

**EDUCATION
LAW CENTER**

UNDERSTANDING ACT 1 OF 2022

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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

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**

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 (including graduation retroactive to the 2021-2022 school year)

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 fees

ACT 1 HIGHLIGHTS: NEW GUIDANCE FROM PDE

- PDE released formal guidance on August 1, 2022
- Specifies what schools need to do to identify and support eligible students
 - Discusses how to support students who were not previously identified or graduated during the 2021-2022, but should have been
- Requires credit verification, graduation planning, and identification of a timely path to graduation for 9-12th graders
- Provides information on how to support students with 504 Plans/IEPs
- Reaffirms that Act 1 works in concert with other civil rights laws (i.e. McKinney-Vento, IDEA, ADA, ESSA) - it does not abridge them

PA DEPARTMENT OF EDUCATION “DEAR COLLEAGUE” LETTER

A "Dear Colleague" letter
provides additional guidance

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



PDE



Menu

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 became available in the 2022-2023 school year, but it can be awarded retroactively to eligible students who attended school during the 2021-2022 school year but failed to receive support

WHO IS RESPONSIBLE?

School entities:

- school districts
- charter schools, including cyber charter schools
- intermediate units
- career and technical schools

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

STUDENT ELIGIBILITY: EDUCATION DISRUPTION

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

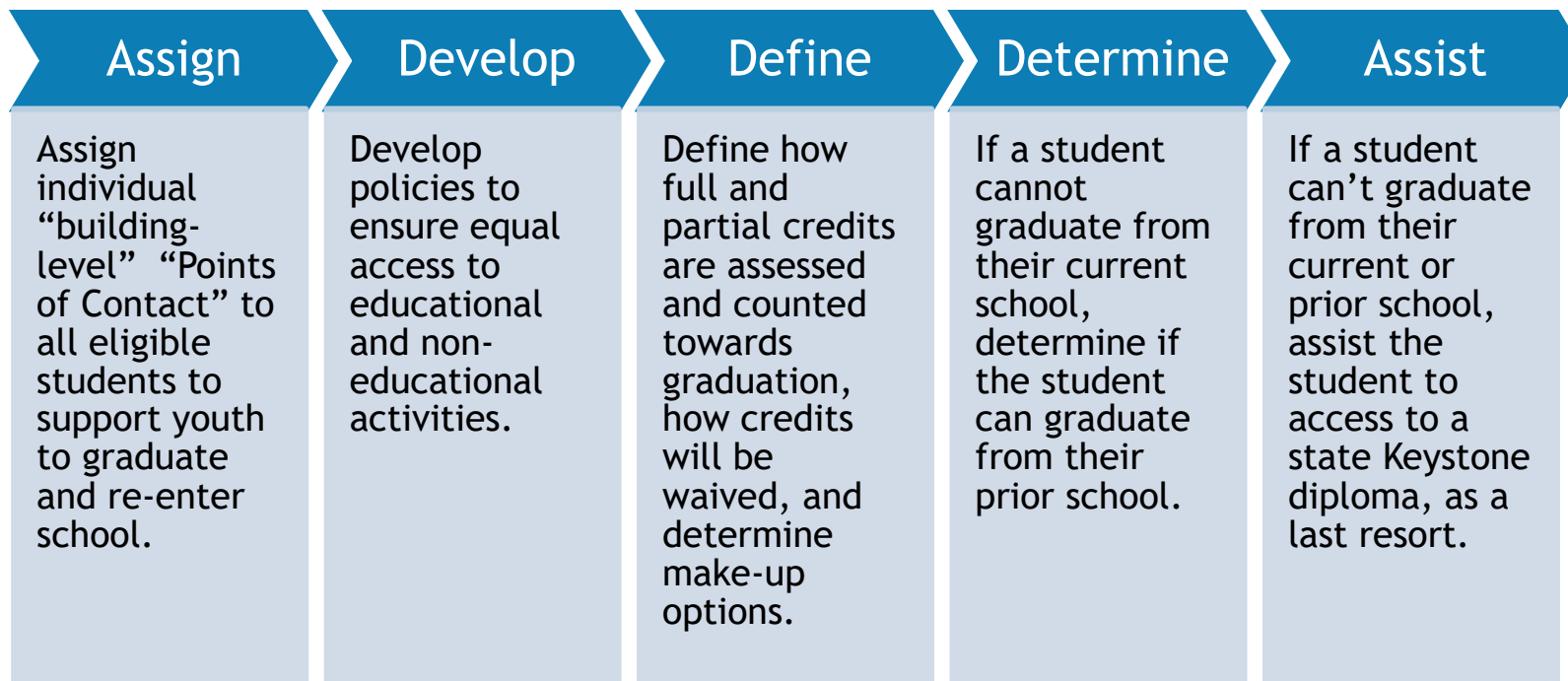
Involved in child welfare system

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.

