

Section 31. Penalties.—Any person, partnership, association or corporation, or any partner, director, officer, agent or member thereof who shall engage in the business of pawnbroking in this Commonwealth without first obtaining a license under this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than five hundred (\$500.00) dollars nor more than five thousand (\$5,000.00) dollars, and/or suffer imprisonment not less than six months nor more than three years, in the discretion of the court. Penalties.

A pawnbroker licensed under the provisions of this act who shall violate any provision of this act, or shall direct or consent to such violation, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than one thousand (\$1,000.00) dollars for the first offense, and for each subsequent offense a like fine, and/or suffer imprisonment not to exceed one year, in the discretion of the court.

Section 32. Interpretation of Act.—The provisions of this act are severable, and if any of its provisions shall be held unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of this act. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein.

Section headings shall not be taken to govern or limit the scope of the sections of this act. The singular shall include the plural and the masculine shall include the feminine or neuter.

Section 33. Repealer.—

All acts or parts of acts relating to pawnbrokers which are inconsistent herewith are hereby repealed.

Inconsistent acts repealed.

Section 34. Effective Date.—This act shall become effective on the first day of October, nineteen hundred thirty-seven.

When effective.

APPROVED—The 6th day of April A. D. 1937.

GEORGE H. EARLE

No. 52

AN ACT

To further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local,

or any parts thereof, that are or may be inconsistent therewith," by defining professional employes, and providing for and regulating the employment, dismissal, suspension, and demotion of such employes, and providing for appeal to the court of common pleas.

Section 1201, act of May 18, 1911 (P. L. 309), amended.

Section 1. Be it enacted, &c., That section one thousand two hundred and one of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," is hereby amended to read as follows:

Teachers

Section 1201. The board of school directors in every school district in this Commonwealth shall employ the necessary qualified teachers to keep the public schools open in their respective districts in compliance with the provisions of this act.

"Professional employe," defined.

The term "professional employe," as used in this act, shall include teachers, supervisors, supervising principals, principals, directors of vocational education, dental hygienists, visiting teachers, school secretaries the selection of whom is on the basis of merit as determined by eligibility lists, school nurses who are certified as teachers and any regular full-time employe of a school district who is duly certified as a teacher.

Section 1205 of said act as amended by section 26 of act of May 29, 1931 (P. L. 243), further amended.

Section 2. Section one thousand two hundred five of said act, as last amended by section twenty-six of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (Pamphlet Laws, two hundred forty-three), is hereby further amended to read as follows:

Contracts with professional employes.

Section 1205. In all school districts, [of the second, third, and fourth class] all contracts with [teachers] *professional employes* shall be in writing, in duplicate, and shall be executed on behalf of the board of school directors (*or board of public education*) by the president and secretary and signed by the [teacher] *professional employe*.

[After the thirtieth day of June, one thousand nine hundred and twenty-nine.] Each board of school directors or board of public education in all school districts [of the second, third, and fourth class] in this Commonwealth shall, *within thirty days after the effective date of this act*, enter into contract, in writing, with all [teachers, supervisors, supervising principals, and principals] *professional employes now employed by them*,

[and said contract] *and thereafter shall in the same manner enter into contracts, in writing, with each professional employe at or before the time the employe first enters the service of the district. Said contracts shall contain only the following:*

“IT IS AGREED BY and between
[Teacher] *Professional Employe*, and the Board of Directors (or *Board of Public Education*) of the school district of, Pennsylvania, that said [teacher] *professional employe* shall, under the authority of the said board and its successors, and subject to the supervision and authority of the properly authorized superintendent of schools or *supervising principal*, teach in the said school district for a term ofmonths, for an annual compensation of \$....., payable monthly or semi-monthly during the school term or *year*, less the contribution required by law to be paid to the Teachers' Retirement Fund, and less other proper deductions for loss of time.

“This contract is subject to the provisions of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine), entitled ‘An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith,’ and the amendments thereto. [and to such regulations as the Board of School Directors of this district may impose consistent with the said act.]

