

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

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

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

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

13 Section 1383. Extended Special Education Enrollment Due to
 14 COVID-19.--(a) For the 2021-2022 school year, a parent or
 15 guardian may enroll a student with a disability as defined in 22
 16 Pa. Code § 14.101 (relating to definitions) who, during the
 17 2020-2021 school year, was enrolled in a school entity and
 18 reached 21 years of age on or after the issuance of the

1 proclamation of disaster emergency issued by the Governor on
2 March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020).

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

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

8 (2) The student may enroll in the school entity for the
9 2021-2022 school year free of charge until the end of the school
10 year.

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

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

17 "IEP." An individualized education program established under
18 22 Pa. Code Ch. 14 (relating to special education services and
19 programs).

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

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

24 (a) Notwithstanding any other provision of law, for the 2021-
25 2022 school year, a parent or guardian may elect to have a
26 student with a disability as defined in 22 Pa. Code § 14.101
27 (relating to definitions) in a school entity repeat a grade
28 level to make up for any lost educational opportunities during
29 the 2019-2020 and 2020-2021 school years regardless of whether
30 the child met the requirements to be promoted to the next grade

1 level. The parental election under this subsection includes
2 participation in all academic or extracurricular activities,
3 except for interscholastic athletics.

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

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

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

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

17 Section 2. This act shall take effect immediately.