
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 664 Session of
2021

INTRODUCED BY CORMAN, MARTIN, BAKER, BARTOLOTTA, CAPPELLETTI,
COSTA, KEARNEY, PITTMAN, SCAVELLO, J. WARD AND YUDICHAK,
MAY 7, 2021

REFERRED TO EDUCATION, MAY 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 extended special education enrollment due to COVID-19;
7 and, in terms and courses of study, providing for optional
8 year of education due to COVID-19.

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

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

14 Section 1383. Extended Special Education Enrollment Due to
15 COVID-19.--(a) A student with a disability as defined in 22 Pa.
16 Code § 14.101 (relating to definitions) who has reached 21 years
17 of age and is enrolled for the 2020-2021 school year is entitled
18 to attend a school entity for the 2021-2022 school year and the
19 school entity shall enroll the student if a parent or guardian
20 and the student elects to enroll.

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

4 (1) The school entity shall implement the student's IEP.

5 (2) The student's attendance shall be included in the school
6 entity's average daily membership.

7 (3) The school entity shall provide extended school year
8 services during the summer after the 2020-2021 school year in
9 accordance with the student's current IEP.

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

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

16 "School entity." A school district, intermediate unit, area
17 career and technical school, charter school, regional charter
18 school or cyber charter school.

19 Section 1501.10. Optional Year of Education Due to COVID-
20 19.--(a) It is the intent of the General Assembly to ensure
21 that the present generation of school age children do not lose
22 educational opportunities due to COVID-19.

23 (b) Notwithstanding any other provision of law, for the
24 2021-2022 school year, a parent or guardian may elect to have a
25 child under the age of consent in a school entity repeat a grade
26 level to make up for any lost educational opportunities due to
27 COVID-19, notwithstanding whether the child met the requirements
28 to be promoted to the next grade level. A child at or over the
29 age of consent in a school entity may elect to repeat a grade
30 level to make up for any lost educational opportunities due to

1 COVID-19. The election under this subsection shall include
2 participation in academic or extracurricular activities,
3 including interscholastic athletics. Nothing under this
4 subsection shall allow a child to have more years of eligibility
5 to participate in interscholastic athletics than they would have
6 had notwithstanding the election under this subsection.

7 (c) A school entity shall create an online application for a
8 parent or guardian to make the election under subsection (b) and
9 provide access to the application on its publicly accessible
10 Internet website.

11 (d) Definitions.--As used in this section, the following
12 words and phrases shall have the meanings given to them in this
13 subsection unless the context clearly indicates otherwise:

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 "Interscholastic athletics." Athletic contests or
18 competitions conducted between or among school entities situated
19 in a school district.

20 Section 2. This act shall take effect immediately.