

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 838 Session of 2015

INTRODUCED BY DINNIMAN, TARTAGLIONE, FONTANA, ALLOWAY,  
VULAKOVICH, YUDICHAK, SCHWANK, BLAKE, BOSCOLA, BREWSTER,  
BROOKS, FARNESE, HAYWOOD, LEACH, TOMLINSON, WILEY,  
McGARRIGLE, GREENLEAF, RAFFERTY, KITCHEN, FOLMER, COSTA,  
SMITH, HUGHES, WARD AND TEPLITZ, MAY 14, 2015

REFERRED TO EDUCATION, MAY 14, 2015

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," in preliminary provisions, further  
6 providing for Keystone Exams.

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

9 Section 1. Section 121 of the act of March 10, 1949 (P.L.30,  
10 No.14), known as the Public School Code of 1949, added June 30,  
11 2012 (P.L.684, No.82), is amended to read:

12 Section 121. Keystone Exams.--(a) Subject to annual  
13 appropriation, not later than the 2020-2021 school year, the  
14 Department of Education shall develop and implement Keystone  
15 Exams in the following subjects: algebra I, literature, biology,  
16 English composition, algebra II, geometry, United States  
17 history, chemistry, civics and government and world history. The  
18 State Board of Education shall promulgate regulations, subject

1 to the act of June 25, 1982 (P.L.633, No.181), known as the  
2 "Regulatory Review Act," necessary to implement this section.

3 (b) Notwithstanding section 2604-B(b)(2)(v), 22 Pa. Code  
4 4.24 (relating to high school graduation requirements), 4.51  
5 (relating to State assessment system) or 4.51c (relating to  
6 project-based assessment) or any statute or regulation to the  
7 contrary, a moratorium on the use of the Keystone Exam as a  
8 graduation requirement or as a benchmark for the need for  
9 participation in a project-based assessment to satisfy the  
10 requirement is established on the effective date of this  
11 subsection for the General Assembly to have the opportunity to:

12 (1) review the progress of the Basic Education Funding  
13 Commission with developing a basic education funding formula;  
14 (2) review any funding formula that is based on the  
15 recommendations of the Basic Education Funding Commission; and  
16 (3) enact a funding formula that is based on the  
17 recommendations of the Basic Education Funding Commission.

18 (c) (1) Upon the enactment and disbursement of money  
19 through the funding formula under subsection (b) based on the  
20 recommendation of the Basic Education Funding Commission, the  
21 Legislative Budget and Finance Committee shall conduct a study  
22 each year after the budget for the fiscal year of July 1 to June  
23 30 is enacted to determine whether the funding provided for each  
24 student under the funding formula is adequate to meet the  
25 department's and the State Board of Education's established  
26 minimum level of student performance on a Keystone Exam as a  
27 graduation requirement or as a benchmark for the need for  
28 participation in a project-based assessment to satisfy the  
29 requirement.

30 (2) The Legislative Budget and Finance Committee shall

1 submit a report of its findings and recommendations to the  
2 General Assembly, the Governor and the department within six (6)  
3 months after the enactment of the budget.

4 (d) (1) The General Assembly shall review the report to  
5 make a determination by concurrent resolution on the adequacy of  
6 funding within six (6) months after the receipt of the report  
7 and shall submit its findings to the Governor and the  
8 department.

9 (2) In the event the General Assembly finds, in a concurrent  
10 resolution, that the funds disbursed for education are adequate  
11 for each student to meet the minimum level of performance  
12 established, then the Education Committee of the Senate and the  
13 Education Committee of the House of Representatives shall each  
14 conduct independent meetings, hearings and review of the report  
15 the department submitted pursuant to subsection (f)(2), as well  
16 as the methodology of the Keystone Exam and project-based  
17 assessments and any other methodology or approaches to  
18 assessments that have evolved as deemed necessary to determine  
19 strengths and weaknesses in providing a fair and accurate  
20 assessment of academic performance for students, schools, school  
21 districts and educators.

22 (e) The Education Committee of the Senate and the Education  
23 Committee of the House of Representatives shall each prepare a  
24 report of all findings and recommendations of the use of the  
25 assessments that have evolved and submit reports to the  
26 Governor, the President pro tempore of the Senate, the Majority  
27 Leader of the Senate, the Minority Leader of the Senate, the  
28 chairman and minority chairman of the Appropriations Committee  
29 of the Senate, the Speaker of the House of Representatives, the  
30 Majority Leader of the House of Representatives, the Minority

Leader of the House of Representatives and the chairman and minority chairman of the Appropriations Committee of the House of Representatives within two (2) years.

(f) (1) The department is responsible for continually reviewing and ascertaining approaches for accountability and the different methodologies of measuring accountability so that the department is prepared to make recommendations and report on the different methodologies in existence at the time it is determined that the funding is adequate for each student to satisfy the graduation requirement.

(2) The department shall prepare a report of its findings and recommendations on accountability and methodologies and submit the report to the Governor, the President pro tempore of the Senate, the Majority Leader of the Senate, the Minority Leader of the Senate, the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Education Committee of the Senate, the Speaker of the House of Representatives, the Majority Leader of the House of Representatives, the Minority Leader of the House of Representatives, the chairman and minority chairman of the Appropriations Committee of the House of Representatives and the chairman and minority chairman of the Education Committee of the House of Representatives within sixty (60) days of the findings of the General Assembly in subsection (d)(1) that the funds disbursed for education are adequate for each student to meet the minimum level of performance established.

(g) For purposes of this section, "department" shall mean the Department of Education of the Commonwealth.

(h) The moratorium established in subsection (b) shall expire one (1) year after the reports by the Education Committee

1 of the Senate and the Education Committee of the House of  
2 Representatives are submitted pursuant to subsection (e).  
3       Section 2. This act shall take effect in 60 days.