

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 756 Session of 2017

INTRODUCED BY DINNIMAN, EICHELBERGER, GORDNER, DiSANTO, WHITE, YUDICHAK, RAFFERTY, MARTIN, BROOKS, HUTCHINSON, SABATINA, RESCHENTHALER, McGARRIGLE, BLAKE, KILLION, MENSCH, VOGEL, WAGNER, BAKER, GREENLEAF, VULAKOVICH, LEACH, SCHWANK, FOLMER, HAYWOOD, McILHINNEY, BARTOLOTTA, SCAVELLO, LANGERHOLC, TOMLINSON, LAUGHLIN, ALLOWAY, REGAN, YAW, STEFANO AND BROWNE, JUNE 13, 2017

SENATOR EICHELBERGER, EDUCATION, AS AMENDED, JUNE 19, 2017

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," in preliminary provisions, providing
6 for assessments for Federal accountability; in duties and
7 powers of boards of school directors, further providing for
8 publication of rules, regulations and policies; in
9 professional employees, further providing for rating system;
10 and, in high schools, further providing for high school
11 certificates.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

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

17 Section 121.1. Assessments for Federal Accountability.--(a)
18 Beginning with the 2017-2018 school year, the department shall
19 no longer:

20 (1) Develop, implement, maintain or provide to any school

1 entity the Keystone Exams.

2 (2) Maintain contracts with any vendor for any services  
3 related to the Keystone Exams.

4 (3) Advise any school entity to offer the Keystone Exams to  
5 any student for any purpose whatsoever.

6 (4) Require the Keystone Exams as a Statewide assessment for  
7 reporting purposes or any other purpose whatsoever.

8 (b) During the 2017-2018 school year, the department shall  
9 identify for inclusion in the State plan and reporting Federal  
10 accountability, and to use as the baseline measure for student  
11 growth, the following assessments to be administered as  
12 appropriate:

13 (1) The Preliminary Scholastic Aptitude Test, which shall be  
14 administered in the fall of grade ten. Data obtained from the  
15 test shall be used for measurements that require data from  
16 academic assessments required under section 1111(b) (2) (B) (v) (I)  
17 (bb) and (II) (cc) of ESSA (20 U.S.C. § 6311(b) (2) (B) (v) (I) (bb)  
18 and (II) (cc)) and, as appropriate, in other areas of  
19 measurement.

20 (2) The Pennsylvania System of School Assessment test. Data  
21 obtained from the test shall be used for measurements that  
22 require data from academic assessments required for grades three  
23 through eight and, as appropriate, in other areas of  
24 measurement.

25 (3) The Pennsylvania Alternate System of Assessment,  
26 provided that those students with individualized education plans  
27 may attain the academic standards by completion of their  
28 individualized education programs under the Individuals with  
29 Disabilities Education Act. Data obtained from the test shall be  
30 used for measurements that require data from academic

1 assessments required under section 1111(b)(2)(D) of ESSA (20  
2 U.S.C. § 6311(b)(2)(D)) and, as appropriate, in other areas of  
3 measurement.

4 (c) (1) A task force is established to review and evaluate  
5 the Pennsylvania System of School Assessment test to determine  
6 whether or not its continued use in testing and measuring grades  
7 three through eight for the purposes of Federal accountability  
8 is appropriate, and:

9 (i) if the task force determines that continued use is  
10 appropriate, determine a course to reduce the testing time  
11 currently required for the Pennsylvania System of School  
12 Assessment test; or

13 (ii) if the task force determines that continued use is not  
14 appropriate, determine an alternative test to administer for  
15 grades three through eight.

16 (2) The task force shall be composed of the following:

17 (i) The Secretary of Education or a designee.

18 (ii) Members representative of educators, parents and  
19 community leaders as follows:

20 (A) Four members appointed by the chair and minority chair  
21 of the Education Committee of the Senate.

22 (B) Four members appointed by the chair and minority chair  
23 of the Education Committee of the House of Representatives.

24 (3) The task force shall submit a report of its findings and  
25 recommendations no later than six months after the effective  
26 date of this section to the following:

27 (i) The Governor.

28 (ii) The Secretary of Education.

29 (iii) The State board.

30 (iv) The President pro tempore of the Senate.

- 1 (v) The Majority Leader of the Senate.
- 2 (vi) The Minority Leader of the Senate.
- 3 (vii) The Education Committee of the Senate.
- 4 (viii) The Speaker of the House of Representatives.
- 5 (ix) The Majority Leader of the House of Representatives.
- 6 (x) The Minority Leader of the House of Representatives.
- 7 (xi) The Education Committee of the House of
- 8 Representatives.

9 (d) (1) For an assessment listed in subsection (b) that the  
10 department has not established a score that a student must  
11 attain to demonstrate federally established accountability  
12 levels or for inclusion in the State plan, the department shall  
13 establish and submit the same to the State board for action by  
14 the State board. The department shall establish, at the time it  
15 establishes scores for the PSAT, separate scores for separate  
16 uses of the PSAT, which shall be used in comparison data  
17 measurements from the baseline. The scores shall be developed  
18 for comparison with federally required academic assessments  
19 under section 1111(b) (2) (B) (v) (I) (bb) and (II) (cc) of ESSA and,  
20 as appropriate, for inclusion in other areas of measurement. The  
21 score established for the PSAT for comparison measurements with  
22 federally required academic assessments in section 1111(b) (2) (B)  
23 (v) (II) (cc) of ESSA shall be based on the questions within the  
24 verbal and math PSAT that focus on the science.

25 (2) The State board must approve or disapprove within sixty  
26 (60) days of submission by the department to the office of the  
27 State board or at its next regular scheduled meeting, whichever  
28 is sooner, the score for each federally established  
29 accountability level that a student must attain on each approved  
30 assessment. Failure of the State board to approve or disapprove

1 the submission within the time established under this section  
2 shall be deemed an approval.

3 (e) (1) Beginning with the 2018-2019 school year, to comply  
4 with ESSA or its regulations, or any subsequent waiver or  
5 subsequent act of Congress related thereto that requires  
6 assessment for the purpose of Federal accountability, the  
7 department shall identify the following assessments as a set of  
8 high-quality student academic assessments to be used, as  
9 appropriate, for inclusion in the State plan and reporting  
10 Federal accountability as required under ESSA:

11 (i) The Pennsylvania System of School Assessment test or an  
12 alternative test prescribed by the task force under subsection  
13 (c) to meet Federal accountability requirements for grades three  
14 through eight.

