

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, JUNE 6, 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," establishing a procedure
12 for the handling of complaints concerning segregation or
13 discrimination in public schools AND further providing for
14 educational programs. <—

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

17 ~~Section 8, by adding a paragraph~~ <—

18 SECTION 1. SECTION 8, ACT OF OCTOBER 27, 1955 (P.L.744), <—

19 KNOWN AS THE "PENNSYLVANIA HUMAN RELATIONS ACT," IS AMENDED BY
20 ADDING A PARAGRAPH TO READ:

21 Section 8. Educational Program.--

22 * * *

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- 2.~~ The act ~~of October 27, 1955 (P.L.744), known~~ ←
6 ~~as the "Pennsylvania Human Relations Act,"~~ is amended by adding
7 a 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 aforsaid 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 RECOMMEND implementation of a plan to end the said <—
16 discrimination or segregation, provided that it makes the
17 following findings:

18 (1) The finding as to the level of education required in
19 subsection (c) supra.

20 (2) A finding that de facto segregation or discrimination
21 exists.

22 ~~(g) Whenever possible de facto segregation shall be~~ <—
23 ~~eliminated by the placement of new schools rather than by the~~
24 ~~rezoning or transfer of students from existing ones, by the~~
25 ~~adoption of a long range plan to eliminate segregation or the~~
26 ~~adoption of pilot programs to test a method of eliminating de~~
27 ~~facto segregation.~~

28 ~~(h) (G) No plan shall be made mandatory. within less than~~ <—
29 ~~two hundred seventy days from the order promulgating the same.~~

30 ~~(i) (H) Nothing herein shall preclude voluntary programs on~~ <—

1 the part of local school districts.

2 ~~(j) Such order may be enforced as provided by section 10 of~~ <—
3 ~~this act.~~

4 ~~(k) (I) Nothing herein shall authorize the busing of pupils~~ <—
5 ~~from one school district to another school district.~~