

Regulatory Analysis Form

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REGULATORY REVIEW COMMISSION

(1) Agency

State Board of Education

(2) I.D. Number (Governor's Office Use)

006-295

IRRC Number: 2499

(3) Short Title

Chapter 4 Academic Standards and Assessment

(4) PA Code Cite

22 PA Code Chapter 4

(5) Agency Contacts & Telephone Numbers

Primary Contact: Jim Buckheit

(717)787-3787

jbuckheit@state.pa.us

(6) Type of Rulemaking (check one)

Proposed Rulemaking

Final Order Adopting Regulation

Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

No

Yes: By the Attorney General

Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

Chapter 4 sets for requirements for instruction, graduation, strategic planning and assessment based on academic standards for this Commonwealth's public schools.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

Act of March 10, 1949, P.L. 30, No. 14, §26-2603-B, added by the Act of March 30, 1988, P.L. 321, No. 43.

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(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

Law, court order or regulation does not mandate these regulations. The enabling statute for the State Board of Education requires that it "adopt broad policies and principles, and establish standards governing the education program of the Commonwealth." (24 P.S. § 26-2603-B(a)).

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The regulations update, provide clarity and align these regulations with state and federal statutes, regulations and policies.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

None

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

1.8 million school students enrolled in the Commonwealth's public schools will benefit from the instructional requirements, academic standards and assessment requirements outlined in these regulations. The Commonwealth's economic competitiveness will improve.

Schools and school administrators and elected Board members will benefit from improved strategic planning procedures.

Removal of outdated and unnecessary regulations will benefit school officials and interested citizens when reading the regulations. Removal of outdated and unnecessary provisions will bring clarity to current obligations and requirements.

Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

No adverse effect is anticipated. These regulations clarify and maintain the existing requirements for public schools to provide instruction and assessment of student performance against rigorous state academic standards.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

501 School districts, 29 Intermediate Units, 82 Area Vocational-Technical Schools, 77 Charter Schools, 6,700 public school administrators, 141,000 public school teachers and support staff and 1.8 million students and their parents/guardians.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

The State Board committee initiated outreach and communication with stakeholders by holding three roundtable meetings. Roundtable meetings were held on May 8, 2003 in Harrisburg, May 14, 2003 in Erie and May 28, 2003 in Mar Lin. Formal public hearings by the State Board committee on November 20, 2003; December 4, 2004 in Homestead and December 11, 2003 in Norristown. In addition to those who provided testimony at the hearings formal written testimony was submitted by ten individuals and organizations.

The committee held public meetings where stakeholders and interested parties could make public comment on the following dates: March 19, 2003; June 20, 2003; September 18, 2003; November 19, 2003; January 21, 2004; March 17, 2004; May 19, 2004; July 21, 2004, and, June 29, 2005.

An interested parties list is maintained by the State Board and those interested in keeping informed about Chapter 4 were notified of planned formal Board action through mailings.

The State Board also posted updated versions of the draft regulations on its web site to enable stakeholders to review the draft as it progressed through the revision process.

Regulatory Analysis Form

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

These regulations will not result in costs or savings to the regulated community since they largely clarify current requirements.

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

These regulations will not result in costs or savings to local governments since they largely clarify current requirements.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

These regulations will not result in either additional costs or savings to state government since they clarify current requirements.

Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Savings	0	0	0	0	0	0
COSTS:						
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	20.356 million	20.356	20.356	20.356	20.356	20.356
Total Costs	20.356	20.356	20.356	20.356	20.356	20.356
REVENUE LOSSES:						
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Revenue Losses	0	0	0	0	0	0

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
PA Assessment	\$20.556 million	\$20.356	\$20.356	\$20.356

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

These regulations provide the benefit of improved academic achievement for Pennsylvania's students and increased accountability on its public schools. They establish rigorous academic standards and a system to measure the success of schools in preparing students demonstrate proficiency against the academic standards. These policies will contribute to the economic and civic vitality of this Commonwealth.

