

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 1181** Session of  
1983

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INTRODUCED BY GALLAGHER, FREIND, HARPER, COWELL, BURNS,  
E. Z. TAYLOR, EVANS, FISCHER, COLAFELLA, DAVIES, LIVENGOOD,  
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HAGARTY, COY, DALEY, FATTAH, KOSINSKI, HERMAN, WAMBACH AND  
BOOK, JUNE 7, 1983

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AS RE-REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, SEPTEMBER 27, 1983

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## 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," providing for mandatory programs;  
6 providing for education assessment testing as a prerequisite  
7 for receipt of diploma; and making editorial changes.

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

10 Section 1. Section 290.1 of the act of March 10, 1949  
11 (P.L.30, No.14), known as the Public School Code of 1949, is  
12 repealed.

13 Section 2. Section 1511 of the act, amended July 31, 1968  
14 (P.L.1020, No.301), is amended to read:

15 Section 1511. [Subjects of Instruction; Flag Code.--In every  
16 elementary public and private school, established and maintained  
17 in this Commonwealth, the following subjects shall be taught, in  
18 the English language and from English texts: English, including

1 spelling, reading and writing, arithmetic, geography, the  
2 history of the United States and of Pennsylvania, civics,  
3 including loyalty to the State and National Government, safety  
4 education, and the humane treatment of birds and animals,  
5 health, including physical education, and physiology, music and  
6 art. Other subjects shall be taught in the public elementary  
7 schools and also in the public high schools as may be prescribed  
8 by the standards of the State Board of Education. All such  
9 subjects, except foreign languages, shall be taught in the  
10 English language and from English texts: Provided, however,  
11 That, at the discretion of the Superintendent of Public  
12 Instruction, the teaching of subjects in a language other than  
13 English may be permitted as part of a sequence in foreign  
14 language study or as part of a bilingual education program if  
15 the teaching personnel are properly certified in the subject  
16 fields. Each school district shall provide and distribute to  
17 each pupil, enrolled in the eighth grade of the public schools,  
18 one illustrated copy of the National Flag Code, and shall, from  
19 time to time, make available such copies as are necessary for  
20 replacements from year to year. It shall be the duty of each  
21 teacher in the public schools to make such use of the code as  
22 may, from time to time, seem proper.] Programs or Courses of  
23 Study.--(A) The mandatory required programs or courses of study ←  
24 to be offered are as follows:

25 (1) At the elementary school level: English, to include  
26 spelling, reading and writing; arithmetic; science; geography;  
27 history of the United States and Pennsylvania; civics; safety  
28 education, including regular instruction in the dangers and  
29 prevention of fires; health and physical education; music; art  
30 and remedial programs.

1       (2) At the secondary school level: English, to include  
2 language, literature, speech and composition; science, to  
3 include biology, physics and chemistry; geography; social  
4 studies, to include civics, economics, world history, United  
5 States history and Pennsylvania history; foreign languages;  
6 mathematics, to include general mathematics and statistics,  
7 algebra, geometry AND trigonometry and; COMPUTER LITERACY OR <—  
8 computer science; industrial arts; home economics; art; music;  
9 VOCATIONAL-TECHNICAL EDUCATION; BUSINESS EDUCATION; health and <—  
10 physical education and remedial programs. The program of health  
11 and physical education shall include instruction concerning the  
12 causes, effects, prevention and treatment of drug and alcohol  
13 abuse and the undesirability of the abuse of these substances.

14       (3) All subjects, except foreign languages, shall be taught  
15 in the English language and from English texts in compliance  
16 with State board regulations and department standards. The  
17 teaching of subjects in a language other than English may be  
18 permitted as part of a sequence in foreign language study OR AS <—  
19 PART OF A BILINGUAL EDUCATION PROGRAM if the teaching personnel  
20 are properly certified in the subject fields.

21       (4) THE GENERAL ASSEMBLY ACKNOWLEDGES THE IMPORTANCE OF <—  
22 FOREIGN LANGUAGE STUDY TO THE COMMONWEALTH AND THE UNITED  
23 STATES. NO STUDENT SHALL BE DENIED ACCESS TO FOREIGN LANGUAGE  
24 STUDY. FOREIGN LANGUAGE IS AN ASSET TO THE VOCATIONAL-TECHNICAL  
25 STUDENT AND BUSINESS STUDENT, AS WELL AS THE STUDENT WHO WILL  
26 ATTEND COLLEGE.

