

School Law & Legislative Update: New Laws In Effect In 2024



Act 24 of 2023:

Effective 11/06/2023. Adds Section 1302.1 to the Public School Code entitled "*Military Child Advance Enrollment*" to require schools to develop a policy on enrollment of students to allow a child whose parent or guardian is an active duty member of the armed forces and has received orders to transfer into or within the Commonwealth of Pennsylvania to enroll in the school district prior to establishing residency for purposes of Section 1302 upon providing a copy of the official military orders and proof of the parent/guardian's intention to move into the school district. This proof may include a signed contract to purchase a home, a signed lease, or statement from the parent/guardian stating their intention to move into the school district.

Act 26 of 2023:

Effective 01/05/2024. Repeals section 1112 of the Public School Code that prohibits teachers from wearing any dress, mark emblem or insignia indicative of their faith or denomination. This Act was passed on November 6, 2023 and is effective in 60 days.

Act 33 of 2023:

Effective 12/13/2023. Omnibus amendments to the Public School Code of 1949 including the following provisions:

[READ THE ENTIRETY OF ACT 33](#)

Highlights include:

- Added a new Article XII-B entitled "Educator Pipeline Support Grant Program." This is a new program within the Pennsylvania Higher Education Assistance Agency (PHEAA) to awards grants to individuals who are seeking placement as student teachers. Ten million dollars is available for implementation of the program, and the minimum grant available to a student teacher is \$10,000. An additional minimum grant of \$5,000 is available to a student teacher who is student teaching in a school entity in an area that "attracts few student teachers" or that "has a high rate of open teaching positions." In addition to the student teacher receiving a grant payment, the student teacher's cooperating teacher shall also receive a minimum grant of \$2,500, unless the cooperating teacher receives compensation from an institution of higher education for servicing as a cooperating teacher.
- Section 1302-C (relating to school safety) is amended to now require that when a school police officer is appointed by a court, the court order must be submitted to the School Safety and Security Committee established under Section 1302-B. In addition, *a school that has previously applied to court to appoint a person to act as a school police officer prior to the effective date of this subsection is required, within 120 days of the effective date of this subsection, submit a copy of the court order relating to the appointment of each school police officer to the committee. This subsection takes effect immediately.*
- Adding a new Article XXVI-L entitled "School environmental Repairs Program," to provide for a restricted account in the Commonwealth general fund to provide grants for the abatement or remediation of environmental hazards in school buildings; PDE is to develop an application process for schools to apply for the grants; eligible projects

include abatement or remediation of lead in water sources, asbestos and mold inside the school building; the school must have a local match of at least 50% of the total cost of all the projects listed in its application; the local match may come from any non-state source funding, including federal and local donations, and the local match must be documented as part of the application.

Act 35 of 2023:

Effective 12/13/2023. Omnibus amendments to the Public School Code of 1949 including the following:

READ THE ENTIRETY OF ACT 35

Highlights include:

- Section 130 is added to include a new section entitled "Public Job Posting Database" which is a public database to be established and maintained by PDE for both public and nonpublic schools to voluntarily advertise job vacancies.
- Section 131 is added to include a requirement that school entities, which includes charter schools, to submit information about instructional vacancies to PDE by August 31, 2024. The information required to be submitted includes the total budgeted number of instructional employees and vacancies included in the final adopted budget; and the quarterly average number of instructional vacancies had by the school during the school year. This information is to be posted on PDE's website.

Act 52 of 2023:

Effective 12/14/2023 (see note about retroactivity). Adds a new Section 1525.1 to the Public School Code of 1949 entitled "Calculation of Average Daily Membership for a Dual Credit Course." This section provides that a high school student who is enrolled in a dual credit course may be included in the school entity's average daily membership.

This section shall apply retroactively to July 1, 2023.

Act 55 of 2023:

Effective 02/12/2024. Amends Section 1403 of the Public School Code of 1949 to provide for dental screenings by a school dentist or public health dental hygiene practitioner (previously only permitted dental examinations by a dentist).

Act 56 of 2023:

Effective 12/14/2023. Adds a new Section 103 to the Public School Code of 1949 entitled "Minimum Number of Days or Hours." Provides that beginning in the 2023-2024 school year, a school entity is required to provide a minimum of 180 days or instruction OR 900 hours of instruction at the elementary level or nine hundred ninety (990) hours of instruction at the secondary level. This section does not preempt or supersede a collective bargaining agreement that was entered into prior to the effective date of this section. This Act is effective immediately. (Previously the requirement was 180 days AND the hours requirement). **Note, However, That This Section Appears To Not Be Applicable To Charter Schools.**

For further information on any of these topics, or to discuss any school related issue, please reach out to SMGG attorneys Kathryn Clark at kclark@smgglaw.com or Alan Shuckrow at ashuckrow@smgglaw.com.