

**EDUCATION
LAW CENTER**

IMPLEMENTING ACT 1 OF 2022

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WHO WE ARE

Education Law Center-PA (“ELC”) is a non-profit, legal advocacy organization dedicated to ensuring that *all children in Pennsylvania have access to a quality public education.*

Through legal representation, impact litigation, and policy advocacy, ELC advances the rights of vulnerable children, including children living in poverty, children of color, English language learners, children with disabilities, those in the foster care and juvenile justice systems, and children experiencing homelessness. Our strategic areas:

- Equal Access to Quality Schools
- Adequate & Equitable School Funding
- Dismantling the School-to-Prison pipeline

WHO WE ARE

Juvenile Law Center is the oldest non-profit, public interest law firm in the United States advocating for the **rights, dignity, equity and opportunity for youth** in the child welfare and justice systems.

www.jlc.org

Juvenile
Law Center

ACT I OF 2022



Long and winding road...

**Juvenile Law Center's Youth
Advocates'**

Operation Education

Signed into law 1/26/22

LAW IS ALREADY IN EFFECT



GOALS OF ACT 1

Facilitate timely graduation of students who experience education instability

- Assigns Point of Contact to Assist Youth
- Assess and award full and partial credit for prior coursework
- Allows for waiver and make-up options
- Provides diploma options

Promote Equal Access to Educational Opportunities:

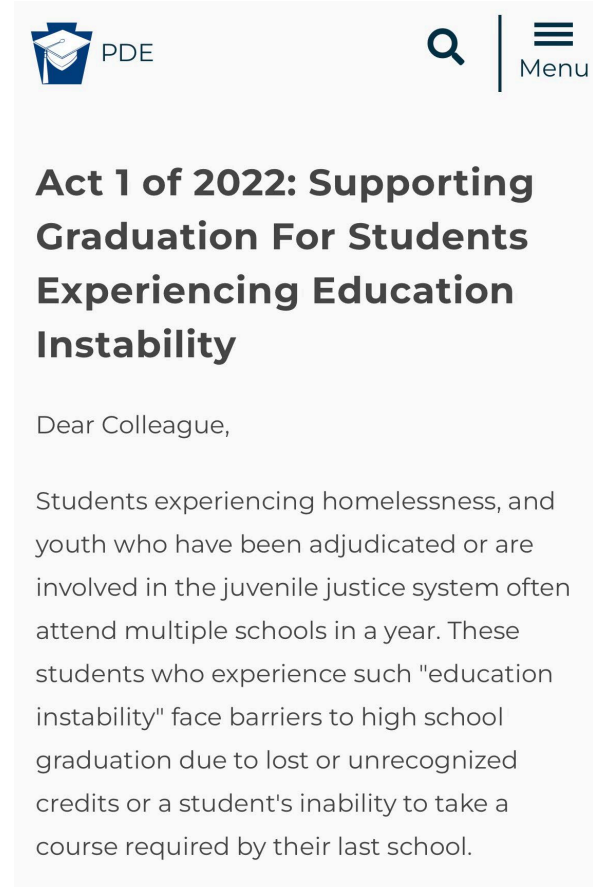
- Schools must allow students experiencing education instability the opportunity to participate in extra-curricular programs for which they are otherwise eligible.
- Eliminates certain fees and fines

PA DEPT. OF EDUCATION

“DEAR COLLEAGUE” LETTER

“apprise[s] school entities of their immediate obligations this school year”

Formal guidance to follow this summer



The screenshot shows the PA Department of Education (PDE) website header with the PDE logo, a search icon, and a menu icon. The main heading is "Act 1 of 2022: Supporting Graduation For Students Experiencing Education Instability". Below this is the salutation "Dear Colleague," followed by a paragraph of text.

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.

“DEAR COLLEAGUE” HIGHLIGHTS

School entities “encouraged” to provide Act 1 “services and protections *broadly and without requiring the student to produce eligibility evidence*”

Explains that Act 1 helps to “facilitate equal access to school”

Eliminates graduation barriers associated w/ “lost or unrecognized credits or a student's inability to take a course required by their last school”

Point-of-Contact should be a “building-level person” with responsibility to ensure “completion of all tasks” involving Act 1

Keystone Diploma not available until the 2022-2023 school year

STUDENT ELIGIBILITY

Grades K-12 (with certain provisions only for 9-12)



Experience one or more school changes during a single school year (“education instability”)



Due to:

Experiencing homelessness

Involved in child welfare system

Involved in juvenile justice system

Voluntary placement or custody agreement



Student may attend school in a variety of settings, including residential placements.
May be returning to school, starting a new school, re-engaging after extended absence.

