

tary shall be filled for the unexpired term. In school districts of the second class the secretary and treasurer shall not be members of the board. In districts of the third and fourth class they may be members of the board. The same person shall not hold at the same time more than one of the offices of president, vice-president, secretary, or treasurer of any board of school directors.

No superintendent, assistant superintendent, supervising principal, or teacher shall serve, either temporarily or permanently, as an officer of the school board by which he is employed.

APPROVED—The 12th day of September, A. D. 1961.

DAVID L. LAWRENCE

No. 546

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," defining and providing for special education of exceptional children.

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

Public School
Code of 1949.

Section 1. The heading of subdivision (f) of Article XIII., act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," is amended to read:

Heading,
subdivision (f),
Article XIII.,
act of March 10,
1949, P. L. 30,
amended.

ARTICLE XIII.

PUPILS AND ATTENDANCE.

* * * * *

(f) [Mentally or Physically Handicapped]
Exceptional Children.

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Section 2. Section 1371 of the act, amended March 29, 1956 (P. L. 1356), is amended to read:

Section 1371 of
the act, amended
March 29, 1956,
P. L. 1356,
further amended.

Section 1371. *Definition of Exceptional Children; Reports; Examination.—(1) The term "exceptional children" shall mean children of school age who deviate from the average in physical, mental, emotional or social characteristics to such an extent that they require special educational facilities or services.*

(2) It shall be the duty of the secretary of the school board, in every school district of the second, third and fourth class, in accordance with rules of procedure pre-

scribed by the Superintendent of Public Instruction, to secure information and report to the county board of school directors, on or before the fifteenth day of October of each year, and thereafter as cases arise, every *exceptional* 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 person certified by the Department of Public Instruction as a public school psychologist, and also by any other expert which the type of handicap and the child's condition may necessitate. A report shall be made 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 and first A class, every *exceptional* 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.

Section 1372 of the act, amended March 29, 1956, P. L. 1356 and December 30, 1959, P. L. 2076, further amended.

Section 3. Section 1372 of the act, amended March 29, 1956 (P. L. 1356) and December 30, 1959 (P. L. 2076), is amended to read:

Section 1372. (1) Standards for Proper Education and Training of [Handicapped] *Exceptional* Children. The State Council of Education shall adopt and prescribe standards and regulations for the proper education and training of all [handicapped] *exceptional* 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] *exceptional* children. Standards and regulations shall recognize such factors as number of [handicapped] *exceptional* children, types of handicaps, facility of transportation, adequacy of existing provisions for [handicapped] *exceptional* children, and availability of school plant facilities.

(2) Plans for Education and Training [Handicapped] *Exceptional* 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] *exceptional* 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.

In addition to the above and in accordance with rules and regulations prescribed by the Department of Public Instruction, homebound instruction shall be provided for children confined in detention homes as provided in section 7, act of June 2, 1933 (P. L. 1433), as amended, for the period of their confinement, if their confinement exceeds or is expected to exceed ten days, even though such children are not [mentally or physically handicapped] *exceptional*.

(4) County Classes for [Handicapped] *Exceptional* 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] *exceptional* 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] *Exceptional* 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] *exceptional* children have not been complied with or the needs of [handicapped] *exceptional* 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] *exceptional* children. Pupil eligibility for enrollment in classes for [handicapped] *exceptional* 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] *exceptional* 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) per centum 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] *exceptional* children.

(6) Pupils Credited to District of Residence. The average daily membership of pupils enrolled in classes and schools for [handicapped] *exceptional* 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 4. Section 1373 of the act is amended to read: Section 1373 of the act amended.

Section 1373. State Reimbursement; Reports.—School districts maintaining special classes in the public schools or special public schools or providing special education, as specified in this subdivision of this article, shall receive reimbursement, as provided by this act, so long as such classes, such schools, and such special education are approved by the State Council of Education as to location, constitution and size of classes, conditions of admission and discharge of pupils, equipment, courses of study, methods of instruction, and qualification of teachers.

On or before the first day of November of each year, the secretary of the board of school directors in each district in which special education for [physically or mentally handicapped] *exceptional* children is provided shall make such reports as may be required by the Department of Public Instruction, in regard to such special education being maintained for the current school year for which the approval of the State Council of Education is desired.

Section 5. Section 1374 of the act, amended June 1, 1956 (P. L. 2013), is amended to read: Section 1374 of the act, amended June 1, 1956, P. L. 2013, further amended.

Section 1374. Free Transportation or Board and Lodging.—Any [physically or mentally handicapped] *exceptional* child, who is regularly enrolled in a special class that is approved by the Department of Public Instruction, or who is enrolled in a regular class in which approved educational provisions are made for him, may be furnished with free transportation by the school district. When it is not feasible to provide such transportation the board of school directors may in lieu thereof pay for suitable board and lodging for any such child. If free transportation or board and lodging is not furnished for any [physically or mentally handicapped] *exceptional* child who, by reason thereof, is unable to attend the class or center for which he is qualified, the county board of school directors shall provide the transportation necessary.

Section 6. The headings of sections 1376 and 1377 of the act are amended to read: Headings, sections 1376 and 1377, amended.

Section 1376. Cost of Tuition and Maintenance of Certain [Handicapped] *Exceptional* Children in Approved Institutions.—

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Section 2509 of the act, amended November 16, 1959, P. L. 1506, further amended.

