

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 909 Session of
1999

INTRODUCED BY READSHAW, GIGLIOTTI, FLEAGLE, ORIE, KENNEY,
KAISER, HALUSKA, LAUGHLIN, WALKO, WOGAN, HARHAI, FREEMAN AND
M. COHEN, MARCH 17, 1999

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 17, 1999

AN ACT

1 Amending the act of October 27, 1955 (P.L.744, No.222),
2 entitled, as amended, "An act prohibiting certain practices
3 of discrimination because of race, color, religious creed,
4 ancestry, age or national origin by employers, employment
5 agencies, labor organizations and others as herein defined;
6 creating the Pennsylvania Human Relations Commission in the
7 Governor's Office; defining its functions, powers and duties;
8 providing for procedure and enforcement; providing for
9 formulation of an educational program to prevent prejudice;
10 providing for judicial review and enforcement and imposing
11 penalties," further providing for restrictions on the
12 Pennsylvania Human Relations Commission's authority over
13 pupil school assignments.

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

16 Section 1. Section 8.2 of the act of October 27, 1955
17 (P.L.744, No.222), known as the Pennsylvania Human Relations
18 Act, added July 12, 1996 (P.L.684, No.117), is amended to read:

19 Section 8.2. Restriction on Commission Authority Over Pupil
20 School Assignment.--(a) It is the finding of the General
21 Assembly that the neighborhood school is the cornerstone of
22 Pennsylvania's education policy on the assignment of pupils to
23 public schools and that the assignment of pupils to public

1 schools is a matter that falls within the special competence and
2 expertise of education authorities, and it is the policy of the
3 General Assembly that this act shall not interfere with the
4 neighborhood school system or with the authority of education
5 officials to provide for the assignment of pupils to public
6 schools unless such assignment is necessary to remedy a
7 violation of the Equal Protection Clause of the 14th Amendment
8 to the Constitution of the United States.

9 (b) Neither the Pennsylvania Human Relations Commission nor
10 any local human relations commission nor any court, as part of
11 its review of any commission or local commission action or any
12 complaint filed pursuant to this act, shall impose upon the
13 Commonwealth, any school district or other school entity, or any
14 governing body, officer or employee of any of the foregoing, any
15 requirement that pupils be assigned to attend any public school
16 other than the school of appropriate grade level that the pupil
17 qualifies to attend closest to the student's home and shall not
18 impose any other obligation or responsibility with respect to
19 pupil school assignment or pupil transportation related to pupil
20 assignment unless:

21 (1) imposing that requirement, obligation or responsibility
22 upon such party is necessary to remedy a specific violation by
23 such party that would also constitute a violation of the Equal
24 Protection Clause of the 14th Amendment to the Constitution of
25 the United States; and

26 (2) a court would be permitted under decisional law to
27 impose that requirement, obligation or responsibility upon such
28 party to remedy the specific violation of the Equal Protection
29 Clause of the 14th Amendment to the Constitution of the United
30 States.

1 (b.1) Every school district of the first class A shall
2 commence a school integration plan within its territorial
3 jurisdiction that pupils be assigned to attend the public school
4 of appropriate grade level that is closest to the pupil's home
5 and shall not impose any other obligation or responsibility with
6 the pupil school assignment or pupil transportation unless:

7 (1) imposing that requirement, obligation or responsibility
8 upon such party is necessary to remedy a specific violation by
9 such party that would also constitute a violation of the Equal
10 Protection Clause of the 14th Amendment to the Constitution of
11 the United States; and

12 (2) a court would be permitted under decisional law to
13 impose that requirement, obligation or responsibility upon such
14 party to remedy the specific violation of the Equal Protection
15 Clause of the 14th Amendment to the Constitution of the United
16 States.

17 (c) Nothing in this section shall [prohibit a school
18 district from voluntarily continuing or commencing a school
19 integration plan within its territorial jurisdiction or from
20 assigning pupils for any appropriate reason within the scope of
21 its authority under the act of March 10, 1949 (P.L.30, No.14),
22 known as the "Public School Code of 1949," or] affect the act of
23 August 9, 1963 (P.L.643, No.341), known as the "First Class City
24 Public Education Home Rule Act," including, but not limited to,
25 the assignment of pupils who request English as a second
26 language to a school other than the school closest to the
27 pupil's home, if such instruction is unavailable at the closest
28 school.

29 Section 2. This act shall take effect in 60 days.