

as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

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Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 28th day of March, A. D. 1956.

GEORGE M. LEADER

No. 429

AN ACT

To further amend the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 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," by further regulating education and training for handicapped children.

Public School Code of 1949.

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

Section 901, act of March 10, 1949, P. L. 30, last amended July 27, 1953, P. L. 619, further amended.

Section 1. Section nine hundred one of the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 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," as last amended by the act, approved the twenty-seventh day of July, one thousand nine hundred fifty-three (Pamphlet Laws 619), is hereby further amended to read as follows:

Section 901. Annual Conventions and Special Meetings.—The school directors, in every county having a county superintendent of public schools, shall annually be called together at the county-seat or some other suitable place within the county, by the county superintendent of public schools. The purpose of such annual conventions shall be the consideration and the discussion, by the school directors and others, of questions and subjects pertaining to the welfare and promotion of the public schools in their respective counties, and such other business as may properly come before such conventions. In addition hereto, the county superintendent of public schools may call together the school directors within the county at the county-seat, or some other suitable place within the county designated by the county superintendent of public schools when any emergency may exist, or when, in the opinion of the county superintendent of public schools, a special meet-

ing should be called for the consideration and discussion by the school directors and others of questions and subjects pertaining to the welfare and promotion of the public schools or their interests in their respective districts, or counties, and such other business as may properly come before said meeting.

The convention shall have power, at the annual convention or at any special meeting, to pass on and approve activities and services [and schools and classes for handicapped] to be provided, administered and supervised by the county board of school directors, and to authorize the same by a majority vote of those present.

Such action shall not be taken unless the secretary of each school board [under the jurisdiction of the county superintendent] has been advised at least forty (40) days previous to the convention or meeting at which such action is to be considered.

Section 2. Section nine hundred twenty-five of the act, amended April twenty, one thousand nine hundred forty-nine (Pamphlet Laws 622), September twenty-eight, one thousand nine hundred fifty-one (Pamphlet Laws 1546), July twenty-seven, one thousand nine hundred fifty-three (Pamphlet Laws 619), and August ten, one thousand nine hundred fifty-three (Pamphlet Laws 1136), is amended to read:

Section 925, act of March 10, 1949, P. L. 30, amended April 20, 1949, P. L. 622, September 28, 1951, P. L. 1546, July 27, 1953, P. L. 619, and August 10, 1953, P. L. 1136, further amended.

Section 925. Powers and Duties.—(a) The county board of school directors, in respect to school districts [under the supervision of the county superintendent,] *whose directors are eligible to vote at the election of members of the county board*, shall have power and its duty shall be—

(1) To inspect all budgets and annual financial reports, and shall render such advice and assistance regarding the same as may seem proper before such budgets or reports are transmitted to the Department of Public Instruction;

(2) To approve or disapprove, subject to the approval of the Department of Public Instruction, transportation routes and contracts in all districts under the supervision of a county superintendent;

(3) To apportion, subject to the approval of the State Council of Education, the cost of free transportation among school districts in all cases where such districts jointly use the same transportation facilities;

(4) To recommend the approval or disapproval of school sites and buildings by the State Council of Education;

(5) To prepare county-wide plans for the merger of school districts or parts of school districts, and for the

reorganization of attendance areas and administrative units and to submit the same to the State Council of Education, as hereinbefore required;

(6) To advise local boards and make recommendations to them for the collection of current and delinquent taxes;

(7) To establish a uniform and simple system of accounting under the direction of the county superintendent and the Department of Public Instruction;

(8) To advise local boards and make recommendations to them for the enforcement of the attendance law;

(9) To make such studies and reports as may be suggested by the State Council of Education;

(10) To employ an attorney for such purposes as may be required and to fix his compensation, which shall not exceed one hundred dollars (\$100) per annum except upon the approval of the court of common pleas of the county. The compensation herein provided for shall be paid by the Commonwealth, from appropriations for this purpose or from the appropriations for the public schools;

(11) To receive Federal, State and local moneys and to expend the same to provide special services for school districts under the supervision of the county superintendent that may be authorized by the county convention of school directors;

(12) To administer and supervise activities and services that have been authorized by the county convention of school directors;

(13) To contract with other county boards of school directors and with school districts not under the jurisdiction of the county superintendent to provide services or supervisors. School districts not under the jurisdiction of a county superintendent are hereby authorized to enter into such contracts with county boards of school directors;