Section 1377. Payment of Cost of Tuition and Maintenance of Certain [Handicapped] *Exceptional* Children.—

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Section 7. Section 2509 of the act, amended November 16, 1959 (P. L. 1506), is amended to read:

Section 2509. Payments on Account of Courses for [Handicapped] *Exceptional* Children.—Annually, before the first day of July, every school district or joint board of school directors planning to conduct classes or schools for the [handicapped] *exceptional* shall submit, for prior review and approval to establish the amount on which reimbursement will be paid by the Department of Public Instruction, an estimate of the cost of classes or schools for [handicapped] *exceptional* children to be operated by the district or joint board during the ensuing school year, and for transportation of pupils to and from classes and schools for [handicapped] *exceptional* **children* conducted by the district or joint board of school directors. Every school district, regardless of classification, shall be paid by the Commonwealth for the school term 1953-1954, the sum of twenty dollars (\$20) per pupil in average daily membership in a course or courses for mentally handicapped children, and the sum of thirty dollars (\$30) per pupil in average daily membership in a course or courses for physically handicapped children, approved by the Superintendent of Public Instruction Beginning with the school term of 1954-1955 and for every school term thereafter, every school district, regardless of classification, shall be paid by the Commonwealth an amount to be determined by multiplying the average daily membership in a course or courses for [mentally or physically handicapped] *exceptional* children, (1) at the elementary level, by an amount determined by subtracting the "instruction cost per elementary pupil," as defined in section 2561 of this act, from the "instruction cost per special class pupil," as hereinafter defined, for the preceding school term, or from the instruction cost per special class elementary pupil as approved for reimbursement by the Department of Public Instruction in the budget for classes or schools for [handicapped] *exceptional* children for the school year in which the class is operated, whichever is the lesser, (2) at the secondary level, by an amount determined by subtracting the "instruction cost per high school pupil," as defined in section 2561 of this act, from the "instruction cost per special class pupil," as hereinafter defined, for the preceding school term, or from the instruction cost per

* "children" not in original.

special classes secondary pupil as approved for reimbursement by the Department of Public Instruction in the budget for classes or school for [handicapped] *exceptional* children for the school year in which the class is operated, whichever is the lesser.

To find the "instruction cost per special class pupil," add (1) salaries of directors and supervisors of special education, public school psychologists, principals of special schools and assistants, teachers of approved special classes for [physically and mentally handicapped] *exceptional* children, clerks and assistants employed in the district's program for special education, (2) the district's contribution to the retirement fund on behalf of directors and supervisors of special education, public school psychologists, principals of special schools and assistants, teachers of approved special classes for [physically and mentally handicapped] *exceptional* children, clerks and assistants employed in the district's program for special education, (3) the cost of textbooks and supplies of the second class used in the district's special education classes or schools. Divide the sum of (1), (2) and (3) on that part thereof which is approved by the Department of Public Instruction for reimbursement by the total number of pupils in average daily membership in the district's approved special classes for [physically and mentally handicapped] *exceptional* children. The quotient so obtained shall be the "instruction cost per special class pupil."

The average daily membership of speech correction classes shall be calculated by multiplying (1) the average number of pupils in speech correction classes per week by (2) the number of periods per week that speech correction is provided for the individual pupil by (3) the number of minutes per period in speech correction class. Divide the product of (1), (2) and (3) by the total number of minutes spent in all classes weekly by the average pupil. The quotient thus obtained will be the "average daily membership for pupils in speech correction classes."

Section 8. The sum of one hundred thousand dollars (\$100,000), or as much thereof as may be necessary, is hereby specifically appropriated to the Department of Public Instruction for the fiscal period ending June 30, 1962, for the purpose of making payments to school districts and county boards of school directors on account of special education of exceptional children as provided in section 2509 of the Public School Code of 1949 and for payments in accordance with the provisions of subsection (5) of section 1372 of the Public School Code of 1949: Provided, however, That not more than seventy-five thousand dollars (\$75,000) shall be expended for

Appropriation,
see exception in
approval.

LAWS OF PENNSYLVANIA,

programs relating to socially or emotionally disturbed children and not more than twenty-five thousand dollars (\$25,000) shall be expended for programs relating to gifted children.

Act effective
immediately.

Section 9. This act shall take effect immediately.

APPROVED—The 12th day of September, A. D. 1961, except for the following item:

Section 8 which provides as follows: "THE SUM OF ONE HUNDRED THOUSAND DOLLARS (\$100,000) OR AS MUCH THEREOF AS MAY BE NECESSARY IS HEREBY SPECIFICALLY APPROPRIATED TO THE DEPARTMENT OF PUBLIC INSTRUCTION FOR THE FISCAL PERIOD ENDING JUNE 30, 1962 FOR THE PURPOSE OF MAKING PAYMENTS TO SCHOOL DISTRICTS AND COUNTY BOARDS OF SCHOOL DIRECTORS ON ACCOUNT OF SPECIAL EDUCATION OF EXCEPTIONAL CHILDREN AS PROVIDED IN SECTION 2509 OF THE PUBLIC SCHOOL CODE OF 1949 AND FOR PAYMENTS IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (5) OF SECTION 1372 OF THE PUBLIC SCHOOL CODE OF 1949; PROVIDED, HOWEVER, THAT NOT MORE THAN SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) SHALL BE EXPENDED FOR PROGRAMS RELATING TO SOCIALLY OR EMOTIONALLY DISTURBED CHILDREN AND NOT MORE THAN TWENTY-FIVE THOUSAND DOLLARS (\$25,000) SHALL BE EXPENDED FOR PROGRAMS RELATING TO GIFTED CHILDREN," I withhold my approval from this item because of insufficient State revenue. Furthermore, no provision was made for this in the budget.

DAVID L. LAWRENCE

No. 547

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 payments by the Commonwealth for certain equipment used for the instruction of handicapped children.

Public School
Code of 1949.

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