

# Act 1: Supporting Graduation and Equal Access for Students Experiencing Homelessness, in Foster Care, or in the Juvenile Justice System

August 2023

In January 2022, the Pennsylvania 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 system, 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 important state law is the result of more than a decade of advocacy by young people who experienced educational disruptions, advocates, legislators, and attorneys.<sup>1</sup> This fact sheet provides details on the provisions of the 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.”<sup>2</sup> Act 1 achieves these goals by requiring school districts to create an infrastructure to:

- Identify all eligible students for support under Act 1,<sup>3</sup> including students who should have been identified as being eligible in prior school years but were not.<sup>4</sup>
- Designate a preferably “building-level” point of contact to ensure that eligible students receive the benefits of Act 1.<sup>5</sup>
- Facilitate prompt transfer of education records and appropriate course placement.<sup>6</sup>
- Ensure that students receive full and partial credit for all work completed at all prior school entities.<sup>7</sup>

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- Waive local graduation requirements that would otherwise serve as a barrier to participation in extracurricular activities or utilize other methods to fulfill requirements.<sup>8</sup>
- Develop a graduation plan to ensure timely graduation.<sup>9</sup>
- Work with a prior school district to confer a diploma if a student is unable to graduate from their current school.<sup>10</sup>
- Work with the Pennsylvania Department of Education (PDE) to obtain a state-issued Keystone diploma if other options are exhausted.<sup>11</sup>

### When is the law effective?

The law became effective in January 2022.<sup>12</sup> PDE released a [“Dear Colleague” letter](#) regarding Act 1 in April 2022,<sup>13</sup> issued a [Basic Education Circular](#) to school entities on how to implement Act 1 in August 2022,<sup>14</sup> and released a comprehensive training video on Act 1 in fall 2022.<sup>15</sup>

Importantly, Act 1’s graduation provisions apply retroactively to eligible students who attended school during the 2021-2022 school year and beyond but were not offered a pathway to on-time graduation.<sup>16</sup> These students can reach out to the last school they attended, request that a point of contact be assigned, and work with the point of contact to determine a pathway to immediate graduation without needing to attend additional classes.<sup>17</sup> Potential pathways to graduation include: (1) graduating from their current school or the school they most recently attended in 2021-2022 if they are not currently enrolled in school; (2) graduating from a prior school; or (3) as a last resort, applying for a Keystone diploma from PDE. If the student is no longer in school, their diploma will be dated retroactively to the school year in which the student last attended.<sup>18</sup>

### 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.<sup>19</sup> It applies to students returning to their former school, starting at a new school, or reengaging in school after an extended absence.<sup>20</sup> It includes students placed in privately licensed schools, including placements for noneducational 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.”<sup>21</sup> 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.<sup>22</sup> Multiple schools may be part of a single school entity. For example, a school district, such as the School District of Philadelphia or Pittsburgh Public Schools, may contain multiple elementary, middle, and high schools, but still can be a single “school entity” under Act 1.

### Who is responsible for identifying Act 1 eligible students?

It is the school entity’s responsibility to proactively identify all Act 1 eligible students, including students who should have been identified in the prior school year but were not.<sup>23</sup> Students can self-identify, and caregivers, educational decision makers (EDMs), and advocates can also identify students as being Act 1 eligible, but the onus is on schools to proactively identify students. Use ELC’s Act 1 [Self-Advocacy Tool: Request for Assignment of an Act 1 Point of Contact](#) to help a student self-identify as being Act 1 eligible.

### How are Act 1 eligible students identified by school entities?

PDE requires all school entities to “be flexible in determining eligibility based on minimal documentation,” which could include a “letter, email, verbal confirmation or other documentation.”<sup>24</sup> Many different individuals can confirm eligibility, including shelter providers, outreach workers, case managers, juvenile probation officers, and others with such knowledge.<sup>25</sup> Additionally, PDE’s Act 1 [“Dear Colleague” letter](#) directs schools to provide “services and protections broadly and without requiring the student to produce eligibility evidence.”<sup>26</sup>

School staff shall review student records to determine eligibility, but the reason that the student is eligible for the protections of Act 1, like involvement in the juvenile justice system, will remain confidential.<sup>27</sup> Points of contact must take special care to ensure that each student is afforded all Act 1 protections without disclosing the basis of the student’s eligibility unless a student gives permission.<sup>28</sup> No student should be asked to disclose any charge, detention, or adjudication of delinquency, as this information is confidential.<sup>29</sup> Parents, advocates, and supportive adults should help ensure that eligible youth are identified by their school and are encouraged to request services and supports under Act 1.

