
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

SENATOR HESS, EDUCATION, IN SENATE, AS AMENDED, JUNE 12, 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~~ A STATEWIDE PROGRAM OF TESTING AND <—
8 REMEDIATION; further providing for voting of boards; further
9 providing for the granting of diplomas; and making editorial
10 changes.

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

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15 repealed.

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

18 Section 1511. [Subjects of Instruction; Flag Code.--In every
19 elementary public and private school, established and maintained

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

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

1 prevention of fires; health education; AND physical education; <—
2 music; art; and remedial programs AND ART. <—

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

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

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

1 (5) Computer literacy and computer science may be taught as
2 part of an elementary or secondary mandatory required program or
3 course. School districts are urged to provide instruction in
4 computer literacy and computer science to all students.

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

10 (7) The State board shall designate which of the mandated
11 programs or courses of study shall be required of all students
12 or of all students in certain grade levels. Physical education
13 shall be taught to every student every year at the elementary
14 and secondary levels. Physical education programs shall be
15 adapted for students unable to participate in a regular program.

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

19 ~~(i) English, four (4) years (four (4) units of credit).~~

20 ~~(ii) Mathematics, three (3) years (three (3) units of~~
21 ~~credit).~~

22 ~~(iii) Science, three (3) years (three (3) units of credit).~~

23 ~~(iv) Social studies, three (3) years (three (3) units of~~
24 ~~credit).~~

25 ~~(v) Physical education, one (1) year (one (1) unit of~~
26 ~~credit).~~

27 ~~The phrase "unit of credit" as used in this section shall be~~
28 ~~defined in regulations of the State Board of Education. The~~
29 ~~offering of such courses shall begin in school year 1984 1985~~
30 ~~and the requirement for graduation shall apply to students~~

~~graduating in 1989, and thereafter.~~

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

~~(10) Each school district shall make a reasonable effort to enable interested vocational technical students to receive instruction in those courses which are prerequisites to admission to the State owned and State related universities in this Commonwealth.~~

~~(11) Exceptions to the curriculum requirements contained in this section shall be considered according to standards and criteria adopted by the department pursuant to State Board of Education regulations.~~

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

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

~~Section 1511.1. Education Assessment Testing; Prerequisite for Receipt of Diploma. (a) The Department of Education shall select a minimum of three commercially, nationally developed tests designed to measure objectively cognitive development and educational performance in reading, grammar, word usage, arithmetic or mathematics, science and social studies. School districts shall select from the department's approved tests such testing instrument of their choice to be administered to all public school children in this Commonwealth in second, fifth,~~

~~1 eighth and eleventh grades. Nothing in this act shall prevent
2 school districts from testing at other grade levels and using
3 such tests of their choice. However, the Commonwealth shall be
4 responsible only for those costs incurred by school districts
5 for the department approved tests given in the second, fifth,
6 eighth and eleventh grades unless the services are provided to
7 nonpublic schools under sections 921 A, 922.1 A and 923 A of
8 this act. Except for mentally gifted students as defined in
9 regulations of the Department of Education, those students
10 defined as exceptional under section 1371 shall be exempt from
11 the provisions of this section but may participate at the
12 written request of a parent or guardian. However, any student
13 with a recognized learning disability, but not defined as
14 exceptional under section 1371, shall be given the same test;
15 however, such test may be administered orally.~~

~~16 (b) Private and parochial schools shall be exempt from the
17 provisions of subsection (a). The schools shall be required to
18 administer in the eleventh grade a commercially nationally
19 developed test of their choice, not disapproved by the
20 department, that is designed to measure objectively cognitive
21 development and educational performance. Private and parochial
22 schools shall notify and provide the department with a brief
23 description of the test the school selects prior to the
24 beginning of the school year. The department shall have thirty
25 (30) days to reject the test. Disapproval of the test by the
26 department shall occur only if the test is deficient in
27 measuring student achievement in reading, grammar, word usage
28 and arithmetic or mathematics. Private and parochial schools
29 shall notify parents or guardians of the results of the test.
30 Satisfactory performance on the test shall not be a prerequisite~~

~~for receiving a high school diploma unless such a requirement is established by the private or parochial school.~~

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

~~(d) 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. Failure to pass the test shall not prevent a student from repeating 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. Students attending private and parochial schools shall be exempt from the provisions of this subsection.~~

~~(c) Results of the test administered in the second, 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.~~

SECTION 3. THE ACT IS AMENDED BY ADDING SECTIONS TO READ: <—

SECTION 1511.1. TESTING AND REMEDIATION PROGRAM.--(A) IN ORDER TO PROVIDE REMEDIAL INSTRUCTION TO STUDENTS, A STATEWIDE PROGRAM OF TESTING AND REMEDIATION SHALL BE OFFERED BY SCHOOL DISTRICTS TO THEIR STUDENTS AND BE FURNISHED DIRECTLY TO NONPUBLIC SCHOOL STUDENTS BY THE INTERMEDIATE UNITS. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE MOST EFFICIENT USE POSSIBLE BE MADE OF AVAILABLE TESTING INFORMATION AND OF REVENUE FOR SIMILAR PURPOSES FROM THE FEDERAL GOVERNMENT.

