
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1371 Session of
2020

INTRODUCED BY DINNIMAN, NOVEMBER 20, 2020

REFERRED TO EDUCATION, NOVEMBER 20, 2020

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 assessments for Federal accountability.

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. Assessments for Federal Accountability.--(a)
13 Beginning with the 2022-2023 school year, the department shall
14 no longer:

15 (1) Develop, implement, maintain or provide the Keystone
16 Exams to a school entity.

17 (2) Maintain contracts with a vendor for services related to
18 the Keystone Exams.

19 (3) Advise a school entity to offer the Keystone Exams to a
20 student for any purpose.

1 (4) Require the Keystone Exams as a Statewide assessment for
2 reporting purposes or for any other purpose.

3 (b) During the 2021-2022 school year, the department shall
4 identify for inclusion in the State plan and reporting Federal
5 accountability, and to use as the baseline measure for student
6 growth, the following assessments to be administered as
7 appropriate:

8 (1) The Preliminary Scholastic Aptitude Test, which shall be
9 administered in the spring of tenth grade. Data obtained from
10 the test shall be used for measurements that require data from
11 academic assessments required under section 1111(b)(2)(B)(v)(I)
12 (bb) and (II)(cc) of ESSA (20 U.S.C. § 6311(b)(2)(B)(v)(1)(bb)
13 and (II)(cc) and, as appropriate, in other areas of measurement.

14 (2) The Pennsylvania School of Assessment test. Data
15 obtained from the test shall be used for measurements that
16 require data from academic assessments required for grades three
17 through eight and, as appropriate, in other areas of
18 measurement.

19 (3) The Pennsylvania Alternate System of Assessment,
20 provided that those students with individualized education plans
21 may attain the academic standards by completion of their
22 individualized education programs under the Individuals with
23 Disabilities Education Act. Data obtained from the test shall be
24 used for measurements that require data from academic
25 assessments required under section 1111(b)(2)(D) of ESSA and, as
26 appropriate, in other areas of measurement.

27 (c) The following shall apply:

28 (1) For an assessment listed in subsection (b) that the
29 department has not established a score that the student must
30 attain to demonstrate federally established accountability

1 levels or for inclusion in the State plan, the department shall
2 establish and submit the assessment to the State board for
3 action by the State board. The department shall establish, at
4 the time it establishes scores for the PSAT, separate scores for
5 separate uses of the PSAT, which shall be used in comparison
6 data measurements from the baseline. The scores shall be
7 developed for comparison with federally required academic
8 assessments under section 1111(b)(2)(B)(v)(I)(bb) and (II)(cc)
9 of ESSA and, as appropriate, for inclusion in other areas of
10 measurement. The score established for the PSAT for comparison
11 measurements with federally required academic assessments in
12 section 1111(b)(2)(B)(v)(II)(cc) of ESSA shall be based on the
13 questions within the verbal and mathematics PSAT that focus on
14 the science or any PSAT that aligns with the new standards
15 developed by the department for science. If no score can be
16 established for the PSAT for comparison measurements with
17 federally required academic assessments in section 1111(b)(2)(B)
18 (v)(II)(cc) of ESSA, the department is directed to use an
19 assessment developed through a consortium of states that have
20 similar science standards as the department has developed for
21 science and develop a score for comparison measurements for the
22 assessment.

23 (2) The State board must approve or disapprove within sixty
24 (60) days of submission by the department to the office of the
25 State board or at its next regularly scheduled meeting,
26 whichever is sooner, the score for each federally established
27 accountability level that a student must attain on each approved
28 assessment. Failure of the State board to approve or disapprove
29 the submission within the time established under this section
30 shall be deemed an approval.

1 (d) The following shall apply:

2 (1) Beginning with the 2022-2023 school year, to comply with
3 ESSA or its regulations, or any subsequent waiver or subsequent
4 act of Congress related thereto that requires assessment for the
5 purpose of Federal accountability, the department shall identify
6 the following assessments as a set of high-quality student
7 assessments to be used, as appropriate, for inclusion in the
8 State plan and reporting Federal accountability as required
9 under ESSA:

10 (i) The Pennsylvania School of System Assessment test or an
11 alternative test prescribed by the task force under subsection
12 (c) to meet Federal accountability requirements for grades three
13 through eight.

14 (ii) The PSAT, which shall be administered in the spring of
15 tenth grade.

16 (iii) The Scholastic Aptitude Test for verbal and
17 mathematics skills. Although a student may take the written part
18 of the SAT for verbal skills at the student's expense, no
19 written part of the SAT shall be required under this subclause.

20 (iv) The armed forces qualification test.

21 (v) A competency assessment or certification for a student
22 who, by the end of a reporting year, is reported as successfully
23 completing at least fifty percent (50%) of the minimum technical
24 instructional hours required under 22 Pa. Code Ch. 339 (relating
25 to vocational education), related to the student's program of
26 study. The assessment may include a National Occupational
27 Competency Testing Institute exam, an assessment based on the
28 National Institute for Metalworking Skills standards or any
29 other industry-based competency assessment identified by the
30 Secretary of Education and approved by the State board as

1 demonstrating a high likelihood of readiness for continued
2 meaningful engagement in the student's program of study.

3 (vi) The Pennsylvania Alternate System of Assessment to meet
4 Federal accountability requirements of an assessment designed
5 for students with the most significant cognitive disabilities.
6 However, students with individualized education plans may attain
7 the academic standards by completion of their individualized
8 education plans under the Individuals with Disabilities
9 Education Act.

