

Section 706. General Repeal.—All other acts and parts of acts are repealed in so far as they are inconsistent herewith.

APPROVED—The 17th day of July, A. D. 1961.

DAVID L. LAWRENCE

No. 340

AN ACT

Amending the act of August 9, 1955 (P. L. 323), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto," authorizing the closing of court houses and other county offices on Saturdays in counties of the third class.

The County Code.

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

Act of August 9,
1955, P. L. 323,
amended by
adding a new
section 2301.1.

Section 1. The act of August 9, 1955 (P. L. 323), known as "The County Code," is amended by adding, after section 2301, a new section to read:

Section 2301.1. Saturday Closing in Third Class Counties.—In counties of the third class, the county commissioners may order that the county court house and all county offices located elsewhere be closed all day on Saturdays throughout the year or during any specified period of the year.

Act effective
immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 17th day of July, A. D. 1961.

DAVID L. LAWRENCE

No. 341

AN ACT

Declaring the policy of the Commonwealth with regard to discriminatory practices in educational institutions based upon race, religion, color, ancestry or national origin; prohibiting such discriminatory practices; providing for procedure and enforcement; providing for judicial review; providing for administration by the Pennsylvania Human Relations Commission in the Department of Labor and Industry; and defining its functions, powers and duties hereunder.

Pennsylvania
Fair Educational
Opportunities
Act.

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

Section 1. Short Title.—This act may be cited as the "Pennsylvania Fair Educational Opportunities Act."

Section 2. Findings and Declaration of Policy.—

(a) It is hereby declared to be the policy of this Commonwealth that all persons shall have equal opportunities for education regardless of their race, religion, color, ancestry or national origin.

(b) Equality of educational opportunities requires that students, otherwise qualified, be admitted to educational institutions without regard to race, religion, color, ancestry or national origin.

(c) It is recognized that there is a fundamental American right for members of various religious faiths to establish and maintain educational institutions exclusively or primarily for students of their own religious faith. In such institutions students, otherwise qualified, should have equal opportunity to attend therein without discrimination because of race, color, ancestry or national origin.

(d) This act shall be deemed an exercise of the police power of the Commonwealth for the protection of the public welfare, prosperity, health and peace of the people of the Commonwealth of Pennsylvania.

Section 3. Definitions.—As used in this act—

(1) "Educational institution" means any institution of post-secondary grade and any secretarial, business, vocational or trade school of secondary or post-secondary grade, which is subject to the visitation, examination or inspection of, or is, or may be licensed by the Department of Public Instruction, including any post-secondary school, college or university incorporated or chartered under any general law or special act of the General Assembly, except any religious or denominational educational institution as defined in this act.

(2) "Religious or denominational educational institution" means an educational institution which is operated, supervised, controlled or sustained primarily by a religious or denominational organization, or is one which is stated by the parent church body to be and is, in fact, officially related to that church by being represented on the board of the institution, and by providing substantial financial assistance and which has certified, in writing, to the commission that it is a religious or denominational educational institution.

(3) "Discriminate" includes "segregate."

(4) "Commission" means the Pennsylvania Human Relations Commission in the Department of Labor and Industry.

(5) "Student" means a person seeking admission to, or in attendance at, a school or educational institution, as the case may be.

(6) "Person" includes one or more individuals, partnerships, associations, organizations or corporations.

Section 4. Unfair Educational Practices. — (a) It shall be an unfair educational practice for an educational institution—

(1) To exclude or limit, or otherwise discriminate, because of race, religion, color, ancestry or national origin, against any student or students seeking admission as students to such institutions: Provided, That it shall not be unfair educational practice for any educational institution to use criteria other than race, religion, color, ancestry or national origin in the admission of students.

(2) To make any written or oral inquiry prior to admission concerning or designed to elicit information as to the race, religion, color, ancestry or national origin of a student seeking admission to such institution.

(3) To expel, suspend, punish, deny facilities or otherwise discriminate against any student because of race, religion, color, ancestry or national origin.

(4) To penalize or discriminate against any individual because he has initiated, testified, participated or assisted in any proceedings under this act.

(5) To fail to preserve for a period of three years any records, documents and data dealing with, or pertaining to, the admission, rejection, expulsion or suspension of students, or to refuse to make such records, documents and data available at all times for the inspection of the commission.

(b) It shall be an unfair educational practice for any person to aid, abet, incite, compel or coerce the doing of any act declared by this section to be an unlawful educational practice, or to obstruct or prevent any person from complying with the provisions of this act or any order issued thereunder, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful educational practice.

(c) Nothing in this section shall be deemed to affect in any way the right of religious or denominational educational institutions to select its students exclusively or primarily from members of such religion or denomination, or from giving preference in such selection to such members.

(d) Nothing in this section shall prohibit any educational institution from accepting and administering any inter-vivos or testamentary gift upon such terms and conditions as may be prescribed by the donor.