(B) A CRITERION-REFERENCED SKILLS TEST IN READING AND MATH, DETERMINED BY THE DEPARTMENT, SHALL BE ADMINISTERED BY SCHOOL DISTRICTS TO PUBLIC SCHOOL STUDENTS IN THE THIRD, FIFTH AND EIGHT GRADES, AND FURNISHED DIRECTLY BY INTERMEDIATE UNITS TO

1 NONPUBLIC SCHOOL STUDENTS IN THE THIRD, FIFTH AND EIGHTH GRADES,
2 WHO CHOOSE, THROUGH THEIR NONPUBLIC SCHOOLS, TO PARTICIPATE IN
3 THIS TESTING PROGRAM. THE PURPOSE OF THE TEST IS TO IDENTIFY
4 INDIVIDUAL STUDENTS WHO ARE NOT PERFORMING AT THE APPROPRIATE
5 SKILL LEVEL. THE DEPARTMENT SHALL BE RESPONSIBLE FOR THE COST OF
6 DEVELOPMENT, PURCHASE AND ADMINISTRATION OF THE CRITERION-
7 REFERENCED TEST.

8 (C) EACH SCHOOL DISTRICT SHALL ESTABLISH AN APPROVED PROGRAM
9 OF REMEDIATION SERVICES FOR ITS PUBLIC SCHOOL STUDENTS AND EACH
10 INTERMEDIATE UNIT SHALL ESTABLISH AN APPROVED PROGRAM OF
11 REMEDATION SERVICES FOR THE NONPUBLIC SCHOOL STUDENTS IN ITS
12 SERVICE DELIVERY AREA. EACH SCHOOL DISTRICT AND INTERMEDIATE
13 UNIT SHALL SERVE STUDENTS IDENTIFIED AS NEEDING REMEDIATION WHO
14 ARE NOT CURRENTLY SERVED BY REMEDIAL PROGRAMS, AS WELL AS ANY
15 STUDENTS SELECTED BY A SCHOOL DISTRICT OR INTERMEDIATE UNIT WHO
16 ARE SO IDENTIFIED AND ARE CURRENTLY BEING SERVED BY OTHER
17 REMEDIAL PROGRAMS. ANNUALLY, EACH SCHOOL DISTRICT AND
18 INTERMEDIATE UNIT SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT
19 FOR APPROVAL OF A PROGRAM OF REMEDIATION SERVICES TO BE FUNDED
20 PURSUANT TO SUBSECTION (D). UPON APPROVAL OF THE PROGRAM, EACH
21 SCHOOL DISTRICT AND INTERMEDIATE UNIT SHALL BE ELIGIBLE FOR
22 STATE FUNDS MADE AVAILABLE FOR SUCH PROGRAMS, AS PROVIDED IN
23 SUBSECTION (D).

24 (D) FUNDS APPROPRIATED FOR REMEDIATION SERVICES SHALL BE
25 DISTRIBUTED BY THE DEPARTMENT OF EDUCATION TO SCHOOL DISTRICTS
26 BASED ON THE NUMBER OF PUBLIC SCHOOL STUDENTS IDENTIFIED FOR
27 REMEDATION AND TO INTERMEDIATE UNITS ON BEHALF OF NONPUBLIC
28 SCHOOL STUDENTS FOR REMEDIATION. FUNDS DISTRIBUTED TO
29 INTERMEDIATE UNITS SHALL BE FOR SERVICES THAT ARE IN ADDITION TO
30 ANY SERVICES PROVIDED IN ACCORDANCE WITH THE PROVISIONS OF

1 SECTION 922.1-A OF THIS ACT, AND SUCH FUNDS SHALL BE IN ADDITION
2 TO THOSE DISTRIBUTED IN ACCORDANCE WITH THE PROVISIONS OF
3 SUBSECTION (D) OF SECTION 922.1-A OF THIS ACT.

