

AMENDMENTS TO SENATE BILL NO. 1216

Sponsor: REPRESENTATIVE LAWRENCE

Printer's No. 1899

1 Amend Bill, page 1, line 5, by inserting after "thereto,"
2 in preliminary provisions, further providing for Keystone Exams
3 and graduation requirements; and,

4 Amend Bill, page 1, lines 14 through 16, by striking out all
5 of said lines and inserting

6 Section 1. Section 121(b)(1) of the act of March 10, 1949
7 (P.L.30, No.14), known as the Public School Code of 1949, is
8 amended to read:

9 Section 121. Keystone Exams and Graduation Requirements.--*

10 * *

11 (b) The following shall apply:

12 (1) Notwithstanding section 2604-B(b)(2)(v), 22 Pa. Code §
13 4.24 (relating to high school graduation requirements), 4.51
14 (relating to State assessment system) or 4.51c (relating to
15 project-based assessment) or any statute or regulation to the
16 contrary, the use of the Keystone Exams as a State or local
17 graduation requirement or as a benchmark for the need for
18 participation in a project-based assessment shall be delayed
19 until the [2021-2022] 2022-2023 school year.

20 * * *

21 Section 2. Section 1202.1(a) of the act is amended by adding
22 a paragraph to read:

23 Amend Bill, page 2, line 13, by striking out "2" and
24 inserting

25 3

26 Amend Bill, page 3, by inserting between lines 29 and 30

27 (5) The following provisions relating to testing shall
28 apply:

29 (i) The Secretary of Education may waive the NIMS assessment
30 and the NOCTI exam on a school-wide basis or for a specific
31 career and technical education program provided by a school
32 entity based on the recommendations of directors of career and
33 technical education programs under 22 Pa. Code Ch. 339 (relating

1 to vocational education). The recommendations shall account for
2 the length of time a career and technical center was open for
3 in-person student instruction and the subject matter of the
4 program affected.

5 (ii) The Secretary of Education shall waive the requirement
6 to include performance data otherwise required under section
7 1123(b)(1)(ii) in a professional employee's performance rating
8 under section 1123.

9 Amend Bill, page 4, by inserting between lines 7 and 8

10 (c) The following provisions relating to testing of students
11 shall apply:

12 (1) Notwithstanding section 2604-B(b)(2)(v) or 22 Pa. Code §
13 4.24 (relating to high school graduation requirements), 4.51
14 (relating to State assessment system) or 4.51c (relating to
15 project-based assessment), or any statute or regulation to the
16 contrary, the use of the Keystone Exams as a State or local
17 graduation requirement or as a benchmark for the need for
18 participation in a project-based assessment shall be delayed
19 until the 2022-2023 school year.

20 (2) The Secretary of Education shall apply to the United
21 States Department of Education for a waiver of the testing and
22 accountability requirements of the Elementary and Secondary
23 Education Act of 1965 (Public Law 89-10, 20 U.S.C. § 6301 et
24 seq.), as amended by the Every Student Succeeds Act (Public Law
25 114-95, 129 stat. 1802), if the United States Department of
26 Education provides an opportunity to apply for such a waiver for
27 the 2020-2021 school year.

28 (3) For the 2019-2020 and 2020-2021 school years and any
29 subsequent school year in which the Federal Government has
30 waived the testing and accountability requirements of the
31 Elementary and Secondary Education Act of 1965, as amended by
32 the Every Student Succeeds Act, any student who completed a
33 course in an academic content area associated with a Keystone
34 Exam shall not be required to take the Keystone Exam related to
35 that course and shall be deemed proficient for purposes of
36 sections 121 and 2604-B(b)(2)(v) and 22 Pa. Code § 4.24,
37 provided the student demonstrates successful completion of
38 locally established, grade-based requirements for the academic
39 content areas associated with each Keystone Exam.

40 (4) Notwithstanding the provisions of 22 Pa. Code § 4.4(d)
41 (3) (relating to general policies), a parent or guardian of a
42 student enrolled in the 2019-2020 or 2020-2021 school year in a
43 grade or course in an academic content area for which an
44 assessment is typically required may elect to opt-out of the
45 assessment. The following shall apply:

46 (i) A parent or guardian who elects to opt-out of an
47 assessment under this paragraph shall not be required to adhere
48 the procedures set forth under 22 Pa. Code § 4.4(d)(4).

49 (ii) Within thirty (30) days of the effective date of this

1 paragraph, a school entity shall notify its students and their
2 parents or guardians that the parents or guardians may opt-out
3 of an assessment under this paragraph.

4 (iii) A parent or guardian of a student who elects to opt-
5 out of an assessment under this paragraph shall notify a school
6 entity in writing of the decision to opt-out of the assessment.

7 (iv) A school entity may not impose negative consequences on
8 a student, including, but not limited to, the denial of a high
9 school diploma, based solely on the decision of the student's
10 parent or guardian to opt-out of an assessment under this
11 paragraph.

12 (v) A school entity or an employe of the school entity may
13 not encourage a parent or guardian of a student to opt-out of an
14 assessment under this paragraph or penalize a student or the
15 student's parent or guardian for opting-out of an assessment
16 under this paragraph. Nothing in this subparagraph shall
17 construed to prohibit a school entity or an employe of the
18 school entity from communicating with students or their parents
19 or guardians regarding the option to opt-out of an assessment
20 under this paragraph.

21 (vi) For the purposes of this paragraph, the term
22 "assessment" shall include the Pennsylvania System of School
23 Assessment test, a Keystone Exam or a test established by
24 statute, regulation or the State Board of Education in
25 accordance with section 2603-B or 2604-B, 22 Pa. Code § 4.51 or
26 the Every Student Succeeds Act (Public Law 114-95, 129 Stat.
27 1802).

28 Amend Bill, page 4, line 8, by striking out "3" and inserting