

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 2446 Session of  
1978

INTRODUCED BY DAVIES, GALLAGHER, MILLER, ARMSTRONG,  
W. D. HUTCHINSON, PANCOAST, NOYE, GALLEN, FISCHER, WILT,  
KLINGAMAN, GARZIA, D. R. WRIGHT, FREIND, REED, MILLIRON,  
LIVENGOD, E. Z. TAYLOR AND SIRIANNI, APRIL 19, 1978

REFERRED TO COMMITTEE ON EDUCATION, APRIL 19, 1978

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," establishing procedures for  
6 evaluation of educational programs.

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

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

12 Section 1547. Procedures for Evaluation of Educational  
13 Programs.--

14 (a) The State board shall establish and maintain such  
15 evaluation procedures as may be necessary to monitor the  
16 effectiveness of educational programs provided by each school  
17 district within this Commonwealth. The evaluation procedure  
18 shall provide for measurement of the achievement and performance  
19 of students in all educational programs comprising the

1 curricula.

2 (b) The department and the local school districts shall  
3 develop, in accordance with the standards of the State board, a  
4 Statewide testing program which will measure the acquired basic  
5 educational skills at grade levels five, eight and eleven. The  
6 test shall be administered on the same day throughout the  
7 Commonwealth. The program for testing shall be implemented over  
8 a four-year period with each additional year requiring an  
9 increased mastery level of basic educational skills.

10 (c) (1) The test to be administered at the fifth grade level  
11 shall require that students demonstrate a mastery of reading  
12 and mathematical computation skills at the following levels:

13 (i) for the first year a level of skill equivalent to the  
14 first grade for the school district;

15 (ii) for the second year a level of skill equivalent to the  
16 second grade for the school district;

17 (iii) for the third year a level of skill equivalent to the  
18 third grade for the school district; and

19 (iv) for the fourth year and each year thereafter a level of  
20 skill equivalent to the fourth grade for the school district.

21 (2) The test to be administered at the eighth grade level  
22 shall require that students demonstrate a mastery of reading,  
23 mathematics, writing, speech and life survival requirements at  
24 the following levels:

25 (i) for the first year a level of skill equivalent to the  
26 third grade for the school district;

27 (ii) for the second year a level of skill equivalent to the  
28 fourth grade for the school district;

29 (iii) for the third year a level of skill equivalent to the  
30 fifth grade for the school district; and

(iv) for the fourth year and each year thereafter a level of skill equivalent to the sixth grade for the school district.

(3) The test to be administered at the eleventh grade level shall require that students demonstrate a mastery of reading, mathematics, writing, speech, life survival requirements, government and basic consumer economics at the following levels:

(i) for the first year a level of skill equivalent to the fifth grade for the school district;

(ii) for the second year a level of skill equivalent to the sixth grade for the school district;

(iii) for the third year a level of skill equivalent to the seventh grade for the school district; and

(iv) for the fourth year and each year thereafter a level of skill equivalent to the eighth grade level for the school district.

(d) (1) Except as set forth in paragraph (2), students that fail the test shall be given a remedial program in any skills that they failed following their initial test efforts. If they fail the retest in the following academic year, another remedial program may be offered and a second retest offered in the second academic year. If the student fails the second retest, the student is to be held back at that grade level for one year. Following the year of retention, a third retest shall be offered at the appropriate grade level. If the student fails the third retest after grade level retention, the student may be advanced into the next grade level with that notation on his or her personal record. The record would state that the student lacks the specific mastery of that skill. The remedial offering or grade level retention can in no way interfere with the students participation in their regular curricular or extracurricular

activities except where academic standards are required by regulation or law for participation.

(2) Any student that fails to achieve the necessary level of mastery at the eleventh grade level shall be required to take a remedial program in any skill that the student failed. Upon completion of the remedial program, the student, in the next academic year shall be granted a retest to determine the level of mastery. Every student taking the retest must pass the test in order to be granted a diploma. If the student fails the retest, then the school academic records shall certify the exact level of skill mastery and the student may, at the option of the student, take as many remedial courses as is necessary to achieve a diploma.

(e) Special education students, emotionally disturbed students, mentally retarded students and students with certain learning disabilities would be excused from the testing program. In lieu of certified academic record of skills achievement and the academic diploma, another form of diploma or certificate of attendance would be issued to students in special education, the emotionally disturbed, the mentally retarded and certain of the learning disabled. No denial of any of those students to curricular or extracurricular activities could be made because of a failure to participate in the testing program or its alternate methods. At any time, those students could return to the local district to take any level of these skilled tests on demand at regularly scheduled test times.

(f) A Statewide testing program to be designed by the Department of Education with the approval of the Legislature shall be administered as a followup in Statewide testing for districts at grade level six, eight and twelve. These tests are

1 to be used by the Department of Education and the Legislature to  
2 compare grade level skills in the various school districts. The  
3 accumulative scores and individual scoring for the districts  
4 would be confidential. The students individual scores would be  
5 put on their personal records. These scores would not be  
6 available to the public or anyone else and they are to be used  
7 by the Legislature or the Department of Education for purposes  
8 of study, and to endeavor to maintain equality in Statewide  
9 education. The local district test scores, both cumulative and  
10 individual, would be confidential and be part of the individual  
11 pupil record and have that pupils confidentiality.

12 (g) No behavioral, attitudinal or personality testing under  
13 subsection (b) shall be done unless:

14 (1) each student and his parents are given prior notice of  
15 the assessment, a description of the assessment and an  
16 opportunity to object to the assessment, which notice to parents  
17 shall be given by mail; and

18 (2) the assessment is administered and evaluated so that no  
19 individual student's responses can be identified. No student who  
20 objects, or whose parent objects, to the assessment, and who has  
21 submitted his objection in writing to the superintendent, is  
22 required to participate in the assessment.

23 (h) The department may provide such assistance as may be  
24 requested by school districts to strengthen the district's  
25 educational offerings.

26 Section 2. This act shall take effect in 60 days.