

**CHAPTER 181. MENTALLY RETARDED  
EXCEPTIONAL CHILDREN**

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**Authority**

The provisions of this Chapter 181 issued under section 1372 of the Public School Code of 1949 (24 P. S. § 13-1372), unless otherwise noted.

**Source**

The provisions of this Chapter 181 adopted February 1, 1974, effective February 2, 1974, 4 Pa.B. 191, unless otherwise noted.

**§ 181.1. Children in private schools.**

In order that school age mentally retarded children in this Commonwealth receive an opportunity to secure a tax-supported free public program of education when these children are currently or hereafter enrolled in licensed private academic schools, the procedures set forth in §§ 181.2—181.7 shall be observed.

**§ 181.2. Annual reports.**

Licensed private academic schools having exceptional children enrolled therein shall immediately, and hereafter annually on or before February 1, provide to the intermediate unit in which they are situated, a list of all mentally retarded exceptional children enrolled, setting forth the following:

- (1) Name and home address of each child and his parents or guardian.
- (2) Nature of the child's exceptionality including primary and secondary exceptionalities when present.

**Cross References**

This section cited in 22 Pa. Code § 181.1 (relating to children in private schools); and 22 Pa. Code § 181.7 (relating to cost reporting).

**§ 181.3. Notice to parents.**

Upon receipt of this information the intermediate unit shall notify the parents or guardian of each mentally retarded child of that child's right to a tax-supported free public program of education. This notice shall include the following:

- (1) The address of the school district and intermediate unit responsible for the education of that child.

(2) An instruction to the parents or guardian to contact that school district or intermediate unit if that parent or guardian desires to obtain a tax-supported free public program of education for that child in the public schools. A disclaimer is required.

**Cross References**

This section cited in 22 Pa. Code § 181.1 (relating to children in private schools).

**§ 181.4. Free public education.**

Enrollment in a tax-supported free public program of education shall be done in accordance with Chapter 14 (relating to special education services and programs) and other laws and regulations of this Commonwealth.

**Cross References**

This section cited in 22 Pa. Code § 181.1 (relating to children in private schools).

**§ 181.5. Placement.**

In determining appropriate placement, special reference must be made to Attorney General's Opinion No. 137 of 1972, 2 Pa.B. 1581 which directs that among alternative placements under consideration:

- (1) Preferred placement is in a regular public school class.
- (2) Placement in a special education public school class is preferred to placement in any other type of program of education and training.

**Notes of Decisions**

There is no duty to use private schools in programs for handicapped school-aged persons. *Summit School, Inc. v. Department of Education*, 402 A.2d 1142 (1979).

**Cross References**

This section cited in 22 Pa. Code § 181.1 (relating to children in private schools).

**§ 181.6. Department approval.**

(a) A school district or intermediate unit desiring to place a mentally retarded child in an approved private academic school at Commonwealth expense shall, in addition to any of the procedures required by law or regulation, notify the Department of its proposed placement and seek approval thereof.

(b) A placement may not be made, and payments will not be provided by the Commonwealth unless the proposal is approved by the Department.

**Cross References**

This section cited in 22 Pa. Code § 181.1 (relating to children in private schools).

**§ 181.7. Cost reporting.**

(a) Each private school, as defined in § 181.2 (relating to annual reports) shall immediately, and hereafter annually, on or before the first day of February, provide the Department with an analysis of the total lists of pupil enrollment in each school, including a breakdown of the following costs on a “per pupil” basis:

- (1) Room and board (if applicable).
- (2) Basic education costs.
- (3) Ancillary services (examples: speech, physical therapy).
- (4) Medical services.
- (5) Other charges (itemized).

(b) A private school may not receive payments under any provisions of state law or regulation until it fulfills the requirements of subsection (a).

**Cross References**

This section cited in 22 Pa. Code § 181.1 (relating to children in private schools).

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