15 (ii) The PSAT, which shall be administered in the fall of  
16 grade ten.

17 (iii) The Scholastic Aptitude Test for verbal and math  
18 skills. Although a student may take the written part of the SAT  
19 for verbal skills at the student's expense, no written part of  
20 the SAT shall be required under this subclause.

21 (iv) The armed forces qualification test.

22 (v) A competency assessment or certification for a student  
23 who, by the end of a reporting year, is reported as successfully  
24 completing at least fifty per centum (50%) of the minimum  
25 technical instructional hours required under 22 Pa. Code Ch. 339  
26 (relating to vocational education), related to the student's  
27 program of study. The assessment may include a National  
28 Occupational Competency Testing Institute exam, an assessment  
29 based on the National Institute for Metalworking Skills  
30 standards or any other industry-based competency assessment

1 identified by the Secretary of Education and approved by the  
2 State board as demonstrating a high likelihood of readiness for  
3 continued meaningful engagement in the student's program of  
4 study.

5 (vi) The Pennsylvania Alternate System of Assessment to meet  
6 Federal accountability requirements of an assessment designed  
7 for students with the most significant cognitive disabilities.  
8 However, students with individualized education plans may attain  
9 the academic standards by completion of their individualized  
10 education programs under the Individuals with Disabilities  
11 Education Act.

12 (2) (i) For an assessment listed in clause (1) for which  
13 the department has not established a score that a student must  
14 attain to demonstrate federally established accountability  
15 levels or for inclusion in the State plan, the department shall  
16 establish and submit the same to the State board for action by  
17 the State board. The department shall establish, at the time it  
18 establishes scores for the PSAT, if it has not already done so,  
19 separate scores for separate uses of the PSAT, which shall be  
20 used in comparison data measurements from the baseline. The  
21 scores shall be developed for comparison with federally required  
22 academic assessments under section 1111(b)(2)(B)(v)(I)(bb) and  
23 (II)(cc) of ESSA and, as appropriate, for inclusion in other  
24 areas of measurement. The score established for the PSAT for  
25 comparison measurements with federally required academic  
26 assessments under section 1111(b)(2)(B)(v)(II)(cc) of ESSA,  
27 shall be based on the questions within the verbal and math PSAT  
28 that focus on the science.

29 (ii) The State board must approve or disapprove within sixty  
30 (60) days of submission by the department to the office of the

1 State board or at its next regular scheduled meeting, whichever  
2 is sooner, the score for each federally established  
3 accountability level that a student must attain on each approved  
4 assessment. Failure of the State board to approve or disapprove  
5 the submission within the time established under this section  
6 shall be deemed an approval.

7 (3) Every five years the department shall request  
8 competitive bids and shall contract for the assessments required  
9 in this subsection.

10 (f) An assessment used for the purposes of Federal  
11 accountability under subsection (e) or any score of a student on  
12 the assessment:

13 (1) Shall not be used as a requirement for high school  
14 graduation.

15 (2) Shall be administered one time per school year for the  
16 purpose of meeting the Federal accountability requirements with  
17 one make-up date provided for a student unable to participate on  
18 the originally scheduled date. A school entity may select a date  
19 to make up an assessment under this clause that is a Saturday or  
20 during a school year vacation period.

21 (3) Shall not be retaken by any student.

22 (4) Shall not be required to be taken by a student, if the  
23 student has met the Federal accountability requirements by  
24 taking another approved assessment under subsection (b) in the  
25 same content area for the respective grade.

26 (5) Shall not exceed two instructional days to administer  
27 when administered to meet the Federal accountability requirement  
28 for grades nine through twelve. However, when administered for  
29 students with the most significant cognitive disabilities,  
30 administration shall not exceed three instructional days.

1 (6) Shall not exceed sixty per centum (60%) of the testing  
2 time currently required for the Pennsylvania System of School  
3 Assessment test when administered to meet the Federal  
4 accountability requirements for grades three through eight.

5 (7) Shall be scored and returned to the school entity within  
6 thirty (30) days when administered to meet the Federal  
7 accountability requirement for grades nine through twelve.

8 (8) Shall be part of an assessment system that does the  
9 following:

10 (i) Provides practice for all students.

11 (ii) Provides scholarship opportunities.

12 (iii) Provides actionable score reports.

13 (iv) Is useful for instructional support and identifying  
14 learning needs.

15 (v) Provides information on readiness for advanced  
16 coursework, including STEM courses when administered to measure  
17 verbal or math skills for grades nine through twelve.

18 (9) May be used for diagnostic purposes to assess student  
19 improvement and growth.

20 (10) Shall be used as part of a rigorous system of teacher  
21 evaluation and school performance, in accordance with section  
22 1123.

23 (g) Each school entity shall determine the assessment from  
24 subsection (e)(1)(ii), (iii), (iv), (v) or (vi) to submit to the  
25 department for the purpose of Federal accountability for any  
26 student who, by the end of a reporting year, is reported as  
27 successfully completing at least fifty per centum (50%) of the  
28 minimum technical instructional hours required under 22 Pa. Code  
29 Ch. 339 related to the student's program of study.

30 (h) A school entity's governing board shall adopt a policy



1 that provides that the parent or guardian of a student may  
2 request that the student be exempt from taking an assessment  
3 that is required for the purpose of Federal accountability as  
4 permitted under ESSA. The policy shall provide that parents and  
5 guardians of students receive written notice of the option for a  
6 student to be exempt from taking the assessment and that the  
7 exemption shall be permitted upon the school entity's receipt of  
8 a written request from the parent or guardian of the student. A  
9 substitute assessment or an alternative assessment, course or  
10 program may not be required of a student exempted under this  
11 section. Grounds for exemption in the school entity's policy  
12 shall include, but not be limited to:

13 (1) Religious grounds.

14 (2) The basis of a strong moral or ethical conviction  
15 similar to a religious belief.

16 (3) Philosophical grounds.

17 (4) Privacy concerns.

18 (5) Health concerns for the child, which may include stress  
19 and anxiety in preparation for the assessment.

20 (i) Scores achieved on an assessment used for the purposes  
21 of Federal accountability under subsection (e) shall not be  
22 included on student transcripts unless inclusion of the score on  
23 the student's transcript is requested by the parent or guardian  
24 of the student. A school entity's governing board shall adopt a  
25 policy that provides that the parent or guardian of a student  
26 has the option of including the student's score on an assessment  
27 required for the purposes of Federal accountability for grades  
28 nine through twelve on the transcript of the student. The policy  
29 shall provide that parents and guardians of students receive  
30 written notice of the option to include the student's assessment

1 score on the student's transcript and that inclusion of the  
2 assessment score on the transcript shall be permitted upon the  
3 school entity's receipt of a written request from the parent or  
4 guardian of the student.

