

HOUSE No. 1668

By Mr. Young of Scituate, petition of the Massachusetts Teachers Association and George C. Young that provision be made for court review in cases of dismissal, demotion or removal from position of teachers, supervisors, principals and superintendents. Education.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Five.

AN ACT PROVIDING FOR COURT REVIEW IN CASES OF DISMISSAL, DEMOTION OR REMOVAL FROM POSITION OF TEACHERS SERVING AT DISCRETION, AND SUPERVISORS, PRINCIPALS AND SUPERINTENDENTS.

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 43A of Chapter 71 of the General Laws is hereby
2 amended by striking same and inserting in place thereof the
3 following:—

4 *Section 43A.* Any teacher or principal or superintendent of
5 schools employed at discretion or any superintendent employed
6 under a contract, for the duration of his contract, or any
7 principal or supervisor, who has been dismissed, demoted, or
8 removed from a position by vote of a school committee under
9 the provisions of section forty-two, section forty-two A or
10 section sixty-three may, within thirty days after the vote of
11 dismissal appeal therefrom to the superior court in the county in
12 which the person was or is employed.

13 The court shall advance the appeal for a speedy hearing and
14 after such notice to the parties as it deems reasonable, it shall
15 hear witnesses, review such action, and determine whether or
16 not upon all the evidence such action was justified. If the court
17 finds such action was justified, the action of the School
18 Committee shall be affirmed; otherwise, it shall be reversed and
19 the appellant shall be reinstated to the position without loss of
20 compensation. The decision of the court shall be final, except as
21 to matters of law.