The Commonwealth currently provides more than \$8.2 billion to local schools, as part of the nearly \$17 billion invested in elementary and secondary education by taxpayers, to educate students and to provide them with the skills and knowledge necessary to succeed in the workplace, in postsecondary studies and as citizens. These proposed regulations are designed to ensure that students are educated to high standards, and through the use of State assessments, to ensure that the citizens of this Commonwealth have a means to measure the ability of schools to deliver on their promise.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Law or regulation can only establish the state policies outlined in these regulations. Therefore, alternatives were not considered.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

Alternative regulatory schemes were not considered.

Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

The federal No Child Left Behind Act of 2001 requires that states establish rigorous academic standards and an aligned state assessment in grades 3-8 and once at the high school level in reading and mathematics. States are also to establish standards for and begin assessing student knowledge in science beginning in the 2007-08 school year. These regulations require that students be assessed in writing which is not required by federal law. The State Board believes that writing is an essential skill that all students should be proficient and therefore believes that it should continue to be assessed even though a writing assessment is not required by federal law.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

Under the federal No Child Left Behind Act of 2001 all states are required to establish academic standards and to administer assessments of student proficiency against the standards in Reading, mathematics and science. These regulations meet and exceed these requirements. Other provisions provide this Commonwealth's school districts with flexibility to develop curriculum and instructional practices that will permit students to demonstrate proficiency in each of the ten areas for which state academic standards have been promulgated. These requirements are less prescriptive than those imposed in other states, largely in deference to Pennsylvania's long-standing tradition of strong local control, particularly over curriculum, instructional practices and graduation requirements. These requirements do not place the Commonwealth at a competitive disadvantage.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No.

Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

Yes. Should a local education entity choose to use a local assessment to determine if a student is proficient for the purpose of awarding a high school diploma the local education entity will be required to submit a new report form to the Department of Education each year that includes a certification that the local assessment is aligned with the state proficiency requirements and also provides data regarding the local assessment.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

None

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation will become effective upon final publication in the Pennsylvania Bulletin.

(31) Provide the schedule for continual review of the regulation.

In accordance with State Board policy the regulation will be reviewed every four years.

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LEGISLATIVE
REVIEW COMMISSION

#2499

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Copy below is hereby approved as to
form and legality. Attorney General

[Signature]

BY: _____
(DEPUTY ATTORNEY GENERAL)

SEP 23 2005

DATE OF APPROVAL

Check if applicable
Copy not approved. Objections
attached.

Copy below is hereby certified to be a true and correct copy
of a document issued, prescribed or promulgated by:

State Board of Education

(AGENCY)

DOCUMENT/FISCAL NOTE NO. #006-295

DATE OF ADOPTION: June 30, 2005

BY: *[Signature]*

TITLE: Executive Director
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

Copy below is hereby approved as to
form and legality. Executive or independ-
ent Agencies.

[Signature]

BY: DAVID J. DEVRIES

8.31.05

DATE OF APPROVAL

EXECUTIVE

(Deputy General Counsel)

(Chief Counsel, Independent Agency)

(Strike inapplicable title)

Check if applicable. No Attorney Gen-
eral approval or objection within 30
days after submission.

Proposed Rulemaking
22 PA Code, Chapter 4
Academic Standards and Assessment

PROPOSED RULEMAKING

STATE BOARD OF EDUCATION

[22 PA. CODE CH. 4]

ACADEMIC STANDARDS AND ASSESSMENT

The State Board of Education (State Board) proposes to amend Chapter 4 (Academic Standards and Assessment) to read as set forth in Annex A. In doing so, the State Board acts under the authority of the Public School Code of 1949, act of March 10, 1949 (P.L. 30, No. 14), particularly section 2603-B, 24 P.S. § 26-2603-B.

Purpose

Chapter 4 sets forth requirements for instruction, graduation, strategic planning and assessment based on academic standards for this Commonwealth's public schools.

Requirements of the Regulations

The amended regulations revise the following items:

Throughout the regulation, where appropriate, the term *school entity* would replace the term *school district* to reflect that, in addition to school districts, intermediate units, area vocational-technical schools, cyber charter schools and independent schools are covered by the provision.

Section 4.3 (relating to definitions). The State Board would revise the existing definitions for the terms *assessment* and *curriculum*. The State Board also proposes to add new definitions for the terms *pre-kindergarten*, *school entity* and *world language*.

