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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2083 Session of  
2021

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INTRODUCED BY WEBSTER, SANCHEZ, KINSEY, BRADFORD, D. WILLIAMS,  
HILL-EVANS AND WARREN, NOVEMBER 16, 2021

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REFERRED TO COMMITTEE ON EDUCATION, NOVEMBER 16, 2021

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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 extended special education enrollment due to  
7 COVID-19.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Section 1383 of the act of March 10, 1949  
11 (P.L.30, No.14), known as the Public School Code of 1949, is  
12 amended by adding a subsection to read:

13 Section 1383. Extended Special Education Enrollment Due to  
14 COVID-19.--\* \* \*

15 (c.1) The following apply:

16 (1) Notwithstanding any other provision of law, through the  
17 2035-2036 school year, the Secretary of Education may permit a  
18 student who meets all of the following conditions to attend a  
19 school entity through the school year in which the student  
20 reaches twenty-two (22) years of age:

1 (i) The student has not graduated from high school.

2 (ii) The student has an active IEP at any point during the  
3 school year in which the student turned twenty-one (21) years of  
4 age.

5 (iii) The student has been continuously enrolled in a school  
6 entity since the 2020-2021 school year.

7 (2) A school entity shall enroll a student if the Secretary  
8 of Education provides permission in accordance with paragraph  
9 (1). The Department of Education shall develop a standard  
10 election form for a parent or guardian to elect to enroll the  
11 student. The following apply:

12 (i) The election form shall be made available on the  
13 publicly accessible Internet website of the Department of  
14 Education.

15 (ii) The parent or guardian must submit the election form to  
16 the Department of Education no later than April 1 of the school  
17 year in which the student turns twenty-one (21) years of age.

18 (iii) Within thirty (30) days of receipt of a completed  
19 election form, the Secretary of Education shall approve or deny  
20 the application and provide notification to the parent or  
21 guardian and the school entity.

22 (3) Notwithstanding any other provision of law, the  
23 following shall apply to a student enrolled in a public school  
24 entity under this subsection:

25 (i) The student's attendance shall be included in the public  
26 school entity's average daily membership.

27 (ii) The public school entity shall take all steps necessary  
28 to comply with the Individuals with Disabilities Education Act  
29 (Public Law 91-230, 20 U.S.C. § 1400 et seq.) and 22 Pa. Code  
30 Ch. 14 (relating to special education services and programs).

1 (iii) A student who is twenty-one (21) years of age or  
2 older, has an active IEP and is enrolled in a public school  
3 entity shall not become ineligible for continued service under  
4 the Individuals with Disabilities Education Act during the  
5 entire 2021-2022 school year.

6 (iv) A student who is twenty-one (21) years of age or older,  
7 has an active IEP and is enrolled in a public school entity  
8 shall count toward the caseload limitations specified in 22 Pa.  
9 Code § 14.105 (relating to personnel).

10 \* \* \*

11 Section 2. This act shall take effect immediately.