27       (5) COMPUTER LITERACY AND COMPUTER SCIENCE MAY BE TAUGHT AS  
28 PART OF AN ELEMENTARY OR SECONDARY MANDATORY REQUIRED PROGRAM OR  
29 COURSE. SCHOOL DISTRICTS ARE URGED TO PROVIDE INSTRUCTION IN  
30 COMPUTER LITERACY AND COMPUTER SCIENCE TO ALL STUDENTS.

1 ~~(4)~~ (6) Each school district shall provide and distribute to <—  
2 each student, enrolled in the eighth grade of the public  
3 schools, one illustrated copy of the National Flag Code and it  
4 shall be the duty of each teacher in the public schools to make  
5 such use of the code as may, from time to time, seem proper.

6 ~~(5)~~ (7) The State board shall designate which of the <—  
7 mandated programs or courses of study shall be required of all  
8 students or of all students in certain grade levels.

9 ~~(6)~~ (8) Notwithstanding the provisions of clause ~~(5)~~ (7), <—  
10 the following minimum courses in grades nine (9) through twelve  
11 (12) are established as a requirement for high school  
12 graduation:

13 (i) Four (4) years of English.

14 (ii) Three (3) years of mathematics.

15 (iii) Three (3) years of science.

16 (iv) Three (3) years of social studies.

17 (v) One-half (1/2) year of COMPUTER LITERACY OR computer <—  
18 science.

19 ~~(vi) Two (2) years of foreign language studies.~~ <—

20 (VI) FOUR (4) YEARS OF PHYSICAL EDUCATION OR ADAPTIVE <—  
21 PHYSICAL EDUCATION FOR STUDENTS UNABLE TO PARTICIPATE IN THE  
22 REGULAR PHYSICAL EDUCATION PROGRAM.

23 The offering of such courses shall begin in school year 1984-  
24 1985 and the requirement for graduation shall apply to students  
25 graduating in 1989, and thereafter.

26 ~~(7) Local school boards shall have the authority to~~ <—

27 (9) EACH LOCAL SCHOOL BOARD SHALL establish written policies <—  
28 pertaining to the assignment of student homework and other out  
29 of class requirements.

30 (B) AS USED IN THIS SECTION, THE TERM "REMEDIAL PROGRAMS" <—

1 SHALL MEAN SERVICES LIMITED TO STUDENTS NOT ELIGIBLE FOR FEDERAL  
2 COMPENSATORY EDUCATION SERVICES OR STUDENTS IN ATTENDANCE AREAS  
3 NOT SERVED BY FEDERAL COMPENSATORY EDUCATION SERVICES. THE  
4 REMEDIAL PROGRAMS SHALL CONSIST OF SERVICES PROVIDED IN  
5 ACCORDANCE WITH A PLANNED COURSE APPROVED BY THE DEPARTMENT OF  
6 EDUCATION.

7 Section 3. The act is amended by adding a ~~section~~ SECTIONS <—  
8 to read:

9 Section 1511.1. Education Assessment Testing; Prerequisite  
10 for Receipt of Diploma.--(a) The Department of Education, <—  
11 ~~within one (1) year of the effective date of this act shall~~  
12 ~~develop, cause to be developed or select commercially available~~  
13 SHALL SELECT A MINIMUM OF THREE COMMERCIALY, NATIONALLY <—  
14 DEVELOPED tests designed to measure objectively cognitive  
15 development and educational performance in reading, ~~writing~~ <—  
16 GRAMMAR, WORD USAGE, arithmetic or mathematics ~~and science.~~ <—  
17 ~~These tests shall be administered to all public school students~~  
18 ~~in this Commonwealth in the third, fifth, eighth and eleventh~~  
19 ~~grades.~~, SCIENCE AND SOCIAL STUDIES. SCHOOL DISTRICTS SHALL <—  
20 SELECT FROM THE DEPARTMENT'S APPROVED TESTS SUCH TESTING  
21 INSTRUMENT OF THEIR CHOICE TO BE ADMINISTERED TO ALL PUBLIC  
22 SCHOOL CHILDREN IN THIS COMMONWEALTH IN SECOND, FIFTH, EIGHTH  
23 AND ELEVENTH GRADES. NOTHING IN THIS ACT SHALL PREVENT SCHOOL  
24 DISTRICTS FROM TESTING AT OTHER GRADE LEVELS AND USING SUCH  
25 TESTS OF THEIR CHOICE. HOWEVER, THE COMMONWEALTH SHALL BE  
26 RESPONSIBLE ONLY FOR THOSE COSTS INCURRED FOR THE DEPARTMENT  
27 APPROVED TESTS GIVEN AT THE SECOND, FIFTH, EIGHTH AND ELEVENTH  
28 GRADES. Except for mentally gifted students as defined in  
29 regulations of the Department of Education, those students  
30 defined as exceptional under section 1371 shall be exempt from

