

## 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,  
HUTCHINSON, STEFANO AND MENSCH, MAY 7, 2021

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MAY 26, 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 COVID-19.-- (A) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO <--  
17 ENSURE THAT THE PRESENT GENERATION OF SCHOOL AGE CHILDREN DO NOT  
18 LOSE EDUCATIONAL OPPORTUNITIES DUE TO COVID-19.

19 (B) A STUDENT WITH A DISABILITY AS DEFINED IN 22 PA. Code §

1 14.101 (relating to definitions) who has reached ~~21~~ TWENTY-ONE <--  
2 (21) years of age during the 2020-2021 school year or between  
3 the end of the 2020-2021 school year and the beginning of the  
4 2021-2022 school year and is enrolled for the 2020-2021 school  
5 year is entitled to attend a school entity for the 2021-2022  
6 school year and the school entity shall enroll the student if a  
7 parent or guardian and the student elects to enroll NO LATER <--  
8 THAN JULY 15, 2021.

9 ~~(b)~~ (C) Notwithstanding any other provision of law to the <--  
10 contrary, the following shall apply to a student enrolled in a  
11 school entity under subsection (a):

12 (1) The school entity shall implement the student's most  
13 recent IEP.

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

16 (3) The school entity shall provide extended school year  
17 services during the summer after the 2020-2021 school year in  
18 accordance with the student's most recent IEP.

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

23 ~~(e)~~ (D) As used in this section, the following words and <--  
24 phrases shall have the meanings given to them in this subsection  
25 unless the context clearly indicates otherwise:

26 "IEP." An individualized education program established under  
27 22 Pa. Code Ch. 14 (relating to special education services and  
28 programs).

29 "School entity." A school district, intermediate unit, area  
30 career and technical school, charter school, regional charter

1 ~~school or, cyber charter school, including an approved private~~ <--  
2 ~~school or chartered school for the education of the deaf and~~  
3 ~~blind for any student enrolled under the provisions of section~~ <--  
4 ~~1376 or 1376.1 respectively.~~

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

9 (b) Notwithstanding any other provision of law, for the  
10 2021-2022 school year, a parent or guardian may elect no later  
11 than July 15, 2021, to have a child under ~~the age of consent~~ <--  
12 EIGHTEEN (18) YEARS OF AGE in a school entity repeat a grade  
13 level to make up for any lost educational opportunities due to  
14 COVID-19, notwithstanding whether the child met the requirements  
15 to be promoted to the next grade level. A child at or over ~~the~~ <--  
16 ~~age of consent~~ EIGHTEEN (18) YEARS OF AGE in a school entity may <--  
17 elect no later than July 15, 2021, to repeat a grade level to  
18 make up for any lost educational opportunities due to COVID-  
19 19. The election under this subsection shall include  
20 participation in academic or extracurricular activities,  
21 including interscholastic athletics. Nothing under this  
22 subsection shall allow a child to have more ~~years of eligibility~~ <--  
23 to participate in interscholastic athletics than they would have  
24 had notwithstanding the election under this subsection.

25 (c) A school entity shall create an online application for a  
26 parent or guardian or a child at or over ~~the age of consent~~ <--  
27 EIGHTEEN (18) YEARS OF AGE to make the election under subsection <--  
28 (b) and provide access to the application on its publicly  
29 accessible Internet website.

30 (d) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this  
2 subsection unless the context clearly indicates otherwise:

3 "Interscholastic athletics." Athletic contests or  
4 competitions conducted between or among school entities situated  
5 in a school district.

6 "School entity." A school district, intermediate unit, area  
7 career and technical school, charter school, cyber charter  
8 school, regional charter school or nonpublic school entity.

9 Section 2. This act shall take effect immediately.