

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1717 Session of 1971

INTRODUCED BY MESSRS. CAPUTO, GEISLER, MALADY, D. M. DAVIS, GLEESON, FRANKENBURG, HUTCHINSON, BURKARDT, DININNI, STONE, BELLOMINI, MANBECK, ZIMMERMAN AND VALICENTI, NOVEMBER 29, 1971

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 23, 1972

AN ACT

1 Amending the act of October 27, 1955 (P.L.744), entitled, as
2 amended, "An act prohibiting certain practices of
3 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 Department of Labor and Industry; defining its functions,
8 powers and duties; providing for procedure and enforcement;
9 providing for formulation of an educational program to
10 prevent prejudice; providing for judicial review and
11 enforcement and imposing penalties," further defining "place
12 of public accommodation." ESTABLISHING A PROCEDURE FOR THE
13 HANDLING OF COMPLAINTS CONCERNING SEGREGATION OR
14 DISCRIMINATION IN PUBLIC SCHOOLS. FURTHER PROVIDING FOR
15 EDUCATIONAL PROGRAMS

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

18 Section 1. Clause (1) of section 4, SECTION 8, act of
19 October 27, 1955 (P.L.744), known as the "Pennsylvania Human
20 Relations Act," amended December 10, 1970 (P.L.882) is amended
21 BY ADDING A PARAGRAPH to read:

22 Section 4. Definitions. As used in this act unless a
23 different meaning clearly appears from the context:

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2 ~~(1) The term "place of public accommodation, resort or~~
3 ~~amusement" means any place which is open to, accepts or solicits~~
4 ~~the patronage of the general public, including but not limited~~
5 ~~to inns, taverns, roadhouses, hotels, motels, whether conducted~~
6 ~~for the entertainment of transient guests or for the~~
7 ~~accommodation of those seeking health, recreation or rest, or~~
8 ~~restaurants or eating houses, or any place where food is sold~~
9 ~~for consumption on the premises, buffets, saloons, barrooms or~~
10 ~~any store, park or enclosure where spirituous or malt liquors~~
11 ~~are sold, ice cream parlors, confectioneries, soda fountains and~~
12 ~~all stores where ice cream, ice and fruit preparations or their~~
13 ~~derivatives, or where beverages of any kind are retailed for~~
14 ~~consumption on the premises, drug stores, dispensaries, clinics,~~
15 ~~hospitals, bathhouses, swimming pools, barber shops, beauty~~
16 ~~parlors, retail stores and establishments, theatres, motion~~
17 ~~picture houses, airdromes, roof gardens, music halls, race~~
18 ~~courses, skating rinks, amusement and recreation parks, fairs,~~
19 ~~bowling alleys, gymnasiums, shooting galleries, billiard and~~
20 ~~pool parlors, public libraries, [kindergartens, primary and~~
21 ~~secondary schools, high schools, academies, colleges and~~
22 ~~universities, extension courses and all educational institutions~~
23 ~~under the supervision of this Commonwealth,] nonsectarian~~
24 ~~cemeteries, garages and all public conveyances operated on land~~
25 ~~or water or in the air as well as the stations, terminals and~~
26 ~~airports thereof, but shall not include any accommodations which~~
27 ~~are in their nature distinctly private.~~

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29 SECTION 8. EDUCATIONAL PROGRAM.--

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1 NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SECTION OR OF
2 THIS ACT, THE COMMISSION SHALL NOT ISSUE ANY ORDER WHICH RESULTS
3 IN ANY PUPIL BEING ASSIGNED TO ANY SCHOOL OTHER THAN THE ONE OF
4 THE PROPER GRADE LEVEL CLOSEST TO HIS HOME.

5 SECTION 1. THE ACT OF OCTOBER 27, 1955 (P.L.744), KNOWN AS
6 THE "PENNSYLVANIA HUMAN RELATIONS ACT," IS AMENDED BY ADDING A
7 SECTION TO READ:

8 SECTION 9.2. PROCEDURE IN SCHOOL COMPLAINT.--(A) ANY
9 INDIVIDUAL CLAIMING TO BE AGGRIEVED BY AN ALLEGED SITUATION OF
10 SEGREGATION OR DISCRIMINATION IN A PUBLIC SCHOOL SYSTEM MAY
11 MAKE, SIGN AND FILE WITH THE COMMISSION A VERIFIED COMPLAINT IN
12 WRITING WHICH SHALL STATE THE NAME AND ADDRESS OF THE DISTRICT
13 CONCERNED, AND THE PARTICULARS THEREOF AND SUCH OTHER
14 INFORMATION AS MAY BE REQUIRED BY THE COMMISSION. THE COMMISSION
15 OR THE ATTORNEY GENERAL, MAY UPON ITS OR HIS OWN INITIATIVE FILE
16 SUCH A COMPLAINT.

