course of the 1982-1983 school year,  
19 programs for [exceptional] children with disabilities are caused  
20 to be transferred from schools or institutions for the [blind or  
21 deaf] visually impaired or hearing impaired, or cerebral palsied  
22 or [brain damaged] traumatic brain injured or muscular <--  
23 dystrophied or [mentally retarded] intellectually disabled, or  
24 socially and emotionally [disturbed] disabled, as provided for  
25 in sections 1376 and 1376.1, to school districts or intermediate  
26 units, as provided for in sections 2509 and 2509.1, under  
27 unanticipated or emergency circumstances, and when such  
28 transfers necessitate the transfer of funds from the  
29 appropriation to the Department of Education for special  
30 education for approved private schools to the appropriation to

1 the Department of Education for payments on account of special  
2 education of [exceptional] children with disabilities in public  
3 schools, the Secretary of Education shall be empowered so to  
4 transfer such funds, upon approval of the Secretary of the  
5 Budget and written notification to the State Treasurer and the  
6 chairmen of the House and Senate Appropriations and Education  
7 Committees.

8 Section 1377.1. Transfer of Funds for Transferal Programs.--

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

28 Section 1379. Children Under Six with [Defective] Impaired  
29 Hearing; Parent or Guardian Advised of Schools, etc.--Whenever  
30 notified by the Department of Health of the case of a minor

1 under six (6) years of age, who is totally [deaf or whose  
2 hearing is impaired] or partially hearing impaired, the  
3 Superintendent of Public Instruction, when in his judgment the  
4 same is deemed desirable, shall communicate to the parent or  
5 guardian the location of any special schools, and also the  
6 nearest public school having special classes for the instruction  
7 of the [hard of] hearing impaired, with the information  
8 concerning the advantages offered by such school or classes, the  
9 benefits to accrue to the child from attending such school or  
10 classes, and the manner in which the expenses of such  
11 instruction will be provided for.

12 Section 1502-E. Character education program.

13 \* \* \*

14 (b) Curriculum contents.--The program may include and teach  
15 the following basic civil values and character traits:

16 (1) Trustworthiness, including honesty, integrity,  
17 reliability and loyalty.

18 (2) Respect, including regard for others, tolerance and  
19 courtesy.

20 (3) Responsibility, including hard work, economic self-  
21 reliance, accountability, diligence, perseverance and self-  
22 control.

23 (4) Fairness, including justice, consequences of [bad  
24 behavior] behaviors that impede the learning of self or  
25 others, principles of nondiscrimination and freedom from  
26 prejudice.

27 (5) Caring, including kindness, empathy, compassion,  
28 consideration, generosity and charity.

29 (6) Citizenship, including love of country, concern for  
30 the common good, respect for authority and the law and

1 community mindedness.

2 \* \* \*

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

4 The board of public education in each school district of the  
5 first class shall prescribe the mode or modes of determining the  
6 qualifications of applicants for positions as principals or  
7 teachers in the schools of the district, and shall designate the  
8 kinds or grades of teachers' certificates which may or shall be  
9 used in the district, together with the scholastic,  
10 professional, and personal qualifications required for each kind  
11 or grade of certificate.

12 No certificate shall be granted to any person who is not of  
13 good moral character, or to any person who shall not first have  
14 presented a certificate, from a physician recognized by the  
15 board of public education as competent for the purpose, setting  
16 forth that said applicant is neither mentally nor physically  
17 disqualified by reason of tuberculosis, or any other chronic or  
18 acute physical [defect] impairment, from successfully performing  
19 the duties of a teacher.

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

22 \* \* \*

23 (11) "Actual Instruction Expense Per Elementary Teaching  
24 Unit, Actual Instruction Expense Per Elementary Teaching Unit in  
25 a Laboratory School of a State-owned College, Actual Instruction  
26 Expense Per Secondary Teaching Unit, Actual Instruction Expense  
27 Per Secondary Teaching Unit in a Laboratory School of a State-  
28 owned College, Actual Instruction Expense Per Joint Elementary  
29 Teaching Unit, Actual Instruction Expense Per Joint Secondary  
30 Teaching Unit, Actual Instruction Expense Per Area Technical

