
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2124 Session of
2024

INTRODUCED BY WATRO, CABELL, JAMES, CONKLIN, GILLEN, ECKER,
FLICK, KUTZ, KEEFER, FRITZ, STENDER, RYNCAVAGE, PICKETT,
BERNSTINE, BANTA, JOZWIAK, WARNER AND SCIALABBA,
MARCH 18, 2024

REFERRED TO COMMITTEE ON EDUCATION, MARCH 18, 2024

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in pupils and attendance, providing
6 for exception from compulsory education for certain children
7 with disabilities.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
11 as the Public School Code of 1949, is amended by adding a
12 section to read:

13 Section 1330.1. Exception from Compulsory Education for
14 Certain Children with Disabilities.--(a) Beginning with the
15 2024-2025 school year, a parent or guardian of a child six (6)
16 years of age who is required to attend school in this
17 Commonwealth for the first time may submit to the department a
18 request for a waiver from the requirements of compulsory
19 attendance under this act for the child if the following apply:

1 (1) The child has been clinically diagnosed by a qualified
2 health professional with autism spectrum disorder or has been
3 identified by the State as having developmental delays or
4 intellectual disabilities.

5 (2) The child has been assessed in the last six (6) months
6 by a qualified health professional approved by the State and has
7 been clinically or medically recommended for continued intensive
8 and high-structured early-intervention services based on the
9 child's development and functional skill set.

10 (3) The parent or guardian provides proof that alternative
11 services are being provided to the child or documentation of
12 effort to obtain services for the child.

13 (b) Upon receipt of a waiver request under subsection (a),
14 the department shall notify the school district of residence.

15 (c) If the requirements of subsection (a) are met, the
16 department shall approve the waiver for a period not to exceed
17 one (1) year and send an approval letter to the parent or
18 guardian and school district of residence.

19 (d) The parent or guardian of a child whose request for a
20 waiver has been approved by the department under subsection (c)
21 shall retain the right to enroll the child in the school
22 district of residence at any time during the school year.

23 (e) Notwithstanding any other provision of law, the
24 following shall apply:

25 (1) During the waiver period, the child shall be considered
26 an "eligible young child" under the act of December 19, 1990
27 (P.L.1372, No.212), known as the Early Intervention Services
28 System Act, for the purposes of receiving early intervention
29 services.

30 (2) At the end of the waiver period, a parent or guardian

1 may enroll the child in kindergarten or first grade for the next
2 school year.

3 (f) The department shall issue guidelines to implement this
4 section within thirty (30) days of the effective date of this
5 subsection.

6 Section 2. This act shall take effect immediately.