

No. 150

AN ACT

HB 1042

Amending the act of March 10, 1949 (P.L.30, No.14), 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," further providing for appeals from the decisions of the Secretary of Education.

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

Section 1. Section 1132, act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," amended September 26, 1951 (P.L.1448, No.350) and subsection (b) amended August 24, 1963 (P.L.1205, No.506), is amended to read:

Section 1132. Appeals to Court.—**[(a)]** The ruling or decision of the **[Superintendent of Public Instruction]** *Secretary of Education* shall be final, unless, **[within thirty (30) days after receipt by registered mail of written notice of the decision or order of the Superintendent of Public Instruction, an appeal, which may be taken by either party, is taken therefrom to the court of common pleas of the county in which the district is located, except in Allegheny County where the appeal shall be to County Court of Allegheny. A copy of such appeal shall be filed, in writing, in the office of the prothonotary, and a copy shall be served on the Superintendent of Public Instruction, either by filing it in the office of the Superintendent of Public Instruction or by delivering the same to the Superintendent of Public Instruction.**

(b) When appeal is taken from the decision of the Superintendent of Public Instruction to the court of common pleas of the county in which the district is located or to County Court of Allegheny County, the judge of the court to whom such petition is presented shall fix a date for hearing by the court, which shall be not sooner than ten (10) days nor more than twenty (20) days after the presentation of such petition. If the professional employe aggrieved shall so request in his petition or if the board of school directors shall so request in its petition, such hearing shall be de novo. Upon the hearing of said petition, the court shall make whatever order it considers just, either affirming or reversing the action of the Superintendent of Public Instruction, and stating plainly whether the professional employe is to be discharged or is to be retained.] *an appeal is taken in accordance with the provisions of the act of June 4, 1945 (P.L.1388, No.442), known as the "Administrative Agency Law."*

Section 2. Clause (47) of subsection (g) of section 509, act of July 31, 1970 (P.L.673, No.223), known as the "Appellate Court Jurisdiction Act of 1970," added June 3, 1971 (P.L.118, No.6), is repealed.

APPROVED—The 21st day of December, A. D. 1973.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 150.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large, prominent initial "C".

Secretary of the Commonwealth.