

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1446 Session of 2021

INTRODUCED BY SONNEY, BOBACK, BROOKS, R. BROWN, CIRESI, T. DAVIS, DEASY, GUENST, HARKINS, LONGIETTI, MOUL, N. NELSON, PICKETT, STAATS, KEEFER AND MALAGARI, MAY 20, 2021

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 22, 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 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 1383. Extended Special Education Enrollment Due to
13 COVID-19.--(a) A student with a disability as defined in 22 Pa.
14 Code § 14.101 (relating to definitions) who has reached 21 years
15 of age OR REACHED TWENTY-ONE (21) YEARS OF AGE BETWEEN THE END <--
16 OF THE 2020-2021 SCHOOL YEAR AND THE BEGINNING OF THE 2021-2022
17 SCHOOL YEAR and is enrolled for the 2020-2021 school year is
18 entitled to attend a school entity for the 2021-2022 school year
19 and the school entity shall enroll the student if a parent or

1 guardian and the student elects to enroll, NO LATER THAN JULY <--
2 15, 2021. THE DEPARTMENT SHALL DEVELOP A STANDARD ELECTION FORM
3 FOR A PARENT OR GUARDIAN TO ELECT TO ENROLL THE STUDENT AND THE
4 FORM SHALL BE MADE AVAILABLE ON THE DEPARTMENT'S PUBLICLY
5 ACCESSIBLE INTERNET WEBSITE.

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

9 (1) The school entity shall implement the student's ~~current~~ <--
10 MOST RECENT IEP. <--

11 (2) The student may enroll in the school entity for the
12 2021-2022 school year free of charge until the end of the school
13 year.

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

17 (4) The school entity shall provide extended school year
18 services during the summer after the 2020-2021 school year in
19 accordance with the student's ~~current~~ MOST RECENT IEP. <--

20 (5) THE SCHOOL ENTITY SHALL TAKE ALL STEPS NECESSARY TO <--
21 COMPLY WITH THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT
22 (IDEA) (PUBLIC LAW 91-230, 20 U.S.C. § 1400 ET SEQ.) AND 22 PA.
23 CODE CH. 14 (RELATING TO SPECIAL EDUCATION SERVICES AND
24 PROGRAMS).

25 (6) A STUDENT OLDER THAN TWENTY-ONE (21) YEARS OF AGE WITH
26 AN ACTIVE IEP WHO IS ENROLLED IN A SCHOOL ENTITY DURING THE
27 2021-2022 SCHOOL YEAR SHALL NOT BECOME INELIGIBLE FOR CONTINUED
28 SERVICE UNDER THE IDEA DURING THE ENTIRE 2021-2022 SCHOOL YEAR.

29 (B.1) THE SECRETARY OF EDUCATION SHALL WAIVE THE REQUIREMENT
30 TO INCLUDE PERFORMANCE DATA OTHERWISE REQUIRED UNDER SECTION

1 1123(B)(1)(II) IN A PROFESSIONAL EMPLOYEE'S PERFORMANCE RATING
2 UNDER SECTION 1123 AND THE ELECTION FOR ADDITIONAL SERVICE MAY
3 NOT BE INCLUDED IN PERFORMANCE REVIEWS.

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

7 "IEP." An individualized education program established under
8 22 Pa. Code Ch. 14 (relating to special education services and
9 programs).

10 "School entity." A school district, intermediate unit, joint
11 school, area career and technical school, charter school,
12 regional charter school ~~or~~, cyber charter school~~;~~, APPROVED <--
13 PRIVATE SCHOOL OR A CHARTERED SCHOOL FOR THE EDUCATION OF THE
14 DEAF AND BLIND.

15 Section 2. This act shall take effect immediately.