THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 909  Session of 2021

INTRODUCED BY SHUSTERMAN, BENHAM, STURLA, ROZZI, HERRIN, SANCHEZ, DEASY, T. DAVIS, HILL-EVANS, D. WILLIAMS, BOBACK, SCHWEYER, GUENST, SCHLOSSBERG, WEBSTER, GALLOWAY, MADDEN, INNAMORATO, DELLOSO, WARREN, CONKLIN, FREEMAN, McNEILL, KINKEAD, BURGOS, N. NELSON, HOWARD, KRUEGER AND ZABEL, MARCH 15, 2021

REFERRED TO COMMITTEE ON EDUCATION, MARCH 15, 2021

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, providing for extended special education enrollment due to COVID-19 and for optional year of education due to COVID-19.

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

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

Section 1383. Extended Special Education Enrollment Due to COVID-19.--(a) For the 2021-2022 school year, a parent or guardian may enroll a student with a disability as defined in 22 Pa. Code § 14.101 (relating to definitions) who, during the 2020-2021 school year, was enrolled in a school entity and reached 21 years of age on or after the issuance of the
proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020).

(b) Notwithstanding any other provision of law, the following apply to a student enrolled in a school entity under subsection (a):

(1) The school entity shall enroll the student in accordance with the student's IEP.

(2) The student may enroll in the school entity for the 2021-2022 school year free of charge until the end of the school year.

(3) The student's attendance shall be included in the school entity's average daily membership for purposes of calculating the special education subsidy under Article XXV.

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

"IEP." An individualized education program established under 22 Pa. Code Ch. 14 (relating to special education services and programs).

"School entity." A school district, intermediate unit, area career and technical school, charter school, cyber charter school, regional charter school or nonpublic school entity.

Section 1384. Optional Year of Education Due to COVID-19.--

(a) Notwithstanding any other provision of law, for the 2021-2022 school year, a parent or guardian may elect to have a student with a disability as defined in 22 Pa. Code § 14.101 (relating to definitions) in a school entity repeat a grade level to make up for any lost educational opportunities during the 2019-2020 and 2020-2021 school years regardless of whether the child met the requirements to be promoted to the next grade.
level. The parental election under this subsection includes participation in all academic or extracurricular activities, except for interscholastic athletics.

(b) A school entity shall create a process for a parent or guardian to make the election under subsection (a) and post the process on the publicly accessible Internet website of the school entity.

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

"Interscholastic athletics." All athletic contests or competitions conducted between or among school entities situated in a school district.

"School entity." A school district, intermediate unit, area career and technical school, charter school, cyber charter school, regional charter school or nonpublic school entity.

Section 2. This act shall take effect immediately.