### If a student was not previously identified as Act 1 eligible, can they now be identified?

Yes. It is the school entity’s responsibility to proactively identify all Act 1 eligible students, including students who should have been identified in a prior school year but were not.<sup>30</sup> For example, a current 12<sup>th</sup> grade student who experienced homelessness and changed schools twice when they were in the 9<sup>th</sup> grade is Act 1

eligible and must be recognized, even if they were not identified in prior school years.

### How does Act 1 interact with other laws?

Act 1 works in tandem with other civil rights laws that protect eligible students, such as the McKinney-Vento Act, Every Student Succeeds Act (ESSA), and laws protecting students who are people with disabilities, such as the Individuals with Disabilities Education Act (IDEA) and the Americans with Disabilities Act (ADA). Act 1 does not “abridge or undermine” these or other civil rights laws that protect and advance the rights of students.<sup>31</sup>

### ENSURING EQUAL ACCESS

#### How does Act 1 help to address education disruptions caused by systemic racism, particularly anti-Black racism, and discrimination?

Research has helped us understand that children of color in Pennsylvania communities and across the nation are more likely to experience homelessness<sup>32</sup>, come into contact with the child welfare<sup>33</sup> or juvenile justice systems,<sup>34</sup> and remain in these systems for extended periods of time due to deeply entrenched systemic racism and discrimination.<sup>35</sup> These disparities are particularly acute for Black children due to systemic anti-Black racism,<sup>36</sup> which is defined by the Center for the Study of Social Policy as “any attitude, behavior, practice or policy that explicitly or implicitly reflects that Black people are inferior to another racial group.”<sup>37</sup>

Act 1 is an important move forward in addressing these pervasive educational inequities caused by repeated moves. Educational displacements disrupt students’ access to school and school-based supports, like special education, for which students experiencing homelessness and students in the child welfare or juvenile justice systems are disproportionately eligible.<sup>38</sup>

#### 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.<sup>39</sup>
- Waiving “each fee that would otherwise be assessed against the student.”<sup>40</sup>
- Waiving enrollment deadlines for students to participate in extracurricular and school-sponsored activities,<sup>41</sup> including if a student arrives at a school entity midyear.<sup>42</sup>

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 for all students, regardless of Act 1 eligibility, as they often prevent students from participating and engaging in school activities due to cost. Importantly, PDE has recognized that fees “can be harmful to students and families and may create barriers to full participation in school.”<sup>43</sup> Some examples of fees that should be waived include fees for participation (athletics, extracurriculars, school-sponsored trips, clubs, courses, or materials), and for school IDs, uniforms, lost or damaged materials, athletic physical exams, parking or driving, school lunch, library use, locker or padlock rental or replacements, summer school, credit recovery, technology, or graduation regalia.<sup>44</sup>

See ELC’s Act 1 self-advocacy tools, [Request to Participate in an Extracurricular or School-Sponsored Activity](#) and [Request to Eliminate Fees and Fines](#), to support an eligible student who is facing a barrier to full participation.

