

Section 904, act of August 9, 1955, P. L. 323, amended.

Section 1. Section 904, act of August 9, 1955 (P. L. 323), known as "The County Code," is amended to read:

Section 904. Assistant Solicitors in Third Class Counties.—In counties of the third class, the county commissioners may appoint [an] *not more than three* assistant county [solicitor] *solicitors, and, with the approval of the court of common pleas, special counsel who shall be attorneys at law admitted to practice in the courts of this Commonwealth.* Each assistant and special counsel shall perform such duties in connection with the legal affairs of the county as may be assigned to him by the county commissioners or the county solicitor.

APPROVED—The 9th day of November, A. D. 1959.

DAVID L. LAWRENCE

No. 492

AN ACT

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," authorizing the inclusion of costs of treasurers' bonds and auditing of treasurers' accounts in estimates of costs of educating handicapped children, and providing for reimbursements.

Public School Code of 1949.

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

Subsection (b), section 925, act of March 10, 1949, P. L. 30, amended March 29, 1956, P. L. 1356, further amended.

Section 1. Subsection (b) of section 925, act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," amended March 29, 1956 (P. L. 1356), is amended to read:

Section 925. Powers and Duties.—

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(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. *The estimate may include the cost of the treasurer's bond and auditing of his accounts.*

(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 2. Section 2509.1 of the act, amended March 29, 1956 (P. L. 1356) and June 1, 1956 (P. L. 2013), is amended to read:

Section 2509.1 of the act, amended March 29, 1956, P. L. 1356, and June 1, 1956, P. L. 2013, further amended.

Section 2509.1. Payment on Account of Transportation Classes and Schools for Handicapped.—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, and for transportation of pupils to and from classes and schools for handicapped children, whether or not conducted by the county board. *The estimate may include the cost of the treasurer's bond and cost of auditing his account.* 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 and transportation for handicapped children *and cost of the treasurer's bond and cost of auditing his account*, 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 costs* 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, and transportation 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 addition, the district shall pay on account of transportation by the county board of pupils to and from classes and schools for handicapped children, whether or not conducted by the county board, an amount to be determined by subtracting from the cost of transportation per pupil the reimbursement due the district on account of such transportation. 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.

APPROVED—The 9th day of November, A. D. 1959.

DAVID L. LAWRENCE

No. 493

AN ACT

Amending the act of June 12, 1951 (P. L. 533), entitled "An act relating to mental health, including mental illness, mental defect, epilepsy and inebriety; and amending, revising, consolidating and changing the laws relating thereto," providing that evidence of mental condition may be submitted by deposition or affidavit of a physician of any City-owned hospital or institution.

The Mental Health Act of 1951.

Section 811, act of June 12, 1951, P. L. 533, amended January 14, 1952, P. L. 2053, further amended.

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

Section 1. Section 811, act of June 12, 1951 (P. L. 533), known as "The Mental Health Act of 1951," amended January 14, 1952 (P. L. 2053), is amended to read:

Section 811. Statement of Officer or Physician of Institution as to Condition of Patient.—Whenever the superintendent or any physician of any State-owned mental hospital, or manager of a veterans' administration hospital, or physician at any municipally-owned hospital or institution, is required to appear and testify before any court or commission issued out of such court