

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2560 Session of 2020

INTRODUCED BY ORTITAY, MOUL AND PYLE, MAY 28, 2020

REFERRED TO COMMITTEE ON EDUCATION, MAY 28, 2020

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
 2 act relating to the public school system, including certain
 3 provisions applicable as well to private and parochial
 4 schools; amending, revising, consolidating and changing the
 5 laws relating thereto," in terms and courses of study,
 6 providing for special education provisions.

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

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
 10 as the Public School Code of 1949, is amended by adding a
 11 section to read:

12 Section 1501.9. Special Education Provisions.--(a) The
 13 Secretary of Education shall immediately issue a waiver to any
 14 order by the Governor closing any public or nonpublic schools
 15 based on the proclamation of disaster emergency issued by the
 16 Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21,
 17 2020), or any extension of that order to all public schools and
 18 nonpublic schools to permit in-person special education services
 19 that comply with the individualized education program under the
 20 Individuals With Disabilities Education Act (Public Law 91-230,

1 20 U.S.C. § 1400 et seq.).

2 (b) A public or nonpublic school shall adhere to social
3 distancing practices and other mitigation measures defined by
4 the Centers for Disease Control and Prevention to protect from
5 and to mitigate the spread of the COVID-19 virus and any
6 recommendations of the Secretary of Health directing public
7 health safety measures to maintain in-person special education
8 services.

9 (c) A waiver issued under this section shall remain valid
10 notwithstanding any order issued under the declaration of
11 disaster emergency issued by the Governor on March 6, 2020,
12 published in 50 Pa.B. 1644 (March 21, 2020), or any renewal of
13 the declaration of disaster emergency, unless the order removes
14 any of the restrictions or otherwise grants greater permissions
15 for operations than are provided under this section.

16 (d) As used in this section, the following words and phrases
17 shall have the meanings given to them in this subsection unless
18 the context clearly indicates otherwise:

19 "Nonpublic school." A nonprofit school, other than a public
20 school within this Commonwealth, wherein a resident of the
21 Commonwealth may legally fulfill the compulsory school
22 attendance requirements of this act and which meet the
23 requirements of Title VI of the Civil Rights Act of 1964 (Public
24 Law 88-352, 42 U.S.C. § 2000 et seq).

25 "Public school." A school district, charter school, regional
26 charter school, cyber charter school, intermediate unit or area
27 career and technical school in this Commonwealth.

28 Section 2. This act shall take effect immediately.