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

No. These students cannot be penalized for a dress code violation or consequences related to delays in obtaining a uniform.<sup>45</sup>

### What is the role of a point of contact?

Points of contact, who are preferably “building-level” personnel assigned by the school entity, are responsible for supporting students to make smooth and successful transitions between schools and to graduate on time.<sup>46</sup> To accomplish those goals, points of contact should do the following for all eligible students:

- Request complete student information and records from the prior school entity, county agency, and the student’s EDM.<sup>47</sup> (The prior school should provide the information within 10 business days.)<sup>48</sup>
- Facilitate expedited consultation with the school counselor or other mental health professionals, as appropriate.<sup>49</sup>
- Facilitate the prompt placement of a student in the appropriate courses.<sup>50</sup>
- Connect the student with appropriate education services.<sup>51</sup>
- Support student integration into school-based activities and extracurriculars without imposing fees at any point in the school year.<sup>52</sup>

For students in high school (9th-12th grades), points of contact should also:

- Review all records and assess a student’s credits in accordance with policies and procedures established by the school entity.<sup>53</sup>
- Help develop and execute an “individualized and student-specific graduation plan.”<sup>54</sup>
- Request a high school diploma from the prior school entity, if applicable.<sup>55</sup>
- Assist the student to obtain a Keystone diploma described below, if needed.<sup>56</sup>

### Are there resources to support points of contact in ensuring students are fully protected under Act 1?

Yes. Points of contact serve an essential role in ensuring that eligible students are afforded all rights and protections under Act 1, and there are resources to support professionals in this role. PDE recently released a [training video](#) on Act 1, which includes important information for Act 1 points of contact and outlines key rights and responsibilities under this law.<sup>57</sup>

To learn directly from young people with lived experience and expertise on how to fully support Act 1 eligible students, please see [Tips & Best Practices for Act 1 Points of Contact: Lessons from Youth With Lived Experience](#), which was created in partnership with Juvenile Law Center’s youth programs ([Advocates Transforming Youth Systems](#) and [Advocates for Youth Justice](#)).<sup>58</sup> For a detailed description of duties undertaken by points of contact and a tool for points of contact to use, see the [Act 1 Point of Contact Checklist](#), created by the American Bar Association Center on Children and the Law, Juvenile Law Center, and ELC.<sup>59</sup>

### How is a point of contact assigned?

The school entity must assign a preferably “building level” point of contact to students experiencing education instability.<sup>60</sup> This person is “key to welcoming students and supporting a smooth and successful transition.”<sup>61</sup> The name and contact information of the point of contact must be listed in the student’s educational records and provided to the student’s EDM.<sup>62</sup> If the assigned point of contact is “unfamiliar with the student being served,” they should “seek out the knowledge and expertise of school personnel who know the student,” as outlined in PDE’s guidance.<sup>63</sup> It is best practice for points of contact to ask the student being served if there are specific school personnel who have been supportive of them in the past who the point of contact should contact for more information. See ELC’s Act 1 Self-Advocacy Tool: [Request for Assignment of Point of Contact for a Student Experiencing Education Instability](#) to support an eligible student who has not yet been assigned a point of contact.

## ENSURING PROMPT GRADUATION

### How do schools ensure prompt graduation through assessment of credits?

School entities must create procedures for full and partial credit transfer for all coursework satisfactorily completed at all prior school entities.<sup>64</sup> 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 credit 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 all courses and partial courses appearing on previous schools' records.

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

- demonstration of competency by the student.<sup>65</sup>
- performance by a student on an examination.<sup>66</sup>
- successful completion of a career and technical education course.<sup>67</sup>
- any other evidence or method the school entity deems appropriate to determine competency by the student.<sup>68</sup>

### 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 about the content of a course, the current school's point of contact should reach out to the student's prior school and discuss the course's content with the student. Points of contact must also "investigate" whether a course taken at a prior school fulfills a requirement at a student's current school.<sup>69</sup> Importantly, school entities may use different names for a course that meets the same graduation requirement, as recognized by PDE.<sup>70</sup> 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. See ELC's Act 1 self-advocacy tool: [Request for Credit Assessment and Graduation Plan](#) to support a student whose credits have not been counted and verified.