1 School Teaching Unit." In 1958 in the month of September and  
2 thereafter annually in the month of September, the Department of  
3 Education shall calculate for each school district for the  
4 immediately preceding school year the actual instruction expense  
5 per elementary teaching unit for elementary pupils educated in  
6 the district's public schools, the actual instruction expense  
7 per secondary teaching unit for secondary pupils educated in the  
8 district's public schools, the actual instruction expense per  
9 joint elementary teaching unit for elementary pupils educated in  
10 elementary schools of jointures of which the district is a  
11 member, the actual instruction expense per joint secondary  
12 teaching unit for secondary pupils educated in secondary schools  
13 of jointures of which the district is a member, the actual  
14 instruction expense per area technical school teaching unit for  
15 pupils educated in area technical schools in which the district  
16 participates, the actual instruction expense per elementary  
17 teaching unit for elementary pupils residing in the district and  
18 educated in the public schools of other districts within the  
19 Commonwealth, and the actual instruction expense per secondary  
20 teaching unit for secondary pupils residing in the district and  
21 educated in the public schools of other districts within the  
22 Commonwealth. In each case, actual instruction expense per  
23 teaching unit shall be the sum of (i) and (ii) below but in no  
24 case shall include expenses for debt service, capital outlay,  
25 rentals of capital facilities and equipment, salaries and  
26 expenses for school nurses, for medical and dental services, for  
27 driver education courses, for reimbursable transportation of  
28 pupils, for tuition paid to other school districts, for  
29 reimbursable board and lodging in lieu of transportation, for  
30 salaries of directors and supervisors of special education,

1 public school psychologists, principals of special schools and  
2 assistants, teachers of approved special classes for [physically  
3 and mentally handicapped] children with physical or mental  
4 disabilities, clerks and assistants employed in programs for  
5 special education, for school district contributions to the  
6 retirement fund on behalf of directors and supervisors of  
7 special education, public school psychologists, principals of  
8 special schools and assistants, teachers of approved special  
9 classes for [physically and mentally handicapped] children with  
10 physical or mental disabilities, clerks and assistants employed  
11 in programs for special education, for the cost of textbooks and  
12 supplies of the second class used in special education classes  
13 or schools, for extension schools and classes, for extension  
14 recreation activities, for career and technical extension  
15 education, or for instruction of homebound children. (i)  
16 Expenses of general control per teaching unit. Expenses of  
17 general control shall include: salaries, supplies and other  
18 expenses of the secretary's office; commission or salary of  
19 treasurer, tax collector, auditors and legal service; expenses  
20 of census enumeration and other expenses of business  
21 administration; salaries of the superintendent of schools and  
22 clerks of the superintendent of schools; expenses of supplies  
23 and other expenses of the superintendent of schools' office; and  
24 other expenses of general control. In the case of computation of  
25 actual instruction expense per elementary teaching unit for  
26 district pupils educated in the schools of the district and for  
27 district pupils educated in the public schools of other  
28 districts within the Commonwealth and actual instruction expense  
29 per secondary teaching unit for district pupils educated in the  
30 schools of the district and for district pupils educated in the

1 public schools of other districts within the Commonwealth,  
2 expenses of general control per teaching unit shall be  
3 calculated by dividing the foregoing listed expenses of general  
4 control of the school district by the number of teaching units  
5 based on the number of all pupils who are residents of the  
6 school district and are in average daily membership in the  
7 public schools of the Commonwealth. In the case of computation  
8 of actual instruction expense per joint elementary teaching unit  
9 and actual instruction expense per joint secondary teaching  
10 unit, expenses of general control per teaching unit shall be  
11 calculated by dividing the foregoing listed expenses of general  
12 control of the school district by the number of teaching units  
13 based on the 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 joint school district by the number of  
18 joint teaching units based on the number of pupils who are  
19 residents of school districts that are members of the joint  
20 school district and are in average daily membership in the  
21 schools of the joint school district. In the case of computation  
22 of actual instruction expense per area technical school teaching  
23 unit, expenses of general control per teaching unit shall be  
24 computed by dividing the foregoing listed expenses of general  
25 control of the school district by the number of teaching units  
26 based on the total number of all pupils who are residents of the  
27 school district and are in average daily membership in the  
28 public schools of the Commonwealth, and adding thereto the  
29 quotient obtained by dividing the foregoing listed expenses of  
30 general control of the area technical school by the number of



