

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 BOOK,
JUNE 7, 1983

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
FEBRUARY 14, 1984

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; FURTHER PROVIDING FOR VOTING OF
8 BOARDS; FURTHER PROVIDING FOR THE GRANTING OF DIPLOMAS; and
9 making editorial changes. <—

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

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14 repealed.

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

17 Section 1511. [Subjects of Instruction; Flag Code.--In every
18 elementary public and private school, established and maintained
19 in this Commonwealth, the following subjects shall be taught, in

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

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

1 music; art; and remedial programs.

2 (2) At the secondary school level: English, to include
3 language, literature, speech and composition; science, to
4 include EARTH SCIENCES, biology, physics and chemistry; <—
5 geography; social studies, to include civics, economics, world
6 history, United States history, INCLUDING THE HISTORY OF LABOR <—
7 IN THE UNITED STATES, and Pennsylvania history; foreign
8 languages; mathematics, to include general mathematics and
9 statistics, algebra, geometry and trigonometry; computer
10 literacy or computer science; industrial arts; home economics;
11 art; music; vocational-technical education; business education;
12 health and EDUCATION; physical education; and remedial programs. <—
13 The program of health and ~~physical~~ education shall include <—
14 instruction concerning the causes, effects, prevention and
15 treatment of drug and alcohol abuse and the undesirability of
16 the abuse of these substances.

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

24 (4) The General Assembly acknowledges the importance of
25 foreign language study to the Commonwealth and the United
26 States. No student shall be denied access to foreign language
27 study. Foreign language is an asset to the vocational-technical
28 student and business student, as well as the student who will
29 attend college.

30 (5) Computer literacy and computer science may be taught as

part of an elementary or secondary mandatory required program or
course. School districts are urged to provide instruction in
computer literacy and computer science to all students.

(6) 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.

(7) 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. PHYSICAL EDUCATION
SHALL BE TAUGHT TO EVERY STUDENT EVERY YEAR AT THE ELEMENTARY
AND SECONDARY LEVELS. PHYSICAL EDUCATION PROGRAMS SHALL BE
ADAPTED FOR STUDENTS UNABLE TO PARTICIPATE IN A REGULAR PROGRAM.

(8) Notwithstanding the provisions of clause (7), 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.~~

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

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

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

~~(v) One half (1/2) year of computer literacy or computer~~
~~science.~~

~~(vi) Four (4) years of physical education or adaptive~~
~~physical education for students unable to participate in the~~
~~regular physical education program.~~

(I) ENGLISH, FOUR (4) YEARS (FOUR (4) UNITS OF CREDIT).

(II) MATHEMATICS, THREE (3) YEARS (THREE (3) UNITS OF
CREDIT).

(III) SCIENCE, THREE (3) YEARS (THREE (3) UNITS OF CREDIT).

1 (IV) SOCIAL STUDIES, THREE (3) YEARS (THREE (3) UNITS OF
2 CREDIT).

3 (V) PHYSICAL EDUCATION, ONE (1) YEAR (ONE (1) UNIT OF
4 CREDIT).

5 THE PHRASE "UNIT OF CREDIT" AS USED IN THIS SECTION SHALL BE
6 DEFINED IN REGULATIONS OF THE STATE BOARD OF EDUCATION. The
7 offering of such courses shall begin in school year 1984-1985
8 and the requirement for graduation shall apply to students
9 graduating in 1989, and thereafter.

10 (9) Each local school board shall establish written policies
11 pertaining to the assignment of student homework and other out
12 of class requirements.

13 (10) EACH SCHOOL DISTRICT SHALL MAKE A REASONABLE EFFORT TO <—
14 ENABLE INTERESTED VOCATIONAL-TECHNICAL STUDENTS TO RECEIVE
15 INSTRUCTION IN THOSE COURSES WHICH ARE PREREQUISITES TO
16 ADMISSION TO THE STATE-OWNED AND STATE-RELATED UNIVERSITIES IN
17 THIS COMMONWEALTH.

