

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 823 Session of 2013

INTRODUCED BY BREWSTER, ERICKSON, TEPLITZ, FONTANA, FERLO,
SOLOBAY AND COSTA, APRIL 8, 2013

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, APRIL 8, 2013

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 Student Performance
6 Measurement Advisory Commission.

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 122. Student Performance Measurement Advisory
13 Commission.--(a) The Governor shall immediately convene a
14 Statewide advisory commission to be known as the Student
15 Performance Measurement Advisory Commission.

16 (b) The Student Performance Measurement Advisory Commission
17 shall consist of the following members:

18 (1) One (1) member of the Senate appointed by the President
19 pro tempore of the Senate.

20 (2) One (1) member of the Senate appointed by the Minority

1 Leader of the Senate.

2 (3) One (1) member of the House of Representatives appointed
3 by the Speaker of the House of Representatives.

4 (4) One (1) member of the House of Representatives appointed
5 by the Minority Leader of the House of Representatives.

6 (5) The Secretary of Education or a designee.

7 (6) The chairman of the State Board of Education or a
8 designee.

9 (7) The following members of the Student Performance
10 Measurement Advisory Commission shall be selected by the
11 Governor:

12 (i) One (1) member who shall represent teachers from a list
13 of three (3) qualified persons recommended by the employe
14 organizations that represent teachers employed in the public
15 schools of this Commonwealth.

16 (ii) One (1) member who shall represent school board members
17 from a list of three (3) qualified persons recommended by the
18 organization that represents school boards in this Commonwealth.

19 (iii) One (1) member who shall represent school
20 administrators from a list of three (3) qualified persons
21 recommended by the organization that represents school
22 administrators employed in the public schools of this
23 Commonwealth.

24 (iv) One (1) member who shall represent institutions of
25 higher education from a list of three (3) qualified persons
26 recommended by the State System of Higher Education.

27 (v) One (1) member who shall represent parents of students
28 attending public schools of this Commonwealth from a list of
29 three (3) qualified persons recommended by the organization that
30 represents parents of students in the schools of this

1 Commonwealth.

2 (c) The following shall apply to members of the Student
3 Performance Measurement Advisory Commission:

4 (1) Members of the Student Performance Measurement Advisory
5 Commission shall be appointed within twenty (20) days of the
6 effective date of this section. Any vacancy on the Student
7 Performance Measurement Advisory Commission shall be filled by
8 the original appointing authority.

9 (2) Each member of the Student Performance Measurement
10 Advisory Commission may designate another person to represent
11 that member at meetings of the Student Performance Measurement
12 Advisory Commission.

13 (d) The organizational meeting shall take place not later
14 than thirty (30) days following the effective date of this
15 section. The Student Performance Measurement Advisory Commission
16 shall select a chairman and vice chairman from among its
17 membership at the organizational meeting.

18 (e) Six (6) members of the Student Performance Measurement
19 Advisory Commission shall constitute a quorum at any meeting.

20 (f) Members of the Student Performance Measurement Advisory
21 Commission shall receive no compensation for their services but
22 shall be reimbursed for all necessary travel and other
23 reasonable expenses incurred in connection with the performance
24 of their duties as members.

25 (g) Whenever possible, the Student Performance Measurement
26 Advisory Commission shall utilize the services and expertise of
27 existing personnel and staff of State government.

28 (h) The Department of Education may utilize undistributed
29 funds not expended, encumbered or committed from appropriations
30 for grants and subsidies made to the department, not to exceed

1 three hundred thousand dollars (\$300,000), to carry out the
2 provisions of this section.

3 (i) The Student Performance Measurement Advisory Commission
4 shall hold meetings at the call of the chairman. The Student
5 Performance Measurement Advisory Commission may also hold public
6 hearings on the matters considered by the commission at
7 locations throughout this Commonwealth. All meetings and public
8 hearings of the Student Performance Measurement Advisory
9 Commission shall be deemed public meetings for the purpose of 65
10 Pa.C.S. Ch. 7 (relating to open meetings).

11 (j) The Student Performance Measurement Advisory Commission
12 shall have the following powers and duties:

13 (1) Review the following to determine their strengths and
14 weaknesses in providing a fair and accurate assessment of
15 academic performance for students, schools, school districts and
16 educators:

17 (i) The Pennsylvania System of School Assessment.

18 (ii) The Pennsylvania Alternate System of Assessment.

19 (iii) The Keystone Examinations.

20 (iv) The Pennsylvania Accountability System, including the
21 Pennsylvania Performance Index.

22 (v) Pennsylvania Value Added Assessment System.

