

HOUSE No. 2099

By Mr. Bly of Saugus, petition of Belden G. Bly, Jr., for legislation relative to the tenure of athletic coaches in public schools. Education.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Nine.

AN ACT RELATIVE TO THE TENURE OF ATHLETIC COACHES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 41 of chapter 71 of the General
2 Laws, as amended by section 1 of chapter 597 of the
3 acts of 1947, is hereby further amended by inserting
4 after the word "teacher" in line 2 the words:—,
5 athletic coach,— so as to read as follows:— *Section*
6 *41.* Every school committee, in electing a teacher,
7 athletic coach or superintendent, who has served in its
8 public schools for the three previous consecutive
9 school years, other than a union or district superin-
10 tendent and the superintendent of schools in the city
11 of Boston, shall employ him to serve at its discretion;
12 but any school committee may elect a teacher who
13 has served in its schools for not less than one school
14 year to serve at such discretion.

1 SECTION 2. Said chapter 71 is hereby amended
2 by striking out section 42, as most recently amended

3 by section 2 of said chapter 597, and inserting in place
4 thereof the following: —

5 *Section 42.* The school committee may dismiss any
6 teacher or athletic coach, but no teacher or athletic
7 coach and no superintendent, other than a union or
8 district superintendent and the superintendent of
9 schools in the city of Boston, shall be dismissed unless
10 by a two thirds vote of the whole committee. In every
11 such town a teacher, athletic coach or superintendent
12 employed at discretion under the preceding section
13 shall not be dismissed, except for inefficiency, inca-
14 pacity, conduct unbecoming a teacher, athletic coach
15 or superintendent, insubordination or other good
16 cause, nor unless at least thirty days, exclusive of
17 customary vacation periods, prior to the meeting at
18 which the vote is to be taken, he shall have been
19 notified of such intended vote; nor unless, if he so
20 requests, he shall have been furnished by the com-
21 mittee with a written charge or charges of the cause or
22 causes for which his dismissal is proposed; nor unless,
23 if he so requests, he has been given a hearing before
24 the school committee which may be either public or
25 private at the discretion of the school committee and
26 at which he may be represented by counsel, present
27 evidence and call witnesses to testify in his behalf
28 and examine them; nor unless the charge or charges
29 shall have been substantiated; nor unless, in the case
30 of a teacher or athletic coach, the superintendent shall
31 have given the committee his recommendations
32 thereon. Neither this nor the preceding section shall
33 affect the right of a committee to suspend a teacher,
34 athletic coach or superintendent for unbecoming
35 conduct, or to dismiss a teacher or athletic coach
36 whenever an actual decrease in the number of pupils

37 in the schools of the town renders such action advis-
38 able. In case a decrease in the number of pupils in the
39 schools of a town renders advisable the dismissal of
40 one or more teachers or athletic coaches, a teacher or
41 athletic coach who is serving at the discretion of a
42 school committee under section forty-one shall not be
43 dismissed if there is a teacher or athletic coach not
44 serving at discretion whose position the teacher or
45 athletic coach serving at discretion is qualified to fill.
46 No teacher, athletic coach or superintendent who has
47 been lawfully dismissed shall receive compensation
48 for services rendered thereafter, or for any period of
49 lawful suspension followed by dismissal.