5 (j) All regulations and parts of regulations are abrogated  
6 insofar as they are inconsistent with this section.

7 (k) As used in this section, the following words and phrases  
8 shall have the meanings given to them in this subsection unless  
9 the context clearly indicates otherwise:

10 "Department" shall mean the Department of Education of the  
11 Commonwealth.

12 "ESSA" shall mean the reauthorization of the Elementary and  
13 Secondary Education Act of 1965 (Public Law 89-10, 20 U.S.C. §  
14 6301 et seq.), known as the Every Student Succeeds Act (Public  
15 Law 114-95, 129 Stat. 1802).

16 "Individuals with Disabilities Education Act" shall mean the  
17 Individuals with Disabilities Education Act (Public Law 91-230,  
18 20 U.S.C. § 1400 et seq.)

19 "Preliminary Scholastic Aptitude Test" or "PSAT" shall mean  
20 the nationally recognized preliminary SAT developed by the  
21 college board and cosponsored by the national merit scholarship  
22 corporation.

23 "Scholastic Aptitude Test" or "SAT" shall mean the nationally  
24 recognized college and career readiness assessment developed by  
25 the college board.

26 "School entity" shall include a school district, intermediate  
27 unit, joint school, area vocational-technical school, charter  
28 school or cyber charter school.

29 "State board" shall mean the State Board of Education.

30 "State plan" shall mean the State plan prepared by the

1 department for the Commonwealth to implement the ESSA and  
2 submitted to the United States Secretary of Education for  
3 approval, as provided in section 1005 of the ESSA.

4 "Task force" shall mean the task force established under  
5 subsection (c).

6 Section 2. Section 510.2(5) of the act, added July 13, 2016  
7 (P.L.716, No.86), is amended to read:

8 Section 510.2. Publication of Rules, Regulations and  
9 Policies.--The board of school directors of a school district  
10 shall post on its publicly accessible Internet website the  
11 following rules, regulations and policies to the extent that  
12 they are required to be adopted by the school district under  
13 Federal or State law:

14 \* \* \*

15 (5) The following relating to community:

16 (i) Public participation in school board meetings.

17 (ii) Public attendance at school events.

18 (iii) Parental involvement policy for parents and guardians  
19 of students participating pursuant to section 1118 of the  
20 Elementary and Secondary Education Act of 1965 (Public Law 89-  
21 10, 20 U.S.C § 6318).

22 (iv) Public access to and use of school district buildings,  
23 facilities and grounds.

24 (v) Public complaint process.

25 (vi) Parent and student review policies related to teacher  
26 evaluations under section 1123(b)(1)(iii)(B)(I)(aa).

27 Section 3. Section 1123 of the act is amended to read:

28 Section 1123. Rating System.--(a) In determining whether a  
29 professional employe shall be dismissed for incompetency or  
30 unsatisfactory teaching performance as provided for in section

1 1122(a) of this act, and in rating professional employes and  
2 temporary professional employes, all professional employes and  
3 temporary professional employes shall be rated through the use  
4 of an approved rating tool developed by the Secretary of  
5 Education in consultation with education experts, parents of  
6 school-age children enrolled in a public school, teachers and  
7 administrators, including research and collaboration conducted  
8 by the department.

9 (b) For professional employes and temporary professional  
10 employes who serve as classroom teachers, the following shall  
11 apply:

12 (1) [Beginning in the 2013-2014 school year, the] The  
13 evaluation of the effectiveness of professional employes and  
14 temporary professional employes serving as classroom teachers  
15 shall give due consideration to the following:

16 [(i) Classroom observation and practice models that are  
17 related to student achievement in each of the following areas:

18 (A) Planning and preparation.

19 (B) Classroom environment.

20 (C) Instruction.

21 (D) Professional responsibilities.

22 (ii) Student performance, which shall comprise fifty per  
23 centum (50%) of the overall rating of the professional employe  
24 or temporary professional employe serving as a classroom teacher  
25 and shall be based upon multiple measures of student  
26 achievement. The fifty per centum (50%) shall be comprised of  
27 the following:

28 (A) Fifteen per centum (15%) building-level data, including,  
29 but not limited to, all of the following:

30 (I) Student performance on assessments.

1 (II) Value-added assessment system data made available by  
2 the department under section 221.

3 (III) Graduation rate as reported to the department under  
4 section 222.

5 (IV) Promotion rate.

6 (V) Attendance rate as reported to the department under  
7 section 2512.

8 (VI) Advanced placement course participation.

9 (VII) Scholastic aptitude test and preliminary scholastic  
10 aptitude test data.

11 (B) Fifteen per centum (15%) teacher-specific data,  
12 including, but not limited to, student achievement attributable  
13 to a specific teacher as measured by all of the following:

14 (I) Student performance on assessments.

15 (II) Value-added assessment system data made available by  
16 the department under section 221.

17 (III) Progress in meeting the goals of student  
18 individualized education plans required under the Individuals  
19 With Disabilities Education Act (Public Law 91-230, 20 U.S.C. §  
20 1400 et seq.).

21 (IV) Locally developed school district rubrics.

22 (C) Twenty per centum (20%) elective data, including  
23 measures of student achievement that are locally developed and  
24 selected by the school district from a list approved by the  
25 department and published in the Pennsylvania Bulletin by June 30  
26 of each year, including, but not limited to, the following:

27 (I) District-designed measures and examinations.

28 (II) Nationally recognized standardized tests.

29 (III) Industry certification examinations.

30 (IV) Student projects pursuant to local requirements.

1 (V) Student portfolios pursuant to local requirements.

2 (2) (i) No later than June 30, 2013, the department shall  
3 develop, issue and publish in the Pennsylvania Bulletin a rating  
4 tool for professional employes and temporary professional  
5 employes serving as classroom teachers that is consistent with  
6 this subsection and includes the weights given to the multiple  
7 measures of student performance contained in clause (1)(ii).

8 (ii) Following publication, the rating tool developed under  
9 this subsection shall be used in the rating of all professional  
10 employes and temporary professional employes serving as  
11 classroom teachers.

12 (iii) After June 30, 2013, any changes to the rating tool  
13 developed under this subsection shall be made by the State Board  
14 of Education through regulations promulgated under the act of  
15 June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review  
16 Act."]

