

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, WAMBACH AND
BOOK, JUNE 7, 1983

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

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12 repealed.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~~

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

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

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The Department of Education's Educational Quality Assessment Program and that program's goals of quality education are rescinded.~~

~~SECTION 1511.2. TEST FOR EDUCATIONAL EXCELLENCE AND ACHIEVEMENT.--THE STATE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION SHALL DEVELOP AND UTILIZE A TEST TO BE KNOWN AS THE EDUCATIONAL EXCELLENCE AND ACHIEVEMENT TEST TO ASSIST DISTRICTS IN LONG RANGE PLANNING. SCHOOL DISTRICTS MAY PARTICIPATE IN THE EDUCATIONAL EXCELLENCE AND ACHIEVEMENT TEST AND MAY UTILIZE ANY 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.