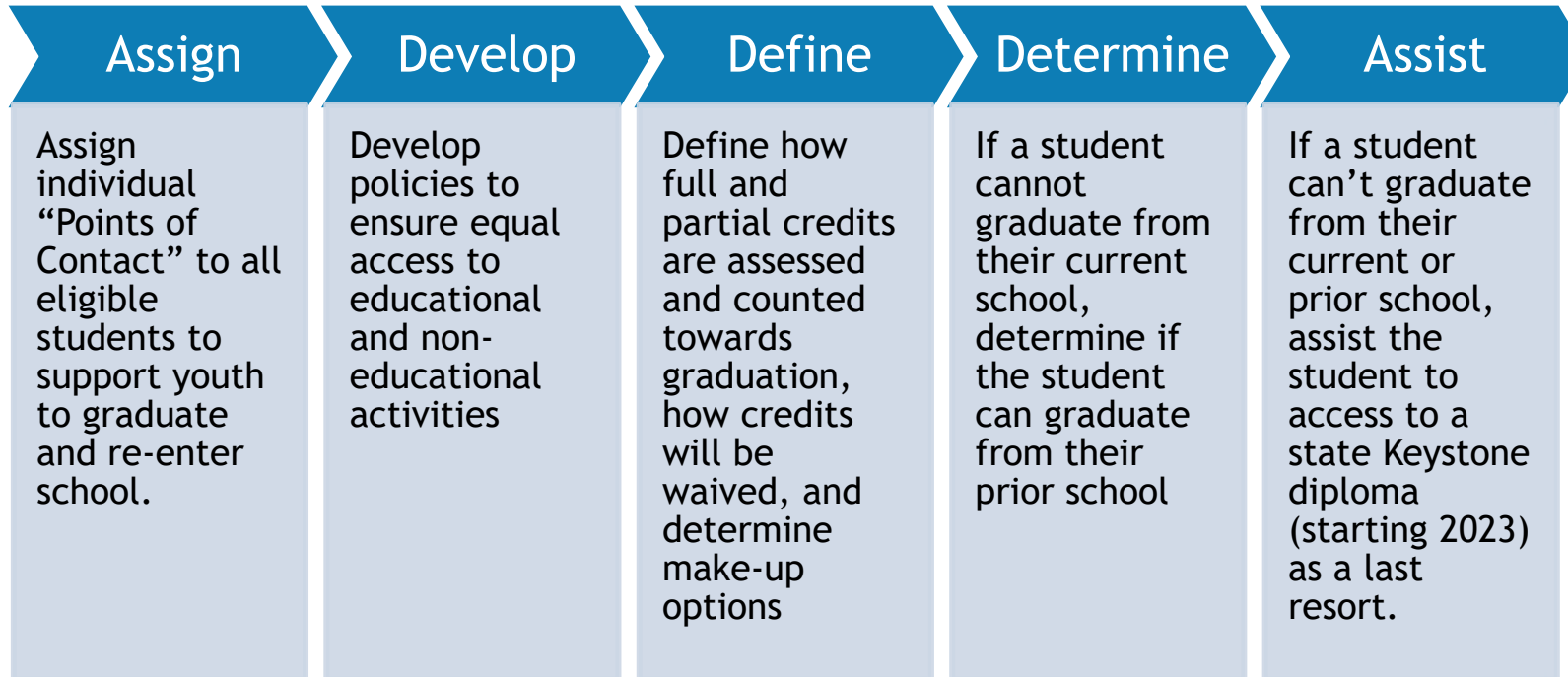
WHO IS RESPONSIBLE?

School entities:

- school districts
- charter schools
- intermediate units
- career and technical schools

All must provide school-based supports for students who experience “education disruption”

DUTIES OF SCHOOLS



EQUAL ACCESS TO EDUCATION

School entities must:

- promptly secure education records
- appropriately place students
- facilitate mid-year extra-curricular participation
- waive activity fees and eliminate fines for dress code violations, etc.