17 (i) (A) ~~Thirty per centum (30%)~~ FORTY PER CENTUM (40%) of <--  
18 the overall rating of the professional employe or temporary  
19 professional employe serving as a classroom teacher shall  
20 include classroom observations and practice models that are  
21 related to student achievement in each of the following areas:

22 (I) Planning and preparation.

23 (II) Classroom environment.

24 (III) Instruction.

25 (IV) Professional responsibilities.

26 (B) Classroom observations of teachers under this subclause  
27 shall be performed: <--

28 (I) ~~Once annually by the principal in conjunction with the~~  
29 SHALL BE PERFORMED ONCE ANNUALLY BY THE PRINCIPAL IN CONJUNCTION <--  
30 WITH THE school district superintendent or, if so directed by

1 the school district superintendent, an assistant administrator,  
2 provided that no unsatisfactory rating shall be valid unless  
3 approved by the school district superintendent.

4 ~~(II) Once annually by a third party evaluator, who shall be~~ <--  
5 ~~contracted with by the intermediate unit in which the school~~  
6 ~~district is located.~~

7 (C) A classroom observation used for teacher evaluation  
8 shall be conducted no earlier in the school year than January 1.

9 (D) Classroom observations in paragraph (B) (I) and (II) (B) <--  
10 shall be equally weighted in determining the total classroom  
11 observation rating under paragraph (A).

12 (ii) Student growth and performance shall comprise fifty per  
13 centum (50%) of the overall rating of the professional employe  
14 or temporary professional employe serving as a classroom teacher  
15 and shall be based upon multiple measures of student  
16 achievement. The fifty per centum (50%) shall be comprised of  
17 measures of student achievement that are attributable to a  
18 specific teacher as follows:

19 (A) For a teacher providing instruction in a core subject  
20 measurable by an assessment in section 121.1, ~~thirty per centum~~ <--  
21 ~~(30%) TWENTY PER CENTUM (20%) of the overall rating shall be~~ <--  
22 based on teacher-specific data on student achievement on  
23 assessment. The remaining ~~twenty per centum (20%) THIRTY PER~~ <--  
24 CENTUM (30%) shall be based on the factors in paragraph (C).

25 (B) For a teacher not providing instruction in a core  
26 subject measurable by an assessment in section 121.1, fifty per  
27 centum (50%) of the overall rating shall be based upon the  
28 factors in paragraph (C).

29 (C) The factors locally developed and designed by a school  
30 district shall include:

1 (I) Student growth, as measured by either value-added  
2 assessment system data made available by the department under  
3 section 221 or value-added measures made available by the school  
4 district under local requirements.

5 (II) Progress in meeting the goals of student individualized  
6 education plans required under the Individuals with Disabilities  
7 Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) and  
8 Statewide alternate assessments designed for students with  
9 significant cognitive disabilities.

10 (III) Locally developed school district rubrics related to  
11 developing students' critical thinking, creativity and  
12 collaboration skills.

13 (IV) Student portfolios pursuant to local requirements.

14 (iii) Ten per centum (10%) of the overall rating of the  
15 professional employe or temporary professional employe serving  
16 as a classroom teacher shall be comprised of parental and  
17 student reviews. The ten per centum (10%) shall be comprised of  
18 the following:

19 (A) In kindergarten through ~~fifth~~ EIGHTH grade, five per <--  
20 centum (5%) of the overall rating shall be based upon PARENTAL <--  
21 INPUT THAT MAY INCLUDE MULTIPLE PARENT ENGAGEMENT INSTRUMENTS,  
22 INCLUDING, BUT NOT LIMITED TO, a survey instrument to be  
23 completed by parents and designed under paragraph (C), and five  
24 per centum (5%) of the overall rating shall be based upon a  
25 rubric developed by the school district that is related to  
26 parent and teacher communication, engagement and performance. <--  
27 THAT MAY INCLUDE A MEASURE FOR AN AGE-APPROPRIATE SURVEY <--  
28 INSTRUMENT TO BE DEVELOPED BY THE LOCAL SCHOOL DISTRICT AND  
29 COMPLETED BY THE STUDENTS WHO ARE PROVIDED INSTRUCTION BY THE  
30 TEACHER. During the 2017-2018 school year, the school district



1 superintendent shall develop and submit the proposed rubric AND <--  
2 SURVEY INSTRUMENT TO BE COMPLETED BY STUDENTS IF A PART OF THE  
3 PROPOSED RUBRIC, to the board of school directors for approval  
4 at a public meeting held within sixty (60) days after the school  
5 district superintendent submits the proposed rubric to the  
6 board.

7 (B) In ~~sixth~~ NINTH through twelfth grades, five per centum <--  
8 (5%) of the overall rating shall be based on PARENTAL INPUT THAT <--  
9 MAY INCLUDE MULTIPLE PARENT ENGAGEMENT INSTRUMENTS, INCLUDING,  
10 BUT NOT LIMITED TO, a survey instrument to be completed by  
11 parents and designed under paragraph (C), and five per centum  
12 (5%) of the overall rating shall be based on a survey instrument  
13 to be developed by the local school district and to be completed  
14 by the students who are provided instruction by the teacher. The  
15 survey instrument to be completed by a student shall be  
16 developed as follows:

17 (I) During the 2017-2018 school year, the school district  
18 superintendent shall develop and submit the proposed survey  
19 instrument to the board of school directors for approval at a  
20 public meeting held within sixty (60) days after the school  
21 district superintendent submits the proposed survey instrument  
22 to the board.

23 (II) The survey instrument shall include a comment section  
24 for additional written response.

25 (C) The survey instrument THAT MAY BE PROVIDED TO PARENTS <--  
26 FOR INPUT AS A PART OF MULTIPLE PARENT ENGAGEMENT INSTRUMENTS  
27 UNDER PARAGRAPHS (A) AND (B) shall be developed by the  
28 department to score teacher performance. The survey instrument  
29 shall include a comment section for additional written response.  
30 The score shall be on a one hundred (100) point scale derived

1 from the following equally weighted questions:

2 (I) The overall parental satisfaction with the performance  
3 of the teacher.

4 (II) Whether the teacher engages in frequent and informative  
5 communications with the parent about student progress,  
6 attendance, behavior, curriculum topics and objectives.

7 (III) Whether the teacher is approachable and open to  
8 parental input.

9 (IV) Whether the teacher maintains a classroom environment  
10 in which the student feels safe.