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

See this [Act 1 Point of Contact Checklist](#) for a tool that will help ensure all full and partial credits are counted.<sup>71</sup>

### 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 the 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.<sup>72</sup>
2. If a course required for graduation is **not** waived, an alternative or modified course of study must be provided to the student to aid in acquiring competency in the content area by the expected graduation date.<sup>73</sup> 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).<sup>74</sup>
  - 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).<sup>75</sup>
    - ii. Successful performance on a subject matter exam.<sup>76</sup>
    - iii. Successful completion of a higher-level course that indicates competency in a lower-level course.<sup>77</sup>
    - iv. Successful completion of a career or technical education course.<sup>78</sup>
    - v. Other evidence or methods that the school entity deems appropriate.<sup>79</sup> PDE's guidance references allowing school entities to use methods such as submitting an essay, completing a presentation or project, experiential learning opportunities, or internships to establish competency.<sup>80</sup>

School entities 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 9th-12th grade students who experience education disruption entitled to a graduation plan?

Yes. All Act 1 eligible students in grades 9-12 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.<sup>81</sup> The student and the student’s EDM should understand the graduation plan and work 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 EDM. This plan must be included in a student’s education record.<sup>82</sup>

### Do Act 1 eligible students need to meet statewide graduation requirements?

Generally, yes. Act 1 eligible students must meet statewide graduation requirements in many cases.<sup>83</sup> However, there are notable exceptions that can apply to some students. Students with IEPs who are graduating on goals rather than on the acquisition of credits are not required to meet these requirements, as explained in more detail below.<sup>84</sup> Additionally, if a student is not able to meet statewide graduation requirements and does not have an IEP or is not graduating based on the completion of IEP goals, there are still options for a student to graduate in the current school year, including by getting a waiver by the school’s “chief administrative officer,” due to extenuating circumstances such as the pandemic or “frequent school transfers,” or a “family emergency.”<sup>85</sup> For more information on graduation requirements, including the waiver process, please see the [Pennsylvania Department of Education’s Pathways to Graduation Toolkit](#) and ELC’s fact sheet on [Graduation Requirements in Pennsylvania](#).<sup>86</sup>

### 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.<sup>87</sup> 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.<sup>88</sup>

### 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 point of contact shall assist them in applying for a statewide secondary school diploma, known as a “Keystone diploma.”<sup>89</sup> Importantly, this option should only be pursued as a last resort after other options for graduation have been exhausted.

A student who attended school in the 2021-2022 school year and meets the requirements for a Keystone diploma can still apply for and be awarded a Keystone diploma with the help of a point of contact from their school if they do not qualify for a diploma from their prior schools.<sup>90</sup> In these cases, the Keystone diploma will be dated retroactively to the 2021-2022 school year in accordance with Act 55.<sup>91</sup>

To qualify for a Keystone diploma, a student must complete statewide graduation requirements under Act 158 and meet PDE's eligibility requirements.<sup>92</sup> Points of contact must help eligible students complete [PDE's application for a Keystone diploma](#).<sup>93</sup> 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.<sup>94</sup> It is not a GED.<sup>95</sup>

### How does Act 1 apply to students who should have been identified in the 2021-2022 school year but were not offered a pathway to on-time graduation?

Students who attended school in the 2021-2022 school year but were not offered a pathway to on-time graduation may graduate ***without attending school or completing additional requirements***.<sup>96</sup>

To initiate this process, the school entity should reach out to an eligible student at the school the student is currently attending – or last attended if the student is not currently enrolled in school – and must assign a point of contact. The point of contact must work with the student to identify a pathway to on-time graduation and support the student in obtaining a diploma from the school they last attended, a prior school, or through the statewide Keystone diploma process. A student's diploma will be retroactively dated to the 2020-2021 school year.<sup>97</sup>

Individuals supporting a student should immediately let the appropriate school know the eligible student needs to be offered a pathway to on-time graduation, although it remains the school entity's obligation to identify such students.<sup>98</sup> See ELC's Act 1 self-advocacy tool, [Request for Act 1 Graduation Support Retroactive to 2021-22](#), to help eligible students navigate this process.

### How must school entities protect the rights of students with disabilities when determining a pathway to graduation under Act 1?