23 (2) Evaluate and make findings and recommendations for the
24 following to further improve the measures of performance in this
25 Commonwealth to more fairly and accurately measure the academic
26 performance of students, schools, school districts and
27 educators:

28 (i) The replacement of the Pennsylvania System of School
29 Assessment and the Pennsylvania Alternate System of Assessment.

30 (ii) The replacement or revision of the Pennsylvania

1 Accountability System and the Pennsylvania Value Added
2 Assessment System.

3 (3) Consult with and utilize experts to assist in carrying
4 out the duties under this section.

5 (4) Develop the recommendations made under paragraph (2)
6 according to the following:

7 (i) Under the recommendations made under paragraph (2)(i),
8 evaluate and consider whether to incorporate the Keystone
9 Examinations, and if incorporated, such degree of incorporation.

10 (ii) Evaluate and incorporate the following in the
11 recommendations made under paragraph (2)(ii):

12 (A) Improvements in the design and use of replacement
13 assessments and the use of the assessment results to better
14 reflect actual student, school, school district and educator
15 performance.

16 (B) Utilization of multiple measures of student performance
17 that can be used to guide and inform educational practice and
18 for accountability purposes to include, but not be limited to,
19 the following:

20 (I) Student achievement.

21 (II) Gains in student achievement.

22 (III) Reductions in the student achievement gap.

23 (IV) School attendance rates.

24 (V) Graduation rates.

25 (C) At least five (5) classifications of academic
26 performance to recognize a range of academic performance from a
27 high level through a continuous range to a low level to provide
28 improved targeting of rewards for high-performing schools and
29 school districts and assistance for low-performing schools and
30 school districts.

1 (D) Incentives for schools to assist students to improve
2 their performance.

3 (iii) Design the recommendations made under paragraph (2) to
4 provide differentiated systems of support to the lowest-
5 performing schools and school districts including professional
6 development that is targeted to the deficits of each school and
7 school district.

8 (iv) Provide for reasonable and realistic implementation
9 goals that ensure that the Commonwealth, the school districts
10 and schools have the capacity to fully implement the
11 accountability system and act on the results.

12 (v) Design the recommendations made under paragraph (2) to
13 incorporate the application of the replacement assessment
14 systems to each public school, charter school, regional charter
15 school, cyber charter school, area vocational-technical school
16 and nonpublic school in this Commonwealth to provide for the
17 assessment of every student in the tested grades.

18 (vi) (A) Except as provided in clause (B), align the
19 recommendations with the requirements of the No Child Left
20 Behind Act of 2001 or its successor statute.

21 (B) (I) Make recommendations under paragraph (2) that vary
22 from the requirements of the No Child Left Behind Act of 2001,
23 or its successor statute, only where necessary to comply with
24 this section.

25 (II) Where the recommendations made under paragraph (2) vary
26 from the requirements of the No Child Left Behind Act of 2001,
27 make additional recommendations for the submission of the
28 incompatible recommendations as a request to the United States
29 Department of Education for a waiver under the Elementary and
30 Secondary Education Act of 1965 (Public Law 89-10, 20 U.S.C. §

1 6301 et seq.) from the applicable provisions of the No Child
2 Left Behind Act of 2001 or its successor statute.

3 (vii) Make additional recommendations for the submission of
4 recommendations made under paragraph (2) that are compatible
5 with the No Child Left Behind Act of 2001 or its successor
6 statute to the United States Department of Education for
7 approval of the recommended changes to the Commonwealth's
8 Consolidated State Application Accountability Workbook.

9 (k) (1) No later than three hundred sixty (360) days from
10 the effective date of this section, the Student Performance
11 Measurement Advisory Commission shall submit an interim report
12 to the Governor, the President pro tempore of the Senate, the
13 Minority Leader of the Senate, the chairman and the minority
14 chairman of the Education Committee of the Senate, the Speaker
15 of the House of Representatives, the Minority Leader of the
16 House of Representatives and the chairman and the minority
17 chairman of the Education Committee of the House of
18 Representatives.

19 (2) No later than seven hundred thirty (730) days from the
20 effective date of this section, the commission shall submit a
21 final report of its findings and recommendations to the
22 Governor, the President pro tempore of the Senate, the Minority
23 Leader of the Senate, the chairman and the minority chairman of
24 the Education Committee of the Senate, the Speaker of the House
25 of Representatives, the Minority Leader of the House of
26 Representatives and the chairman and the minority chairman of
27 the Education Committee of the House of Representatives.

28 (l) This section shall expire seven hundred sixty (760) days
29 from the effective date of this section.

30 Section 2. This act shall take effect in 60 days.