

PUBLIC SCHOOL CODE OF 1949 - ASSISTING STUDENTS EXPERIENCING  
EDUCATION INSTABILITY

Act of Jan. 26, 2022, P.L. 1, No. 1

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Session of 2022

No. 2022-1

SB 324

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 assisting students experiencing education instability.

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 a section to read:

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

(1) Assign a point of contact to the student experiencing education instability. A school entity may satisfy the requirement under this paragraph by assigning the duties under subsection (b) to an existing point of contact established by the school entity. The name and contact information of the point of contact shall be:

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

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

(2) Develop policies and procedures to apply full or partial credit for coursework that is satisfactorily completed at, and reflected in the student's records when received from, a prior school entity by a student that enrolls at the receiving school entity.

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

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

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

(b) A point of contact, in consultation with the school counselor, school social worker, home and school visitor or school psychologist and the student's IEP team or 504 Service Coordinator, shall:

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

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

(3) Connect the student with appropriate education services.

(4) Immediately request the prior school entity, county agency and the student's education decision maker to provide the complete student information and records, including an IEP or 504 service agreement, if applicable. Within ten (10) business days, the prior school entity located within this Commonwealth shall provide the requested student information and records to ensure proper transfer of course credits, grades and an IEP, if applicable.

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

(c) A school entity shall work to ensure that a student experiencing education instability graduates in a timely manner. The following shall apply:

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

- (i) demonstration of competency by the student;
- (ii) performance by a student on an examination;
- (iii) successful completion of a career and technical education course; or
- (iv) any other evidence or method which is determined to be appropriate by the school entity.

(2) If the receiving school entity does not waive a specific course required for graduation of a student, the receiving school entity shall provide an alternative or modified course of study that is currently offered to any student and that will assist a student with acquiring the required work or competency requirements by the student's anticipated graduation date.

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

(4) Notwithstanding any provision of this act, for a student with a disability, the school entity shall comply with all applicable laws and regulations regarding student evaluation, placement and graduation. If responsibilities under this subsection overlap or conflict with the requirements for a student with an IEP or a 504 service agreement, the school shall implement the requirements specific to a student with a disability under applicable laws.

(5) After exhausting all other options under this section, a student who has successfully satisfied the requirements of section 121(c), (c.1) or (c.3) in any school year in which demonstration of proficiency on a Keystone Exam is required for high school graduation, but who cannot obtain a diploma from a receiving school entity, shall as a last resort be eligible to obtain a Statewide secondary school diploma, known as the Keystone Diploma, issued by the department. The point of contact shall assist the student in obtaining the Keystone Diploma.

(6) Notwithstanding any provision of this act or any other law or regulation, a high school diploma awarded by the department under paragraph (5) shall be considered as having each of the rights and privileges afforded by the Commonwealth, a Commonwealth agency, including the Pennsylvania Higher

Education Assistance Agency, a political subdivision, a local agency and an authority or instrumentality of the Commonwealth or a political subdivision to a high school diploma awarded under this act. For a diploma awarded by the department, the following shall apply:

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

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

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

(e) 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:

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

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

"Education decision maker." An individual with the authority to make education decisions for a student experiencing education instability.

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

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

(2) An adjudication:

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

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

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

"Graduation plan." A student-specific plan detailing the courses necessary for a student to graduate high school and to successfully transition to postsecondary education or the workforce.

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

"School entity." Any of the following:

(1) A school district.

(2) A charter school.

(3) A cyber charter school.

(4) A regional charter school.

(5) An intermediate unit.

(6) A career and technical school.

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

Section 2. This act shall take effect immediately.

APPROVED--The 26th day of January, A.D. 2022.

TOM WOLF