



# MENTAL RETARDATION BULLETIN

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF PUBLIC WELFARE

DATE OF ISSUE

9/2/81

EFFECTIVE DATE

9/2/81

NUMBER

199-81-01

## SUBJECT

Procedures for Charging and Collecting of Tuition Expenses for School-Age Residents in Mental Retardation and Mental Health Residential Facilities

BY

*Jennifer L. Howse*

Jennifer L. Howse, Ph.D.  
Deputy Secretary for Mental Retardation

BY

*Scott H. Nelson*

Scott H. Nelson, M.D.  
Deputy Secretary for Mental Health

## SCOPE

Regional MR Commissioners	CLA Provider Agencies
Regional MH Program Managers	PLF Provider Agencies
State MR Center Superintendents	CRR Provider Agencies
State Mental Hospital Superintendents	ICF/MR Facility Directors
County MH/MR Administrators	DD/CLA Provider Agencies
DPW Headquarters Program and Administration Deputies	

## PURPOSE

To notify Mental Retardation and Mental Health residential providers of the passage of Act 199 and the procedures for charging and collecting school tuition for both Pennsylvania residents and out-of-state residents being served in Pennsylvania's mental retardation and mental health residential facilities.

## BACKGROUND

There has been a lack of clarity regarding the charging and collecting of school tuition expenses for Pennsylvania residents and out-of-state residents being served in Pennsylvania's mental retardation and mental health residential facilities. In some cases, this lack of clarity has led to litigation. Act 199 was passed to resolve these issues.

## RESIDENCE

A child shall be considered a resident of the school district in which his parents or the guardian of his person reside. (§13-1302 Pa. School Code.)

## APPLICATION

The procedures described below are required to ensure compliance with Act 199 for the 1981-82 school year.

### Pennsylvania Residents

1. The school districts providing education to a child who resides in a mental retardation or mental health residential facility will require tuition payment from the school district of the legal residence of the resident.
2. The Director or Superintendent of the residential facility shall prepare a separate notarized statement specifying the

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

Mel Knowlton, Director, Bureau of Program Development, Office of Mental Retardation  
302 Health & Welfare Bldg, Hbg. Pa. 17120-Telephone (717)783-5758 (Network 8-443-5758)

names, ages and school districts liable for the tuition. (See attached form letter).

3. Immediately, the Director or Superintendent shall mail each statement to the appropriate Board of School Directors of the school district of the resident's legal residence via registered mail requesting a signed acknowledgement or disclaimer of residency by the school district secretary.
4. If the Board of School Directors fail to respond within 15 days, the Director of the residential facility shall notify the Board of School Directors that they are required to comply with Act 199.
5. If the Board of School Directors fails to comply with the second notice within 15 days, the Director or Superintendent of the residential facility shall notify the Secretary of Education, who will ensure proper tuition payment to the local school district by withholding funds from the school district of residence and transferring the tuition to the local school district. State Center Superintendents shall copy the appropriate Regional Commissioner.
6. The school district of legal residence may appeal to the Secretary of Education for a decision of residence, if they are being charged for tuition.
7. The Director or Superintendent of the residential facility may be required by the Department of Education to respond and defend the claim of legal residency. Such actions, if required by the State Superintendents, should be done in conjunction with legal counsel.

#### Out of State Residents

1. Payment for tuition and transportation shall be made or guaranteed by the Director or Superintendent of the residential facility in advance of enrollment of the resident in a local school district or intermediate unit program.  
If this is not done, there will be no education provided by the Intermediate Unit or school district programs.
2. Payment to the school district or intermediate unit program may come from:
  - (a) the residential facility
  - (b) the resident's home state
  - (c) the out-of-state school district
  - (d) the out-of-state party or agency which placed the resident.
3. The Pennsylvania residential facility accepting out-of-state residents has the ultimate responsibility for the payment of tuition and transportation expenses if others do not pay.

SAMPLE LETTER TO BOARD OF SCHOOL DIRECTORS

(MUST BE NOTARIZED AND SENT THROUGH REGISTERED MAIL)

TO: The \_\_\_\_\_ Board of School Directors

Gentlemen:

To comply with Act 199 of 1980, I am providing you with a listing of residents of this facility for which your School District is liable for tuition:

CHILD'S NAME	AGE	ACKNOWLEDGE	DISCLAIM

Signed:

\_\_\_\_\_  
Secretary of School District

Please provide me with an acknowledgement or disclaimer of residency within fifteen days as required by Act 199.

Signed:

\_\_\_\_\_  
Facility Director or Superintendent