10 (2) The following shall apply:

11 (i) For an assessment listed in clause (1) for which the
12 department has not established a score that a student must
13 attain to demonstrate federally established accountability
14 levels or for inclusion in the State plan, the department shall
15 establish and submit the same to the State board for action by
16 the State board. The department shall establish, at the time it
17 establishes scores for the PSAT and the SAT, if it has not
18 already done so, separate scores for separate uses of the PSAT
19 and the SAT, which shall be used in comparison data measurements
20 from the baseline. The scores shall be developed for comparison
21 with federally required academic assessments under section
22 1111(b)(2)(B)(v)(I)(bb) and (II)(cc) of ESSA and, as
23 appropriate, for inclusion in other areas of measurement. The
24 score established for the PSAT and the SAT for comparison
25 measurements with federally required academic assessments
26 required under section 1111(b)(2)(B)(v)(II)(cc) of ESSA, shall
27 be based on the questions within the verbal and mathematics PSAT
28 and the SAT that focus on the science or any PSAT or SAT that
29 aligns with the new standards developed by the department for
30 science. If no score can be established for the PSAT or the SAT

1 for comparison measurements with federally required academic
2 assessments in section 1111(b) (2) (B) (v) (II) (cc) of ESSA, then
3 the department is directed to use an assessment developed
4 through a consortium of states that have similar science
5 standards as the department has developed for science and
6 establish a score for comparison measurements for the
7 assessment.

8 (ii) The State board must approve or disapprove within sixty
9 (60) days of submission by the department to the office of the
10 State board or at its next regularly scheduled meeting,
11 whichever is sooner, the score for each federally established
12 accountability level that a student must attain on each approved
13 assessment. Failure of the State board to approve or disapprove
14 the submission within the time established under this section
15 shall be deemed an approval.

16 (3) Every five (5) years the department shall request
17 competitive bids and shall contract for the assessments required
18 in this subsection.

19 (e) An assessment used for the purposes of Federal
20 accountability under subsection (d) or any score of a student on
21 the assessment:

22 (1) Shall be administered one time per school year for the
23 purpose of meeting the Federal accountability requirements with
24 one make-up date provided for a student unable to participate on
25 the originally scheduled date. A school entity may select a date
26 to make up an assessment under this clause that is a Saturday or
27 during a school year vacation period.

28 (2) Shall not be retaken for the purpose of meeting the
29 Federal accountability requirements by any student.

30 (3) Shall not be required to be taken by a student if the

1 student has met the Federal accountability requirements by
2 taking another approved assessment under subsection (b) in the
3 same content area for the respective grade.

4 (4) Shall not exceed two instructional days to administer
5 when administered to meet the Federal accountability
6 requirements for grades nine through twelve. However, when
7 administered for students with the most significant cognitive
8 disabilities, administration shall not exceed three
9 instructional days.

10 (5) Shall not exceed sixty percent (60%) of the testing time
11 currently required for the Pennsylvania System of School
12 Assessment test when administered to meet the Federal
13 accountability requirements for grades three through eight.

14 (6) Shall be scored and returned to the school entity within
15 thirty (30) days when administered to meet the Federal
16 accountability requirements for grades nine through twelve.

17 (7) Shall be part of an assessment system that does the
18 following:

19 (i) Provides practice for all students.

20 (ii) Provides scholarship opportunities.

21 (iii) Provides actionable score reports.

22 (iv) Is useful for instructional support and identifying
23 learning needs.

24 (v) Provides information on readiness for advanced
25 coursework, including STEM courses, when administered to measure
26 verbal or mathematics skills for grades nine through twelve.

27 (8) May be used for diagnostic purposes to assess student
28 improvement and growth.

29 (9) Shall be used as part of a rigorous system of teacher
30 evaluation and school performance, in accordance with Article

1 XI(c.1).

2 (f) Each school entity shall determine the assessment from
3 subsection (d)(1)(ii), (iii), (iv), (v) or (vi) to submit to the
4 department for the purpose of Federal accountability for any
5 student who, by the end of a reporting year, is reported as
6 successfully completing at least fifty percent (50%) of the
7 minimum technical instructional hours required under 22 Pa. Code
8 Ch. 339 related to the student's program of study.

9 (g) All regulations and parts of regulations are abrogated
10 insofar as they are inconsistent with this section.

11 (h) As used in this section, the following words and phrases
12 shall have the meanings given to them in this subsection unless
13 the context clearly indicates otherwise:

14 "Department." The Department of Education of the
15 Commonwealth.

16 "ESSA." The reauthorization of the Elementary and Secondary
17 Education Act of 1965 (Public Law 89-10, 20 U.S.C. § 6301 et
18 seq.), known as the Every Student Succeeds Act (Public Law 114-
19 95, 129 Stat. 1802).

20 "Individuals with Disabilities Education Act." The
21 Individuals with Disabilities Education Act (Public Law 91-230,
22 20 U.S.C. § 1400 et seq.).

23 "Preliminary Scholastic Aptitude Test" or "PSAT." The
24 nationally recognized preliminary SAT developed by the college
25 board and cosponsored by the national merit scholarship
26 corporation.

27 "Scholastic Aptitude Test" or "SAT." The nationally
28 recognized college career readiness assessment developed by the
29 college board.

30 "School entity." The term shall include a school district,

1 intermediate unit, joint school, area career and technical
2 school, charter school or cyber charter school.

3 "State board." The State Board of Education of the
4 Commonwealth.

5 "State plan." The State plan prepared by the department for
6 the Commonwealth to implement ESSA and submitted to the United
7 States Secretary of Education for approval, as provided in
8 section 1005 of ESSA.

9 Section 2. This act shall take effect immediately.