



FACT SHEET

Supporting Graduation & Equal Access for Students Experiencing Homelessness, in Foster Care or in the Juvenile Justice System

MAY 2022

*In January 2022, the General Assembly enacted **Act 1 of 2022 (Act 1)** (24 P.S. § 13-1331.1), which seeks to remove educational and graduation barriers for students who experience “education instability” due to homelessness, foster care, involvement in the juvenile justice, or court-ordered placements. These students often face barriers to fully participating in school and timely graduation, due to lost or unrecognized credits or a student’s inability to take a course required by their last school.*

Act 1 of 2022 seeks to address these barriers and promote timely high school graduation and equal access to school engagement for students who experience one or more school changes during a single school year due to homelessness, involvement in the foster care or juvenile justice systems, or court-ordered placements. This FAQ provides details on the provisions of the new law, how it can help students, and how advocates can ensure that young people receive the benefit of the law.

What are the goals of Act 1 and how are those goals accomplished?

Act 1 aims to remove barriers to educational success and timely graduation for students who experience school disruption or “education instability.” Act 1 achieves these goals by requiring school districts to create an infrastructure to:

- identify eligible students for support under Act 1
- designate a Point of Contact to ensure that eligible students receive the benefit of Act 1
- facilitate prompt transfer of education records and appropriate placement
- ensure that students receive full and partial credit for all work completed
- waive local graduation requirements that would otherwise serve as a barrier to participation in extracurricular activities or utilize other methods to fulfill requirements

- develop a graduation plan to ensure timely graduation
- work with a prior school district to confer a diploma if a student is unable to graduate from their current school
- work with the Department of Education to obtain a state-issued Keystone Diploma if other options are exhausted.

When is the law effective?

The law became effective in January 2022, and all provisions apply immediately, except that a statewide Keystone Diploma will first be available to the graduating class of 2023.

Which students does Act 1 apply to?

The law applies to students who experience *one or more school changes in a school year* due to homelessness, adjudication, foster care, and juvenile justice or court-ordered placements. It applies to students returning to their former school, starting at a new school, or re-engaging in school after an extended absence. It includes students placed in privately licensed schools, including placements for non-educational purposes, group homes, residential treatment facilities, detention centers, state secure facilities, and other residential settings.

What schools does the law apply to?

The law applies to “a school entity.” This includes any school district (including a host district where a residential placement is located or a school operated by a school district or intermediate unit, or a Private Residential Rehabilitation Institution (PRRI), a charter school, including a cyber charter school, intermediate unit (IU), or a career and technical school.

How are students identified?

It is the school entity’s responsibility to proactively identify students. School staff shall review student records to determine eligibility, but the reason that the student is eligible for the protections of Act 1 will remain confidential. No student is required to disclose any charge, detention, or adjudication of delinquency. Parents, advocates, and supportive adults should help ensure that eligible youth are identified by their school and request services and supports under Act 1.

Ensuring Equal Access

How does Act 1 eliminate barriers to participation in school-sponsored extracurriculars?

The school entity that a student currently attends, called the receiving school, cannot limit student participation in extracurricular activities or school-sponsored activities through fees, fines, and other requirements that may present barriers to participation. To reduce barriers, schools must take actions such as:

- refraining from imposing fines or other penalties for students who are unable to obtain a uniform
- waiving activity fees
- waiving enrollment deadlines for students to participate in extracurricular and school-sponsored activities.

When schools collect fees, they create barriers that prevent students from participating in activities that can help them feel connected to their school. Schools should eliminate fees and fines that prevent students from participating and engaging in school activities due to cost.

Can students experiencing education instability be penalized for uniform or dress code violations?

No. Students cannot be penalized for a dress code violation or consequences related to delays in obtaining a uniform.

What is the role of a Point of Contact?

Points of Contact (POCs), who are assigned by the school entity, are responsible for supporting students to make smooth and successful transitions between schools and to graduate on time. To accomplish those goals, POCs should do the following for all eligible students:

- Request complete student information and records from prior school entity, county agency, and student's education decision maker. (The prior school should provide the information within 10 business days.)
- Facilitate expedited consultation with the school counselor or other mental health professionals, as appropriate
- Facilitate the prompt placement of a student in the appropriate courses
- Connect the student with appropriate education services.

For students in high school, POCs:

- Review all records and assess a student's credits in accordance with policies and procedures established by the school entity
- Help develop and execute a student-specific graduation plan
- Request a high school diploma from the prior school entity if applicable

- Assist the student to obtain a statewide Keystone Diploma described below, if needed.

How is a Point of Contact assigned?

The school entity must assign a Point of Contact to students experiencing education instability to ensure a smooth transition to the receiving school and assist high school students with timely graduation. The name and contact information of the POC must be listed in the student's educational records and provided to the student's education decision maker.

Ensuring Prompt Graduation

How do schools ensure prompt graduation through assessment of credits?