1 the provisions of this section but may participate at the  
2 written request of a parent or guardian. However, any student  
3 with a recognized learning disability, but not defined as  
4 exceptional under section 1371, shall be tested through <—  
5 appropriate testing programs including, but not limited to, oral  
6 testing. GIVEN THE SAME TEST, HOWEVER, SUCH TEST MAY BE <—  
7 ADMINISTERED ORALLY.

8 (b) Tests administered at the ~~third~~ SECOND, fifth and eighth <—  
9 grade levels shall be utilized by all school districts to  
10 measure relative student performance and to assist in the  
11 development of ~~and placement of students in~~ remedial educational <—  
12 programs as prescribed by the State Board of Education. IN <—  
13 ACCORDANCE WITH THE PRACTICES OF EACH LOCAL SCHOOL DISTRICT.  
14 NOTWITHSTANDING THE TESTING REQUIREMENTS ESTABLISHED IN  
15 SUBSECTION (A), THE DEPARTMENT MAY CONTRACT WITH A RECOGNIZED  
16 TESTING SERVICE OR TEST DEVELOPMENT FIRM TO ESTABLISH A  
17 CRITERION REFERENCE TESTING PROGRAM FOR STUDENTS IN THE GRADE  
18 LEVELS SPECIFIED IN THIS SUBSECTION. THE TESTS SHALL BE DESIGNED  
19 TO MEASURE OBJECTIVELY COGNITIVE DEVELOPMENT AND EDUCATIONAL  
20 PERFORMANCE IN READING, GRAMMAR, WORD USAGE, ARITHMETIC OR  
21 MATHEMATICS, SCIENCE AND THE SOCIAL STUDIES. PRIOR TO UTILIZING  
22 THE TESTS THE DEPARTMENT SHALL REVIEW THE TESTS WITH THE  
23 EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE  
24 SENATE. THE DEPARTMENT SHALL PROVIDE THE REQUIRED TESTING AS  
25 PRESCRIBED IN SUBSECTION (A) UNTIL THE CRITERION REFERENCE TESTS  
26 HAVE BEEN DEVELOPED AND REVIEWED BY THE COMMITTEES.

27 (c) Satisfactory performance as determined by the department  
28 on the test administered in the eleventh grade shall be a basic  
29 prerequisite for all public, private and parochial school  
30 students receiving a high school diploma in Pennsylvania. A

1 student failing the eleventh grade test shall immediately be  
2 placed in appropriate remedial programs to enable successful  
3 performance on the test. A student failing the eleventh grade  
4 test the first time shall be permitted to retake the test on a  
5 minimum of three (3) separate occasions, when the district shall  
6 offer it, during the student's senior year of high school. If a  
7 student fails to pass the test on all of these occasions, the  
8 student shall not receive a high school diploma but shall  
9 receive a certificate of attendance upon completion of twelfth  
10 grade. FAILURE TO PASS THE TEST SHALL NOT PREVENT A STUDENT FROM <—  
11 REPEATING TWELFTH GRADE. The graduation requirements established  
12 herein shall be applicable to the school year commencing four  
13 (4) years after the development or selection by the department  
14 of appropriate testing instruments. The provisions of this  
15 subsection shall apply to students with learning disabilities  
16 but not defined as exceptional under section 1371.