Sections 4.4(d)(4), (5), (6) & (7) (relating to general policies). The State Board proposes to reorder the sequence of the paragraphs of § 4.4(d) to clarify that parents and guardians may review State assessments and must review them if they wish to have their child excused from the assessment should it conflict with their religious belief.

Section 4.11(g)(10) (relating to purpose of public education). The State Board proposes to remove world languages as one of the academic areas for which State Board approved academic standards are to be issued. This change would have the effect of requiring school entities to offer world language instruction in at least two languages to all students.

Section 4.12(a) (relating to academic standards). The State Board proposes to delete from § 4.12(a) transitional provisions that are no longer necessary.

Section 4.12(a)(8). The State Board proposes to remove world languages as one of the academic areas for which State Board approved academic standards are to be issued.

Sections 4.12(a)(8) and (9). The State Board proposes to add reading, writing, speaking and listening, and mathematics to the list of areas for which academic standards are established. This proposed technical change is necessary to include these standards in the State Board's periodic review of academic standards.

Section 4.12(g). The State Board proposes to delete the implementation schedule under which the Secretary of Education is required to present academic standards to the State Board.

Section 4.13 (relating to strategic plans). The State Board proposes to revise the strategic planning requirements to focus school entity plans on strategic, rather than operational, issues and to enable the Department of Education to consolidate multiple strategic planning requirements into a single, comprehensive plan. The proposed changes would also require school entities to address how they will coordinate activities with the Commonwealth's priorities and major initiatives.

Section 4.21(a) (relating to elementary education: primary and intermediate levels). The State Board proposes to add as an option that elementary education programs include pre-kindergarten.

Section 4.21(b). The State Board proposes to extend the focus of the primary level elementary program to literacy skills.

Section 4.21(d). The State Board proposes to amend § 4.21(d) to provide that primary level elementary instruction shall be standards-based and designed to prepare students to reach the proficient level on local and State assessments.

Sections 4.21(b) & (e), 4.22(a) & (b) (relating to middle level education), and 4.23(b) & (c) (relating to high school education). The State Board proposes to amend these sections to include new language to clarify that curriculum and instruction are to be standards-based and instruction is to be aligned with State academic standards.

Section 4.23(c)(9). The State Board proposes to revise § 4.23(c)(9) relating to family and consumer science instruction to include basic knowledge of early literacy skill development.

Sections 4.21(e)(6) and (8). The State Board proposes to revise and clarify the requirements for health, safety and physical education to include knowledge and practice of lifetime physical activity, personal fitness, basic movement skills and concepts, principles and strategies of movement, and safety practices in physical activity.

Section 4.25(a) (relating to languages). The State Board proposes to add to § 4.25(a) a requirement that the Department of Education issue standards for world language instruction and to define the requirements for these standards. The State Board proposes to maintain the long-standing requirement that every school district provide planned instruction in at least two languages, one of which is to be in a modern language and one of which is to be offered in a four-year sequence in the secondary program.

Section 4.27(b) (relating to physical education and athletics). The State Board proposes to clarify the requirement that physical education shall be adapted for students who are medically unable to participate in the regular program.

Section 4.29(a) (relating to HIV/AIDS and other life-threatening and communicable diseases). The State Board proposes to clarify that instruction in the prevention of HIV/AIDS and other life-threatening diseases shall be provided to every student, and the instruction must be aligned with the academic standards for health.

Section 4.29(b). The State Board proposes to rewrite subsection (b) of § 4.29 to emphasize that instruction and educational materials used in HIV/AIDS instruction are determined by the local school district in accordance with criteria outlined in subsections (c), (d) and (e) of § 4.29.

Section 4.29(c). The State Board proposes to revise language to recommend that a school district's age appropriate planned instruction conform to the Center for Disease Control and Prevention's guidelines and that school districts be permitted to omit instruction in the elementary grades respecting transmission of disease through sexual activity. The State Board also proposes to amend § 4.29(c) to explain that instruction shall stress that abstinence from sexual activity is the only completely reliable means of preventing sexual transmission and that avoidance of illegal drug use is the only completely reliable means of preventing transmission through shared drug paraphernalia.

