

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2788 Session of 2020

INTRODUCED BY TOPPER, REESE, BOROWICZ, COX, SCHLEGEL CULVER, DAVANZO, DOWLING, DRISCOLL, DUSH, ECKER, EVERETT, GABLER, GLEIM, GREGORY, GROVE, HEFFLEY, HILL-EVANS, JOZWIAK, KAUFFMAN, KEEFER, KLUNK, KNOWLES, MARSHALL, MILLARD, MIZGORSKI, OBERLANDER, PEIFER, POLINCHOCK, SANKEY, SAYLOR, SCHMITT, THOMAS, WARNER, LONGIETTI, SAINATO, MOUL, KORTZ, BURNS, KULIK, PETRARCA, LEWIS, KAIL, GAYDOS AND ROWE, AUGUST 18, 2020

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, SEPTEMBER 1, 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 pupils and attendance, providing
6 for age limit extension during COVID-19 pandemic of 2020 <--
7 EXTENDED SPECIAL EDUCATION ENROLLMENT DUE TO COVID-19; and, <--
8 in terms and courses of study, providing for option year of
9 education due to COVID-19.

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

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

15 ~~Section 1301.1. Age Limit Extension During COVID-19 Pandemic <--~~
16 ~~of 2020. Notwithstanding section 1301, every student who was~~
17 ~~twenty (20) or twenty one (21) years of age before the~~
18 ~~proclamation of disaster emergency issued by the Governor on~~

~~1 March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and
2 any renewal of the state of disaster emergency, and who was
3 enrolled in a school district of this Commonwealth, in
4 accordance with section 1301, during the proclamation of
5 disaster emergency, or any renewal of the state of disaster
6 emergency, shall be eligible for a twelve month extension of
7 eligibility under section 1301 free of charge.~~

8 SECTION 1383. EXTENDED SPECIAL EDUCATION ENROLLMENT DUE TO <--
9 COVID-19.-- (A) FOR THE 2020-2021 SCHOOL YEAR, A PARENT OR
10 GUARDIAN MAY ENROLL A STUDENT WITH A DISABILITY AS DEFINED IN 22
11 PA. CODE § 14.101 (RELATING TO DEFINITIONS) WHO, DURING THE
12 2019-2020 SCHOOL YEAR, WAS ENROLLED IN A SCHOOL ENTITY AND
13 REACHED 21 YEARS OF AGE ON OR AFTER THE ISSUANCE OF THE
14 PROCLAMATION OF DISASTER EMERGENCY ISSUED BY THE GOVERNOR ON
15 MARCH 6, 2020, PUBLISHED AT 50 PA.B. 1644 (MARCH 21, 2020).

16 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
17 CONTRARY, THE FOLLOWING SHALL APPLY TO A STUDENT ENROLLED IN A
18 SCHOOL ENTITY UNDER SUBSECTION (A):

19 (1) THE SCHOOL ENTITY SHALL ENROLL THE STUDENT IN ACCORDANCE
20 WITH THE STUDENT'S IEP.

21 (2) THE STUDENT MAY ENROLL IN THE SCHOOL ENTITY FOR THE
22 2020-2021 SCHOOL YEAR FREE OF CHARGE UNTIL THE END OF THE SCHOOL
23 YEAR.

24 (3) THE STUDENT'S ATTENDANCE SHALL BE INCLUDED IN THE SCHOOL
25 ENTITY'S AVERAGE DAILY MEMBERSHIP FOR PURPOSES OF CALCULATING
26 THE SPECIAL EDUCATION SUBSIDY UNDER ARTICLE XXV.

27 (C) AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES
28 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION UNLESS
29 THE CONTEXT CLEARLY INDICATES OTHERWISE:

30 "IEP." AN INDIVIDUALIZED EDUCATION PROGRAM ESTABLISHED UNDER

1 22 PA. CODE CH. 14 (RELATING TO SPECIAL EDUCATION SERVICES AND
2 PROGRAMS).

3 "SCHOOL ENTITY." A SCHOOL DISTRICT, INTERMEDIATE UNIT, JOINT
4 SCHOOL, AREA CAREER AND TECHNICAL SCHOOL, CHARTER SCHOOL,
5 REGIONAL CHARTER SCHOOL OR CYBER CHARTER SCHOOL.

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

7 (a) The welfare of this Commonwealth requires that the present
8 generation of school age children be provided ample opportunity
9 to develop to their fullest intellectual capacities. It is the
10 intent of the General Assembly to ensure that the present
11 generation of school age children do not lose educational
12 opportunities due to the proclamation of disaster emergency
13 issued by the Governor on March 6, 2020, published at 50 Pa.B.
14 1644 (March 21, 2020).

15 (b) Notwithstanding any other provision of law, for the
16 2021-2022 school year, a parent may elect to have a child in a
17 school entity repeat a grade level to make up for any lost
18 educational opportunities during the 2019-2020 and 2020-2021
19 school years regardless of whether the child met the
20 requirements to be promoted to the next grade level. The
21 parental election under this subsection shall include
22 participation in all academic or extracurricular activities, <--
23 EXCEPT FOR INTERSCHOLASTIC ATHLETICS.

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

27 (d) (1) As used in this section, the term "school entity" <--
28 shall mean a school district, intermediate unit, area career and
29 technical school, charter school, cyber charter school, regional
30 charter school or nonpublic school entity.

1 (2) AS USED IN THIS SECTION, THE TERM "INTERSCHOLASTIC
2 ATHLETICS" SHALL MEAN ALL ATHLETIC CONTESTS OR COMPETITIONS
3 CONDUCTED BETWEEN OR AMONG SCHOOL ENTITIES SITUATED IN ANY
4 SCHOOL DISTRICT.

5 Section 2. This act shall take effect immediately.