11 (V) Whether the teacher administers discipline appropriately  
12 and consistently.

13 (VI) Whether the teacher provides the student and the parent  
14 or guardian with information about classroom expectations and  
15 support for learning at home.

16 (VII) Whether the teacher knows the content area and how to  
17 teach it.

18 (VIII) Whether the teacher treats the student and parent or  
19 guardian with respect and care.

20 (IX) Whether the teacher acknowledges individual needs and  
21 provides appropriate individual assistance to engage the student  
22 in learning.

23 (X) Whether the teacher has knowledge of and serves the  
24 needs of the communities located within the school district.

25 ~~(iv) Ten per centum (10%) of the overall rating of a~~ <--  
26 ~~classroom teacher shall be comprised of a survey instrument to~~  
27 ~~be completed by peer teachers. The survey shall be developed and~~  
28 ~~designed by the department. The score shall be on a one hundred~~  
29 ~~(100) point scale derived from the following equally weighted~~  
30 ~~factors:~~

1 ~~(A) Whether a classroom teacher collaborates with the~~  
2 ~~teacher's peers to improve instructional pedagogy, strengthen~~  
3 ~~understanding of curriculum content and work together to improve~~  
4 ~~student learning.~~

5 ~~(B) Whether a classroom teacher utilizes additional~~  
6 ~~classroom resources such as online learning materials that are~~  
7 ~~aligned to assessments in section 121.1.~~

8 ~~(C) Whether a classroom teacher is open and responsive to~~  
9 ~~the needs of other classroom teachers at the school and works~~  
10 ~~together with other classroom teachers to create an educational~~  
11 ~~environment in which all students can learn.~~

12 ~~(D) The performance of a classroom teacher related to~~  
13 ~~planning and preparation, classroom environment, instruction and~~  
14 ~~professional responsibilities.~~

15 ~~(E) The overall performance of the classroom teacher.~~

16 ~~(2) (i) Prior to the 2018-2019 school year, the department~~  
17 ~~shall develop, issue and publish in the Pennsylvania Bulletin a~~  
18 ~~rating tool for professional employes and temporary professional~~  
19 ~~employes serving as classroom teachers for purposes of this~~  
20 ~~subsection and section 121.1, which includes the weights given~~  
21 ~~to the multiple measures of student performance contained in~~  
22 ~~clause (1)(ii).~~

23 ~~(ii) Following publication, the rating tool developed under~~  
24 ~~this subsection shall be used in the rating of all professional~~  
25 ~~employes and temporary professional employes serving as~~  
26 ~~classroom teachers.~~

27 (c) For professional employes and temporary professional  
28 employes serving as principals, the following shall apply:

29 (1) Beginning in the [2014-2015] 2018-2019 school year,  
30 principal effectiveness shall be measured using a rating tool

1 designed specifically for professional employes and temporary  
2 professional employes serving as principals [which shall give  
3 due consideration to the following:

- 4 (i) Planning and preparation.
- 5 (ii) School environment.
- 6 (iii) Delivery of service.
- 7 (iv) Professional development.
- 8 (v) Student performance, pursuant to clause (2).

9 (2) Student performance shall be measured as provided in  
10 subsection (b) (1) (ii) for professional employes and temporary  
11 professional employes supervised by the principal and shall  
12 comprise fifty per centum (50%) of the principal's overall  
13 rating. The fifty per centum (50%) shall be comprised of the  
14 following:

15 (A) Fifteen per centum (15%) building-level data, including,  
16 but not limited to, all of the following:

- 17 (I) Student performance on assessments.
- 18 (II) Value-added assessment system data made available by  
19 the department under section 221.
- 20 (III) Graduation rate as reported to the department under  
21 section 222.
- 22 (IV) Promotion rate.
- 23 (V) Attendance rate as reported to the department under  
24 section 2512.
- 25 (VI) Advanced placement course participation.
- 26 (VII) Scholastic aptitude test and preliminary scholastic  
27 aptitude test data.

28 (B) Fifteen per centum (15%) correlation data based on  
29 teacher-level measures.

30 (C) Twenty per centum (20%) elective data, including

1 measures of student achievement that are locally developed and  
2 selected by the school district from a list approved by the  
3 department and published in the Pennsylvania Bulletin by June 30  
4 each year, which shall include, but not be limited to, the  
5 following:

6 (I) District-designed measures and examinations.

7 (II) Nationally recognized standardized tests.

8 (III) Industry certification examinations.

9 (IV) Student projects pursuant to local requirements.

10 (V) Student portfolios pursuant to local requirements.

11 (3) (i) No later than June 30, 2014, the department shall  
12 develop, issue and publish in the Pennsylvania Bulletin a rating  
13 tool for professional employes and temporary professional  
14 employes serving as principals that is consistent with this  
15 subsection and includes the weights given to the multiple  
16 measures of student performance contained in clause (2).

17 (ii) Following publication, the rating tool developed under  
18 this subsection shall be used in the rating of all principals  
19 superseding all other rating cards and forms used previously.

20 (iii) After June 30, 2014, any changes to the rating tool  
21 developed under this subsection shall be made by the State Board  
22 of Education through regulations promulgated under the  
23 "Regulatory Review Act."]

24 as follows:

25 (i) (A) Fifty per centum (50%) of the principal's overall <--  
26 rating shall give due consideration to the following:

27 ~~(A)~~ (I) Planning and preparation. <--

28 ~~(B)~~ (II) School environment. <--

29 ~~(C)~~ (III) Delivery of service. <--

30 ~~(D)~~ (IV) Professional development. <--

1 (B) TEN PER CENTUM (10%) OF THE PRINCIPAL'S OVERALL RATING  
 2 SHALL BE BASED ON PARENT INPUT RELATED TO PRINCIPAL PERFORMANCE  
 3 THAT MAY INCLUDE MULTIPLE PARENT ENGAGEMENT INSTRUMENTS,  
 4 INCLUDING, BUT NOT LIMITED TO, A SURVEY INSTRUMENT TO BE  
 5 COMPLETED BY PARENTS OF STUDENTS WITHIN THE SCHOOL. THE SURVEY  
 6 INSTRUMENT SHALL BE DEVELOPED BY THE DEPARTMENT TO SCORE  
 7 PRINCIPAL PERFORMANCE AND SHALL INCLUDE A COMMENT SECTION FOR  
 8 ADDITIONAL WRITTEN RESPONSE. THE SCORE SHALL BE ON A ONE HUNDRED  
 9 (100) POINT SCALE DERIVED FROM THE FOLLOWING EQUALLY WEIGHTED  
 10 QUESTIONS:

11 (I) THE OVERALL PARENTAL SATISFACTION WITH THE PERFORMANCE  
 12 OF THE PRINCIPAL.

