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

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 terms and courses of study, providing for special education provisions.

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 a section to read:

Section 1501.9. Special Education Provisions.--(a) The Secretary of Education shall immediately issue a waiver to any order by the Governor closing any public or nonpublic schools based on the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), or any extension of that order to all public schools and nonpublic schools to permit in-person special education services that comply with the individualized education program under the Individuals With Disabilities Education Act (Public Law 91-230, ...)
(b) A public or nonpublic school shall adhere to social distancing practices and other mitigation measures defined by the Centers for Disease Control and Prevention to protect from and to mitigate the spread of the COVID-19 virus and any recommendations of the Secretary of Health directing public health safety measures to maintain in-person special education services.

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

(d) 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:

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

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

Section 2. This act shall take effect immediately.