

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1181 Session of  
1983

INTRODUCED BY GALLAGHER, FREIND, HARPER, COWELL, BURNS,  
E. Z. TAYLOR, EVANS, FISCHER, COLAFELLA, DAVIES, LIVENGOD,  
MILLER, TIGUE, LESCOVITZ, STAIRS, WIGGINS, WASS, BATTISTO,  
HAGARTY, COY, DALEY, FATTAH, KOSINSKI, HERMAN AND WAMBACH,  
JUNE 7, 1983

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 13, 1982

## 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12 repealed.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.--The mandatory required programs or courses of study to  
24 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.

(2) At the secondary school level: English, to include language, literature, speech and composition; science, to include biology, physics and chemistry; geography; social studies, to include civics, economics, world history, United States history and Pennsylvania history; foreign languages; mathematics, to include general mathematics and statistics, algebra, geometry, trigonometry and computer science; industrial arts; home economics; art; music; health and physical education and remedial programs. The program of health and physical education shall include instruction concerning the causes, effects, prevention and treatment of drug and alcohol abuse and the undesirability of the abuse of these substances.

(3) All subjects, except foreign languages, shall be taught in the English language and from English texts in compliance with State board regulations and department standards. The teaching of subjects in a language other than English may be permitted as part of a sequence in foreign language study if the teaching personnel are properly certified in the subject fields.

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

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

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

(i) Four (4) years of English.

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

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

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

4     (v) One-half (1/2) year of computer science.

5     (vi) Two (2) years of foreign language studies.

6     The offering of such courses shall begin in school year 1984-  
7     1985 and the requirement for graduation shall apply to students  
8     graduating in 1989, and thereafter.

9     (7) Local school boards shall have the authority to  
10    establish written policies pertaining to the assignment of  
11    student homework and other out of class requirements.

12    Section 3. The act is amended by adding a section to read:

13    Section 1511.1. Education Assessment Testing; Prerequisite  
14    for Receipt of Diploma.--(a) The Department of Education,  
15    within one (1) year of the effective date of this act shall  
16    develop, cause to be developed or select commercially available  
17    tests designed to measure objectively cognitive development and  
18    educational performance in reading, writing, arithmetic or  
19    mathematics and science. These tests shall be administered to  
20    all public school students in this Commonwealth in the third,  
21    fifth, eighth and eleventh grades. Except for mentally gifted  
22    students as defined in regulations of the Department of  
23    Education, those students defined as exceptional under section  
24    1371 shall be exempt from the provisions of this section but may  
25    participate at the written request of a parent or guardian.  
26    HOWEVER, ANY STUDENT WITH A RECOGNIZED LEARNING DISABILITY, BUT <—  
27    NOT DEFINED AS EXCEPTIONAL UNDER SECTION 1371, SHALL BE TESTED  
28    THROUGH APPROPRIATE TESTING PROGRAMS INCLUDING, BUT NOT LIMITED  
29    TO, ORAL TESTING.

30    (b) Tests administered at the third, fifth and eighth grade

levels shall be utilized by all school districts to measure relative student performance and to assist in the development of and placement of students in remedial educational programs as prescribed by the State Board of Education.

(c) Satisfactory performance as determined by the department on the test administered in the eleventh grade shall be a basic prerequisite for all public, private and parochial school students receiving a high school diploma in Pennsylvania. A student failing the eleventh grade test shall immediately be placed in appropriate remedial programs to enable successful performance on the test. A student failing the eleventh grade test the first time shall be permitted to retake the test on a minimum of three (3) separate occasions, when the district shall offer it, during the student's senior year of high school. If a student fails to pass the test on all of these occasions, the student shall not receive a high school diploma BUT SHALL RECEIVE A CERTIFICATE OF ATTENDANCE UPON COMPLETION OF TWELFTH GRADE. The graduation requirements established herein shall be applicable to the school year commencing four (4) years after the development or selection by the department of appropriate testing instruments. THE PROVISIONS OF THIS SUBSECTION SHALL APPLY TO STUDENTS WITH LEARNING DISABILITIES BUT NOT DEFINED AS EXCEPTIONAL UNDER SECTION 1371.