13 (II) WHETHER THE PRINCIPAL ENGAGES IN FREQUENT AND  
 14 INFORMATIVE COMMUNICATION WITH THE PARENT ABOUT THE SCHOOL  
 15 VISION AND THE IMPLEMENTATION OF A PLAN TO ACHIEVE THE SCHOOL  
 16 VISION.

17 (III) WHETHER THE PRINCIPAL IS APPROACHABLE AND OPEN TO  
 18 PARENTAL INPUT.

19 (IV) WHETHER THE PRINCIPAL MAINTAINS A SCHOOL ENVIRONMENT IN  
 20 WHICH STUDENTS FEEL SAFE.

21 (V) WHETHER THE PRINCIPAL ADMINISTERS DISCIPLINE  
 22 APPROPRIATELY AND CONSISTENTLY.

23 (VI) WHETHER THE PRINCIPAL PROVIDES STUDENTS AND PARENTS  
 24 WITH INFORMATION ABOUT SCHOOL EXPECTATIONS AND SUPPORT FOR  
 25 LEARNING AT HOME.

26 (VII) WHETHER THE PRINCIPAL TREATS STUDENTS AND PARENTS WITH  
 27 RESPECT AND CARE.

28 (VIII) WHETHER THE PRINCIPAL ACKNOWLEDGES INDIVIDUAL NEEDS  
 29 AND PROVIDES APPROPRIATE INDIVIDUAL ASSISTANCE TO ENGAGE  
 30 STUDENTS WITHIN THE SCHOOL.

1 (IX) WHETHER THE PRINCIPAL HAS KNOWLEDGE OF AND SERVES THE  
2 NEEDS OF THE COMMUNITIES LOCATED WITHIN THE SCHOOL DISTRICT.

3 (X) WHETHER THE PRINCIPAL SUPPORTS ALL PROFESSIONAL EMPLOYEES  
4 AND NONPROFESSIONAL EMPLOYEES WITH RESPECT AND OPPORTUNITY FOR  
5 PROFESSIONAL DEVELOPMENT.

6 (ii) Fifty per centum (50%) of the principal's overall <--  
7 rating shall be comprised of teacher ratings and student growth  
8 and performance as provided in subsection (b) (1) for  
9 professional employes and temporary professional employes  
10 supervised by the principal. The fifty per centum (50%) shall be  
11 comprised of the following:

12 (A) Twenty per centum (20%) OF THE PRINCIPAL'S OVERALL <--  
13 RATING SHALL BE COMPRISED OF building-level data, which shall  
14 include all of the following:

15 (I) Student performance on assessments under section 121.1.

16 (II) Graduation rate as reported to the department under  
17 section 222.

18 (III) Promotion rate.

19 (IV) Attendance rate as reported to the department under  
20 section 2512.

21 (V) Advanced placement course participation.

22 (B) Ten per centum (10%), which OF THE PRINCIPAL'S OVERALL <--  
23 RATING shall be comprised of all overall teacher ratings under  
24 the supervision of the principal under subsection (b) (1).

25 ~~(C) Five per centum (5%) shall be comprised of parental~~ <--  
26 ~~review through a survey instrument to be completed by parents of~~  
27 ~~students within the school. The survey instrument shall be~~  
28 ~~developed by the department to score principal performance. The~~  
29 ~~survey instrument shall include a comment section for additional~~  
30 ~~written response. The score shall be on a one hundred (100)~~

1 ~~point scale derived from the following equally weighted~~  
2 ~~questions:~~

3 ~~(I) The overall parental satisfaction with the performance~~  
4 ~~of the principal.~~

5 ~~(II) Whether the principal engages in frequent and~~  
6 ~~informative communications with the parent about the school~~  
7 ~~vision and the implementation of a plan to achieve the school~~  
8 ~~vision.~~

9 ~~(III) Whether the principal is approachable and open to~~  
10 ~~parental input.~~

11 ~~(IV) Whether the principal maintains a school environment in~~  
12 ~~which students feel safe.~~

13 ~~(V) Whether the principal administers discipline~~  
14 ~~appropriately and consistently.~~

15 ~~(VI) Whether the principal provides students and parents~~  
16 ~~with information about school expectations and support for~~  
17 ~~learning at home.~~

18 ~~(VII) Whether the principal treats students and parents with~~  
19 ~~respect and care.~~

20 ~~(VIII) Whether the principal acknowledges individual needs~~  
21 ~~and provides appropriate individual assistance to engage~~  
22 ~~students within the school.~~

23 ~~(IX) Whether the principal has knowledge of and serves the~~  
24 ~~needs of the communities located within the school district.~~

25 ~~(X) Whether the principal supports all professional and~~  
26 ~~nonprofessional employes with respect and opportunities for~~  
27 ~~professional development.~~

28 ~~(D) Fifteen per centum (15%) (C) TWENTY PER CENTUM (20%) of <--~~  
29 ~~the principal's overall rating shall be comprised of elective~~  
30 ~~data, including measures of student growth and achievement that~~



1 are locally developed and selected by the school district from a  
2 list approved by the board of school directors at a public  
3 meeting, ~~five per centum (5%)~~ TEN PER CENTUM (10%) of which <--  
4 shall be comprised of a locally developed measure of whether the  
5 principal has knowledge of and serves the needs of the  
6 communities located within the school district, and ten per  
7 centum (10%) of which shall include:

8 (I) Student growth, as measured by either value-added  
9 assessment system data made available by the department under  
10 section 221 or value-added measures made available by the school  
11 district under local requirements.

12 (II) District-designed measures and examinations.

13 (III) Student projects pursuant to local requirements.

14 (IV) Progress in meeting the goals of student individualized  
15 education plans required under the Individuals with Disabilities  
16 Education Act and Statewide alternate assessments designed for  
17 students with significant cognitive disabilities.

18 (3) (i) Prior to the 2018-2019 school year, the department  
19 shall develop, issue and publish in the Pennsylvania Bulletin a  
20 rating tool for professional employes and temporary professional  
21 employes serving as principals for purposes of this subsection  
22 and section 121.1, which includes the weights given to the  
23 multiple measures of student performance contained in clause (1)  
24 (ii).

