

*be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) or to undergo imprisonment for not more than one (1) year, or both.*

APPROVED—The 2nd day of September, A. D. 1961.

DAVID L. LAWRENCE

No. 520

AN ACT

Amending the act of August 9, 1955 (P. L. 323), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto," providing for expenses in going to and returning from meetings.

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

The County Code.

Section 1. Subsection (a) of section 443, act of August 9, 1955 (P. L. 323), known as "The County Code," amended April 17, 1959 (P. L. 45), is amended to read:

Subsection (a), section 443, act of August 9, 1955, P. L. 323, amended April 17, 1959, P. L. 45, further amended.

Section 443. Expenses of Attending Members to be Paid by County; Time Limit on Meetings.—(a) The expenses of all authorized county officers attending the annual meetings of their associations shall be paid by the several counties out of general county funds. Each of these officers, except the county commissioners, shall be allowed for his expenses twenty dollars (\$20) per day for the number of days specified in subsection (b) of this section, together with ten cents per mile in going to and returning from such meeting. *The twenty dollars (\$20) per day expense allowance shall be paid for each day not in excess of two in going to and returning from such meeting.*

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Section 2. This act shall take effect the first Monday of January, 1962.

Effective date.

APPROVED—The 2nd day of September, A. D. 1961.

DAVID L. LAWRENCE

No. 521

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,"

providing for the employment of professional and temporary professional employes of county boards of school directors; regulating the employment, dismissal, suspension and demotion of such employes, and providing for their rights and obligations.

Public School  
Code of 1949.

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

Article IX., act  
of March 10,  
1949, P. L. 30,  
amended by  
adding a new  
section 930.

Section 1. Article IX. of the act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," is hereby amended by adding, at the end of said section, a new section to read as follows:

*Section 930. Professional and Temporary Professional Employes.—(a) Definitions. The following words, terms and phrases, as used in this act, shall have the meanings herein assigned to them, unless the context clearly indicates otherwise:*

(1) "Professional employe of a county board" shall mean any teacher, supervisor, nurse, or psychologist employed by any county board of school directors as a regular full-time employe of a county board of school directors, who is duly certificated in the field for which he or she is employed.

(2) "Temporary professional employe of a county board" shall mean any individual who has been employed to perform, for a limited time, the duties of a newly created position or of a regular professional employe of a county board whose services have been terminated by death, resignation, suspension or removal.

(3) "Substitute" shall mean any individual who has been employed to perform the duties of a regular professional employe of a county board during such period of time as the regular professional employe of a county board is absent for any legal cause authorized and approved by the county board of school directors, or to perform the duties of a temporary professional employe of a county board who is absent.

(b) *Duty to Employ.* Any county board of school directors may employ the necessary qualified professional employes, substitutes and temporary professional employes to advance the educational program of the county board of school directors in compliance with the provisions of this act.

(c) *Temporary Professional Employes of a County Board.* (1) It shall be the duty of the county superintendent of schools to notify each temporary professional employe of a county board, at least twice each year during the period of his or her employment, of the professional quality, progress and rating of his or her services. No temporary professional employe of a county board shall be dismissed unless rated unsatisfactory, and noti-

fication, in writing, of such unsatisfactory rating shall have been furnished the employe within ten (10) days following the date of such rating. The rating of a temporary professional employe of a county board shall be done as provided in section one thousand one hundred twenty-three.

(2) A temporary professional employe of a county board whose work has been certified by the county superintendent of schools to the secretary of the county board of school directors during the last four (4) months of the second year of such service as being satisfactory shall, thereafter, be a "professional employe" of the county board within the meaning of this section. The attainment of this status shall be recorded in the records of the county board and written notification thereof sent to the employe. The employe shall then be tendered forthwith a regular contract of employment as provided for professional employes of county boards. No professional employe who has attained tenure status as an employe of any county board of school directors shall, thereafter, be required to serve as a temporary professional employe before being tendered such a contract when employed by any other county board of school directors.

(3) Any temporary professional employe of a county board who is not tendered a regular contract of employment at the end of two (2) years of service, rendered as herein provided, shall be given a written statement signed by the president and secretary of the county board of school directors and setting forth explicitly the reason for such refusal.

(4) Temporary professional employes of county boards shall, for all purposes except tenure status, be viewed in law as full-time employes and shall enjoy all the rights and privileges of regular full-time employes.

(d) *Contracts; Execution; Form.* All contracts with professional employes of county boards of school directors shall be, in writing, in duplicate, and shall be executed on behalf of the county board of school directors by the president and secretary and signed by the professional employe.

