

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 496

Session of
1975

INTRODUCED BY MESSRS. BONETTO, ZORD AND LETTERMAN,
FEBRUARY 19, 1975

AS AMENDED ON SECOND CONSIDERATION, JULY 1, 1975

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," LIMITING THE ASSIGNMENT OF <—
21 SCHOOL CHILDREN AND limiting the time during which certain
22 actions relating to transportation programs may be brought.

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

25 Section 1. ~~Section 2002,~~ THE act of April 9, 1929 (P.L.177, <—
26 No.175), known as "The Administrative Code of 1929," is amended
27 by adding a ~~subsection~~ SECTION to read: <—

1 SECTION 529. ASSIGNMENT OF SCHOOL PUPILS.--NO DEPARTMENT, <—
2 BOARD OR COMMISSION SHALL HAVE THE POWER TO ORDER THE ASSIGNMENT
3 OF ANY PUPIL IN KINDERGARTEN, ELEMENTARY OR SECONDARY SCHOOL TO
4 ANY SCHOOL OTHER THAN THE SCHOOL NEAREST THE PUPIL'S HOME
5 WITHOUT THE CONSENT OF THE PUPIL'S PARENT OR GUARDIAN EXCEPT
6 THAT NOTHING IN THIS SECTION SHALL REPEAL ANY ENTRANCE
7 REQUIREMENT OF A SCHOOL WHICH HAS ENTRANCE REQUIREMENTS. ANY
8 ORDER ISSUED BY A DEPARTMENT, BOARD OR COMMISSION HERETOFORE
9 WHICH HAS NOT YET BEEN IMPLEMENTED, ORDERING ASSIGNMENT OF ANY
10 PUPIL IN KINDERGARTEN, ELEMENTARY, OR SECONDARY SCHOOL TO ANY
11 SCHOOL OTHER THAN THE SCHOOL NEAREST THE PUPIL'S HOME SHALL BE
12 NULL, VOID AND UNENFORCEABLE. ALL DEPARTMENTS, BOARDS AND
13 COMMISSIONS SHALL CEASE, DESIST AND WITHDRAW ANY AND ALL ACTIONS
14 PENDING WHICH ARE CONTRARY TO THIS SECTION. NO DEPARTMENT, BOARD
15 OR COMMISSION SHALL ENTER INTO OR CONTINUE ANY LEGAL PROCEEDING
16 DEALING WITH THE ASSIGNMENT OF PUPILS TO ANY ELEMENTARY,
17 KINDERGARTEN, OR SECONDARY SCHOOL OTHER THAN THE SCHOOL NEAREST
18 THE PUPIL'S HOME.

19 SECTION 2. SECTION 2002 OF THE ACT IS AMENDED BY ADDING A
20 SUBSECTION TO READ:

21 Section 2002. Powers and Duties of the Department.--* * *

22 (e) Any person aggrieved by findings made or actions taken
23 under ~~this section~~ CLAUSE (15) OF SUBSECTION (A) OR SUBSECTION <—
24 (B) shall within ~~thirty~~ FORTY-FIVE days after publication of the <—
25 findings required in subsection (b) have the right to appeal to
26 the Commonwealth Court. This appeal shall be the sole and
27 exclusive judicial remedy available hereunder and shall after <—
28 ~~such period of thirty days be barred from exercising the same TO~~ <—
29 CONTEST ANY SUCH FINDINGS OR ACTIONS.

30 Section ~~2~~ 3. This act shall take effect in ~~60 days~~ <—

1 IMMEDIATELY.

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