School entities must uphold all rights a student with a disability has under their IEP or Section 504 accommodations plan.<sup>99</sup> Act 1 does not conflict or interfere with the rights of a student with an IEP to graduate through credit acquisition or by successful completion of IEP goals. Nor does it interfere with the right of a student to stay in school until the end of the school year in which they turn 21, even if Act 1 offers an "earlier pathway to graduation."<sup>100</sup> Students graduating on goals are not required to

meet statewide graduation requirements set forth in Act 158 and Act 6.<sup>101</sup> Should a student elect to remain in school until the end of the school year in which they turn 21, they are still able to walk with their graduating class and participate in the school entity's graduation ceremony.<sup>102</sup>

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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, multilingual 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](http://www.elc-pa.org/contact) or call 215-238-6970 (Philadelphia) or 412-258-2120 (Pittsburgh) – or contact another attorney of your choice.

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<sup>1</sup> FAQs: *Pennsylvania's Act 1*, Juvenile Law Center (Sept. 26, 2022), <https://jlc.org/resources/act-1>.

<sup>2</sup> 24 Pa. Stat. Ann. § 1331.1(e) (defining educational instability as “[o]ne or more changes in school entity enrollment during a single school year as a result of any of the following: (1) Homelessness ... as determined by the school entity. (2) An adjudication: (i) of dependency under 23 Pa.C.S. Ch. 63 (relating to child protective services) and 42 Pa.C.S. Ch. 63 (relating to juvenile matters); (ii) of delinquency under 23 Pa.C.S. Ch. 63 and 42 Pa.C.S. Ch. 63, if the parent or guardian of the student wishes to disclose the adjudication of delinquency; or (iii) as part of court-ordered services under a voluntary placement or custody agreement.”).

<sup>3</sup> Pa. Dep't of Educ., Basic Educ. Circular, *Act 1 of 2022 - Assisting Students Experiencing Education Instability* (Aug. 1, 2022), <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/Act1of2022AssistingStudentsExperiencingEducationInstability.aspx> <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/Act1of2022AssistingStudentsExperiencingEducationInstability.aspx> Pa. Dep't of Educ., “Dear Colleague” letter, *Act 1 of 2022: Supporting Graduation For Students Experiencing Education Instability* [hereinafter Dear Colleague letter], <https://www.education.pa.gov/K-12/Pages/Act1of2022.aspx> (last visited July 18, 2022).

<sup>4</sup> *Assisting Students Experiencing Education Instability*, *supra* note 3.

<sup>5</sup> 24 § 13-1331.1(a)(1); *see* Dear Colleague letter, *supra* note 3 (specifying that the point of contact should be at the building level).

<sup>6</sup> 24 § 13-1331.1(b)(2); *id.* § 13-1331.1(b)(4).

<sup>7</sup> *Id.* § 13-1331.1(a)(2).

<sup>8</sup> *Id.* § 13-1331.1(c)(2).

<sup>9</sup> *Id.* § 13-1331.1(b)(5).

<sup>10</sup> *Id.* § 13-1331.1(c)(3).

<sup>11</sup> *Id.* § 13-1331.1(c)(5).

<sup>12</sup> *Id.* § 13-1331.1.

<sup>13</sup> Dear Colleague letter, *supra* note 2.

<sup>14</sup> *Assisting Students Experiencing Education Instability*, *supra* note 3.

<sup>15</sup> Pa. Dep't of Educ., *Act 1 Overview Training*, Youtube (2022), <https://www.youtube.com/watch?v=xR3uhspwQFU>.

<sup>16</sup> 24 §§ 13-1331.1(c)(5)-.1(c)(5.1).

<sup>17</sup> *Assisting Students Experiencing Educ. Instability*, *supra* note 3.

<sup>18</sup> 24 § 13-1331.1(c)(5.1).

<sup>19</sup> *Id.* § 13-1331.1(e) (defining education instability (*see supra* note 1)).

<sup>20</sup> *Assisting Students Experiencing Educ. Instability, supra* note 3.

<sup>21</sup> 24 § 13-1331.1(e) (defining school entity as any of the following: “(1) A school district. (2) A charter school. (3) A cyber charter school. (4) A regional charter school. (5) An intermediate unit. (6) A career and technical school.”).

<sup>22</sup> *Id.*

<sup>23</sup> *Assisting Students Experiencing Educ. Instability, supra* note 3.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *See* Dear Colleague letter, *supra* note 3.

