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 age limit extension during COVID-19 pandemic of 2020; and, in terms and courses of study, providing for option 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 1301.1. Age Limit Extension During COVID-19 Pandemic of 2020. Notwithstanding section 1301, every student who was twenty (20) or twenty-one (21) years of age before 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, and who was enrolled in a school district of this Commonwealth, in accordance with section 1301, during the proclamation of disaster emergency, or any renewal of the state of disaster emergency, shall be eligible for a twelve month extension of eligibility under section 1301 free of charge.


(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE FOLLOWING SHALL 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 2020-2021 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
"SCHOOL ENTITY." A SCHOOL DISTRICT, INTERMEDIATE UNIT, JOINT SCHOOL, AREA CAREER AND TECHNICAL SCHOOL, CHARTER SCHOOL, REGIONAL CHARTER SCHOOL OR CYBER CHARTER SCHOOL.

Section 1501.10. Option Year of Education Due to COVID-19.--

(a) The welfare of this Commonwealth requires that the present generation of school age children be provided ample opportunity to develop to their fullest intellectual capacities. It is the intent of the General Assembly to ensure that the present generation of school age children do not lose educational opportunities due to 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, for the 2021-2022 school year, a parent may elect to have a child 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 shall include participation in all academic or extracurricular activities, EXCEPT FOR INTERSCHOLASTIC ATHLETICS.

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

(d) (1) As used in this section, the term "school entity" shall mean a school district, intermediate unit, area career and technical school, charter school, cyber charter school, regional charter school or nonpublic school entity.
(2) AS USED IN THIS SECTION, THE TERM "INTERSCHOLASTIC"

ATHLETICS" SHALL MEAN ALL ATHLETIC CONTESTS OR COMPETITIONS

CONDUCTED BETWEEN OR AMONG SCHOOL ENTITIES SITUATED IN ANY

SCHOOL DISTRICT.

Section 2. This act shall take effect immediately.