

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 324 Session of 2021

INTRODUCED BY LANGERHOLC, BROWNE, MARTIN, BARTOLOTTA, J. WARD, FONTANA, SCAVELLO, YUDICHAK, BAKER, STEFANO, MENSCH, SANTARSIERO, BOSCOLA AND AUMENT, MARCH 10, 2021

SENATOR MARTIN, EDUCATION, AS AMENDED, JUNE 7, 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 assisting students experiencing education instability.

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

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

12 Section 1331.1. Assisting Students Experiencing Education
13 Instability.--(a) Beginning in the 2021-2022 school year and
14 each school year thereafter, a school entity receiving a student
15 who has experienced education instability shall:

16 (1) Assign a point of contact to the student experiencing
17 education instability. A point of contact may not be a third
18 party. A school entity may satisfy the requirement under this
19 paragraph by assigning the duties under subsection (b) to an

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1 existing point of contact established by the school entity. The  
2 name and contact information of the point of contact shall be:

3 (i) Included in the student's education records.

4 (ii) Provided to the student's education decision maker.

5 (2) Develop policies and procedures to apply full or partial  
6 credit for coursework that is satisfactorily completed at, and  
7 reflected in the student's records ~~from,~~ WHEN RECEIVED FROM a <--  
8 prior school entity by a student that enrolls at the receiving  
9 school entity.

10 (3) Not penalize a student for a school uniform or dress  
11 code violation related to a delay in obtaining a uniform.

12 (4) Waive each fee that would otherwise be assessed against  
13 the student. The receiving school entity may not limit a  
14 student's participation in school-sponsored and extracurricular  
15 activities due to a waiver of the participation fees.

16 (5) Allow the student to participate in any school-sponsored  
17 or extracurricular activity for which the student meets  
18 placement and qualification requirements.

19 (b) A point of contact, in consultation with the school  
20 counselor, school social worker, home and school visitor or  
21 school psychologist AND THE STUDENT'S IEP TEAM OR 504 SERVICE <--  
22 COORDINATOR, shall:

23 (1) Facilitate a student's expedited consultation with the  
24 school counselor or other mental health professionals, as  
25 appropriate.

26 (2) Facilitate the prompt placement of a student in the  
27 appropriate courses.

28 (3) Connect the student with appropriate education services.

29 (4) Immediately request the prior school entity, county  
30 agency and the student's education decision maker to provide the

1 complete student information and records, including an IEP or  
2 504 service agreement, if applicable. Within ten (10) business  
3 days the prior school entity LOCATED WITHIN THIS COMMONWEALTH <--  
4 shall provide the requested student information and records to  
5 ensure proper transfer of course credits, grades and an IEP, if  
6 applicable.

7 (5) Develop and execute a graduation plan in collaboration  
8 with a student in grades nine through twelve to support the  
9 student in graduating. The graduation plan shall be included in  
10 the student's education records.

11 (c) A school entity shall WORK TO ensure that a student <--  
12 experiencing an educational EDUCATION instability graduates on <--  
13 time IN A TIMELY MANNER. The following shall apply: <--

14 (1) A school entity may waive a specific course required for  
15 graduation for a student in grades nine through twelve if  
16 similar course work has been satisfactorily completed in another  
17 school entity or a student has demonstrated competency in the  
18 content area. The receiving school entity may consider as  
19 evidence in determining whether coursework has been  
20 satisfactorily completed and the amount of credit to award for  
21 coursework through any of the following:

22 (i) demonstration of competency by the student;  
23 (ii) performance by a student on an examination;  
24 (iii) successful completion of a career and technical  
25 education course; or

26 (iv) any other evidence or method which is determined to be  
27 appropriate by the school entity.

28 (2) If the receiving school entity does not waive a specific  
29 course required for graduation of a student, the receiving  
30 school entity shall provide an alternative or modified course of

1 study that is currently offered to any student and that will  
2 assist a student with acquiring the required work or competency  
3 requirements by the student's ~~reasonably expected~~ ANTICIPATED <--  
4 graduation date.

5 (3) If a student is ineligible to graduate from the  
6 receiving school entity, the receiving school entity may request  
7 a high school diploma from the prior school entity and the prior  
8 school entity may issue a diploma if the student meets the prior  
9 school entity's graduation requirements.