SCHOOL-BASED SUPPORTS

What is a Point of Contact?

- A building-level person designated by school entity

Point of Contact works with key players to:

- review records to ensure appropriate placement
- determine appropriate classes
- connect the student with educational and mental health services
- create student-specific graduation plans
- assess student credits (full and partial)
- connect students to credit recovery

ASSESSING STUDENT CREDITS

Point of Contact must:

- Verify previously earned credits documented in the student's records, including partial credit
- Consider waiving specific courses if student can demonstrate competency in content area or for other reasons
 - Ex. taking a test or completing a project, CTE course
- If the course is not waived provide an alternative or modified course of study to assist student to finish by reasonably expected graduation date

DIPLOMA OPTIONS

If waivers and make up options are insufficient to allow a student to graduate on time in the current school:

- POC should reach out to a prior school to determine if the the prior school district would issue a diploma because the student meets the prior school's graduation requirements
- **As a last resort beginning in 2022-2023**, the student, with the help of POC, may apply for a statewide PDE “Keystone Diploma.” This is a valid high school diploma.

ELIGIBLE STUDENTS WITH DISABILITIES

All existing special education laws still apply

Students are still eligible to graduate on IEP goals, if they have an IEP

- *Instead of through credit acquisition*

Students may still elect to remain in school until age 21, even if Act 1 offers a pathway to graduation earlier

IEPs must be followed

Students are entitled to free, appropriate, public education

Must be educated in the least restrictive environment

ACT 158: KEYSTONE EXAMS AND NEW GRADUATION REQUIREMENTS

Under Act 158, statewide graduation requirements have changed. Beginning next school year (2022-2023), every graduate must successfully complete ONE of the following pathways:

- Keystone Proficiency
- Keystone Composite
- Career and Technical Education (CTE) Concentrator
- Alternative Assessment – Determined by local district
- Evidence-Based – Consider pathway if a student cannot meet other options

PDE GUIDANCE FORTHCOMING

Official guidance will be issued no later than August 1, 2022

Guidance will explain the process and requirements for obtaining a Keystone diploma and duties of POC

- **Keystone diploma is last resort**
- **Keystone diploma will have full weight of district-issued diplomas**
 - State and community colleges, industries, etc. are learning about the Keystone diploma from PDE which shall have the full weight of diplomas issued by school districts
- Keystone diplomas becomes part of student's permanent record maintained by last school
- Recorded on a list maintained by the state of state diplomas awarded

TIPS FOR SUPPORTING STUDENTS

USE THIS LAW TO HELP STUDENTS AT RISK OF NOT GRADUATING THIS YEAR

- Request credit assessment
- Request waiver of locally required course requirement

Rely on the Act 1 Dear Colleague Letter to help schools understand obligations

Ensure students are always involved in all discussions and planning related to their graduation and knows their Point-of-Contact

Maintain contact with the student after the Point-of-Contact is assigned to ensure implementation, including access to graduation planning

RESOURCES

ELC's new fact sheet provides details on the provisions of the new law: <https://www.elc-pa.org/wp-content/uploads/2022/05/ELCs-Act-1-Fact-sheet-May-2022-Final.pdf>

PDE's Dear Colleague Letter: <https://www.education.pa.gov/K-12/Pages/Act1of2022.aspx>

Act One:

<https://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2022&sessInd=0&smthLwInd=0&act=0001>

CREDIT OVERDUE: HOW STATES CAN MITIGATE ACADEMIC CREDIT TRANSFER PROBLEMS FOR YOUTH IN THE JUVENILE JUSTICE SYSTEM, includes credit policy examples

<https://www.elc-pa.org/wp-content/uploads/2020/10/Credit-Overdue.pdf>

OPERATION EDUCATION: AN ACTION KIT TO ACHIEVE POSITIVE EDUCATIONAL OUTCOMES FOR YOUTH IN THE CHILD WELFARE AND JUVENILE JUSTICE SYSTEM

<https://jlc.org/juveniles-justice/operation-education>



QUESTIONS?

IDEAS?

THOUGHTS?

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