18 (11) EXCEPTIONS TO THE CURRICULUM REQUIREMENTS CONTAINED IN
19 THIS SECTION SHALL BE CONSIDERED ACCORDING TO STANDARDS AND
20 CRITERIA ADOPTED BY THE DEPARTMENT PURSUANT TO STATE BOARD OF
21 EDUCATION REGULATIONS.

22 (b) As used in this section, the term "remedial programs"
23 shall mean services limited to students not eligible for Federal
24 compensatory education services or students in attendance areas
25 not served by Federal compensatory education services. The
26 remedial programs shall consist of services provided in
27 accordance with a planned course approved by the Department of
28 Education.

29 Section 3. The act is amended by adding sections to read:

30 Section 1511.1. Education Assessment Testing; Prerequisite

1 for Receipt of Diploma.--(a) The Department of Education shall
2 select a minimum of three commercially, nationally developed
3 tests designed to measure objectively cognitive development and
4 educational performance in reading, grammar, word usage,
5 arithmetic or mathematics, science and social studies. School
6 districts shall select from the department's approved tests such
7 testing instrument of their choice to be administered to all
8 public school children in this Commonwealth in second, fifth,
9 eighth and eleventh grades. Nothing in this act shall prevent
10 school districts from testing at other grade levels and using
11 such tests of their choice. However, the Commonwealth shall be
12 responsible only for those costs incurred BY SCHOOL DISTRICTS <—
13 for the department approved tests given in the second, fifth,
14 eighth and eleventh grades UNLESS THE SERVICES ARE PROVIDED TO <—
15 NONPUBLIC SCHOOLS UNDER SECTIONS 921-A, 922.1-A AND 923-A OF
16 THIS ACT. Except for mentally gifted students as defined in
17 regulations of the Department of Education, those students
18 defined as exceptional under section 1371 shall be exempt from
19 the provisions of this section but may participate at the
20 written request of a parent or guardian. However, any student
21 with a recognized learning disability, but not defined as
22 exceptional under section 1371, shall be given the same test;
23 however, such test may be administered orally.

24 (B) PRIVATE AND PAROCHIAL SCHOOLS SHALL BE EXEMPT FROM THE <—
25 PROVISIONS OF SUBSECTION (A). THE SCHOOLS SHALL BE REQUIRED TO
26 ADMINISTER IN THE ELEVENTH GRADE A COMMERCIALLY NATIONALLY
27 DEVELOPED TEST OF THEIR CHOICE, NOT DISAPPROVED BY THE
28 DEPARTMENT, THAT IS DESIGNED TO MEASURE OBJECTIVELY COGNITIVE
29 DEVELOPMENT AND EDUCATIONAL PERFORMANCE. PRIVATE AND PAROCHIAL
30 SCHOOLS SHALL NOTIFY AND PROVIDE THE DEPARTMENT WITH A BRIEF

1 DESCRIPTION OF THE TEST THE SCHOOL SELECTS PRIOR TO THE
2 BEGINNING OF THE SCHOOL YEAR. THE DEPARTMENT SHALL HAVE THIRTY
3 (30) DAYS TO REJECT THE TEST. DISAPPROVAL OF THE TEST BY THE
4 DEPARTMENT SHALL OCCUR ONLY IF THE TEST IS DEFICIENT IN
5 MEASURING STUDENT ACHIEVEMENT IN READING, GRAMMAR, WORD USAGE
6 AND ARITHMETIC OR MATHEMATICS. PRIVATE AND PAROCHIAL SCHOOLS
7 SHALL NOTIFY PARENTS OR GUARDIANS OF THE RESULTS OF THE TEST.
8 SATISFACTORY PERFORMANCE ON THE TEST SHALL NOT BE A PREREQUISITE
9 FOR RECEIVING A HIGH SCHOOL DIPLOMA UNLESS SUCH A REQUIREMENT IS
10 ESTABLISHED BY THE PRIVATE OR PAROCHIAL SCHOOL.

