AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," in preliminary provisions, providing for limitation of assessments.

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

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a section to read:

Section 121.1. Limitation of Assessments.--(a) Student demonstration of proficiency of the academic standard measured in an assessment required under Federal or State law shall not be a requirement of eligibility for high school graduation unless so decided by the school entity. A school entity may elect to have the assessment count for any portion of the student's course grade as it deems prudent.

(b) (1) A school entity may offer remediation of a subject area through supplemental instructional support to a student who
does not demonstrate proficiency on an assessment if the board of school directors, board of trustees, School Reform Commission or joint board or school committee operating any high school in a school entity votes to provide supplemental instruction support.

(2) A student enrolled at a school entity offering supplemental instruction support who did not demonstrate proficiency on an assessment may request remediation of the subject area. The school entity shall provide the requested remediation to the student which must be consistent with the student's educational program and assist the student to attain proficiency.

(3) (i) The school entity shall administer an assessment to the student to reassess the student's proficiency level. Reassessment may only occur one time per subject area.

(ii) If a student does not demonstrate proficiency on the assessment administered following remediation, the school entity may offer the student a project-based assessment established under 22 Pa. Code § 4.51c (relating to project-based assessment) to measure proficiency. A project-based assessment system shall align with the original assessment. If the department has a system that was developed for the academic standard being measured by the assessment, the school entity may administer it to be scored by a Statewide panel composed of teachers, principals and curriculum specialists assembled by the department if such a panel exists.

(iii) The school entity shall not be permitted to continue to assess proficiency of a student in a subject area of the assessment beyond the project-based assessment. The project-based assessment may only be administered one time for any
(c) For the purposes of this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

(1) "Assessment." A measurement of student performance on a set of academic standards in a subject area to determine if the student met certain performance level expectations required to achieve proficiency in alignment with Federal or State academic standards. The assessment may be established under Federal or State law, regulation or department initiative or as part of a waiver process regardless of whether it is implemented as a requirement of the law, regulation or initiative, voluntarily by the Commonwealth or as a condition for participation in a grant program. The assessment may be in the form of a national standardized assessment, a department created assessment or an assessment developed in conjunction with a consortium.

Assessment shall include, but not be limited to, the following:

(i) The Pennsylvania System of School Assessment test.

(ii) A Keystone Exam or another test established by the State Board to meet the requirements of section 2603-B(d)(10)(i) and required under the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425) or its successor Federal statute.

(iii) A test or assessment established by the State Board to meet the requirements of section 9401 of the Elementary and Secondary Education Act (Public Law 89-10, 20 U.S.C. § 7861) flexibility waiver application submitted by the department.


(2) "Department." The Department of Education of the Commonwealth.

(3) "School entity." A school district, charter school, cyber charter school, joint school, area vocational-technical school or intermediate unit.

(4) "State board." The State Board of Education of the Commonwealth.

Section 2. Any regulation promulgated by the board in 22 Pa. Code Ch. 4 (relating to academic standards and assessments) is abrogated insofar that a demonstration of proficiency on one or more assessments is a requirement for student eligibility for high school graduation or that supplemental instruction support and reassessment are required.

Section 3. This act shall take effect in 60 days.