

Governor Wolf signed Senate Bill 664, now Act 66 of 2021, which amended the Pennsylvania Public School Code to temporarily provide:

(1) 21-year old special education students the opportunity to extend their public school education through the end of the 2021-2022 school year, and

(2) parents/guardians the option to elect to have their school-aged children repeat their grade level in the 2021-2022 school year, regardless if these students satisfied the requirements to be promoted to their next grade level. This temporary right was created to respond to educational opportunities lost due to the COVID-19 pandemic. Either of these elections must be made by July 15, 2021, and the Pennsylvania Department of Education (PDE) is tasked with developing a standard election form that families can use to make these elections.

FAQs

Which 21-year old special education students are eligible to continue their education through the end of next school year? Any special education students who turned 21-years of age either during the 2020-2021 school year or during summer recession between the end of the 2020-2021 and the beginning of the 2021-2022 school year are eligible to elect to continue their enrollment in public schools for the entire 2021-2022 school year.

Which students are eligible to repeat their grade level even if they met the requirements to be promoted to the next grade level? All public school students are eligible to elect to repeat the grade they were enrolled in during the 2020-2021 school year. Parents or guardians get to make that decision if the student is under 18 years of age. If the student is 18 years of age or older, the student is entitled to make that decision for him or herself.

Does this option apply to students who graduated and received a high school diploma at the end of the 2020-2021 school year? No. Students who graduated in accordance with a school entity's graduation requirements set pursuant to Chapter 4 should not re-enroll in school.

Is there any flexibility in the July 15, 2021 deadline for parents/guardians to make these decisions? No. The law states that any election to have a 21-year old special education student return to school, or a student repeat a grade level, must be made by no later July 15, 2021. The General Assembly did not provide school districts with flexibility to modify or extend that deadline. The timing of this bill being signed into law provides parents and guardians with a very short timeframe for making any decisions.

What duty do school districts have to notify parents, guardians or students of their rights under Act 66? The law does not specifically require public schools to notify anyone of their rights under this law. The law simply requires the Pennsylvania Department of Education to create a standard election form and to provide access to this form on its publicly accessible website. The South Western School District has chosen to communicate this opportunity to parents and guardians and has created an email address to communicate with interested families. Please see the note at the end of this email.

How do parents/guardians access the election form? The Pennsylvania Department of Education (PDE) is tasked with developing the election form. The form will be posted on the PDE webpage on July 6, 2021. A copy of the election form is included at the bottom of this message.

Are high school students electing to repeat a grade level going to be eligible for an additional year of interscholastic athletics? It will likely depend upon the facts and future events. The law provides that students are eligible to participate in interscholastic athletics, but are not allowed “more eligibility to participate in interscholastic athletics that would have had” without the election. The PIAA By-Laws generally limit the high school student’s eligibility for sports to four years (9th, 10th, 11th and 12th grades), subject to some limited exceptions. The PIAA most likely needs to review its existing period of participation rules, and provide guidance to its member schools how Senate Bill 664/Act 66 impacts certain student-athletes' continued eligibility to play PIAA-sanctioned sports. Until the PIAA provides such guidance, the South Western School District will refrain from giving any advice to parents, guardians, or students on this topic when deciding if a student should be retained in the same grade level as last school year.

***** Remember, election forms must be received by 11:59 PM on July 15, 2021. Please submit completed election forms to Act66@southwesternsd.org or drop off the form at the Administration Center at 225 Bowman Road, Hanover, PA 17331 by the deadline.***

Act 66 of 2021 Student Grade Level Retainment Notification Form for the 2021-22 School Year

On June 30, 2021, Governor Tom Wolf signed Act 66 of 2021 into law.

This Act permits the following for the 2021-22 school year:

- A student who was enrolled during the 2020-21 school year may repeat their 2020-21 school year grade level in an effort to make up for any lost educational opportunities due to the COVID-19 pandemic, even if the student met the requirements to be promoted to the next grade; and
- A student with a disability who was enrolled during the 2020-21 school year and turned age 21 (either during the 2020-21 school year or between the end of the 2020-21 and the beginning of the 2021-22 school year) may attend a school entity during the 2021-22 school year and receive services as outlined in their most recent Individualized Education Program (IEP) with all the protections under the Individuals with Disabilities Education Act (IDEA).

To qualify to repeat a grade level, a student had to be enrolled in one of the following school entities in Pennsylvania during the 2020-21 school year: a school district, intermediate unit, career and technical education center, charter school, cyber charter school, regional charter school, or nonpublic school.

Parents/guardians interested in re-enrolling their child under the above options for the 2021-22 school year must **submit this Act 66 of 2021 Student Grade Level Retainment Notification Form to the district and/or school that the student will attend in the 2021-22 school year on or before July 15, 2021.** Do not submit the form to the Department of Education (PDE).

Instructions:

- Complete the Act 66 of 2021 Student Grade Level Retainment Notification Form for the 2021-22 school year.
- Contact the district/school that the student will attend during the 2021-22 school year for an email address to submit the form.
- **Submit the completed form to the child's district and/or school on or before July 15, 2021.**
 - If a student under the age of 18 plans to repeat a grade, a parent or guardian must submit the form to the district/school.
 - If a student 18 years of age or older plans to repeat a grade, the student must submit the form on their own behalf.
 - Both the parent/guardian and the student must complete this form if a student with a disability was enrolled during the 2020-21 school year, turned 21 during the time periods listed above, and intends to return to school for the 2021-22 school year.

Date:

Name of Student - First:

Middle:

Last:

Student Date of Birth:

Student School ID Number (if known):

Student Address:

Name of Parent/Guardian:

Parent/Guardian Address:

Parent/Guardian Phone Number:

Name of School Entity (e.g., district, charter school, intermediate unit, career and technical education center, nonpublic school entities, Approved Private Schools, and Chartered School for the Deaf and Blind) the student attended during the 2020-21 school year:

Name of School Building the student attended during the 2020-21 school year:

Grade Level in the 2020-21 school year:

Name of Student's Homeroom or Primary Teacher in the 2020-21 school year:

I confirm the above-named student meets the following criteria and is eligible to enroll under Act 66 of 2020: (check one)

- Is a student under 18 years of age; or
- Is a student 18 years of age or older; or
- Is a student with a disability as defined in 22 Pa. Code § 14.101 (relating to definitions) who has reached 21 years of age during the 2020-21 school year or between the end of the 2020-21 school year and the beginning of the 2021-22 school year and was enrolled for the 2020-21 school year

Signature of Parent/Guardian:

Printed Parent/Guardian Name:

Signature of Student (if 18 years of age or older):

Printed Name of Student:

The Act 66 of 2021 Student Grade Level Retainment Notification Form must be submitted to the student's district and/or school on or before July 15, 2021. Do not submit this form to the Pennsylvania Department of Education.