(14) To assess each school district entitled under this act to services provided through the office of the county superintendent for such services, and any school district not under the jurisdiction of the county superintendent which has contracted with the county board for services, for such district's proportionate share of the cost of such services. The proportionate share of a district shall be determined by multiplying the cost of the services by a fraction, the numerator of which shall be the number of pupils in average daily membership in the district and the denominator of which shall be the total number of pupils in average daily membership in all districts to which such services will be furnished: Provided,

That no school district shall be liable for such assessment unless the county board shall have notified the secretary of the district, in writing, forty (40) days prior to the county convention of school directors, that action will be considered to provide such services.

(15) Each school district subject to assessment for services furnished by the county board of school directors shall make payment of said assessment as provided by action of the county board of school directors. In the event any district fails to pay its assessment when due, the same shall be withheld from State appropriations by the Superintendent of Public Instruction and paid over to the county Board of school directors.

[(16) To estimate and file with the Department of Public Instruction the cost of classes and schools for handicapped, whenever such classes and schools are authorized on or before the first day of July of each year.

(17) To employ temporary professional and professional employes, supervisors and teachers and to employ all other persons necessary to carry on education and training for handicapped children and to determine the salaries to be paid. All professional employes so employed shall have the same rights of membership in the Public School Employes' Retirement Association as professional employes of school districts.]

(b) The county board of school directors in respect to second, third and fourth class school districts within the county shall have power and its duty shall be—

(1) To prepare plans for the proper education and training of handicapped children as hereinafter provided;

(2) To provide, maintain, administer, supervise and operate schools and classes for handicapped children in accordance with a plan approved by the State Council of Education as hereinafter provided;

(3) To estimate and file with the Department of Public Instruction the cost of classes and schools for handicapped on or before the first day of July of each year;

(4) To employ temporary professional and professional employes, supervisors and teachers, and to employ all other persons necessary to carry on education and training for handicapped children and to determine the salaries to be paid. All employes so employed shall have the same rights of membership in the Public School Employes' Retirement Association as employes of school districts.

Section 1371, act
of March 10,
1949, P. L. 30,
amended.

Section 3. Section one thousand three hundred seventy-one of said act is hereby amended to read as follows:

Section 1371. Reports; Examination.—It shall be the duty of the secretary of the school board, [teachers, school enumerators, home and school visitors, and attendance officers,] in every school district *of the second, third and fourth class*, in accordance with rules of procedure prescribed by the Superintendent of Public Instruction, to secure information and report to the [district or county superintendent of schools] *county board of school directors*, on or before the fifteenth day of October of each year, and thereafter as cases arise, every child of compulsory school age within said district who, because of apparent exceptional physical or mental condition, is not being properly educated and trained. As soon thereafter as possible the child shall be examined by a [mental clinic, approved by the State Council of Education, or by a] person certified by the Department of Public Instruction as a public school psychologist [or psychological examiner], and also by any other expert which the type of [class] *handicap* and the child's condition may necessitate. A report shall be made [concerning his fitness for special education] *to the county board of school directors of all such children examined and of all children residing in the district who are enrolled in special classes*. In school districts of the first [, second and third] *and first A class*, [having a district superintendent of schools the report shall be made] *every child of compulsory school age, who because of apparent exceptional physical or mental condition is not being properly educated and trained, shall be reported to the superintendent of the district as he shall direct*. [In all other districts the report shall be made to the county superintendent of schools]

Section 1372, act
of March 10,
1949, P. L. 30,
amended August
21, 1953, P. L.
1376, further
amended.

Section 4. Section one thousand three hundred seventy-two of said act as amended by the act, approved the twenty-first day of August, one thousand nine hundred fifty-three (Pamphlet Laws 1376), is hereby further amended to read as follows:

Section 1372. [Special Classes or Schools or Other Provision for Education.—The county or district superintendent of schools shall submit to the board or boards of school directors plans for establishing and maintaining special classes in the public schools or special public schools for the proper education and training of all such children reported to him as fit subjects for special education and training. Except as herein otherwise provided, it shall be the duty of the board of directors of any district having such children to provide and main-

tain, or to jointly provide and maintain with neighboring districts, such special classes or schools. The State Superintendent of Public Instruction shall superintend the organization of such special classes and such other arrangements for special education, and shall enforce the provisions of this act relating thereto. If it is not feasible to form a special class in any district, or to provide such education for any such child in the public schools of the district, the board of school directors of the district shall secure such proper education and training outside the public schools of the district, or in special institutions, or by providing for teaching the child in his home in accordance with rules and regulations prescribed by the Department of Public Instruction, on terms and conditions not inconsistent with the terms of this act or of any other act then in force applicable to such children.] *(1) Standards for Proper Education and Training of Handicapped Children. The State Council of Education shall adopt and prescribe standards and regulations for the proper education and training of all handicapped children by school districts or counties singly or jointly. The State Council of Education shall have power, and it shall be its duty, to determine the counties which shall be joined for the purpose of providing proper education and training of handicapped children. Standards and regulations shall recognize such factors as number of handicapped children, types of handicaps, facility of transportation, adequacy of existing provisions for handicapped children, and availability of school plant facilities.*

(2) Plans for Education and Training Handicapped Children. The county board of school directors cooperatively with other county boards and with boards of directors of districts of the second, third and fourth class shall prepare and submit to the Department of Public Instruction, on or before the first day of July, one thousand nine hundred fifty-six, for its approval or disapproval, plans for the proper education and training of all handicapped children in districts of the second, third and fourth class in accordance with the standards and regulations adopted by the State Council of Education. Plans as provided for in this section shall be subject to revision from time to time as conditions warrant, subject to the approval of the Department of Public Instruction.

(3) Special Classes or Schools Established and Maintained by School Districts. The county or district superintendent of schools shall submit, to the board or boards of school directors, plans for establishing and maintaining by the district or districts under his supervision

special classes in the public schools or special public schools in the manner provided in the approved plan. Except as herein otherwise provided, it shall be the duty of the board of school directors of any district to provide and maintain, or to jointly provide and maintain with neighboring districts, special classes or schools in accordance with the approved plan. The State Superintendent of Public Instruction shall superintend the organization of such special classes and such other arrangements for special education and shall enforce the provisions of this act relating thereto. If the approved plan indicates that it is not feasible to form a special class in any district or to provide such education for any such child in the public schools of the district, the board of school directors of the district shall secure such proper education and training outside the public schools of the district or in special institutions, or by providing for teaching the child in his home, in accordance with rules and regulations prescribed by the Department of Public Instruction, on terms and conditions not inconsistent with the terms of this act or of any other act then in force applicable to such children.

(4) County Classes for Handicapped Children. The county board of school directors shall have power, and it shall be their duty, to provide, maintain, administer, supervise and operate such additional classes or schools as are necessary or to otherwise provide for the proper education and training in the manner set forth in the approved plan for all handicapped children who are not enrolled in classes or schools maintained and operated by school districts of the second, third and fourth class or who are not otherwise provided for in accordance with the approved plan.

(5) Day-Care Training Centers, Classes and Schools for the Proper Education and Training of Handicapped Children. Where, in the judgment of the State Superintendent of Public Instruction, the provisions of this act relating to the proper education and training of handicapped children have not been complied with or the needs of handicapped children are not being adequately served, the Department of Public Instruction is hereby authorized to provide, including the payment of rental when necessary, maintain, administer, supervise and operate classes and schools for the proper education and training of handicapped children. Pupil eligibility for enrollment in classes for handicapped children shall be determined according to standards and regulations promulgated by the State Council of Education. For each child enrolled in any special class or school for handicapped children operated by the

Department of Public Instruction, the school district in which the child is resident shall pay to the Commonwealth, a sum equal to the "tuition charge per elementary pupil" or the "tuition charge per high school pupil" as determined for the schools operated by the district or by a joint board of which the district is a member, based upon the costs of the preceding school term as provided for in section two thousand five hundred sixty-one of the act to which this is an amendment plus a sum equal to ten (10) percentum of such tuition charges. In the event that any school district has not established such "tuition charge per elementary pupil" or "tuition charge per high school pupil," the Superintendent of Public Instruction shall fix a reasonable charge for such district for the year in question. In order to facilitate such payments by the several school districts, the Superintendent of Public Instruction shall withhold from any moneys due to such district out of any State appropriation, except from reimbursement due on account of rentals as provided in section two thousand five hundred eleven point one of the act to which this is an amendment, the amounts due by such school districts to the Commonwealth. All amounts so withheld are hereby specifically appropriated to the Department of Public Instruction for the maintenance and administration of centers and classes for handicapped children.

