



PAGE Legislative Updates June 2021

House Bill 672 (Act 65) – Clarifies Consent Issues to Mental Health Treatment of a Minor

Act 65 of 2020 was signed into law by Governor Tom Wolf in June 2020. The new law clarifies that a parent/guardian has the right to consent to in-patient and/or out-patient mental health treatment on behalf of a minor under the age of 18 without the minor's consent. The law also prohibits a parent/guardian from overturning another parent/guardian's consent on the minor's behalf. However, if one of the parents/guardians with legal custody rights objects to in-patient treatment sought by the other parent/guardian, a court petition can be filed, and a hearing held within 72 hours.

Source: [The Office of Mental Health and Substance Abuse Services: \(pa.gov\)](https://www.pa.gov)

Review the Bill: [btCheck.cfm \(state.pa.us\)](https://www.btcheck.cfm)

Tip Sheet and Infographic: [MentalHealthConsenttoTreatUpdatedJuly2020.pdf](#)

Senate Bill 664

Senate Bill 664 was passed unanimously by the Senate on May 10, 2021. It now heads to the House for consideration. This Bill was fast tracked by Senate President Pro Tempore Jake Corman. Senate Bill 664 establishes an Extended Special Education Enrollment Due to COVID-19 and an Optional Year of Education Due to COVID-19.

This bill that would allow parents to give their child an extra year of school to make up for the 2020-2021 year disrupted by the COVID-19 pandemic closings and operating changes, has begun to move in the state House.

The House education committee voted 24-1 in favor of Senate Bill 644, even though several Democrats expressed reservations about its provisions. State Rep. Joseph Ciresi, D-Montgomery County, said if the state does not provide schools with more money to cover the cost, the legislation would be an “unfunded mandate” that would create additional burdens.

The legislation was approved by the state Senate by a 48-0 vote on May 12. It now awaits a vote before the full House, which does not return to session until June 7, 2021. State Rep. Mark Longietti, D-Mercer County, the Democratic chair of the education committee, said while he was voting for the bill, he would have rather seen a more limited bill focused on making the extra year available to students with disabilities.



“My preference would have been more focused on special education especially those who are going to age out of the system,” Longietti said. “That’s a legitimate concern.” Longietti said that otherwise “it’s unclear” what basis would be used to determine when students and their parents would be choosing to take advantage of the do-over.

State Representative Jesse Topper, R-Bedford County, who had authored similar legislation, said students would not gain an extra year of sports due to the bill. He said the measure is intended to provide balance in that under current law, school district officials have the sole authority to determine when a student is ready to advance a grade or not even though many students spent large chunks of the 2020-2021 school year studying at home.

Special Education - The Bill allows the parent of a student with a disability who is enrolled for the 2020-21 school year and reaches 21 years of age prior to the beginning of the 2021-22 school year to elect to enroll the student in the school entity for the 2021-22 school year. It provides for the school entity to implement the provisions of the student’s most recent Individualized Education Program (IEP) and to provide extended school year services during the summer after the 2020-21 school year in accordance with the student’s most recent IEP. It also provides that a student’s attendance shall be included in the school entity’s average daily membership.

Optional Year - The Bill allows a student age 18 or older, or a parent or guardian of a student under the age of 18 or a child at or over the age of consent, for the 2021-22 school year, to elect no later than July 15, 2021 to repeat a grade level to make up for any lost educational opportunities due to COVID-19, regardless of whether the student met the requirements to be promoted to the next grade level. It requires a school entity to create an online application to make an election under this section.

A school entity is defined as a school district, intermediate unit, area vocational technical school, charter school, regional charter school or cyber charter school, including an approved private school or chartered school for the deaf and blind.

Source: [Senate Bill 664.odt](#) and [Bill to give students COVID do-over year moving in state House | News | dailyitem.com](#)

American Rescue Plan Act of 2021 (ARPA)

In March of 2021, U.S. Congress passed an additional COVID-19 Relief Package entitled the American Rescue Plan Act of 2021. This additional COVID-19 Relief Package Plan provides \$350 billion to states, local governments and territories to respond to the COVID-19 pandemic.



On Monday, May 10, 2021, the U.S. Department of Treasury released guidance on the State and Local Coronavirus Fiscal Recovery Fund and opened a new portal for counties applications to receive funding.

Below is a “Quick Reference Guide” which provides examples for use of the funds and a chart providing a county-by-county allocation in Pennsylvania.