4 (E) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT SCHOOL
5 DISTRICTS UTILIZE REVENUE FOR SIMILAR PROGRAMS FROM THE FEDERAL
6 GOVERNMENT TO SUPPLEMENT STATE FUNDS PROVIDED FOR IN THIS ACT.
7 FURTHER, THE GENERAL ASSEMBLY DIRECTS THE DEPARTMENT TO
8 GUARANTEE, IN ITS DISTRIBUTION OF FUNDS AUTHORIZED BY THIS ACT,
9 THAT THE COMBINED RESOURCES OF STATE AND FEDERAL PROGRAMS EXCEED
10 THE RESOURCES WHICH WOULD BE AVAILABLE FROM STATE SOURCES IF
11 FEDERAL REVENUES FOR SIMILAR PURPOSES WERE NOT AVAILABLE.

12 (F) INTERMEDIATE UNITS SHALL FURNISH THE TESTING AND
13 REMEDATION SERVICES PROVIDED FOR IN THIS SECTION DIRECTLY TO
14 NONPUBLIC SCHOOL STUDENTS IN ACCORDANCE WITH THE PROVISIONS OF
15 SUBSECTIONS (A), (B) AND (C) OF SECTION 922.1-A OF THIS ACT.

16 (G) THE STATE BOARD OF EDUCATION SHALL DEVELOP REGULATIONS
17 TO IMPLEMENT THE TESTING AND REMEDIATION PROGRAM PROVIDED FOR IN
18 THIS SECTION, AND SUCH REGULATIONS SHALL INCLUDE THE
19 AUTHORIZATION FOR THE SECRETARY OF EDUCATION TO GRANT EXCEPTIONS
20 TO THE PROGRAM REQUIREMENTS FOR CERTAIN CATEGORIES OF STUDENTS,
21 INCLUDING CERTAIN EXCEPTIONAL CHILDREN.

22 Section 1511.2. Test for Educational Excellence and
23 Achievement.--The State Board of Education and the Department of
24 Education shall develop and utilize a test to be known as the
25 Educational Excellence and Achievement Test to assist districts
26 in long range planning. School districts may participate in the
27 Educational Excellence and Achievement Test and may utilize any
28 goals of excellence which the State Board of Education may
29 adopt. However, any goals of excellence adopted by the State
30 Board of Education shall not be utilized in conjunction with the

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1 ~~programs and courses of study set forth in section 1511(a)(1)~~
2 ~~and (2).~~

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

10 Section 4. Section 1704 of the act, amended June 28, 1951
11 (P.L.934, No.180), is amended to read:

12 Section 1704. Joint Authority of Boards; Title to
13 Property.--The affairs of joint schools or departments shall be
14 supervised and directed (1) jointly by the several boards of
15 school directors, establishing and maintaining such joint
16 schools or departments, or (2) by a joint school committee, as
17 provided in section one thousand seven hundred seven of this
18 act. When there is no joint school committee, the several boards
19 of school directors are hereby authorized to meet jointly, and
20 exercise the same power and authority over the same as the
21 several boards exercise over the schools in their respective
22 districts. Whatever matter is required by law to be decided by a
23 vote of the majority of all the directors of a school district
24 shall in a joint school or department be required to be decided
25 by a vote of two-thirds of all the constituent boards comprising
26 said joint operation. The vote of any constituent board shall be
27 determined by a majority vote of all the school directors
28 comprising such constituent board. In addition thereto, the
29 matter shall have been voted for by a majority of all the school
30 directors of all of the constituent boards. All voting on the

1 affairs of joint schools or departments by the school directors
2 of the constituent boards located in Allegheny County shall be
3 conducted either in convention or by mail ballot, whichever
4 procedure the majority of all school directors select. The title
5 to any real estate, acquired for the purpose of establishing any
6 such joint school or department, shall be held in the name of
7 one or more of the district establishing the same, as they may
8 agree.

9 Section 5. Section 1905 of the act, amended September 12,
10 1961 (P.L.1263, No.554), is amended to read:

11 Section 1905. Certificate or Diploma.--All school credits
12 derived from any curricular course of study in the standard
13 evening high school of any district shall be accepted by the
14 school authorities of that district toward fulfillment of the
15 requirements for graduation from any curriculum of any day
16 school of corresponding grade in that district. Upon the
17 satisfactory completion in the standard evening high school of
18 the curricular courses of study required for graduation from any
19 curriculum of any school district by any person, such person
20 shall be awarded the appropriate school certificate or diploma
21 at the close of the then current school term. Whenever a person
22 satisfactorily completes the requirements on the high school
23 level Tests of General Educational Development, the school
24 district which the person last attended shall grant to the
25 person, upon application, the appropriate school diploma.

26 Section 6. The provisions of this act are severable. If any
27 provision of this act or its application to any person or
28 circumstances is held invalid, the invalidity shall not affect
29 other provisions or applications of this act which can be given
30 effect without the invalid provision or application.

1 Section 7. This act shall take effect immediately, except
2 section 1511, which shall take effect beginning the ~~1984-1985~~
3 1985-1986 school year.

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