Section 4.29(d). The State Board proposes to amend § 4.29(d) to provide that a student shall be excused from HIV/AIDS instruction when the instruction conflicts with religious beliefs, after an inspection of the instructional materials and upon receipt of a written request from the parents or guardians.

Section 4.29(e). The State Board proposes to amend § 4.29(e) to provide that school entities shall publicize that detailed curriculum and materials used for HIV/AIDS instruction are available to parents and guardians for review during normal school hours or at teacher-parent conferences.

Section 4.31(a) (relating to vocational technical education). The State Board proposes to add new language clarifying that students who complete vocational-technical education programs are to have their occupational competency assessed through the Pennsylvania Skills Certificate Program or by another assessment program approved by the Department. The State Board also proposes to amend § 4.31(a) to require students to demonstrate proficiency in meeting State academic standards.

Section 4.31(c). The State Board proposes to add language to § 4.31(c) to encourage vocational-technical education programs to adopt industry recognized skill standards when available.

Section 4.33(c) (relating to advisory committees). The State Board proposes to amend § 4.33(c) to clarify that the occupational advisory committee shall have a majority

of its members who are employees and employers in the occupation for which training is provided.

Section 4.51(a)(1) (relating to State assessment system). The State Board proposes to amend § 4.51(a)(1) to expand the purpose of the State assessment to include providing students, parents, educators and citizens with an understanding of student and school performance consistent with the No Child Left Behind Act of 2001.

Section 4.51(b). The State Board proposes to amend § 4.51(b) to clarify that State assessment instruments administered in grades 5, 8 and 11 for reading and mathematics, and in grades 6, 9 and 11 for writing, will be standards-based and include essay or open-ended responses in addition to other formats.

Section 4.51(d). The State Board proposes to amend § 4.51(d) to require that the State assessment be administered in reading and mathematics in grades 3, 4, 5, 6, 7, 8 and 11; in writing in grades 6, 9 and 11; and in science in grades 4, 7 and 10.

Section 4.51(g)(1). The State Board proposes to amend § 4.51(g)(1) to update the statutory reference to the Professional Educator Discipline Act.

Section 4.51(j). The State Board proposes to add to § 4.51(j) a requirement that children with limited English proficiency be included in the State assessment as required by Federal law.

Section 4.52(c) (relating to local assessment system). The State Board proposes to amend § 4.52(c) to clarify the requirements for when a school entity chooses to use a local assessment to determine whether a student is proficient for purposes of high school graduation. The proposed amendment would provide that the local assessment shall be described in it's the school entity's strategic plan, be comparable to the proficiency levels used for the State assessment, describe how an entity will be evaluated for compliance with the requirement, and the consequence of any identified disparity between State and local proficiency levels.

Section 4.61(a) (relating to school profiles). The State Board proposes to revise § 4.61(a) to align the requirements for school profiles with Federal and State law.

Section 4.83 (relating to implementation schedule). The State Board proposes to delete the transitional provisions and implementation schedule that were needed when Chapter 4 was first promulgated in January 1999.

Affected Parties

These proposed regulations would affect the student and professional employees of the public schools of this Commonwealth.

Cost and Paperwork Estimates

These regulations will not result in added costs or savings to school entities since they clarify current requirements. One new report is required to be submitted to the Department of Education by school entities that use local assessments to determine whether students are proficient in reading, writing and mathematics for purposes of graduation from high school. Any cost associated with the preparation and submission of this report is anticipated to be minimal.

Effective Date

The proposed regulations would become effective upon final publication in the *Pennsylvania Bulletin*.

Sunset Date

The State Board will review the effectiveness of Chapter 4 every four (4) years, in accordance with the Board's policy and practice respecting all regulations promulgated by the Board. Thus, no sunset date is necessary.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on 9/26, 2005, the State Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Education. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)), IRRC may convey any comments, recommendations or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Act specifies detailed procedures for review, prior to final publication of the regulation, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comments and Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding this proposal Jim Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333 within 30 days following publication in the *Pennsylvania Bulletin*.

Persons with disabilities needing an alternative means of providing public comment may make arrangements by calling Jim Buckheit at (717) 787-3787 or TDD (717) 787-7367.

