

## **Omnibus School Code of 2019 – Act 16 of 2019**

### **Frequently Asked Questions**

#### **Act 16 of 2019: Section 1326 – Definition of Compulsory School Age**

Act 16 of 2019 amends the Public School Code to redefine the definition of compulsory school age as “the period of a child’s life from the time the child’s parents elect to have the child enter school and which shall be no later than 6 years of age until the child reaches 18 years of age. The term does not include a child who holds a certificate of graduation from a regularly accredited, licensed, registered or approved high school.” 24 P.S. §13-1326.

The term “compulsory attendance” refers to the mandate that all children of compulsory school age having a legal residence in Pennsylvania must attend a day school in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language, except in certain situations found in sections 1327, 1327.1, and 1330 of the School Code. More information on those exceptions can be found below and within the Department of Education’s (Department) [Compulsory School Attendance, Unlawful Absences, and School Attendance Improvement Conferences Basic Education Circular \(BEC\)](#).

#### **Q: What is the effect of the change made to the definition of “compulsory school age”?**

A: The change has the effect of lowering the age a student is required to comply with compulsory attendance requirements from age 8 to age 6 and raising the age a student must comply with those same requirements from age 17 to age 18.

#### **Q: When does the change to compulsory school age go into effect?**

A: The change to compulsory school age takes effect beginning with the 2020-2021 school year.

#### **Q: Does the definition of compulsory school age apply to students who are in a home school program?**

A: Yes, the definition of compulsory school age applies to all children, including those who are privately tutored and home schooled.

#### **Q: When must a 6-year-old enroll and attend school?**

A: A child who has attained the age of 6 on or before September 1 must enroll and attend school or begin a home school program that school year. A child who turns 6 after September 1 must be enrolled in school or begin a home school program no later than the start of the following school year.

**Q: In what grade shall a child be placed, if the child has attained the age of 6 on or before September 1 and is enrolling in a school for the first time?**

A: Each school district or school will determine the appropriate placement for the child.

**Q: Are there any changes to the regulations regarding the enrollment of students at ages 4 or 5?**

A: No. There are no changes to the applicable statutes or regulations as they relate to the enrollment of students at age 4 or 5.

**Q: If a student has met the high school graduation requirements at the school in which they are enrolled, is the student required to remain in school until age 18?**

A: No. When a student has received a certificate of graduation from a regularly accredited, licensed, registered or approved high school, the child is no longer of compulsory school age.

**Q: Will a home school student aged 17 or younger be able to graduate with parent and evaluator approval?**

A: Yes, if the student has attained the required number of credits and the home school supervisor submits the 12<sup>th</sup> year or final evaluation to the local school district, signaling the completion of all requirements necessary for graduation. If a student has been issued a home school diploma, the student is no longer of compulsory school age.

**Q: Would a home school supervisor that has students ages 6 and 7 be required to submit an affidavit and all other required documentation as well as an annual report under this new legislation?**

A: Effective the 2020-21 school year, a home school supervisor with students who attained the age of 6 on or before September 1 and who are age 7 must submit an affidavit and all other required documentation by August 1, 2020 to be in compliance with Section 1327.1 of the School Code and compulsory school age requirements. The home school supervisor also is required to submit an annual evaluation report for these students on or before June 30, 2021.

**Q: Under what circumstances may a student withdraw from school before age 18?**

A: There are limited exceptions to compulsory attendance requirements for students under the age of 18. Those exceptions can be found in 24 P.S. §13-1330.

**Q: Would a district need a parent's permission to withdraw a student before the age of 18?**

A: A student may not withdraw before the age of 18, even with a parent signature, unless the student meets one of the exceptions to compulsory attendance found in 24 P.S. §13-1330.

### **Act 16 of 2019: Section 221.3 – Full Academic Year Requirement**

**Q: Will the exemptions identified in statute apply to students taking the PSSA and Keystone exams during the 2019-2020 school year?**

A: No. States are required to “annually measure the achievement of not less than 95 percent of all students, and 95 percent of all students in each subgroup of students, who are enrolled in public schools on [state assessments].” Apart from recently arrived English learners in the first year of testing, the Every Student Succeeds Act (ESSA) provides no blanket exemptions from incorporating student results in annual accountability calculations, nor does it permit states to institute such exemptions. Accordingly, the exemption provision in Section 221.3 is incompatible with federal law and will not take effect.

## **Other Frequently Asked Questions**

### **Act 64 of 2019: Section 1506 – Flexible Instructional Days**

Act 64 of 2019 amended the Public School Code to allow public school entities to develop a Flexible Instructional Day (FID) program as an alternative approach to delivering instruction when circumstances prevent the delivery of instruction in its customary manner or location. The FID program may be online, offline, or a combination of the two. Act 64 defines a school entity as a school district, intermediate unit, area vocational-technical school, or charter school or regional charter school, as defined under section 1703-A.

**Q: When are FID applications due to the Pennsylvania Department of Education (PDE)?**

A: All applications are due to PDE by September 1, 2019, per the statute.

**Q: Can a school entity request a deadline extension?**

A: No. PDE does not have the authority to extend the application deadline. However, the department may extend the submission of Board approval evidence until September 30, 2019. Acceptable Board evidence requires the upload of either a copy of the official minutes or a copy of the resolution presented to the Board for approval with a signed letter from the Board president verifying the date the resolution was presented and detailing the results of the vote. If submitting a letter and copy of the resolution, the official minutes must be uploaded as soon as possible after Board approval and no later than October 31, 2019.

**Q: When will a school entity be notified if their application has been accepted or denied?**

A: PDE must notify school entities by November 1, per the statute.

**Q: Where can I find the application and other FID-related information?**

A: Additional resources and information can be found on the PDE [Flexible Instructional Day Program website](#).

### **Upcoming Dates of Note**

- August 2019 E-messages from PDE will include the following information:
  - Annual Meaningful Differentiation (AMD) Updates: TSI Designations, Fall 2019
  - Schedule for Preview windows on Future Ready PA Index
- September 1, 2019 – Deadline to submit Flexible Instructional Days applications to PDE.
- Mid-September 2019 – The Pennsylvania Commission on Crime and Delinquency (PCCD) School Safety and Security Grant application will open.