Section 5. Administration.—The Pennsylvania Human Relations Commission, created by the act of October 27, 1955 (P. L. 744), as amended by the act of February 28,

1961 (P. L. 47), known as the "Pennsylvania Human Relations Act," is hereby vested with authority to administer this act.

Section 6. Powers and Duties of the Commission.— Without in anywise detracting from, or in derogation or diminution of the duties of the commission as set forth in the act of October 27, 1955 (P. L. 744), known as the "Pennsylvania Human Relations Act," said commission is hereby vested with the following powers and duties—

(1) To make visits when deemed advisable to each of the educational institutions, except religious or denominational institutions, within the Commonwealth for the purpose of examining and studying the procedures and practices used in the selection of students.

(2) To make studies of the various forms and uses of transcript of record employed by educational institutions, except religious or denominational institutions, and of the standards, procedures, practices and criteria used by same with respect to recommending and approving students for further education in said educational institutions.

(3) To make whatever studies may be necessary to aid it in carrying out its functions, including studies to determine factually the total number of students applying each year to educational institutions, except religious or denominational institutions, within the Commonwealth, the number of them finally accepted and the basic factors which determine whether an applicant will be accepted or rejected by such institutions.

(4) To formulate, recommend and carry out a comprehensive program designed to eliminate and prevent prejudice and discrimination in educational institutions, except religious or denominational institutions, based upon race, religion, color, ancestry or national origin.

(5) To formulate policies to carry out the purposes of this act and to make recommendations to any or all of the educational institutions included under the provisions of this act to effectuate such policies.

(6) To adopt, amend, modify or rescind such rules and regulations as may be necessary to carry out the functions of the commission and to effectuate the purposes and provisions of this act.

(7) To initiate, receive and investigate and seek to adjust all complaints of unfair educational practices forbidden by this act.

(8) Whenever the commission in its sole discretion determines that informal methods of conference, conciliation and persuasion have failed to induce the elimination of unfair educational practices to hold hearings,

subpoena witnesses, administer oaths or affirmations, take the testimony of any person under oath or affirmation and require the production for examination of any books or papers relating to any matter under investigation or any question properly before the commission.

(9) To issue orders requiring any educational institution of the Commonwealth included under the provisions of this act to cease and desist from any unfair educational practice and to secure enforcement of the order of the commission or other appropriate relief by either the Court of Common Pleas of Dauphin County or by the court of common pleas of the county within which the educational institution is located.

(10) From time to time, but not less than once a year, to render to the Governor and Legislature a written report of its activities and recommendation.

Section 7. Procedure.—Any aggrieved person or anyone representing the aggrieved person may make, sign and file with the commission a verified complaint within six months after an unfair educational practice is alleged to have been committed, which shall set forth the particulars thereof and contain such other information as may be required by the commission. The commission upon its own initiative or the Attorney General may in like manner make, sign and file such complaint.

The procedure for the processing of any complaint shall be in accordance with the provisions of the act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929," with the rules and regulations promulgated by the commission.

Until the commission shall determine that a cease and desist order shall be issued, it shall not disclose what takes place during informal efforts at persuasion, conciliation or mediation, nor shall it offer in evidence in any proceedings the facts adduced in such informal efforts, nor shall publicity be given to any proceedings before the commission and the identity of the educational institution shall not be disclosed, except in cases of public hearings: Provided, That the commission may publish the terms of conciliation when a complaint has been adjusted, and the results of surveys or studies conducted by the commission which pertain to matters of race, religion, color, ancestry or national origin.

Section 8. Judicial Review.—Any order of the commission may be reviewed and any order of court may be appealed under the provisions of the act of June 4, 1945 (P. L. 1388), known as the "Administrative Agency Law," and its amendments.

Section 9. Construction.—The provisions of this act shall be construed liberally for the accomplishment of the purposes thereof and any law inconsistent with any provisions hereof shall not apply. Nothing contained in this act shall be deemed to repeal any of the provisions of any law of this Commonwealth relating to discrimination because of race, religion, color, ancestry or national origin.

Section 10. Separability.—If any clause, sentence, paragraph or part of this act, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act nor the application of such clause, sentence, paragraph or part to other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph or part thereof and to the persons or circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this act would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.

APPROVED—The 17th day of July, A. D. 1961.

DAVID L. LAWRENCE

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No. 342

AN ACT

Changing the name of the Municipal Court of Philadelphia to the County Court of Philadelphia.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: Courts.

Section 1. The Municipal Court of Philadelphia shall hereafter be known as the County Court of Philadelphia. Municipal Court of Philadelphia.

Section 2. All jurisdiction, powers and duties conferred upon the Municipal Court of Philadelphia by any act of Assembly shall hereafter be exercised by the County Court of Philadelphia. Jurisdiction, powers and duties to be exercised by County Court of Philadelphia.

APPROVED—The 17th day of July, A. D. 1961.

DAVID L. LAWRENCE