Each county board of school directors shall, hereafter, enter into contracts in writing with each professional employe of a county board, who has satisfactorily completed two (2) years of service as a temporary professional employe of a county board of school directors. Said contracts shall contain the following:

"It is agreed by and between . . . . ., Professional Employe, and the County Board of School Directors of . . . . . County, Pennsylvania, that said professional employe shall, under the author-

*ity of the said board and its successors, and subject to the supervision and authority of the properly authorized county superintendent of schools or assistant county superintendent of schools, serve as a professional employe of said county board for a term of . . . . . months, for an annual compensation of \$. . . . ., payable monthly or semi-monthly, less any lawful deductions required by law to be made.*

*“This contract is subject to the provisions of the ‘Public School Code of 1949’ and the amendments thereto.*

*“And it is further agreed that none of the provisions of this act may be waived, either orally or in writing, and that this contract shall continue in force year after year, with the right of the county board of school directors to increase the compensation over the compensation herein stated, from time to time, subject to the provisions of law, without invalidating any other provision of this contract, unless terminated by the professional employe by written resignation presented sixty (60) days before the resignation becomes effective, or by the county board of school directors by official written notice presented to the professional employe: Provided, That said notice shall designate the cause for the termination and shall state that an opportunity to be heard shall be granted if the professional employe, within ten (10) days after receipt of the termination notice, presents a written request for such hearing.”*

*(e) Causes for Termination of Contract. The only valid causes for the termination of a contract of a professional employe of a county board shall be immorality, incompetency, intemperance, cruelty, persistent negligence, mental derangement, advocacy of or participating in unAmerican or subversive doctrines, and persistent and wilful violation of the school laws of this Commonwealth: Provided, That any county board of school directors may terminate the service of any of its professional employes who have attained to the age of sixty-five.*

*Nothing within the foregoing enumeration of causes shall be interpreted to conflict with the retirement of professional employes upon proper evidence of disability, or the election to retire.*

*(f) Causes for Suspension. Any county board of school directors may suspend the necessary number of its professional employes for any of the causes herein-after enumerated:*

*(1) Substantial decrease in pupil enrollment in the county;*

(2) *Curtailment or alteration of the educational program of the county board of school directors upon recommendation of the county superintendent of schools, and concurred in by the county board of school directors.*

(g) *Suspension and Reinstatement. (1) Whenever a county board of school directors decreases the size of the staff of professional employes, the suspensions to be made shall be determined by the county superintendent of schools on the basis of efficiency rank determined by ratings made in accordance with standards and regulations, determined by rating cards prepared by the Department of Public Instruction. It shall be the duty of county boards of school directors to cause to be established a permanent record system, containing ratings for each professional employe. Copies of all ratings for the year shall be transmitted to the professional employe upon his or her request. No professional employe shall be dismissed under this act unless such rating records have been kept on file by the county board of school directors.*

(2) *In cases in which suspensions are to be made, professional employes of county boards shall be retained on the basis of seniority rights, acquired by reason of service to the county board of school directors of current employment, where no substantial differences in rating are found. In cases where there are substantial differences in rating, seniority shall be given consideration in accordance with principles and standards of weighting incorporated in the rating cards.*

(3) *No suspended professional employe shall be prevented from engaging in other \*occupations during the period of suspension. Suspended teachers shall be reinstated in the inverse order of their suspension. No new appointment shall be made while there are suspended professional employes available, who are properly certificated to fill such vacancies.*

(h) *Hearings. Suspension of professional employes of county boards of school directors and the termination of their contracts shall be subject to the right of notice, hearing, adjudication, and the right of appeal therefrom, in accordance with the provisions of the "Public School Code of 1949" (P. L. 30), its amendments and supplements, relating to and in the same manner as it is applicable to professional employes of school districts.*

(i) *Leaves of Absence. Professional employes of county boards shall be entitled to leaves of absence because of illness or physical disability, sabbatical leaves, and military leaves under the same conditions and terms,*

\* "occupation" in original.

*and subject to the same obligations, as in the case of professional employes of school districts in accordance with the provisions of the "Public School Code of 1949" (P. L. 30), its amendments and supplements.*

APPROVED—The 2nd day of September, A. D. 1961.

DAVID L. LAWRENCE

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No. 522

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," by further defining "professional employe."

Public School  
Code of 1949.

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

Subsection (1),  
section 1101,  
act of March 10,  
1949, P. L. 30,  
amended May 14,  
1949, P. L. 1365,  
reenacted and  
amended.

Section 1. Subsection (1) of section 1101, act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," amended May 14, 1949 (P. L. 1365), is reenacted and amended to read:

Section 1101. Definitions.—As used in this article, (1) The term "professional employe" shall include those who are [certified] *certificated* as teachers, supervisors, supervising principals, principals, directors of vocational education, dental hygienists, visiting teachers, home and school visitors, school counselors, school secretaries the selection of whom is on the basis of merit as determined by eligibility lists and school nurses.

APPROVED—The 2nd day of September, A. D. 1961.

DAVID L. LAWRENCE

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No. 523

AN ACT

Authorizing the Department of Property and Supplies, with the approval of the Governor, to acquire land in the Borough of Norristown, Montgomery County, Pennsylvania, for use of Norristown State Hospital.

Real property.

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