1 area technical school teaching units based on the number of  
2 pupils who are residents of districts participating in the area  
3 technical school and are in average daily membership in the area  
4 technical school. (ii) Expenses of the school district, joint  
5 school district, area technical school, or such other school  
6 district within the Commonwealth in which the districts' pupils  
7 are educated, as the case may be, on account of instruction,  
8 auxiliary agencies and coordinate activities, operation of  
9 school plant, maintenance of school plant, and fixed charges,  
10 and each separately for elementary and for secondary schools,  
11 per teaching unit, calculated by dividing the sums of (a), (b),  
12 (c), (d), and (e) below by the numbers of elementary, secondary,  
13 joint elementary, joint secondary, and area technical school  
14 teaching units, respectively, based on the number of all pupils  
15 on an equivalent full-time basis in average daily membership in  
16 the public schools of the district, or joint district, or the  
17 area technical school, or other school district within the  
18 Commonwealth in which pupils of the district are educated, as  
19 the case may be; (a) expenses of instruction, to include  
20 salaries of supervisors and other expenses of supervisors,  
21 salaries of principals and principals' clerks, supplies of the  
22 principals' offices, other expenses of supervision, teachers'  
23 and teacher-librarians, salaries, textbooks, library books,  
24 supplies used in instruction including library supplies,  
25 expenses of attending teachers' institutes, commencement  
26 exercise and exhibit expenses, and other expenses of  
27 instruction, (b) expenses of auxiliary agencies and coordinate  
28 activities, to include salaries, books, repairs, replacements,  
29 and other expenses of public libraries, and non-reimbursable  
30 transportation and board and lodging in lieu of transportation,

1 and provisions for tubercular and undernourished children,  
2 community lectures, social centers and recreation, enforcement  
3 of attendance, and other expenses of auxiliary agencies and  
4 coordinate activities, (c) expenses of operation of school  
5 plant, to include wages of janitors and other employes, fuel,  
6 water, light, power, janitors' supplies, care of grounds,  
7 services other than personal, telephone rental, and other  
8 expenses of operation, (d) expenses of maintenance of school  
9 plant, to include upkeep of grounds, repair of buildings,  
10 repairs and replacements, heating, plumbing, lighting, apparatus  
11 used in instruction, furniture, and other equipment, (e)  
12 expenses of fixed charges, to include payments made to the  
13 retirement board, rent, all insurance, and other fixed charges:  
14 Provided, That the actual instruction expense for elementary  
15 teaching unit for district pupils educated in the elementary  
16 grades of a laboratory school of a State-owned college and the  
17 actual instruction expenses for secondary teaching unit for  
18 district pupils educated in the high school grades of a  
19 laboratory school of a State-owned college shall be computed by  
20 (i) dividing the total amount of money paid to the State-owned  
21 college by the resident district for the education of all  
22 resident elementary children enrolled in a laboratory school of  
23 a State-owned college by the number of such elementary teaching  
24 units based on the total number of such resident children in  
25 average daily membership in the laboratory school, (ii) dividing  
26 the total amount of money paid to the State-owned college by the  
27 resident district for the education of all resident secondary  
28 children enrolled in a laboratory school of a State-owned  
29 college by the number of such secondary teaching units based on  
30 the total number of such resident children in average daily

1 membership in the laboratory school. The teaching units are  
2 computed on the basis of thirty (30) equivalent full time  
3 elementary children and twenty-two (22) equivalent full time  
4 secondary children.

5 \* \* \*

6 Section 2509. Payments on Account of Courses for  
7 [Exceptional] Children with Disabilities.--\* \* \*

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

1 classes for [exceptional] children with disabilities. The  
2 quotient so obtained shall be the "instruction cost per [special  
3 class pupil] student with a disability."

4 \* \* \*

5 Section 2517. Payments.--\* \* \*

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

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

13 \* \* \*

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

16 \* \* \*

17 (3) To all school districts, for the transportation of  
18 [physically or mentally handicapped] children with physical or  
19 intellectual disabilities regularly enrolled in special classes  
20 approved by the Department of Education or enrolled in a regular  
21 class in which approved educational provisions are made for  
22 them.

23 \* \* \*

24 ~~Section 2. This act shall take effect in 60 days.~~ <--

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

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

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

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

4 SECTION 6. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

5 (1) THE FOLLOWING SHALL TAKE EFFECT IMMEDIATELY:

6 (I) THE ADDITION OF SECTION 1376.1(B.2)(4) OF THE  
7 ACT.

8 (II) SECTIONS 4 AND 5 OF THIS ACT.

9 (III) THIS SECTION.

10 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60  
11 DAYS.