25 (ii) Following publication, the rating tool developed under  
26 this subsection shall be used in the rating of all principals,  
27 superseding all other rating cards and forms used previously.

28 (d) For nonteaching professional employes, the following  
29 shall apply:

30 (1) Beginning in the [2014-2015] 2018-2019 school year,

1 nonteaching professional employes shall be evaluated using a  
2 rating tool designed specifically for nonteaching professional  
3 employes [which shall give due consideration to the following:

4 (i) Planning and preparation.

5 (ii) Educational environment.

6 (iii) Delivery of service.

7 (iv) Professional development.

8 (v) Student performance of all students in the school  
9 building in which the nonteaching professional employe is  
10 employed which shall comprise twenty per centum (20%) of the  
11 overall rating of nonteaching professional employes and  
12 temporary professional employes.

13 (2) (i) No later than June 30, 2014, the department shall  
14 develop, issue and publish in the Pennsylvania Bulletin a rating  
15 tool for nonteaching professional employes that is consistent  
16 with this subsection and includes the weights given to the  
17 multiple measures of student performance contained in clause  
18 (1) (v).

19 (ii) Following publication, the rating tool developed under  
20 this subsection shall be used in the rating of all nonteaching  
21 professional employes.

22 (iii) After June 30, 2014, any subsequent changes to the  
23 rating tool developed under this paragraph shall be made by the  
24 State Board of Education through regulations promulgated under  
25 the "Regulatory Review Act."]

26 as follows:

27 (i) Eighty per centum (80%) of the nonteaching professional  
28 employe's overall rating shall give due consideration to the  
29 following:

30 (A) Planning and preparation.

1 (B) Educational environment.

2 (C) Delivery of service.

3 (D) Professional development.

4 (ii) Student performance on assessments in section 121.1 of  
5 all students in the school building in which the nonteaching  
6 professional employe is employed shall comprise five per centum  
7 (5%) of the overall rating of nonteaching professional employes  
8 and temporary professional employes.

9 (iii) ~~The~~ FIFTEEN PER CENTUM (15%) OF THE NONTEACHING <--  
10 PROFESSIONAL EMPLOYE'S OVERALL RATING SHALL GIVE DUE  
11 CONSIDERATION TO factors locally developed and designed by the  
12 school district. THE FACTORS shall include: <--

13 (A) Student growth, as measured by either value-added  
14 assessment system data made available by the department under  
15 section 221 or value-added measures made available by the school  
16 district under local requirements.

17 (B) Progress in meeting the goals of student individualized  
18 education plans required under the Individuals with Disabilities  
19 Education Act and Statewide alternate assessments designed for  
20 students with significant cognitive disabilities.

21 (C) Locally developed school district rubrics related to  
22 developing critical thinking, creativity and collaboration  
23 skills.

24 (D) Student portfolios pursuant to local requirements.

25 (2) (i) Prior to the 2018-2019 school year, the department  
26 shall develop, issue and publish in the Pennsylvania Bulletin a  
27 rating tool for nonteaching professional employes that is  
28 consistent with this subsection and includes the weights given  
29 to the multiple measures of student performance contained in  
30 clause (1)(ii).

1       (ii) Following publication, the rating tool developed under  
2 this subsection shall be used in the rating of all nonteaching  
3 professional employes.

4       (e) Notwithstanding subsections (b), (c) and (d),  
5 professional employes and temporary professional employes  
6 serving as classroom teachers, principals and nonteaching  
7 professional employes may be evaluated through the use of a  
8 rating tool developed by an individual school district,  
9 intermediate unit or area vocational-technical school that the  
10 department has approved as meeting or exceeding the measures of  
11 effectiveness established under this section.

12       (f) (1) Each rating tool developed or approved under this  
13 section shall identify the overall performance rating of the  
14 professional employes and temporary professional employes  
15 serving as classroom teachers, principals and nonteaching  
16 professional employes as one of the following:

17       (i) Distinguished.

18       (ii) Proficient.

19       (iii) Needs improvement.

20       (iv) Failing.

21       (2) An overall performance rating of either "distinguished"  
22 or "proficient" shall be considered satisfactory.

23       (3) An overall performance rating of "needs improvement"  
24 shall be considered satisfactory, except that any subsequent  
25 overall rating of "needs improvement" issued by the same  
26 employer within ten (10) years of the first overall performance  
27 rating of "needs improvement" where the employe is in the same  
28 certification shall be considered unsatisfactory.

29       (4) An overall performance rating of "failing" shall be  
30 considered unsatisfactory.

1 (5) An overall performance rating of "needs improvement" or  
2 "failing" shall require the employe to participate in a  
3 performance improvement plan. No employe shall be rated "needs  
4 improvement" or "failing" based solely upon student test scores.  
5 Prior to the beginning of the school year after an employe is  
6 rated "needs improvement" or "failing" and is required to  
7 participate in a performance improvement plan, the school  
8 district shall develop the performance improvement plan in  
9 consultation with the employe. The performance improvement plan  
10 shall be implemented at the beginning of the school year after  
11 an employe is rated "needs improvement" or "failing." The  
12 employe shall be deemed "unsatisfactory" if the employe does not  
13 receive a "distinguished" or "proficient" rating by the end of  
14 the school year in which the performance improvement plan is  
15 implemented.

16 (6) The department shall develop a rating scale to reflect  
17 student performance measures and employe observation results and  
18 establish overall score ranges for each of the four rating  
19 categories contained in clause (1).

20 (g) Upon publication in the Pennsylvania Bulletin of a  
21 rating tool developed under this section, the rating cards set  
22 forth in 22 Pa. Code § 351.21 (relating to rating form) and any  
23 alternative rating forms approved pursuant to 22 Pa. Code Ch.  
24 351 (relating to teacher tenure hearings) prior to the  
25 implementation of this section shall be discontinued for use in  
26 the evaluation of professional and temporary professional  
27 employes.

28 (h) The following shall apply to the ratings of all  
29 professional employes and temporary professional employes:

30 (1) All ratings shall be completed using the rating tools

1 developed or approved under this section.

2 (2) Professional employes shall be rated at least annually  
3 and temporary professional employes shall be rated at least  
4 twice annually.

5 (3) [Ratings] Overall ratings shall be performed by or under  
6 the supervision of the chief school administrator or, if so  
7 directed by the chief school administrator, by an assistant  
8 administrator, a supervisor or a principal who has supervision  
9 over the work of the professional employe or temporary  
10 professional employe being rated, provided that no  
11 unsatisfactory rating shall be valid unless approved by the  
12 chief school administrator.