Source: <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds>

Additional Resources Related to Act ARPA:

- [COVID-19 State & Local Fiscal Recovery Fund Quick-Reference-Guide-.pdf](#)
- [PA Counties - 2021 Coronavirus Fiscal Recovery Funds.pdf](#)
- [SLB 297 2021 ESSERS.pdf \(mcusercontent.com\)](#)

School entities may contact their local county government officials regarding the receipt of financial support.

Governor Wolf’s Bipartisan Charter School Plan

On May 20, 2020, Governor Tom Wolf announced today that PA school districts would save an estimated \$395 million dollars under his plan to improve the quality of Charter Schools and control rising costs.

Source: <https://www.governor.pa.gov/newsroom/gov-wolf-sepa-schools-call-for-bipartisan-charter-school-plan-to-save-nearly-400-million/>

PSBA Charter School Reform Report: [PSBACharterTaskForceReport-1.pdf](#)

A virtual rally was held on May 25, 2021, with a variety of stakeholders in attendance. Governor Wolf acknowledged the work to bring about meaningful charter school reform through this press release and video:

[Click here to read Gov. Wolf’s press release.](#)

[Click here to watch Gov. Wolf’s video.](#)

Over 400 school districts have passed a resolution calling for charter school reform across the commonwealth. In the [2021 State of Education report](#), mandatory charter tuition payments were overwhelmingly rated as the top budget pressure facing school districts – 82% said charter tuition was one of their biggest budget pressures. School



district payments to charter schools are up 253% over 12 years and are now nearly \$2.2 billion. More than six cents of every dollar school districts spent in 2019-20 went to charter tuition payments. That is more than double what it was 10 years earlier.

For more information visit the PA Charter Change [website](#).

In addition:

Representative Rosemary Brown (R-Monroe) will be introducing charter school reform legislation which would apply the same special education funding principles used to distribute funding to school districts, in the calculation used to determine a school district's tuition payment for a student with disabilities enrolled in a charter school.

Act 13 Educator Effectiveness

Act 13 of 2020 revises the Act 82 Educator Effectiveness system for evaluating PreK-12 professional employees. Beginning with the 2021-22 school year, the revised rating system takes effect for classroom teachers, non-teaching professional employees, and principals across the Commonwealth.

To assist school leaders and educators in preparing for these changes, the Pennsylvania Department of Education (PDE) has prepared the following two documents located on the [Educator Effectiveness webpage](#):

- [An Introduction to Act 13 of 2020 and Impact on Educator Effectiveness](#)
- [Act 13 Professional Development Requirements and Opportunities](#)

Title XI Public Hearing

OCR announced a [virtual public hearing](#) June 7-11, 2021 to gather information for improving enforcement of Title IX of the *Education Amendments of 1972*. This hearing is part of OCR's comprehensive review of the Department's existing regulations and other actions related to implementing the President's March 8, 2021 [Executive Order on Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity](#). The hearing is also a critical step toward fulfilling the President's January 20, 2021 [Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identify or Sexual Orientation](#).

Members of the public may [register to make live comments](#) during the hearing. They may also send written comments to T9PublicHearing@ed.gov, following guidelines in the [hearing notice](#).



Additional Information and Resources:

- **Article** - <https://www.edweek.org/leadership/spending-on-special-ed-in-some-districts-plunged-this-year-budget-cuts-could-be-next/2021/05>
- **National PTA Healthy Minds Initiative** - <https://www.pta.org/home/programs/mental-health?fbclid=IwAR33RQzeAeW4AHfWo0PJfsqF2H1D-nu1P6cGss9jhDj9kYMPWJaPbYxUOUw,IwAR33RQzeAeW4AHfWo0PJfsqF2H1D-nu1P6cGss9jhDj9kYMPWJaPbYxUOUw>
- **State House Hearing Examines School Mental Health Needs** - [State House hearing examines school mental health needs | Pittsburgh Post-Gazette](#)
- **Frequently Asked Questions Elementary and Secondary School Emergency Relief Programs Governor's Emergency Education Relief Programs - ESSER.GEER .FAQs 5.26.21 745AM FINAL**[b0cd6833f6f46e03ba2d97d30aff953260028045f9ef3b18ea602db4b32b1d99.pdf \(ed.gov\)](#)
- **COVID-19 Handbook Volume 3: Strategies for Safe Operation and Addressing the Impact of COVID-19 on Higher Education Students, Faculty, and Staff** - [U.S Department of Education Releases COVID-19 Handbook Volume 3: Strategies for Safe Operation and Addressing the Impact of COVID-19 on Higher Education Students, Faculty, and Staff | U.S. Department of Education](#)

Note: The content and links in this PAGE Legislative Update are for informational purposes only.