

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1382 Session of 2014

INTRODUCED BY DINNIMAN, MAY 30, 2014

REFERRED TO EDUCATION, MAY 30, 2014

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 limitation of assessments.

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

19 (b) (1) A school entity may offer remediation of a subject
 20 area through supplemental instructional support to a student who

1 does not demonstrate proficiency on an assessment if the board
2 of school directors, board of trustees, School Reform Commission
3 or joint board or school committee operating any high school in
4 a school entity votes to provide supplemental instruction
5 support.

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

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

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

27 (iii) The school entity shall not be permitted to continue
28 to assess proficiency of a student in a subject area of the
29 assessment beyond the project-based assessment. The project-
30 based assessment may only be administered one time for any

1 student.

2 (c) For the purposes of this section, the following words
3 and phrases shall have the meanings given to them in this
4 subsection unless the context clearly indicates otherwise:

5 (1) "Assessment." A measurement of student performance on a
6 set of academic standards in a subject area to determine of the
7 student met certain performance level expectations required to
8 achieve proficiency in alignment with Federal or State academic
9 standards. The assessment may be established under Federal or
10 State law, regulation or department initiative or as part of a
11 waiver process regardless of whether it is implemented as a
12 requirement of the law, regulation or initiative, voluntarily by
13 the Commonwealth or as a condition for participation in a grant
14 program. The assessment may be in the form of a national
15 standardized assessment, a department created assessment or an
16 assessment developed in conjunction with a consortium.
17 Assessment shall include, but not be limited to, the following:

18 (i) The Pennsylvania System of School Assessment test.

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

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

27 (iv) A project-based assessment established under 22 Pa.
28 Code § 4.51c (relating to project-based assessment).

29 (v) A local assessment established under 22 Pa. Code § 4.52
30 (relating to local assessment system).

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

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

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

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

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