(d) Results of the test administered in the third, fifth, eighth and eleventh grades shall be provided to parents or guardians. The board of school directors in each school district shall determine which school district personnel may have access to the test results. ANY EMPLOYE OF THE DISTRICT ALTERING THE TEST SCORES OF A STUDENT SHALL BE SUSPENDED WITHOUT PAY FOR NINETY (90) DAYS FOR THE FIRST OFFENSE, ONE (1) YEAR FOR THE

1 SECOND OFFENSE AND INDEFINITELY FOR EACH SUCCEEDING OFFENSE.  
2 BEFORE THE EMPLOYE IS SUSPENDED, THE BOARD OF SCHOOL DIRECTORS  
3 SHALL FURNISH THE EMPLOYE WITH A WRITTEN STATEMENT OF THE  
4 CHARGES UPON WHICH THE SUSPENSION IS BASED AND THE BOARD SHALL  
5 CONDUCT A HEARING. THE HEARING SHALL FOLLOW THE PROCEDURES FOR  
6 DISMISSAL HEARINGS AS PRESCRIBED IN THIS ACT.

7 (E) IN LIEU OF THE TEST REQUIRED IN SUBSECTION (A), A SCHOOL  
8 DISTRICT MAY DEVELOP ITS OWN TESTING PROGRAM WITH THE APPROVAL  
9 OF THE DEPARTMENT. IN REVIEWING THE TESTING PROGRAM, THE  
10 DEPARTMENT SHALL INSURE THAT THE PROGRAM TESTS STUDENTS AT THE  
11 SAME ACHIEVEMENT LEVELS AS THE PROGRAM ADMINISTERED BY THE  
12 DEPARTMENT. THE DISTRICT TESTING PROGRAM SHALL COMPLY WITH THE  
13 STANDARDS FOR REMEDIATION AND TESTING PROGRAMS AS ESTABLISHED IN  
14 THIS SECTION.

15 (F) THE DEPARTMENT SHALL ESTABLISH A TEST FOR MEASURING THE  
16 ACHIEVEMENT LEVELS OF STUDENTS MOVING INTO THE COMMONWEALTH FROM  
17 ANOTHER STATE, TERRITORY OR NATION OR FROM ONE DISTRICT WITHIN  
18 THE COMMONWEALTH TO ANOTHER DISTRICT TO ASSIST THE DISTRICT IN  
19 PLACING THE STUDENT AT THE APPROPRIATE EDUCATIONAL LEVEL. A  
20 STUDENT IN THE CATEGORIES SPECIFIED IN THIS SUBSECTION WHO HAS  
21 NOT BEEN ENROLLED IN A SCHOOL IN THE COMMONWEALTH FOR AT LEAST  
22 ONE YEAR PRIOR TO THE ADMINISTRATION OF THE TEST IN EITHER  
23 GRADES THREE, FIVE OR EIGHT SHALL NOT BE REQUIRED TO TAKE THE  
24 TEST AT THAT GRADE LEVEL BUT SHALL BE REQUIRED TO TAKE THE  
25 SUCCEEDING TEST, IF APPLICABLE, AND TO DEMONSTRATE SATISFACTORY  
26 PERFORMANCE ON THE TEST ADMINISTERED IN THE ELEVENTH GRADE IN  
27 ORDER TO RECEIVE A HIGH SCHOOL DIPLOMA.

28 Section 4. The Department of Education's Educational Quality  
29 Assessment Program and that program's goals of quality education  
30 are rescinded.

1       Section 5. This act shall take effect immediately except  
2 section 1511 which shall take effect beginning the 1984-1985  
3 school year.