10 (4) NOTWITHSTANDING ANY PROVISION OF THIS ACT, FOR A STUDENT <--  
11 WITH A DISABILITY, THE SCHOOL ENTITY SHALL COMPLY WITH ALL  
12 APPLICABLE LAWS AND REGULATIONS REGARDING STUDENT EVALUATION,  
13 PLACEMENT AND GRADUATION. IF RESPONSIBILITIES UNDER THIS  
14 SUBSECTION OVERLAP OR CONFLICT WITH THE REQUIREMENTS FOR A  
15 STUDENT WITH AN IEP OR A 504 SERVICE AGREEMENT, THE SCHOOL SHALL  
16 IMPLEMENT THE REQUIREMENTS SPECIFIC TO A STUDENT WITH A  
17 DISABILITY UNDER APPLICABLE LAWS.

18 ~~(4)~~ (5) After exhausting all other options under this <--  
19 section, a student who has successfully satisfied the  
20 requirements of section 121(c), (c.1) or (c.3) IN ANY SCHOOL <--  
21 YEAR IN WHICH DEMONSTRATION OF PROFICIENCY ON A KEYSTONE EXAM IS  
22 REQUIRED FOR HIGH SCHOOL GRADUATION, but who cannot obtain a  
23 diploma from a receiving school entity, shall as a last resort  
24 be eligible to obtain a Statewide secondary school diploma,  
25 known as the Keystone Diploma, issued by the department. The  
26 point of contact shall assist the student in obtaining the  
27 Keystone Diploma.

28 ~~(5)~~ (6) Notwithstanding any provision of this act or any <--  
29 other law or regulation, a high school diploma awarded by the  
30 department under paragraph ~~(4)~~ (5) shall be considered as having <--

1 each of the rights and privileges afforded by the Commonwealth,  
2 a Commonwealth agency, including the Pennsylvania Higher  
3 Education Assistance Agency, a political subdivision, a local  
4 agency and an authority or instrumentality of the Commonwealth  
5 or a political subdivision to a high school diploma awarded  
6 under this act. For a diploma awarded by the department the  
7 following shall apply:

8 (i) The student receiving the diploma shall have completed  
9 all the requirements under paragraph ~~(4)~~ (5) while enrolled in a <--  
10 school entity that is in compliance with this section.

11 (ii) The diploma shall be awarded to the student on a  
12 standardized form to be developed by the department and which  
13 shall be made available on the department's publicly accessible  
14 Internet website.

15 (d) The department, in consultation with the Department of  
16 Human Services, shall issue guidelines and best practices within  
17 one hundred eighty (180) days of the effective date of this  
18 section to assist school entities in implementing the provisions  
19 of this section and facilitate the transition between school  
20 entities. The guidelines issued under this subsection shall be  
21 posted on the department's publicly accessible Internet website.

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

25 "504 service agreement." An agreement under section 504 of  
26 the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. §  
27 701 et seq.).

28 "County agency." As defined under 23 Pa.C.S. § 6303  
29 (relating to definitions).

30 "Education decision maker." An individual with the authority

1 to make education decisions for a student experiencing education  
2 instability.

3 "Education instability." One or more changes in school  
4 entity enrollment during a single school year as a result of any  
5 of the following:

6 (1) Homelessness as defined in the McKinney-Vento Homeless  
7 Assistance Act (Public Law 100-77, 101 Stat. 482) and as  
8 determined by the school entity.

9 (2) An adjudication:

10 (i) of dependency under 23 Pa.C.S. Ch. 63 (relating to child  
11 protective services) and 42 Pa.C.S. Ch. 63 (relating to juvenile  
12 matters);

13 (ii) of delinquency under 23 Pa.C.S. Ch. 63 and 42 Pa.C.S.  
14 Ch. 63, if the parent or guardian of the student wishes to  
15 disclose the adjudication of delinquency; or

16 (iii) as part of court-ordered services under a voluntary  
17 placement or custody agreement.

18 "Graduation plan." A student-specific plan detailing the  
19 courses necessary for a student to graduate high school and to  
20 successfully transition to postsecondary education and OR the <--  
21 workforce.

22 "IEP." An individualized education plan developed in  
23 accordance with 22 Pa. Code § 14.131 (relating to IEP) and the  
24 Individuals with Disabilities Education Act (Public Law 91-230,  
25 20 U.S.C. § 1400 et seq.).

26 "School entity." Any of the following:

27 (1) A school district.

28 (2) A charter school.

29 (3) A cyber charter school.

30 (4) A regional charter school.

1     (5) An intermediate unit.

2     (6) A career and technical school.

3     "Student." A student in grades kindergarten through grade  
4 twelve who has experienced education instability.

5     Section 2. This act shall take effect immediately.