

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, YUDICHAK AND HUTCHINSON, MAY 7, 2021

AS AMENDED ON SECOND CONSIDERATION, MAY 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, 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 DURING THE 2020-2021 SCHOOL YEAR OR BETWEEN THE END OF <--
18 THE 2020-2021 SCHOOL YEAR AND THE BEGINNING OF THE 2021-2022
19 SCHOOL YEAR and is enrolled for the 2020-2021 school year is
20 entitled to attend a school entity for the 2021-2022 school year

1 and the school entity shall enroll the student if a parent or
2 guardian and the student elects to enroll.

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

6 (1) The school entity shall implement the student's MOST <--
7 RECENT IEP.

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

10 (3) The school entity shall provide extended school year
11 services during the summer after the 2020-2021 school year in
12 accordance with the student's ~~current~~ MOST RECENT IEP. <--

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

16 "IEP." An individualized education program established under
17 22 Pa. Code Ch. 14 (relating to special education services and
18 programs).

19 "School entity." A school district, intermediate unit, area
20 career and technical school, charter school, regional charter
21 school or cyber charter school~~-,~~ INCLUDING AN APPROVED PRIVATE <--
22 SCHOOL OR CHARTERED SCHOOL FOR THE EDUCATION OF THE DEAF AND
23 BLIND FOR ANY STUDENT ENROLLED UNDER THE PROVISIONS OF SECTION
24 1376 OR 1376.1 RESPECTIVELY.

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

29 (b) Notwithstanding any other provision of law, for the
30 2021-2022 school year, a parent or guardian may elect NO LATER <--

1 THAN JULY 15, 2021, to have a child under the age of consent in
2 a school entity repeat a grade level to make up for any lost
3 educational opportunities due to COVID-19, notwithstanding
4 whether the child met the requirements to be promoted to the
5 next grade level. A child at or over the age of consent in a
6 school entity may elect NO LATER THAN JULY 15, 2021, to repeat a <--
7 grade level to make up for any lost educational opportunities
8 due to COVID-19. The election under this subsection shall
9 include participation in academic or extracurricular activities,
10 including interscholastic athletics. Nothing under this
11 subsection shall allow a child to have more years of eligibility
12 to participate in interscholastic athletics than they would have
13 had notwithstanding the election under this subsection.

14 (c) A school entity shall create an online application for a
15 parent or guardian OR A CHILD AT OR OVER THE AGE OF CONSENT to <--
16 make the election under subsection (b) and provide access to the
17 application on its publicly accessible Internet website.

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

21 "School entity." A school district, intermediate unit, area <--
22 career and technical school, charter school, cyber charter
23 school, regional charter school or nonpublic school entity.

24 "Interscholastic athletics." Athletic contests or
25 competitions conducted between or among school entities situated
26 in a school district.

27 "SCHOOL ENTITY." A SCHOOL DISTRICT, INTERMEDIATE UNIT, AREA <--
28 CAREER AND TECHNICAL SCHOOL, CHARTER SCHOOL, CYBER CHARTER
29 SCHOOL, REGIONAL CHARTER SCHOOL OR NONPUBLIC SCHOOL ENTITY.

30 Section 2. This act shall take effect immediately.