17 (d) Results of the test administered in the ~~third~~ SECOND, <—  
18 fifth, eighth and eleventh grades shall be provided to parents  
19 or guardians. The board of school directors in each school  
20 district shall determine which school district personnel may  
21 have access to the test results. ~~Any employe of the district~~ <—  
22 ~~altering the test scores of a student shall be suspended without~~  
23 ~~pay for ninety (90) days for the first offense, one (1) year for~~  
24 ~~the second offense and indefinitely for each succeeding offense.~~  
25 ~~Before the employe is suspended, the board of school directors~~  
26 ~~shall furnish the employe with a written statement of the~~  
27 ~~charges upon which the suspension is based and the board shall~~  
28 ~~conduct a hearing. The hearing shall follow the procedures for~~  
29 ~~dismissal hearings as prescribed in this act.~~

30 ~~(c) In lieu of the test required in subsection (a), a school~~

~~1 district may develop its own testing program with the approval  
2 of the department. In reviewing the testing program, the  
3 department shall insure that the program tests students at the  
4 same achievement levels as the program administered by the  
5 department. The district testing program shall comply with the  
6 standards for remediation and testing programs as established in  
7 this section.~~

~~8 (f) The department shall establish a test for measuring the  
9 achievement levels of students moving into the Commonwealth from  
10 another state, territory or nation or from one district within  
11 the Commonwealth to another district to assist the district in  
12 placing the student at the appropriate educational level. A  
13 student in the categories specified in this subsection who has  
14 not been enrolled in a school in the Commonwealth for at least  
15 one year prior to the administration of the test in either  
16 grades three, five or eight shall not be required to take the  
17 test at that grade level but shall be required to take the  
18 succeeding test, if applicable, and to demonstrate satisfactory  
19 performance on the test administered in the eleventh grade in  
20 order to receive a high school diploma.~~

~~21 Section 4. The Department of Education's Educational Quality  
22 Assessment Program and that program's goals of quality education  
23 are rescinded.~~

~~24 SECTION 1511.2. TEST FOR EDUCATIONAL EXCELLENCE AND  
25 ACHIEVEMENT.--THE STATE BOARD OF EDUCATION AND THE DEPARTMENT OF  
26 EDUCATION SHALL DEVELOP AND UTILIZE A TEST TO BE KNOWN AS THE  
27 EDUCATIONAL EXCELLENCE AND ACHIEVEMENT TEST TO ASSIST DISTRICTS  
28 IN LONG RANGE PLANNING. SCHOOL DISTRICTS MAY PARTICIPATE IN THE  
29 EDUCATIONAL EXCELLENCE AND ACHIEVEMENT TEST AND MAY UTILIZE ANY  
30 GOALS OF EXCELLENCE WHICH THE STATE BOARD OF EDUCATION MAY~~

<—

1 ADOPT. HOWEVER, ANY GOALS OF EXCELLENCE ADOPTED BY THE STATE  
2 BOARD OF EDUCATION SHALL NOT BE UTILIZED IN CONJUNCTION WITH THE  
3 PROGRAMS AND COURSES OF STUDY SET FORTH IN SECTION 1511(1) AND  
4 (2).

5 SECTION 1511.3. APPROVAL AND EVALUATION.--THE DEPARTMENT OF  
6 EDUCATION SHALL BE RESPONSIBLE FOR APPROVAL OF PROGRAMS FOR ALL  
7 PUBLIC ELEMENTARY AND SECONDARY SCHOOLS. APPROVAL SHALL BE  
8 GRANTED TO A SCHOOL WHICH CERTIFIES THAT IT IS IN COMPLIANCE  
9 WITH SECTION 1511 OF THIS ACT. ALL PUBLIC SCHOOLS SHALL BE  
10 SUBJECT TO EVALUATION EVERY FIVE (5) YEARS BY THE DEPARTMENT FOR  
11 THE PURPOSE OF PROGRAM APPROVAL.

12 SECTION 4. THE PROVISIONS OF THIS ACT ARE SEVERABLE. IF ANY  
13 PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR  
14 CIRCUMSTANCES IS HELD INVALID, THE INVALIDITY SHALL NOT AFFECT  
15 OTHER PROVISIONS OR APPLICATIONS OF THIS ACT WHICH CAN BE GIVEN  
16 EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION.

17 Section 5. This act shall take effect immediately except  
18 section 1511 which shall take effect beginning the 1984-1985  
19 school year.