(6) Pupils Credited to District of Residence. The average daily membership of pupils enrolled in classes and schools for handicapped children, operated by a county board of school directors or by the Department of Public Instruction, shall be credited to the school district of residence for the purpose of determining the district's "teaching units" to be used in calculating the district's standard reimbursement fraction and in determining payments to the district on account of instruction as provided in section two thousand five hundred two of the act to which this is an amendment.

Section 5. Section one thousand three hundred seventy-two point one of said act, added January fourteen, one thousand nine hundred fifty-two (Pamphlet Laws 1925), and providing for day-care training centers for the training of mentally handicapped children who have been declared to be uneducable in the public schools but who are considered to be trainable is hereby repealed.

Section 1372.1,
act of March 10,
1949, P. L. 30,
added January
14, 1952, P. L.
1925, repealed.

Section 2509.1,
act of March 10,
1949, P. L. 30,
added July 27,
1953, P. L. 619,
amended.

Section 6. Section two thousand five hundred nine point one of said act as added by the act, approved the twenty-seventh day of July, one thousand nine hundred fifty-three (Pamphlet Laws 619), is hereby amended to read as follows:

Section 2509.1. Payment on Account of Classes and Schools for Handicapped.—[(a) Every county board shall be paid, on the first day of August and the first day of January of each school year that classes and schools for handicapped children are conducted, in equal installments, the amount of estimated costs for the operation thereof. Such payments shall be deducted from the reimbursements due the district of residence of each handicapped child attending such classes or schools. Reimbursement on account of handicapped children shall be made to the district of residence even though such child attends classes or schools conducted by a county board of school directors.

For each child who is blind, deaf or afflicted with cerebral palsy, attending such classes or school, the county board shall be paid by the district of residence the sum of two hundred dollars (\$200), and shall be paid by the Commonwealth, out of moneys appropriated to the Department of Public Instruction, the balance of the cost of education and training of such child, which amount shall not exceed seventy-five per cent of the total cost of education of such child who is blind, deaf or afflicted by cerebral palsy, in a residence school for similar education.

(b) Whenever children from districts under the supervision of a district superintendent attend classes or schools for handicapped conducted by a county board, the county board shall be paid an amount equal to the charge per pupil made against such district, which shall be deducted from the reimbursements due such district.] *Annually, before the first day of July, every county board of school directors shall submit for prior review and approval by the Department of Public Instruction an estimate of the cost of classes or schools for handicapped children to be operated by the county board during the ensuing school year. On or before the first day of August, the Commonwealth shall pay to the county board of school directors a sum equal to one-half of the approved estimated annual cost of operation of classes and schools for handicapped children and, on or before the first day of January, shall*

pay an equal sum or a lesser sum as may be shown to be necessary by an adjusted budget, based upon expenditures during the first half of the school term. At the end of each school year, all unexpended funds shall be credited to Commonwealth payments due for the succeeding school year on account of the operation of such classes, or upon direction of the Superintendent of Public Instruction shall be returned to the Commonwealth. All such funds returned are hereby specifically appropriated to the Department of Public Instruction for support of schools and classes for handicapped children. For each child enrolled in any special class or school for handicapped children operated by a county board of school directors, the school district in which the child is resident shall pay to the Commonwealth a sum equal to the "tuition charge per elementary pupil" or the "tuition charge per high school pupil" as determined for the schools operated by the district or by a joint board of which the district is a member, based upon the costs of the preceding school term as provided for in section two thousand five hundred sixty-one of the act to which this is an amendment. In the event that any school district has not established such "tuition charge per elementary pupil" or "tuition charge per high school pupil," the Superintendent of Public Instruction shall fix a reasonable charge for such district for the year in question. In order to facilitate such payments by the several school districts, the Superintendent of Public Instruction shall withhold from any moneys due to such district out of any state appropriation, except from reimbursement due on account of rentals as provided in section two thousand five hundred eleven point one of the act to which this is an amendment, the amounts due by such school districts to the Commonwealth. All amounts so withheld are hereby specifically appropriated to the Department of Public Instruction for the support of public schools.

Section 7. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 29th day of March, A. D. 1956.

GEORGE M. LEADER