AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," in pupils and attendance, further providing for age limits and temporary residence and providing for age limit extension during COVID-19 pandemic or other disaster emergency.

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

Section 1. Section 1301 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended to read:

Section 1301. Age Limits; Temporary Residence.--Every child, being a resident of any school district, between the ages of six and twenty-one (21) years, may attend the public schools in his district, subject to the provisions of this act.

[Notwithstanding] Except as provided in section 1301.1, notwithstanding any other provision of law to the contrary, a child who attains the age of twenty-one (21) years during the
school term and who has not graduated from high school may continue to attend the public schools in his district free of charge until the end of the school term. The board of school directors of any school district may admit to the schools of the district, with or without the payment of tuition, any non-resident child temporarily residing in the district, and may require the attendance of such non-resident child in the same manner and on the same conditions as it requires the attendance of a resident child.

Section 2. The act is amended by adding a section to read:

Section 1301.1. Age Limit Extension During COVID-19 Pandemic or Other Disaster Emergency.--(a) A student with an active IEP and enrolled in a school district of this Commonwealth when a proclamation of disaster emergency is issued or during a proclamation of disaster emergency shall not become ineligible for continued service and attendance in accordance with section 1301 until twelve (12) months after the termination or expiration under 35 Pa.C.S. § 7301(c) (relating to general authority of Governor) of the proclamation of disaster emergency. The following apply:

(1) The twelve-month extension shall be provided at no charge and shall be at the discretion of the student and the student's parent or legal guardian.

(2) A student who was deemed ineligible for continued service and attendance during the proclamation of disaster emergency due to age shall qualify for continued service and attendance in accordance with the twelve-month extension under this section.

(b) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:
"IEP" means an individualized educational program established under 22 Pa. Code Ch. 14 (relating to special education services and programs).

"Proclamation of disaster emergency" means a declaration by the Governor of disaster emergency under 35 Pa.C.S. § 7301(c) and any renewal of the state of disaster emergency, including the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency.

Section 3. This act shall take effect immediately.