11 ~~(b)~~ (C) Tests administered at the second, fifth and eighth <—
12 grade levels shall be utilized by all school districts to
13 measure relative student performance and to assist in the
14 development of remedial educational programs in accordance with
15 the practices of each local school district. Notwithstanding the
16 testing requirements established in subsection (a), the
17 department may contract with a recognized testing service or
18 test development firm to establish a criterion reference testing
19 program for students in the grade levels specified in this
20 subsection. The tests shall be designed to measure objectively
21 cognitive development and educational performance in reading,
22 grammar, word usage, arithmetic or mathematics, science and the
23 social studies. Prior to utilizing the tests the department
24 shall review the tests with the Education Committees of the
25 House of Representatives and the Senate. The department shall
26 provide the required testing as prescribed in subsection (a)
27 until the criterion reference tests have been developed and
28 reviewed by the committees.

29 ~~(e)~~ (D) Satisfactory performance as determined by the <—
30 department on the test administered in the eleventh grade shall

1 be a basic prerequisite for all public, private and parochial
2 school students receiving a high school diploma in Pennsylvania.
3 A student failing the eleventh grade test shall immediately be
4 placed in appropriate remedial programs to enable successful
5 performance on the test. A student failing the eleventh grade
6 test the first time shall be permitted to retake the test on a
7 minimum of three (3) separate occasions, when the district shall
8 offer it, during the student's senior year of high school. If a
9 student fails to pass the test on all of these occasions, the
10 student shall not receive a high school diploma but shall
11 receive a certificate of attendance upon completion of twelfth
12 grade. Failure to pass the test shall not prevent a student from
13 repeating twelfth grade. The graduation requirements established
14 herein shall be applicable to the school year commencing four
15 (4) years after the development or selection by the department
16 of appropriate testing instruments. The provisions of this
17 subsection shall apply to students with learning disabilities
18 but not defined as exceptional under section 1371. STUDENTS <—
19 ATTENDING PRIVATE AND PAROCHIAL SCHOOLS SHALL BE EXEMPT FROM THE
20 PROVISIONS OF THIS SUBSECTION.

21 ~~(d)~~ (E) Results of the test administered in the second, <—
22 fifth, eighth and eleventh grades shall be provided to parents
23 or guardians. The board of school directors in each school
24 district shall determine which school district personnel may
25 have access to the test results.

26 Section 1511.2. Test for Educational Excellence and
27 Achievement.--The State Board of Education and the Department of
28 Education shall develop and utilize a test to be known as the
29 Educational Excellence and Achievement Test to assist districts
30 in long range planning. School districts may participate in the

1 Educational Excellence and Achievement Test and may utilize any
2 goals of excellence which the State Board of Education may
3 adopt. However, any goals of excellence adopted by the State
4 Board of Education shall not be utilized in conjunction with the
5 programs and courses of study set forth in section 1511(a)(1)
6 and (2).

7 Section 1511.3. Approval and Evaluation.--The Department of
8 Education shall be responsible for approval of programs for all
9 public elementary and secondary schools. Approval shall be
10 granted to a school which certifies that it is in compliance
11 with section 1511 of this act. All public schools shall be
12 subject to evaluation every five (5) years by the department for
13 the purpose of program approval.

14 SECTION 4. SECTION 1704 OF THE ACT, AMENDED JUNE 28, 1951 <—
15 (P.L.934, NO.180), IS AMENDED TO READ:

16 SECTION 1704. JOINT AUTHORITY OF BOARDS; TITLE TO
17 PROPERTY.--THE AFFAIRS OF JOINT SCHOOLS OR DEPARTMENTS SHALL BE
18 SUPERVISED AND DIRECTED (1) JOINTLY BY THE SEVERAL BOARDS OF
19 SCHOOL DIRECTORS, ESTABLISHING AND MAINTAINING SUCH JOINT
20 SCHOOLS OR DEPARTMENTS, OR (2) BY A JOINT SCHOOL COMMITTEE, AS
21 PROVIDED IN SECTION ONE THOUSAND SEVEN HUNDRED SEVEN OF THIS
22 ACT. WHEN THERE IS NO JOINT SCHOOL COMMITTEE, THE SEVERAL BOARDS
23 OF SCHOOL DIRECTORS ARE HEREBY AUTHORIZED TO MEET JOINTLY, AND
24 EXERCISE THE SAME POWER AND AUTHORITY OVER THE SAME AS THE
25 SEVERAL BOARDS EXERCISE OVER THE SCHOOLS IN THEIR RESPECTIVE
26 DISTRICTS. WHATEVER MATTER IS REQUIRED BY LAW TO BE DECIDED BY A
27 VOTE OF THE MAJORITY OF ALL THE DIRECTORS OF A SCHOOL DISTRICT
28 SHALL IN A JOINT SCHOOL OR DEPARTMENT BE REQUIRED TO BE DECIDED
29 BY A VOTE OF TWO-THIRDS OF ALL THE CONSTITUENT BOARDS COMPRISING
30 SAID JOINT OPERATION. THE VOTE OF ANY CONSTITUENT BOARD SHALL BE