DUTIES OF SCHOOL ENTITIES



WAYS TO DETERMINE ACT 1 ELIGIBILITY

- **Act 1 Guidance requires school to “provide support for all eligible students”**
 - There is NO prohibition against applying this law more broadly to students who not explicitly named in the law
- **School entities must “must be flexible in determining eligibility based on minimal documentation”**
 - Eligibility may be confirmed through “letter, email, verbal communication, or other documentation”
 - Confirmation can be provided by case workers, shelter providers, outreach workers, probation officers, and others
- **Schools must keep eligibility information confidential**
- **Parents/guardians and students “maintain the choice regarding what information to share with the school entity”**

SCHOOL-BASED SUPPORTS

What is a Point of Contact?

- A district or preferably 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

EQUAL ACCESS TO EDUCATION

Points of Contact must:

- “immediately request the students complete educational record,” including special education documents, from all schools a student has attended
- appropriately place students
- facilitate mid-year extra-curricular participation
- “waive fees that would otherwise be assessed against a student”
- Connect students to the school counselor or mental health professionals as appropriate and with the student’s consent

ELIMINATING FEES FOR ACT 1 ELIGIBLE STUDENTS

- PDE has recognized that “fees can be harmful...and may create barriers to full participation in school”
- Act 1 requires school entities to waive all fees that would be assessed against an eligible including, but not limited to:
 - School ID fees
 - Uniform Fees
 - Fees for courses, athletics, extra-curriculars, school-sponsored trips/activities
 - School lunch/library fees
 - Summer school/credit recovery fee
 - Graduation/regalia fees

ASSESSING AND AWARDING CREDITS FOR 9TH-12TH

- School entities must honor all previously earned credits full and partial credits
- Schools should investigate whether a course with a different name at a prior school may count as a required course at the new school
 - Example: Mythology 1 at a prior school may fulfill English 9 at current school
- Schools may waive courses needed for graduation if a student :
 - Completed similar “course work at another school entity”
 - OR
 - Can demonstrate competency in the content area
- If the course is not waived, schools should provide an alternative or modified course of study to assist student to finish by reasonably expected graduation date

AWARDING PARTIAL CREDIT

- School entities must develop a policy for awarding partial credit for work satisfactorily completed
 - Partial credits must be awarded even if a student leaves before a marking period ends
- Schools could consider combining the total number of periods a student was able to attend, including periods where they had excused absences or were not able to attend due to school-based barriers (enrollment delays, technology barriers, transportation barriers, etc.) and divide this number by the total number of periods offered
- Schools could round partial credits to the nearest .25 credit hour and can consider the best interest of the student when making credit decisions

PARTIAL CREDIT EXAMPLE

Number of Attended Class Periods	Partial Credits Awarded
1-6	.25
7-13	.5
14-20	1
21-27	1.5
28-34	2
35-41	2.5
42-48	3
49-55	3.5
56-62	4
62-69	4.5

Nico is forced to change schools mid-year. They attend 23 periods of Science 1 at their prior school. There is an enrollment delay at their new school, and they miss 5 periods of the Science 1 course offered at the new school.

- Nico must be awarded partial credits for the work in Science 1 that they completed at their prior school
- 23 periods at prior school + 5 missed periods caused by transportation barriers at their new school= 28 periods for which Nico should receive credit
- **28 periods= 2 credit hours**

WAIVING COURSES: EXAMPLES OF DEMONSTRATING COMPETENCY

- School entities can waive courses for graduation when a student can demonstrate competency in the content area
- Schools have broad discretion to determine that a student has demonstrated competency
- Some examples of ways a student could demonstrate competency include:
 - Completion of a project, test, presentation, or series of assignments
 - Recognizing that a student already completed a higher-level course in the content areas
 - Example: a student passed Algebra 2, so the school waives Algebra 1
 - Completion of an experiential learning opportunity, internship, or CTE course

DIPLOMA OPTIONS

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

- Points of Contact should reach out to a prior school to determine if 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 Point of Contact, may apply for a statewide PDE “Keystone Diploma” if the student meets state graduation requirements.
 - This is a valid high school diploma and is NOT a GED.

STUDENT-SPECIFIC GRADUATION PLANS

- **School entities must give all Act 1 eligible 9-12th graders an “individualized and student-specific graduation plan” that allows them to graduate on time.**
 - Best Practice: Students and the Parent/Guardian/EDM should be consulted when the Graduation Plan is being created
- **Graduation Plans must:**
 - **Specify the courses needed to graduate** and transition to postsecondary education or the workforce
 - **Determine how a student will graduate** after all partial and full credits are counted, courses are waived, and/or alternative courses are considered which allow the student to graduate on time through:
 - Current school, whenever possible
 - Prior school, if graduating from the current school is not possible
 - Keystone Diploma, if graduation from the current school or a prior school is not possible. The student must receive support to apply for a Keystone Diploma.