Jim Buckheit
Executive Director

Annex A
TITLE 22. EDUCATION
PART I. STATE BOARD OF EDUCATION
Subchapter A. MISCELLANEOUS PROVISIONS
CHAPTER 4. ACADEMIC STANDARDS AND ASSESSMENT

ENFORCEMENT AND IMPLEMENTATION

§ 4.83. [Implementation schedule] (Reserved).

GENERAL PROVISIONS

§ 4.3. **Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Assessment—A valid and reliable measurement of student performance on a set of academic standards in a subject area **that captures student understanding of the set as a whole and the central concepts, knowledge and skills of each content area.**

Curriculum—A series of planned instruction **aligned with the academic standards in each subject** that is coordinated and articulated and implemented in a manner designed to result in the achievement **at the proficient level** by all students [of **specific knowledge and skills and the application of this knowledge**].

Individuals with Disabilities Education Act—20 U.S.C.A. §§ 1400—148[5]2.

Planned instruction—Instruction offered by a [school district or AVTS] school entity based upon a written plan to enable students to achieve the academic standards under § 4.12 (relating to academic standards) and additional academic standards determined in strategic plans under § 4.13 (relating to strategic plans).

Pre-kindergarten—A program operated by a school entity or under contract from a school entity that is open to children up to two years prior to the school entity's entry age for kindergarten. The program shall provide a comprehensive program appropriate for the age, developmental level, and individual needs of each child, based on how young children develop and learn, and shall include instruction to support each child's development in the following areas: approaches to learning; creative expression; language and literacy; math, logic and science; social-personal development; and physical development and health.

School entity—A local public education provider (e.g., public school district, charter school, cyber charter school, AVTS or intermediate unit). Provided, however, that the provisions of this chapter shall apply to school entities only to the extent permitted by law.

World language—The study of the language, cultures, traditions and histories of different communities of people who communicate in languages other than English. In Pennsylvania, American sign language is a world language.

§ 4.4. General policies.

(a) It is the policy of the Board that the local curriculum be designed by school **entities [districts (including charter schools) and AVTSs]** to achieve the academic standards under § 4.12 (relating to academic standards) and additional academic standards designated in strategic plans under § 4.13 (relating to strategic plans).

(b) It is the policy of the Board that local school **entities [districts (including charter schools) and AVTSs]** have the greatest possible flexibility in curriculum planning consistent with providing quality education and in compliance with the School Code, including requirements for courses to be taught (24 P. S. §§ 15-1501 and 16-1605)[,]; subjects to be taught in the English language (24 P.S. § 15-1511)[,]; courses adapted to the age, development and needs of the pupils (24 P. S. § 15-1512)[,]; minimum school year of 180 days and minimum of 900 hours of instruction at the elementary level and 990 hours of instruction at the secondary level (24 P.S. §§ 15-1501 and 15-1504)[,]; employment of sufficient numbers of qualified professional employees (24 P.S. § 11-1106) and superintendents to enforce the curriculum requirements of State law (24 P.S. § 10-1005)[,]; and this part.

(d) School **entities [districts (including charter schools), AVTSs and intermediate units]** shall adopt policies to assure that parents or guardians have the following:

(3) The right to have their children excused from specific instruction [**which**] **that** conflicts with their religious beliefs, upon receipt by the school **entity [district**

(including charter schools), AVTS or intermediate unit] of a written request from the parents or guardians.

(4) The right of the parent or guardian to review the State assessments in the school entity, at least 2 weeks prior to their administration, during convenient hours for parents and guardians. All necessary security requirements to maintain the validity of the assessment shall be taken in accordance with the State assessment administration instructions.

[(4)] (5) If upon inspection of State assessments parents or guardians find the assessments in conflict with their religious belief and wish their student be excused from the assessment, the right of the parents or guardians will not be denied upon written request to the applicable school district superintendent or AVTS director.

[(5)] (6) Opportunity for involvement in the strategic planning process under § 4.13 **(relating to strategic plans)**.

[(6)] (7) The right to have their children excluded from research studies or surveys conducted by entities other than [the] a school **entity** [district (including charter schools), AVTS or intermediate unit] unless prior written consent has been obtained.