13 (4) No employe shall be dismissed under section 1122 unless  
14 the employe has been provided a completed rating tool provided  
15 for under this section, which includes a description based upon  
16 classroom observations of deficiencies in practice supported by  
17 detailed anecdotal records that justify the unsatisfactory  
18 rating.

19 (i) All school districts, intermediate units and area  
20 vocational-technical schools shall provide to the department the  
21 aggregate results of all professional employe and temporary  
22 professional employe, principal and nonteaching professional  
23 employe evaluations.

24 (j) [(1)] Any rating tool developed by the Department of  
25 Education under this section shall be exempt from:

26 (i) Sections 201, 202, 203, 204 and 205 of the act of July  
27 31, 1968 (P.L.769, No.240), referred to as the "Commonwealth  
28 Documents Law."

29 (ii) Section 204(b) of the act of October 15, 1980 (P.L.950,  
30 No.164), known as the "Commonwealth Attorneys Act."

1 (iii) The act of June 25, 1982 (P.L.633, No.181), known as  
2 the "Regulatory Review Act."

3 [(2) This subsection shall not apply to any changes made to  
4 a rating tool or new rating tool developed by the State Board of  
5 Education pursuant to subsections (b)(2)(iii), (c)(3)(iii) and  
6 (d)(2)(iii).]

7 (k) The State Board of Education [may] shall develop  
8 standards or regulations consistent with this section.

9 [(1) (1) The department's duty to develop a rating tool  
10 under subsection (b)(2) shall expire on June 30, 2013.

11 (2) The department's duty to develop rating tools under  
12 subsections (c)(3) and (d)(2) shall expire on June 30, 2014.]

13 (m) No collective bargaining agreement negotiated by a  
14 school district and an exclusive representative of the employes  
15 in accordance with the act of July 23, 1970 (P.L.563, No.195),  
16 known as the "Public Employe Relations Act," after the effective  
17 date of this subsection shall provide for a rating system other  
18 than as provided for in this section. A provision in any  
19 agreement or contract in effect on the effective date of this  
20 subsection that provides for a rating system in conflict with  
21 this section shall be discontinued in any new or renewed  
22 agreement or contract or during the period of status quo  
23 following an expired contract.

24 (n) The requirements of this section shall apply to all  
25 school districts, intermediate units and area vocational-  
26 technical schools.

27 (o) For purposes of this section:

28 (1) The term "assessment" shall mean the Pennsylvania System  
29 of School Assessment test, [the Keystone Exam] all other  
30 assessments listed under section 121.1, an equivalent local

1 assessment or another test established by the State Board of  
2 Education to [meet the requirements of section  
3 2603-B(d)(10)(i) and required under the No Child Left Behind Act  
4 of 2001 (Public Law 107-110, 115 Stat. 1425) or its successor  
5 statute] comply with the Every Student Succeeds Act (Public Law  
6 114-95, 129 Stat. 1802) and its regulations, or any subsequent  
7 waiver or subsequent act of Congress related thereto, that  
8 requires assessment for the purpose of Federal accountability or  
9 required to achieve other standards established by the  
10 department for the school or school district under 22 Pa. Code §  
11 403.3 (relating to single accountability system).

12 (2) The term "chief school administrator" shall include  
13 individuals who are employed as a school district  
14 superintendent, an executive director of an intermediate unit or  
15 a chief school administrator of an area vocational-technical  
16 school.

17 (3) The term "classroom teacher" shall mean a professional  
18 employe or temporary professional employe who provides direct  
19 instruction to students related to a specific subject or grade  
20 level.

21 (4) The term "department" shall mean the Department of  
22 Education of the Commonwealth.

23 (5) The term "education specialist" shall have the meaning  
24 given to it under the act of December 12, 1973 (P.L.397,  
25 No.141), known as the "Professional Educator Discipline Act."

26 (6) The term "nonteaching professional employe" shall mean  
27 an education specialist or a professional employe or temporary  
28 professional employe who provides services other than classroom  
29 instruction.

30 (6.1) The term "parent" shall mean an individual who is a



1 birth parent whose rights have not been terminated, custodial  
2 parent, designated guardian, guardian ad litem of the child,  
3 foster parent, legal custodian, legal guardian, noncustodial  
4 parent, adoptive parent, preadoptive parent or relative  
5 providing care for the child if the relative is registered with  
6 the school as a contact, subject to any laws pertaining to  
7 minors, emancipation or termination of parental rights, court  
8 orders or any other laws designed for the protection of a child.

9 (7) The term "performance improvement plan" shall mean a  
10 plan, designed by a district with input of the employe, that may  
11 include mentoring, coaching, recommendations for professional  
12 development and intensive supervision based on the contents of  
13 the rating tool provided for under this section.

14 (8) The term "principal" shall include a building principal,  
15 an assistant principal, a vice principal or a director of  
16 vocational education.

17 ~~(9) The term "third party evaluator" shall mean a retired <--~~  
18 ~~teacher, principal or any other school administrator who has~~  
19 ~~extensive experience in the classroom or in school~~  
20 ~~administration and has been approved by the department as~~  
21 ~~qualified to conduct classroom observations. The department~~  
22 ~~shall determine the qualifications of the evaluator, which shall~~  
23 ~~include, but not be limited to, the following:~~

24 ~~(i) A letter of eligibility or certification obtained prior~~  
25 ~~to retirement in the grade levels or subject area of the~~  
26 ~~classroom to be evaluated.~~

27 ~~(ii) Never having been employed by the school district where~~  
28 ~~classroom observation will occur.~~

29 ~~(iii) Factors evidencing reputation such as high~~  
30 ~~recommendations and distinguished ratings under subsection (f)~~

1 ~~(1) (i), if applicable.~~

2 ~~(iv) Other relevant qualifications as determined by the~~  
3 ~~department.~~

4 (p) An employe's individual rating form shall not be subject  
5 to disclosure under the act of February 14, 2008 (P.L.6, No.3),  
6 known as the "Right-to-Know Law."

7 Section 4. Section 1613 of the act is amended by adding a  
8 subsection to read:

9 Section 1613. High School Certificates.--\* \* \*

10 (a.1) The board of school directors, joint board or joint  
11 school committee operating any high school shall not at any time  
12 approve or permit the use of, any assessment that is used for  
13 the purpose of Federal accountability, as a requirement for high  
14 school graduation or for any other purpose prohibited in section  
15 121.1.

16 \* \* \*

17 Section 5. This act shall take effect immediately.