
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 640 Session of
2021

INTRODUCED BY D. MILLER, KIM, SANCHEZ, BENHAM, BOBACK, FREEMAN,
LEE, T. DAVIS, HOHENSTEIN, WEBSTER, GALLOWAY, SCHLOSSBERG,
MADDEN, HOWARD, STURLA, O'MARA, INNAMORATO, DELLOSO, DEASY,
WARREN, CONKLIN AND PISCIOTTANO, MARCH 11, 2021

REFERRED TO COMMITTEE ON EDUCATION, MARCH 11, 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, further
6 providing for age limits and temporary residence and
7 providing for age limit extension during COVID-19 pandemic or
8 other disaster emergency.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Section 1301 of the act of March 10, 1949
12 (P.L.30, No.14), known as the Public School Code of 1949, is
13 amended to read:

14 Section 1301. Age Limits; Temporary Residence.--Every child,
15 being a resident of any school district, between the ages of six
16 (6) and twenty-one (21) years, may attend the public schools in
17 his district, subject to the provisions of this act.

18 [Notwithstanding] Except as provided in section 1301.1,
19 notwithstanding any other provision of law to the contrary, a
20 child who attains the age of twenty-one (21) years during the

1 school term and who has not graduated from high school may
2 continue to attend the public schools in his district free of
3 charge until the end of the school term. The board of school
4 directors of any school district may admit to the schools of the
5 district, with or without the payment of tuition, any non-
6 resident child temporarily residing in the district, and may
7 require the attendance of such non-resident child in the same
8 manner and on the same conditions as it requires the attendance
9 of a resident child.

10 Section 2. The act is amended by adding a section to read:

11 Section 1301.1. Age Limit Extension During COVID-19 Pandemic
12 or Other Disaster Emergency.--(a) A student with an active IEP
13 and enrolled in a school district of this Commonwealth when a
14 proclamation of disaster emergency is issued or during a
15 proclamation of disaster emergency shall not become ineligible
16 for continued service and attendance in accordance with section
17 1301 until twelve (12) months after the termination or
18 expiration under 35 Pa.C.S. § 7301(c) (relating to general
19 authority of Governor) of the proclamation of disaster
20 emergency. The following apply:

21 (1) The twelve-month extension shall be provided at no
22 charge and shall be at the discretion of the student and the
23 student's parent or legal guardian.

24 (2) A student who was deemed ineligible for continued
25 service and attendance during the proclamation of disaster
26 emergency due to age shall qualify for continued service and
27 attendance in accordance with the twelve-month extension under
28 this section.

29 (b) As used in this section, the following words and phrases
30 shall have the meanings given to them in this subsection:

1 "IEP" means an individualized educational program established
2 under 22 Pa. Code Ch. 14 (relating to special education services
3 and programs).

4 "Proclamation of disaster emergency" means a declaration by
5 the Governor of disaster emergency under 35 Pa.C.S. § 7301(c)
6 and any renewal of the state of disaster emergency, including
7 the proclamation of disaster emergency issued by the Governor on
8 March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and
9 any renewal of the state of disaster emergency.

10 Section 3. This act shall take effect immediately.