

From: ED, Secretary of Ed Res Acct <ra-educationsecretary@pa.gov>

Sent: Monday, April 25, 2022 10:05 AM

Subject: Act 1 of 2022: Supporting Graduation For Students Experiencing Education Instability

Dear Colleague,

Students experiencing homelessness, and youth who have been adjudicated or are involved in the juvenile justice system often attend multiple schools in a year. These students who experience such “education instability” face barriers to high school graduation due to lost or unrecognized credits or a student’s inability to take a course required by their last school.

In January, the General Assembly enacted [Act 1 of 2022 \(Act 1\)](#) (24 P.S. § 13-1331.1) to remove educational and graduation barriers for students who move between school entities due to homelessness, adjudication, foster care, and juvenile justice or court-ordered placements. Act 1 requires school entities assign a point of contact, adopt clear policies and practices to apply credit for satisfactorily completed coursework, and develop a graduation plan for students experiencing education instability. Act 1 also includes protections to facilitate equal access to school, including participation in extracurricular opportunities.

Act 1 is effective for the 2021-22 school year with the Keystone Diploma being available to students graduating in 2023.

The Pennsylvania Department of Education (PDE) in consultation with Department of Human Services will issue more comprehensive guidance and best practices by August 1, 2022, to assist school entities in implementing Act 1. This letter is to apprise school entities of their immediate obligations this school year to support these students.

School Entity Requirements

Under Act 1, school entities have the following responsibilities:

- Identify students who have experienced “education instability;”
- Establish a point of contact for each identified student;
- Facilitate record transfer, credit assessment, and credit recovery;
- Support student integration into school-based activities, including by waiving activity and late fees and allowing participation in extracurricular activities mid-year;
- Develop a graduation plan for students experiencing educational instability in grades 9-12; and
- Work with the student’s prior school entity (or PDE if necessary) to secure a diploma for a student who meets graduation requirements.

School entity is defined as a school district, charter school, intermediate unit, or career and technical school.

Act 1 applies to students who experience **one or more school changes during a single school year** as a result of any of the following: homelessness; an adjudication of dependency, delinquency, or court-ordered services under a voluntary placement or custody agreement. Act 1 applies to students who are returning to their former school, starting at a new school, or re-engaging in school after an extended absence. Notably, the law is in addition to and does not

replace other obligations such as those relating to school stability and immediate enrollment under the federal *Every Student Succeeds Act* and *McKinney-Vento Act*.

To ensure equal access to educational opportunities, Act 1 requires every school entity to do the following:

1. **Identify students** who are experiencing educational instability. School staff must identify students who qualify based on a review of student records. School entities are encouraged to provide these services and protections broadly and without requiring the student to produce eligibility evidence.
2. **Waive fees that would otherwise be assessed against a student who experiences education instability.** A receiving school entity may not limit a student's participation in school-sponsored events or extracurricular activities due to a waiver of participation or other fees.
3. Allow all students experiencing education instability **to participate in any school-sponsored or extracurricular activity** for which the student meets placement and qualification requirements, even if the deadline for participating in the activity has passed.
4. **Refrain from penalizing any student impacted by education instability due to a school uniform or dress code violation** related to a delay in obtaining a uniform.

Act 1 requires a school entity to support students with on-time graduation by:

1. **Developing policies and procedures to apply full or partial credit for coursework** satisfactorily completed at a prior school entity, including a school associated with a residential placement.

Developing policies regarding waiving specific courses required for graduation for a student in grades nine through twelve. In addition to awarding partial credit, a school entity may waive a course required for graduation if similar course work has been satisfactorily completed in another school entity or a student has demonstrated competency in the content area. If the receiving school entity does not waive a specific course required for graduation, the receiving school entity shall provide **an alternative or modified course of study** similar to what is currently offered and assist the student with acquiring the required work or competency requirements by the student's reasonably expected anticipated graduation date.

1. **Assign a "Point of Contact"** to each qualifying student who experiences education instability. A school entity may satisfy this requirement by assigning the duties listed below to an existing or new point of contact established by the school entity. The Point of Contact should be a building-level person and will be responsible for ensuring completion of all tasks.
 - a. The school entity must (1) list the name and contact information of the Point of Contact in the student's education records and (2) provide the name and contact information of the Point of Contact to the student's education decision maker.

- b. **The assigned Point of Contact must** undertake the following duties in consultation with the school counselor, school social worker, home and school visitor or school psychologist and the student's IEP Team or 504 Service Coordinator, if applicable. The Point of Contact is key to welcoming students and supporting a smooth and successful transition to the receiving school.
- 2. **To assist secondary students to graduate on time**, the Point of Contact can assist in the following activities for students in grades 9-12:
 - a. **Review all records and assess a student's credits** in accordance with policies and procedures established by the school entity;
 - b. **Develop and execute a student-specific Graduation Plan** detailing the courses necessary for the student to graduate high school on time and successfully transition to postsecondary education or the workforce;
 - c. If after waiving courses or providing alternative courses of study, a student is still not eligible to graduate on time from the receiving school, a **Point of Contact may request a high school diploma from the prior school entity** which may issue such a diploma if the student meets the prior school entity's graduation requirements; and
 - d. Assist the student with obtaining a statewide Keystone Diploma, if applicable, beginning with the 2022-23 school year.
- 2. **For a student with a disability**, the school entity shall comply with all applicable laws and regulations regarding student evaluation, placement, and graduation. If responsibilities under Act 1 overlap or conflict with a student's IEP or Section 504 Service Agreement in any way, *a school entity must implement the requirements specific to the student with a disability under applicable disability laws.*
- 3. **After exhausting all other graduation options**, a student who has successfully satisfied statewide graduation requirements (in any school year for which demonstration of proficiency on a Keystone exam is required) and is unable to obtain a diploma from the student's prior or receiving school entity, is **eligible, as a last resort, to obtain a statewide secondary school diploma**, known as a "Keystone Diploma," from PDE. Students will be eligible for a Keystone Diploma beginning with the 2022-23 school year.

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