

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 AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, 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 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. THE DEPARTMENT OF EDUCATION SHALL DEVELOP A <--  
9 STANDARD ELECTION FORM FOR A PARENT OR GUARDIAN TO ELECT TO  
10 ENROLL THE STUDENT AND THE FORM SHALL BE MADE AVAILABLE ON ITS  
11 PUBLICLY ACCESSIBLE INTERNET WEBSITE.

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

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

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

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

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

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

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

4 "IEP." An individualized education program established under  
5 22 Pa. Code Ch. 14 (relating to special education services and  
6 programs).

7 "School entity." A school district, intermediate unit, area  
8 career and technical school, charter school, regional charter  
9 school ~~or, cyber charter school, including an approved private~~ <--  
10 school or chartered school for the education of the deaf and  
11 blind ~~for any student enrolled under the provisions of section~~ <--  
12 1376 or 1376.1 respectively.

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

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

1 to participate in interscholastic athletics than they would have  
2 had notwithstanding the election under this subsection.

3 (c) ~~A school entity~~ THE DEPARTMENT OF EDUCATION shall create <--  
4 ~~an online application~~ A STANDARD ELECTION FORM for a parent or <--  
5 guardian or a child at or over ~~the age of consent~~ EIGHTEEN (18) <--  
6 YEARS OF AGE to make the election under subsection (b) and  
7 provide access to the application on its publicly accessible  
8 Internet website.

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

12 "Interscholastic athletics." Athletic contests or  
13 competitions conducted between or among school entities situated  
14 in a school district.

15 "School entity." A school district, intermediate unit, area  
16 career and technical school, charter school, cyber charter  
17 school, regional charter school or nonpublic school entity.

18 Section 2. This act shall take effect immediately.