“AND IT IS FURTHER AGREED by the parties hereto 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 Board of Education or] the Board of School Directors (or *Board of Public Education*) to increase the compensation over the compensation herein stated, from time to time, as may be provided under the provisions and proper operation of the established salary schedule, if any, for the school district, [or to change said salary] subject to the provisions of law without invalidating any other provision of this contract, unless terminated by the [teacher] *professional employe* [at the close of the school term] by written resignation presented sixty days before [the close of said school term,] *resignation becomes effective*, or by the Board of School Directors (or *Board of Public Education*) by official written notice presented to the [teacher] *professional employe*:

Proviso.

[sixty days before the close of the school term] *Provided, That the said notice shall designate the cause for the termination and shall state that an opportunity to be heard shall be granted if the said professional employe, within ten days after receipt of the termination notice, presents a written request for such a hearing."*

Causes for termination of the contract.

(a) *The only valid causes for termination of a contract in accordance with the provisions of this section shall be — Immorality, incompetency, intemperance, cruelty, wilful and persistent negligence, mental derangement, persistent and wilful violation of the school laws of this Commonwealth on the part of the professional employe, or substantial decrease in the number of pupils or students due to natural causes. Nothing within the foregoing enumeration of causes, however, shall be interpreted to conflict with the retirement of professional employes upon proper evidence of disability, or the election by professional employes to retire during the period of voluntary retirement, or the compulsion on the part of professional employes to retire at the attainment of age seventy.*

When necessary to decrease number of employes.

(b) *Whenever it shall become necessary to decrease the number of professional employes by reason of substantial decrease of pupil population within the school district, the board of school directors (or board of public education) may suspend the necessary number of professional employes, but only in the inverse order of the appointment of such employes. No employe suspended as aforesaid shall be prevented from engaging in other occupation during the period of such suspension. Such professional employes shall be reinstated in the inverse order of their suspension. No new appointments shall be made while there are suspended professional employes available.*

Hearings.

(c) *All hearings, under the provisions of this section or any other section of the school laws pertaining to the dismissal or the termination of contracts of professional employes, shall be public, unless otherwise requested by the party against whom the complaint is made.*

Employe to be furnished with a detailed statement of charges.

(d) *Before any professional employe is dismissed or refused reelection by the board of school directors (or board of public education), the secretary of the school district shall furnish such professional employe with a detailed written statement of the charges upon which his or her dismissal or refusal of reelection is based, together with a written notice signed by the president and attested by the secretary of the board of school directors of a time and place when and where such professional employe will be given an opportunity to be heard either in person or by counsel, or both, before the board of school directors (or board of public education). Such hearing shall be not sooner than ten*

(10) days nor later than fifteen (15) days after such written notice. At such hearing all testimony offered, including that of complainants and their witnesses, as well as that of the accused professional employe and his or her witnesses, shall be recorded by a competent disinterested public stenographer whose services shall be furnished by the school district at its expense. Any such hearing may be postponed, continued or adjourned by agreement by the persons charged and the board of school directors (or board of public education).

(e) The board shall have power to issue subpoenas requiring the attendance of witnesses at any hearing and shall do so at the request of the party against whom a complaint is made. If any person shall refuse to appear and testify in answer to any subpoena issued by the board, any party interested may petition the court of common pleas of the county setting forth the facts, which court shall thereupon issue its subpoena commanding such person to appear before it, there to testify as to the matters being inquired into. Any person refusing to testify before the court shall be held for contempt. All testimony at any hearing shall be taken under oath, and any member of the board of school directors (or board of public education) shall have power to administer oaths to such witnesses.

Board shall have the power to issue subpoenas.

(f) After fully hearing the charges or complaints and hearing all witnesses produced by the board and the person against whom the charges are pending, and after full, impartial and unbiased consideration thereof, the board of school directors (or board of public education) shall by a two-thirds vote of all the members thereof, to be recorded by roll call, determine whether or not such charges or complaints have been sustained and whether the evidence substantiates such charges and complaints, and in accordance with such determination shall discharge, demote or refuse to reelect or retain such professional employe or shall dismiss the complaint.

Board to determine whether or not charges sustained.

(g) No member of any board of school directors (or board of public education) shall vote on any roll call if he is related as father, mother, brother, sister, husband, wife, son, daughter, stepson, stepdaughter, grandchild, nephew, niece, first cousin, sister-in-law, brother-in-law, uncle or aunt to the professional employe involved or to any of the parties instituting the complaint.