GRADUATION RETROACTIVE TO THE 2021-2022 SCHOOL YEAR

- If a student was not identified or provided a pathway to on-time graduation during the 2021-2022 school year, they can be graduated during the 2022-2023 school year without completing any additional requirements or attending classes through Act 1.
 - School entities must proactively reach out to these students
 - Students who were unable to take the 2020 Keystone Exams due to COVID-19 “must not be penalized” and must still be offered a pathway to timely graduation
- A student’s diploma can be dated to be retroactive to the 2021-2022 school year

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 KEYSTONE DIPLOMA

- PDE has issued the [on-line application](#) for the Keystone diploma, which should be used as a last resort
- Keystone diploma have full weight of district-issued diplomas
 - State and community colleges, industries, etc. are learning about the Keystone diploma from PDE
- Keystone diplomas become part of student's permanent record maintained by last school
 - PDE will record and maintain list of students who were awarded Keystone diplomas

The screenshot shows the top portion of a web application. At the top left is the Pennsylvania Department of Education logo. The main heading is "Keystone Diploma Application". Below this is an overview paragraph explaining the purpose of the application, followed by a "Considerations" section. At the bottom, there is a section titled "Student Applicant Information" with a form field for "1. Student Last Name" and a placeholder text "Enter your answer".

pennsylvania
DEPARTMENT OF EDUCATION

Keystone Diploma Application

Overview: In January 2022, Governor Wolf signed Act 1 of 2022 into law (24 P.S. § 13-1331.1) to remove on-time graduation barriers for students who move between school entities due to homelessness, involvement in the juvenile justice or foster care systems, or as a result of a court-ordered voluntary placement or custody agreement. After exhausting all other graduation options, a student who meets the above criteria and has successfully satisfied statewide graduation requirements (in any school year for which demonstration of proficiency on a Keystone exam is required), as a last resort, may apply to be considered for the Keystone Diploma from the Pennsylvania Department of Education.

Considerations: Given the information required, it is ideal for the School Entity's Point of Contact (POC) to complete this application in collaboration with the student. If the POC or anyone completing the application, including the student or their educational decision maker, needs assistance, please contact [RA-EDSchoolSupport@pa.gov](mailto:EDSchoolSupport@pa.gov).

Student Applicant Information

1. Student Last Name

Enter your answer

TIPS FOR SUPPORTING STUDENTS

Support Timely Graduation

- Request credit assessment and ensure your school entity has policies or clear directives regarding assessing partial credits
- Request waiver of locally required course requirement

Rely on the Act 1 Dear Colleague Letter and Basic Education Circular to help schools understand obligations

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

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

ACT 1 SELF-ADVOCACY TOOLS

- [Act 1 Self-Advocacy Tool: Request for Assignment of an Act 1 Point of Contact](#)
- [Act 1 Self-Advocacy Tool: Request for Credit Assessment and Graduation Plan](#)
- [Act 1 Self-Advocacy Tool: Request to Participate in a School-Sponsored or Extracurricular Activity](#)
- [Act 1 Self-Advocacy Tool: Request to Eliminate Fines or Fees](#)
- [Act 1 Self-Advocacy Tool: Request for Act 1 Graduation Support Retroactive to School Year 2021-2022](#)

TOOLS FOR ACT 1 POINTS OF CONTACT

- [Education Law Center, ABA Center on Children & the Law, & Juvenile Law Center's Act 1 Point of Contact Checklist](#)
- [Tips & Best Practices for Act 1 Point of Contact from A4YJ & ATYS](#)

RESOURCES

ELC's [new fact sheet](https://www.elc-pa.org/wp-content/uploads/2022/05/ELCs-Act-1-Fact-sheet-May-2022-Final.pdf) 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>

Act One FAQ from ELC and JLC: <https://jlc.org/resources/act-1>

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

PDE's Basic Education Circular on Act 1: <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/Act1of2022AssistingStudentsExperiencingEducationInstability-.aspx>

Act One:

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

BACKGROUND AND POLICY RESOURCES

CREDIT OVERDUE: HOW STATES CAN MITIGATE ACADEMIC CREDIT TRANSFER PROBLEMS FOR YOUTH IN THE JUVENILE JUSTICE SYSTEM

includes credit policy examples

OPERATION: EDUCATION

From JLC's youth advocacy groups



QUESTIONS?

IDEAS?

THOUGHTS?

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