

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 85 Session of 2018

INTRODUCED BY LAWRENCE, BARRAR, BERNSTINE, CHARLTON, DIAMOND, ENGLISH, KEEFER, METCALFE, O'NEILL, ROE, TALLMAN, THOMAS, WARD, ZIMMERMAN, TOOHL AND SANKEY, MAY 24, 2018

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 6, 2018

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, providing
6 for exemption from ~~Keystone Exams~~ ASSESSMENT. <--

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

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

12 Section 121.1. Exemption from ~~Keystone Exams~~ ASSESSMENT.-- <--

13 (a) Within one hundred eighty (180) days of the effective date
14 of this section, each governing authority of a school entity
15 shall meet and determine if the school entity shall WHETHER TO <--

16 ADOPT A POLICY TO excuse a student from ~~Keystone Exam testing~~ <--

17 ASSESSMENT if the student's parent or guardian submits an <--

18 objection based on philosophical grounds in writing to school
19 officials.

1 (b) If a governing authority of a school entity fails to
2 ~~meet or~~ make a determination as prescribed under subsection (a), <--
3 the school entity shall excuse a student from ~~Keystone Exam~~ <--
4 ~~testing~~ ASSESSMENT if the student's parent or guardian submits <--
5 an objection based on philosophical grounds in writing to school
6 officials.

7 (c) If a school entity adopts a policy allowing for excusal
8 from ~~Keystone Exam testing~~ ASSESSMENT based on philosophical <--
9 grounds under subsection (a), or if the school entity fails to
10 ~~meet or~~ make a determination within the prescribed one hundred <--
11 eighty (180) days and the default applies under subsection (b),
12 the following shall apply:

13 (1) A student shall not be given negative consequences,
14 including, BUT NOT LIMITED TO, the denial of a high school <--
15 diploma, based solely on the student's parent or guardian
16 utilizing the provisions under subsection (a) or (b).

17 (2) A school entity, including, BUT NOT LIMITED TO, the <--
18 administration, chief school officer, temporary professional
19 employees ~~and~~, professional employees AND OTHER SCHOOL EMPLOYES, <--
20 may not:

21 (i) solicit a student or student's parent or guardian to
22 utilize the provisions under subsection (a) or (b); or

23 (ii) be penalized for a student's parent or guardian
24 utilizing the provisions under subsection (a) or (b).

25 (3) NOTHING IN THIS SECTION SHALL PROHIBIT A SCHOOL ENTITY, <--
26 INCLUDING, BUT NOT LIMITED TO, THE ADMINISTRATION, CHIEF SCHOOL
27 OFFICER, TEMPORARY PROFESSIONAL EMPLOYES, PROFESSIONAL EMPLOYES
28 AND OTHER SCHOOL EMPLOYES, FROM COMMUNICATING WITH STUDENTS,
29 PARENTS OR GUARDIANS REGARDING THE UTILIZATION OF THE PROVISIONS
30 UNDER SUBSECTION (A) OR (B) WHICH ARE NOT INTENDED TO SOLICIT

1 SUCH UTILIZATION.

2 (d) As used in this section, the following words and phrases
3 shall have the meanings given to them in the subsection unless
4 the context clearly indicates otherwise:

5 "ASSESSMENT." ANY OF THE FOLLOWING: <--

6 (1) THE PENNSYLVANIA SYSTEM OF SCHOOL ASSESSMENT TEST.

7 (2) THE KEYSTONE EXAM.

8 (3) A TEST ESTABLISHED BY STATUTE OR ESTABLISHED OR APPROVED
9 BY THE STATE BOARD OF EDUCATION TO COMPLY WITH:

10 (I) SECTION 2603-B;

11 (II) SECTION 2604-B;

12 (III) 22 PA. CODE § 4.51 (RELATING TO STATE ASSESSMENT
13 SYSTEM); OR

14 (IV) THE EVERY STUDENT SUCCEEDS ACT (PUBLIC LAW 114-95, 129
15 STAT. 1802).

16 "Governing authority." A local board of school directors, or
17 the equivalent, of a school entity.

18 "School entity." A school district, intermediate unit, joint
19 school, area vocational-technical school, charter school,
20 regional charter school or cyber charter school.

21 Section 2. This act shall take effect immediately.