<sup>27</sup> *See* Dear Colleague letter, *supra* note 3; *Assisting Students Experiencing Educ. Instability, supra* note 3.

<sup>28</sup> *Assisting Students Experiencing Educ. Instability, supra* note 3.

<sup>29</sup> *Id.*

<sup>30</sup> *Assisting Students Experiencing Educ. Instability, supra* note 3.

<sup>31</sup> *Id.*

<sup>32</sup> Nat’l Ctr. for Homeless Educ., *Student Homelessness in America: Sch. Years 2017-18 to 2019-20*, 2 (2021), <https://nche.ed.gov/wp-content/uploads/2021/12/Student-Homelessness-in-America-2021.pdf> (“Students of color experience homelessness at higher proportions than expected based on the overall number of students. Hispanic and Latino students accounted for 28% of the overall student body but 38% of students experiencing homelessness; Black and African American students accounted for 15% of the overall student body but 27% of students experiencing homelessness (NCES, 2021). While White students accounted for 46% of all students enrolled in public schools, they represent 26% of students experiencing homelessness.”); *see also* Pa. Dep’t of Educ., *Educ. for Child. and Youth Experiencing Homelessness Program 2020-21 State Evaluation Report* (May 2022), <https://www.education.pa.gov/Documents/K-12/Homeless%20Education/Reports/2020-21%20ECYEH%20State%20Evaluation%20Report.pdf>.

<sup>33</sup> Pa. Dep’t of Hum. Services, *Racial Equity Report 2021: Leading the Fight for Justice, Equity, and Opportunity for All People 2* (2021) [hereinafter Racial Justice Report], <https://www.dhs.pa.gov/about/Documents/2021%20DHS%20Racial%20Equity%20Report%20final.pdf> (“Black children represent 35 percent of Pennsylvania’s foster care population, despite accounting for just 13 percent of children in Pennsylvania. Two-thirds of youth referred to DHS’ secure youth treatment centers are Black. This disproportionality is the result of centuries of systemic racism.”).

<sup>34</sup> Pa. Juvenile Justice Task Force, *Report & Recommendations 26-28* (June 2021) [hereinafter Juvenile Justice Task Force Report], [https://www.senatorbaker.com/wp-content/uploads/sites/28/2021/06/PA-Juvenile-Justice-Task-Force-Report-and-Recommendations\\_FINAL.pdf](https://www.senatorbaker.com/wp-content/uploads/sites/28/2021/06/PA-Juvenile-Justice-Task-Force-Report-and-Recommendations_FINAL.pdf) (“Black Non-Hispanic youth make up 14 percent of the statewide youth population and 38 percent of written allegations coming into the system. Yet they represent 62 percent of youth held in detention prior to adjudication, 47 percent of youth sent to residential placement, 62 percent of youth charged as adults through statutory exclusion (i.e., directly filed in adult court), and 55 percent of youth charged in adult court at the discretion of a juvenile court judge . . . [and those disparities persist] even when youth are charged with the same offense. For misdemeanor drug possession—the second-most common offense leading to the removal of youth from their homes—Black Non-Hispanic males make up 16 percent of written allegations but 33 percent of residential placements for that charge.”).

<sup>35</sup> Children of color, particularly Black children, are in these systems the longest due to systemic racism and individual anti-Black racial bias. *See* Racial Justice Report, *supra* note 33, at 13 (“Once Black children become known to the child welfare system, they are more likely to enter foster care and stay in foster care longer than White children. Currently, 35 percent of children in foster care are Black, and Black children represent 42 percent of children who have been in foster care for two years or more.”); *id.* at 15 (“[Y]outh of color, especially boys, are more likely to be removed from home even for identical offenses, than other youth. Youth of color are also more likely to be kept under court

supervision longer and prosecuted more often as adults than other youth.”); *see also* Juvenile Justice Task Force Report, *supra* note 34.

<sup>36</sup> Racial Justice Report, *supra* note 33 (using data to show how systemic racism, especially towards Black individuals “has prevented equitable access to quality education, housing, nutritious food, employment, medical care, social service programs, and the delivery of justice”).