1 DETERMINED BY A MAJORITY VOTE OF ALL THE SCHOOL DIRECTORS
2 COMPRISING SUCH CONSTITUENT BOARD. IN ADDITION THERETO, THE
3 MATTER SHALL HAVE BEEN VOTED FOR BY A MAJORITY OF ALL THE SCHOOL
4 DIRECTORS OF ALL OF THE CONSTITUENT BOARDS. ALL VOTING ON THE
5 AFFAIRS OF JOINT SCHOOLS OR DEPARTMENTS BY THE SCHOOL DIRECTORS
6 OF THE CONSTITUENT BOARDS LOCATED IN ALLEGHENY COUNTY SHALL BE
7 CONDUCTED EITHER IN CONVENTION OR BY MAIL BALLOT, WHICHEVER
8 PROCEDURE THE MAJORITY OF ALL SCHOOL DIRECTORS SELECT. THE TITLE
9 TO ANY REAL ESTATE, ACQUIRED FOR THE PURPOSE OF ESTABLISHING ANY
10 SUCH JOINT SCHOOL OR DEPARTMENT, SHALL BE HELD IN THE NAME OF
11 ONE OR MORE OF THE DISTRICT ESTABLISHING THE SAME, AS THEY MAY
12 AGREE.

13 SECTION 5. SECTION 1905 OF THE ACT, AMENDED SEPTEMBER 12,
14 1961 (P.L.1263, NO.554), IS AMENDED TO READ:

15 SECTION 1905. CERTIFICATE OR DIPLOMA.--ALL SCHOOL CREDITS
16 DERIVED FROM ANY CURRICULAR COURSE OF STUDY IN THE STANDARD
17 EVENING HIGH SCHOOL OF ANY DISTRICT SHALL BE ACCEPTED BY THE
18 SCHOOL AUTHORITIES OF THAT DISTRICT TOWARD FULFILLMENT OF THE
19 REQUIREMENTS FOR GRADUATION FROM ANY CURRICULUM OF ANY DAY
20 SCHOOL OF CORRESPONDING GRADE IN THAT DISTRICT. UPON THE
21 SATISFACTORY COMPLETION IN THE STANDARD EVENING HIGH SCHOOL OF
22 THE CURRICULAR COURSES OF STUDY REQUIRED FOR GRADUATION FROM ANY
23 CURRICULUM OF ANY SCHOOL DISTRICT BY ANY PERSON, SUCH PERSON
24 SHALL BE AWARDED THE APPROPRIATE SCHOOL CERTIFICATE OR DIPLOMA
25 AT THE CLOSE OF THE THEN CURRENT SCHOOL TERM. WHENEVER A PERSON
26 SATISFACTORILY COMPLETES THE REQUIREMENTS ON THE HIGH SCHOOL
27 LEVEL TESTS OF GENERAL EDUCATIONAL DEVELOPMENT, THE SCHOOL
28 DISTRICT WHICH THE PERSON LAST ATTENDED SHALL GRANT TO THE
29 PERSON, UPON APPLICATION, THE APPROPRIATE SCHOOL DIPLOMA.

30 Section 4 6. The provisions of this act are severable. If

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1 any provision of this act or its application to any person or
2 circumstances is held invalid, the invalidity shall not affect
3 other provisions or applications of this act which can be given
4 effect without the invalid provision or application.

5 Section ~~5~~ 7. This act shall take effect immediately, except <—
6 section 1511, which shall take effect beginning the 1984-1985
7 school year.