17 (B) AFTER THE FILING OF A COMPLAINT, WHENEVER THERE IS
18 REASON TO BELIEVE THAT SUCH A PRACTICE HAS BEEN COMMITTED, THE
19 COMMISSION SHALL, AFTER IMMEDIATE NOTIFICATION OF THE DISTRICT
20 CONCERNED, MAKE A PROMPT INVESTIGATION.

21 (C) THE COMMISSION SHALL INITIALLY MAKE A DETERMINATION THAT
22 THE QUALITY OF EDUCATION OFFERED IN THE DISTRICT IS INFERIOR AS
23 TO CERTAIN STUDENTS, AND THAT THE QUALITY WOULD BE RAISED IF THE
24 ALLEGED DISCRIMINATION OR SEGREGATION COULD BE ELIMINATED. IF NO
25 SUCH FINDING CAN BE MADE, THE COMMISSION SHALL TERMINATE THE
26 PROCEEDING AT THAT POINT.

27 (D) IF THE COMMISSION FINDS THAT A SITUATION OF
28 DISCRIMINATION OR SEGREGATION EXISTS AND ALSO MAKES THE
29 AFORESAID FINDING AS TO THE QUALITY OF EDUCATION IT SHALL
30 INITIATE A CONFERENCE, OR A SERIES OF CONFERENCES, WITH THE

1 SCHOOL BOARD OF THE DISTRICT CONCERNED TO DISCUSS THE SAID
2 FINDINGS.

3 (E) UPON NOTICE TO THE SCHOOL BOARD BY THE COMMISSION THAT
4 THE SITUATION CANNOT BE RESOLVED AT THE SAID CONFERENCES BY THE
5 GIVING OF SATISFACTORY ASSURANCES BY THE SCHOOL BOARD, THE
6 COMMISSION SHALL SCHEDULE A HEARING OR SUCH NUMBER OF HEARINGS
7 AS THE SCHOOL BOARD SHALL DETERMINE UPON AT LEAST THIRTY DAYS'
8 NOTICE TO BE HELD IN THE DISTRICT UPON THE SUBSTANCE OF THE
9 COMPLAINT AND THE SOLUTION OF THE PROBLEM. THE BOARD, PARENTS'
10 ORGANIZATIONS, COMMUNITY ORGANIZATIONS, AND INDIVIDUAL PARENTS
11 AND CITIZENS OF THE DISTRICT SHALL BE ENTITLED TO BE HEARD AT
12 THE SAID HEARING.

13 (F) AFTER THE SAID HEARING OR HEARINGS WHICH SHALL NOT
14 EXCEED SIX MONTHS IN DURATION, THE COMMISSION MAY ORDER
15 IMPLEMENTATION OF A PLAN TO END THE SAID DISCRIMINATION OR
16 SEGREGATION, PROVIDED THAT IT MAKES THE FOLLOWING FINDINGS:

17 (1) THE FINDING AS TO THE LEVEL OF EDUCATION REQUIRED IN
18 SUBSECTION (C) SUPRA.

19 (2) A FINDING THAT DE FACTO SEGREGATION OR DISCRIMINATION
20 EXISTS.

21 (G) WHENEVER POSSIBLE DE FACTO SEGREGATION SHALL BE
22 ELIMINATED BY THE PLACEMENT OF NEW SCHOOLS RATHER THAN BY THE
23 REZONING OR TRANSFER OF STUDENTS FROM EXISTING ONES, BY THE
24 ADOPTION OF A LONG-RANGE PLAN TO ELIMINATE SEGREGATION OR THE
25 ADOPTION OF PILOT PROGRAMS TO TEST A METHOD OF ELIMINATING DE
26 FACTO SEGREGATION.

27 (H) NO PLAN SHALL BE MADE MANDATORY WITHIN LESS THAN TWO
28 HUNDRED SEVENTY DAYS FROM THE ORDER PROMULGATING THE SAME.

29 (I) NOTHING HEREIN SHALL PRECLUDE VOLUNTARY PROGRAMS ON THE
30 PART OF LOCAL SCHOOL DISTRICTS.

1 (J) SUCH ORDER MAY BE ENFORCED AS PROVIDED BY SECTION 10 OF
2 THIS ACT.

3 (K) NOTHING HEREIN SHALL AUTHORIZE THE BUSING OF PUPILS FROM
4 ONE SCHOOL DISTRICT TO ANOTHER SCHOOL DISTRICT.