



June 30, 2021

Client Alert

**GOVERNOR WOLF APPROVES BILL OFFERING
OPTIONAL YEAR TO STUDENTS IMPACTED BY COVID-19**

On June 30, 2021, Governor Tom Wolf signed into law Senate Bill 664 which provides parents/guardians and adult students, rather than school entities, with the power to decide whether a student should be retained for an optional year of education for the 2021-2022 school year. Senate Bill 664 was proposed by State Senator Jake Corman as an attempt to address learning gaps believed to be attributable to the COVID-19 pandemic.

In summary, Senate Bill 664 permits parents/guardians of regular and special education students to opt into an additional year of education for their child during the 2021-2022 school year, provided the election is completed by July 15, 2021. This election must be completed via a standard election form developed by the Pennsylvania Department of Education which school entities must make available on a publicly accessible website as soon as PDE issues the form. Adult students may likewise select an optional year of coverage for themselves under these same conditions.

For special education students that would otherwise have aged-out of special education services, Section 1383 of Senate Bill 664 creates a special education enrollment for such students. More specifically, students who attained age 21 during the 2020-2021 school term or prior to the beginning of the 2021-2022 school year are eligible to elect enrollment in the 2021-2022 school year, provided that the election is likewise completed by July 15, 2021 on the PDE election form. School entities are advised of the continuing obligation to comply with the IDEA relative to education services and programs, including implementation of the student's most recent IEP and provision of extended school year services during the summer after the 2020-2021 school year.

While students electing an additional school year under Senate Bill 664 may continue to participate in extracurricular activities and sports in the school district, PIAA eligibility rules have not been expanded. Students who are phased out of PIAA eligibility for sports will remain ineligible during the 2021-2022 school year. School entities are encouraged to consult with legal counsel should they have questions concerning student eligibility in light of Senate Bill 664.

School entities will need to work quickly to accommodate retained students, including discussions of staffing, course assignments, and special education services.

As with all other Client Alerts, these guidelines/recommendations are subject to change on a daily or weekly basis depending on Orders from Governor Wolf, the Pennsylvania Department of Education or Pennsylvania Secretary of Health.

While the Beard Legal Group Client Alert is designed to provide information on topics of concern to Pennsylvania Public Schools, it is not legal advice and school districts should contact their Solicitor, Labor of Special Counsel for advice related to their specific circumstances.

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