School entities must create procedures for full and partial credit transfer of coursework satisfactorily completed at all prior school entities. If a student was able to complete a course, they should receive full credit. If a student was able to complete some of a course at a prior school, but not all of it, they should be awarded partial credits for the work they were able to complete. This process makes sure that a student's hard work counts towards graduation. Schools are required to recognize and award credit for courses and partial courses appearing on previous school records.

Assessing credit for coursework can also consider the following as evidence:

- demonstration of competency by the student
- performance by a student on an examination
- successful completion of a career and technical education course
- any other evidence or method the school entity deems appropriate to determine competency by the student.

What processes should a school undertake to verify credits and ensure youth are awarded the credit they are due?

Here are steps that the school can take to verify and award credits:

1. **Verify all full and partial credits a student has earned by reviewing the student's prior transcripts.** Even if a student was not able to complete a course, the student must be awarded partial credit based on a school entity's policies. If there are questions, contact the prior school and discuss the course with the student. Importantly, school entities may use different names for a course that meets the same graduation requirement. For example, one school entity may refer to the course as 9th Grade English while another school entity may use a different name (e.g., Mythology). Even if a school uses a different name for a course, a student must be given credit for the requirement if the

course they took at a prior school is the “equivalent” to the course required by the new school. This is particularly true of courses at schools associated with a residential placement that may sound like an elective but may actually fulfill a core course requirement.

2. **Determine what partial credits will be awarded and how the student may complete missing partial credits for that course if needed.**

What are the alternatives if the student has not earned certain course credits required for graduation?

If the student did not complete a course required for graduation, consider the following options:

1. Consider if the course should be waived because, for example, the student did not have opportunity to take the course (e.g., the student needs 9th grade civics, but never had a chance to take that course). School entities may waive a course required for graduation in light of the student’s circumstances.
2. If a course required for graduation is NOT waived, an alternative or modified course of study should be provided to the student to aid in acquiring competency in the content area by the expected graduation date. To that end:
 - a) Consider if a different class fulfills the requirement that the student is missing (e.g., if the class is coded as Mythology, consider whether it was actually teaching skills similar to those taught in English 10).
 - b) Consider if the student can demonstrate competency for the course through one of the following alternative methods:
 - i. Demonstration of competency (e.g., the student completed an internship that provided the opportunity to build similar skills)
 - ii. Successful performance on a subject matter exam
 - iii. Successful completion of a higher-level course that indicates competency in a lower-level course
 - iv. Successful completion of a career or technical education course
 - v. Other evidence or methods that the school entity deems appropriate.

Schools are encouraged to be flexible in the assessment of credits and implementation of this process to meet the needs of the individual student whose credits are being assessed.

Are students who experience “education disruption” entitled to a graduation plan?

Yes. Students are entitled to an individualized student-specific graduation plan that outlines the courses necessary for the student to graduate from high school on time and successfully transition to postsecondary education and/or the workforce. The student and student’s educational decision maker should understand and help develop the graduation plan with the Point of Contact to make sure that the student’s goals and needs are centered. The graduation plan will be developed by the Point of Contact along with the student and the student’s education decision maker.

When can the Point of Contact request a diploma from a prior school entity?

if a student is not eligible to graduate from the current school after the school has waived courses and/or provided alternative courses of study, a Point of Contact may request a high school diploma from the prior school entity. A student may be able to graduate from a prior school due to different local credit or course requirements for graduation or different policies relating to waivers and partial credits.

When is a student eligible to apply for a Keystone Diploma?

If a student has exhausted all other graduation options, including seeking a diploma from a prior school, and the student has met state graduation requirements, a POC shall assist them to apply for a statewide secondary school diploma, known as a “Keystone Diploma.” Importantly, this option should only be pursued as a last resort after other options for graduation have been exhausted. **The Keystone Diploma will be available beginning in the 2022-2023 school year.**

To qualify for a statewide Keystone Diploma, a student must complete statewide graduation requirements under Act 158. The diploma will be awarded to the student in a standardized form developed by the Pennsylvania Department of Education. A Keystone high school diploma will be the statewide, standardized equivalent of a high school diploma. It is not a GED.

The eligibility requirements for obtaining a statewide Keystone Diploma will be released by the Pennsylvania Department of Education along with **comprehensive guidance by August 1, 2022**. The Department issued an interim [Dear Colleague Letter](#) on April 25, 2022.

The Education Law Center-PA (ELC) is a nonprofit, legal advocacy organization with offices in Philadelphia and Pittsburgh, dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through legal representation, impact litigation, trainings, and policy advocacy, ELC advances the rights of underserved children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, English learners, LGBTQ students, and children experiencing homelessness.

ELC’s publications provide a general statement of the law. However, each situation is different. If questions remain about how the law applies to a particular situation, contact ELC’s Helpline for information and advice – visit www.elc-pa.org/contact or call 215-238-6970 (Philadelphia) or 412-258-2120 (Pittsburgh) – or contact another attorney of your choice.