Relatives on board not permitted to vote.

(h) A written notice of any decision of the board of school directors (or board of public education), discharging or refusing to reelect a professional employe, shall be sent by registered mail to such professional employe at his or her last known address within ten (10) days after such hearing is actually concluded.

Notice of decision of board in discharging employe must be sent to employe.

When decision is in favor of the employe, charges must be expunged from the records.

(i) In all cases where the final decision is in favor of the professional employe, the charges made shall be physically expunged from the records of the board of school directors (or board of public education), and in all such cases, there shall be no abatement of salary or compensation, but a complete official transcript of the records of the hearing shall be delivered to the one against whom the charges were made.

Employe may appeal to court of common pleas

(j) In case the professional employe concerned considers him- or herself aggrieved by the action of the board of school directors (or board of public education), an appeal by petition, setting forth the grounds for such appeal, may be taken to court of common pleas of the county wherein the school district concerned is situate. Such appeal shall be filed within thirty (30) days of receipt by registered mail of the written notice of the decision of the board, and a copy of such appeal shall be served by registered mail on the secretary of the school board (or board of public education). The judge of the court of common pleas to whom such petition is presented shall fix a date for a 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, 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 board of school directors, and stating plainly whether the professional employe is to be discharged, refused reelection or is to be retained.

Section 1205-A of said act as amended by act of May 7, 1929 (P. L. 1576), further amended.

Section 3. That section one thousand two hundred five-A of said act, as last amended by section two of the act, approved the seventh day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand five hundred seventy-six), is hereby further amended to read as follows:

Salaries.

Section 1205-A. The salary of any [teacher, principal, supervisor] district superintendent, [or] assistant district superintendent or other professional employe as defined in this act in any of the school districts of the Commonwealth may be increased at any time during the term for which such person is employed, whenever the board of school directors (or board of public education) of the district deems it necessary or advisable to do so, but there shall be no demotion of any professional employe, either in salary or in type of position, without the consent of the said employe, or if such consent is not received, then such demotion shall be subject to the right to a hearing before the board of school directors (or board of public education), and an appeal in the same manner as hereinbefore provided in the case of the dismissal of a professional employe.

No demotion without the consent of the employe.

If consent not received, there shall be a hearing before the board.

Section 4. That section one thousand two hundred fourteen of said act, as amended by section thirty of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (Pamphlet Laws, two hundred forty-three), is hereby further amended to read as follows:

Section 1214 of said act as amended by act of May 29, 1931 (P. L. 243), further amended.

Section 1214. The board of school directors of any school district of the third or fourth class which has no district superintendent may employ [for a term not exceeding three years] a supervising principal of a part or all of the public schools of the said school district, *under and subject to the provisions of section one thousand two hundred five of this act.* Every supervising principal shall be properly certificated by the Department of Public Instruction in accordance with such standards as the State Council of Education may establish.

Supervising principal.

Qualifications.

Section 5. That section one thousand two hundred fifteen of said act is hereby amended to read as follows:

Section 1215 of said act, amended.

Section 1215. Two or more school districts may, *upon the nomination or joint nomination of the county superintendent or the district superintendent under whose supervision such districts may be,* join in the employment of a supervising principal, or of a supervisor or teacher of drawing, music, or other special subject, for part or all of the schools of such districts; such supervising principal, supervisor or special teacher to be employed, his compensation paid, and his duties prescribed, by the several districts employing him, *under and subject to the provisions of section one thousand two hundred five of this act.*

Districts may join in employment of supervising principal or supervisor, etc.

Section 6. No contract in effect at the enactment of this act shall be terminated, except in accordance with the provisions of this act.

Contracts in effect not terminated.

Section 7. If any part or parts of this act shall be declared unconstitutional, it shall not affect any other part or parts of this act.

Constitutional provision.

Section 8. That section one thousand two hundred four and section one thousand two hundred and eight of said act are hereby repealed. All other acts and parts of acts inconsistent herewith are hereby repealed.

Sections 1204 and 1208 of said act repealed.

Section 9. This act shall become effective immediately upon its passage by the General Assembly and its approval by the Governor.

When effective.

APPROVED—The 6th day of April A. D. 1937.

GEORGE H. EARLE