

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 324 Session of 2021

INTRODUCED BY LANGERHOLC, BROWNE, MARTIN, BARTOLOTTA, J. WARD,
 FONTANA, SCAVELLO, YUDICHAK, BAKER, STEFANO, MENSCH,
 SANTARSIERO AND BOSCOLA, MARCH 10, 2021

REFERRED TO EDUCATION, MARCH 10, 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 assisting students experiencing education instability.

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 1331.1. Assisting Students Experiencing Education
 13 Instability.--(a) Beginning in the 2021-2022 school year and
 14 each school year thereafter, a school entity receiving a student
 15 who has experienced education instability shall:

16 (1) Assign a point of contact to the student experiencing
 17 education instability. A point of contact may not be a third-
 18 party. A school entity may satisfy the requirement under this
 19 paragraph by assigning the duties under subsection (b) to an

1 existing point of contact established by the school entity. The
2 name and contact information of the point of contact shall be:

3 (i) Included in the student's education records.

4 (ii) Provided to the student's education decision maker.

5 (2) Develop policies and procedures to apply full or partial
6 credit for coursework that is satisfactorily completed at, and
7 reflected in the student's records from, a prior school entity
8 by a student that enrolls at the receiving school entity.

9 (3) Not penalize a student for a school uniform or dress
10 code violation related to a delay in obtaining a uniform.

11 (4) Waive each fee that would otherwise be assessed against
12 the student. The receiving school entity may not limit a
13 student's participation in school-sponsored and extracurricular
14 activities due to a waiver of the participation fees.

15 (5) Allow the student to participate in any school-sponsored
16 or extracurricular activity for which the student meets
17 placement and qualification requirements.

18 (b) A point of contact, in consultation with the school
19 counselor, school social worker, home and school visitor or
20 school psychologist, shall:

21 (1) Facilitate a student's expedited consultation with the
22 school counselor or other mental health professionals, as
23 appropriate.

24 (2) Facilitate the prompt placement of a student in the
25 appropriate courses.

26 (3) Connect the student with appropriate education services.

27 (4) Immediately request the prior school entity, county
28 agency and the student's education decision maker to provide the
29 complete student information and records, including an IEP or
30 504 service agreement, if applicable. Within ten (10) business

1 days the prior school entity shall provide the requested student
2 information and records to ensure proper transfer of course
3 credits, grades and an IEP, if applicable.

4 (5) Develop and execute a graduation plan in collaboration
5 with a student in grades nine through twelve to support the
6 student in graduating. The graduation plan shall be included in
7 the student's education records.

8 (c) A school entity shall ensure that a student experiencing
9 an educational instability graduates on time. The following
10 shall apply:

11 (1) A school entity may waive a specific course required for
12 graduation for a student in grades nine through twelve if
13 similar course work has been satisfactorily completed in another
14 school entity or a student has demonstrated competency in the
15 content area. The receiving school entity may consider as
16 evidence in determining whether coursework has been
17 satisfactorily completed and the amount of credit to award for
18 coursework through any of the following:

19 (i) demonstration of competency by the student;

20 (ii) performance by a student on an examination;

21 (iii) successful completion of a career and technical
22 education course; or

23 (iv) any other evidence or method which is determined to be
24 appropriate by the school entity.

25 (2) If the receiving school entity does not waive a specific
26 course required for graduation of a student, the receiving
27 school entity shall provide an alternative or modified course of
28 study that is currently offered to any student and that will
29 assist a student with acquiring the required work or competency
30 requirements by the student's reasonably expected graduation

1 date.

2 (3) If a student is ineligible to graduate from the
3 receiving school entity, the receiving school entity may request
4 a high school diploma from the prior school entity and the prior
5 school entity may issue a diploma if the student meets the prior
6 school entity's graduation requirements.

7 (4) After exhausting all other options under this section, a
8 student who has successfully satisfied the requirements of
9 section 121(c), (c.1) or (c.3), but who cannot obtain a diploma
10 from a receiving school entity, shall as a last resort be
11 eligible to obtain a Statewide secondary school diploma, known
12 as the Keystone Diploma, issued by the department. The point of
13 contact shall assist the student in obtaining the Keystone
14 Diploma.

15 (5) Notwithstanding any provision of this act or any other
16 law or regulation, a high school diploma awarded by the
17 department under paragraph (4) shall be considered as having
18 each of the rights and privileges afforded by the Commonwealth,
19 a Commonwealth agency, including the Pennsylvania Higher
20 Education Assistance Agency, a political subdivision, a local
21 agency and an authority or instrumentality of the Commonwealth
22 or a political subdivision to a high school diploma awarded
23 under this act. For a diploma awarded by the department the
24 following shall apply:

25 (i) The student receiving the diploma shall have completed
26 all the requirements under paragraph (4) while enrolled in a
27 school entity that is in compliance with this section.

28 (ii) The diploma shall be awarded to the student on a
29 standardized form to be developed by the department and which
30 shall be made available on the department's publicly accessible

1 Internet website.

2 (d) The department, in consultation with the Department of
3 Human Services, shall issue guidelines and best practices within
4 one hundred eighty (180) days of the effective date of this
5 section to assist school entities in implementing the provisions
6 of this section and facilitate the transition between school
7 entities. The guidelines issued under this subsection shall be
8 posted on the department's publicly accessible Internet website.

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

12 "504 service agreement." An agreement under section 504 of
13 the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. §
14 701 et seq.).

15 "County agency." As defined under 23 Pa.C.S. § 6303
16 (relating to definitions).

17 "Education decision maker." An individual with the authority
18 to make education decisions for a student experiencing education
19 instability.

20 "Education instability." One or more changes in school
21 entity enrollment during a single school year as a result of any
22 of the following:

23 (1) Homelessness as defined in the McKinney-Vento Homeless
24 Assistance Act (Public Law 100-77, 101 Stat. 482) and as
25 determined by the school entity.

26 (2) An adjudication:

27 (i) of dependency under 23 Pa.C.S. Ch. 63 (relating to child
28 protective services) and 42 Pa.C.S. Ch. 63 (relating to juvenile
29 matters);

30 (ii) of delinquency under 23 Pa.C.S. Ch. 63 and 42 Pa.C.S.

1 Ch. 63, if the parent or guardian of the student wishes to
2 disclose the adjudication of delinquency; or
3 (iii) as part of court-ordered services under a voluntary
4 placement or custody agreement.

5 "Graduation plan." A student-specific plan detailing the
6 courses necessary for a student to graduate high school and to
7 successfully transition to postsecondary education and the
8 workforce.

9 "IEP." An individualized education plan developed in
10 accordance with 22 Pa. Code § 14.131 (relating to IEP) and the
11 Individuals with Disabilities Education Act (Public Law 91-230,
12 20 U.S.C. § 1400 et seq.).

13 "School entity." Any of the following:

14 (1) A school district.

15 (2) A charter school.

16 (3) A cyber charter school.

17 (4) A regional charter school.

18 (5) An intermediate unit.

19 (6) A career and technical school.

20 "Student." A student in grades kindergarten through grade
21 twelve who has experienced education instability.

22 Section 2. This act shall take effect immediately.