<sup>37</sup> Ctr. for the Study of Soc. Pol’y, *Using an Anti-Racist Intersectional Frame at CSSP*, (Nov. 20, 2019), <https://cssp.org/wp-content/uploads/2019/09/Antiracist-Frame-11.20.19.pdf>.

<sup>38</sup> U.S. Dep’t of Educ., Letter from Off. of Special Educ. and Rehabilitative Services to State Director of Special Educ. (Nov. 10, 2022), <https://sites.ed.gov/idea/files/Letter-to-State-Directors-of-Special-Education-on-Ensuring-a-High-Quality-Education-for-Highly-Mobile-Children-11-10-2022.pdf>.

<sup>39</sup> 24 § 13-1331.1(a)(3); *see* Dear Colleague letter, *supra* note 3.

<sup>40</sup> 24 § 13-1331.1(a)(4).

<sup>41</sup> *Id.* § 13-1331.1(a)(5); *see* Dear Colleague letter, *supra* note 3.

<sup>42</sup> *Assisting Students Experiencing Educ. Instability*, *supra* note 3.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> 24 § 13-1331.1(a)(3).

<sup>46</sup> *Id.* § 13-1331.1(a)(1); *see* Dear Colleague letter, *supra* note 3 (indicating that the point of contact is preferably someone at the building level).

<sup>47</sup> 24 § 13-1331.1(b)(4).

<sup>48</sup> *Id.*

<sup>49</sup> *Id.* § 13-1331.1(b)(1).

<sup>50</sup> *Id.* § 13-1331.1(b)(2).

<sup>51</sup> *Id.* § 13-1331.1(b)(3).

<sup>52</sup> *See* Dear Colleague letter, *supra* note 3.

<sup>53</sup> 24 § 13-1331.1(a)(2).

<sup>54</sup> 24 § 13-1331.1(b)(5); *Assisting Students Experiencing Educ. Instability*, *supra* note 3.

<sup>55</sup> *Id.* § 13-1331.1(c)(3).

<sup>56</sup> *Id.* § 13-1331.1(c)(5).

<sup>57</sup> *Act 1 Overview Training*, *supra* note 15.

<sup>58</sup> Advocates Transforming Youth Systems & Advocates for Youth Just., *Tips & Best Practices for Act 1 Points of Contact: Lessons from Youth with Lived Experience*, Juvenile Law Ctr. (Sept. 2022)

[hereinafter *Best Practices for Act 1 Points of Contact*],

<https://jlc.org/sites/default/files/attachments/2022-09/Act%201%20Fact%20Sheet%20Final.pdf>. *See generally* *Advocates Transforming Youth Systems*, Juvenile Law Ctr., <https://jlc.org/ATYS> (last visited June 20, 2023); *Advocates for Youth Just.* Juvenile Law Ctr., <https://jlc.org/A4YJ#:~:text=Advocates%20for%20Youth%20Justice%2C%20one,projects%20to%20improve%20the%20system> (last visited June 20, 2023).

<sup>59</sup> *Best Practices for Act 1 Points of Contact*, *supra* note 58.

<sup>60</sup> *Id.* § 13-1331.1(a)(1); *see* Dear Colleague letter, *supra* note 3 (indicating that the point of contact is preferably someone at the building level).

<sup>61</sup> *See* Dear Colleague letter, *supra* note 3.

<sup>62</sup> 24 § 13-1331.1(a)(1).

<sup>63</sup> *Assisting Students Experiencing Educ. Instability*, *supra* note 3.

<sup>64</sup> 24 § 13-1331.1(a)(2).

<sup>65</sup> *Id.* § 13-1331.1(c)(1)(i).

<sup>66</sup> *Id.* § 13-1331.1(c)(1)(ii).

<sup>67</sup> *Id.* § 13-1331.1(c)(1)(iii).

<sup>68</sup> *Id.* § 13-1331.1(c)(1)(iv).

<sup>69</sup> *Assisting Students Experiencing Educ. Instability*, *supra* note 3.

