

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 183

Session of
1977

INTRODUCED BY MESSRS. SALVATORE, MANMILLER, GREENFIELD, SHUMAN,
J. L. WRIGHT, D. M. O'BRIEN, GIAMMARCO, HOPKINS, CAPUTO,
ZORD, GEESEY, MRS. SCANLON, MESSRS. NOYE, FREIND, LEHR,
BORSKI, WEIDNER, O'KEEFE, STAPLETON, MRS. KERNICK, MESSRS.
GARZIA, POLITE, HASAY, E. H. SMITH, KUSSE AND WILSON,
FEBRUARY 9, 1977

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 9, 1977

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. The act of April 9, 1929 (P.L.177, No.175), known
26 as "The Administrative Code of 1929," is amended by adding a

1 section to read:

2 Section 529. Assignment of School Pupils.--No department,
3 board or commission shall have the power to order the assignment
4 of any pupil in kindergarten, elementary or secondary school to
5 any school other than the school nearest the pupil's home
6 without the consent of the pupil's parent or guardian except
7 that nothing in this section shall repeal any entrance
8 requirement of a school which has entrance requirements. Any
9 order issued by a department, board or commission heretofore
10 which has not yet been implemented, ordering assignment of any
11 pupil in kindergarten, elementary or secondary school to any
12 school other than the school nearest the pupil's home shall be
13 null, void and unenforceable. All departments, boards and
14 commissions shall cease, desist and withdraw any and all actions
15 pending which are contrary to this section. No department, board
16 or commission shall enter into or continue any legal proceeding
17 dealing with the assignment of pupils to any kindergarten,
18 elementary or secondary school other than the school nearest the
19 pupil's home.

20 Section 2. Section 2002 of the act is amended by adding a
21 subsection to read:

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

23 (e) Any person aggrieved by findings made or actions taken
24 under clause (15) of subsection (a) or subsection (b) shall
25 within forty-five days after publication of the findings
26 required in subsection (b) have the right to appeal to the
27 Commonwealth Court. This appeal shall be the sole and exclusive
28 judicial remedy available to contest any such findings or
29 actions.

30 Section 3. This act shall take effect immediately.