<sup>70</sup> *Id.*

<sup>71</sup> Am. Bar Ass’n Ctr. on Child. and the Law et al., *Act 1 Point of Contact Checklist*, Juvenile Law Ctr. (Aug. 1, 2022), <https://jlc.org/sites/default/files/attachments/2022->

[09/Act%201%20Point%20of%20Contact%20Checklist-%20Final%20Aug.%201st%20ELC%20%2B%20ABA%20JLC%20logos.pdf](#).

<sup>72</sup> 24 § 13-1331.1(c)(1).

<sup>73</sup> *Id.* § 13-1331.1(c)(2).

<sup>74</sup> *Id.* § 13-1331.1(c)(1); *See Assisting Students Experiencing Educ. Instability*, *supra* note 3 (recognizing that courses with different titles may fulfill the same content requirement).

<sup>75</sup> 24 § 13-1331.1(c)(1)(i).

<sup>76</sup> *Id.* § 13-1331.1(c)(1)(ii).

<sup>77</sup> *Assisting Students Experiencing Educ. Instability*, *supra* note 3.

<sup>78</sup> *Id.* § 13-1331.1(c)(1)(iii).

<sup>79</sup> *Id.* § 13-1331.1(c)(1)(iv).

<sup>80</sup> *Assisting Students Experiencing Educ. Instability*, *supra* note 3.

<sup>81</sup> *Assisting Students Experiencing Educ. Instability*, *supra* note 3 (recognizing that graduation plans must be individualized for each student); *see also* 24 § 13-1331.1(b)(5).

<sup>82</sup> *Assisting Students Experiencing Educ. Instability*, *supra* note 3.

<sup>83</sup> *See* Act 158 of 2018, 24 Pa. Stat. § 1-121; Act 6 of 2017, 24 Pa. Stat. § 1-121; 22 Pa. Code § 4.51b.

<sup>84</sup> *See* Act 158 of 2018, 24 Pa. Stat. § 1-121; Act 6 of 2017, 24 Pa. Stat. § 1-121; 22 Pa. Code § 4.51b.

<sup>85</sup> Pa. Dep't of Educ., *Act 158: Pathways to Graduation Toolkit*, Standards Aligned Sys., <https://pdesas.org/Frameworks/DCEToolKit/Act158PathwaysToGraduationToolkit> (last visited June 20, 2023); Pa. State Bd. of Educ., *Extenuating Circumstance for Waivers Under Section 121 of the Public School Code* (May 4, 2022),

<https://www.stateboard.education.pa.gov/Documents/About%20the%20Board/Board%20Actions/2022/Extenuating%20Circumstances%20Action%20Artifact%202023.2024%20May%202022.pdf>.

<sup>86</sup> *Act 158: Pathways to Graduation Toolkit*, *supra* note 85.

<sup>87</sup> 24 § 13-1331.1(c)(3).

<sup>88</sup> *Id.*

<sup>89</sup> *Id.* § 13-1331.1(c)(5).

<sup>90</sup> *Id.* § 13-1331.1(c)(5.1).

<sup>91</sup> *Id.*; Act 55 of 2022, 24 Pa. Stat. § 1-121.

<sup>92</sup> *Id.* § 13-1331.1(c)(5); Act 158 of 2018, 24 Pa. Stat. § 1-121.

<sup>93</sup> Pa. Dep't of Educ., *Keystone Diploma Application*,

<https://forms.office.com/pages/responsepage.aspx?id=QSiOQsgB1U2bbEf8Wpob3gWptniCwn1DplMNBzTmoq9UMVFCTFVVUVEzTTk2TUE5WVU5VzJPMehONy4u> (last visited June 20, 2023).

<sup>94</sup> *Id.* § 13-1331.1(c)(6).

<sup>95</sup> *Id.*

<sup>96</sup> 24 § 13-1331.1(c)(5.1).

<sup>97</sup> *Assisting Students Experiencing Educ. Instability*, *supra* note 3.

<sup>98</sup> *Id.*

<sup>99</sup> *Id.*

<sup>100</sup> *Id.*

<sup>101</sup> 24 Pa. Stat. 16-1614.

<sup>102</sup> *Id.*