[(7) The right of the parent or guardian to review the State assessments in the school district 2 weeks prior to their administration during convenient hours for parents and guardians. All necessary security requirements to maintain the validity of the assessment shall be taken in accordance with the State assessment administration instructions.]

ACADEMIC STANDARDS AND PLANNING

§ 4.11. Purpose of public education.

(g) Public schools provide instruction throughout the curriculum so that students may develop knowledge and skills in the following areas:

- (1) Reading, writing, speaking and listening.
- (2) Mathematics.
- (3) Science and technology.
- (4) Environment and ecology.
- (5) Social studies (civics and government, geography, economics and history).
- (6) Arts and humanities.
- (7) Career education and work.
- (8) Health, safety and physical education.
- (9) Family and consumer science.
- [(10) World languages.]**

§ 4.12. Academic standards.

(a) School entities [districts (including charter schools) or AVTSs] may develop, expand or improve existing academic standards in the following content areas [until the Board adopts standards under subsection (g) and rescinds the description of the corresponding content areas]:

[(8) *World languages.* Ability to communicate in a language other than English, including the ability to understand and interpret written and spoken language on a variety of topics and to develop knowledge and understanding of other cultures.]

(8) *Reading, writing, speaking and listening.*

(i) *Reading:* The application of phonemic awareness, phonics and word study, vocabulary, fluency, and text comprehension in reading critically across subject areas; the interpretation and analysis of literary expression with analysis of the origins and structures of the English language; and learning how to search a variety of texts to conduct research.

(ii) *Writing:* Narrative, informational and persuasive formal writing for an audience, including spelling and editing skills; and informal writing to capture and organize information for individual use.

(iii) *Speaking and listening:* Participation in conversation and formal speaking presentations.

(9) *Mathematics.* The understanding of fundamental ideas and the development of proficient mathematical skills in numbers, computation, measurement, statistics and data analysis, probability and predictions, algebra and functions, geometry, trigonometry and concepts of calculus. Using this content, students will learn to think, reason and communicate mathematically.

(b) In designing educational programs, school **entities** [districts (including charter schools) and AVTSs] shall provide for the attainment of the academic standards under subsections (a) and (c) and any additional academic standards **that** [which] they

describe in their strategic plans under § 4.13(c) (relating to strategic plans). Attaining the academic standards in this section requires students to demonstrate the acquisition and application of knowledge.

(c) School **entities** [**districts (including charter schools) and AVTSs**] shall prepare students to attain academic standards in mathematics, reading, writing, speaking and listening as contained in Appendix A and incorporated here by reference and additional standards as may be adopted by the Board and promulgated as amendments to this chapter.

(d) A school **entity's** [**district's (including charter schools) or AVTS's**] curriculum shall be designed to provide students with **planned** instruction needed to attain these academic standards.

(e) School **entities** [**districts (including charter schools) and AVTSs**] shall apply academic standards for students in all areas described under subsections (a) and (c). The local assessment plan under § 4.52 (relating to local assessment system) shall include a description of how the academic standards will be measured and how information from the assessments is used to assist students having difficulty meeting the academic standards.

(f) School **entities** [**districts (including charter schools) and AVTSs**] shall assess the attainment of academic standards developed under subsections (a) and (c) and any other academic standards [**which**] **that** they develop and describe in their strategic plans under § 4.52(c) for purposes of high school graduation and strategies for assisting students to attain them. Plans for assessment developed by school **entities** [**districts (including charter schools) and AVTSs will**] **shall** take into account that academic

standards in subsections (a) and (c) may be attained by students in various ways and shall be assessed in various ways. Children with disabilities may attain the academic standards by completion of their Individualized Education Programs under the Individuals with Disabilities Education Act and this part.

(g) In **[developing] planning any revision of the** academic standards in subsection (a) content areas, the Secretary will consult with educators, business and community leaders and parents. **[Academic standards in the following content areas will be developed by the Secretary and presented to the Board no later than the following schedule:**

	Science and Technology, Environment and
April, 1999	Ecology, Health Safety and Physical Education,
	Civics and Government
June, 1999	Arts and Humanities
October,	Family and Consumer Sciences, Economics,
1999	Geography
September,	History, Career Education and Work, World
2000	Languages]

(h) School entities **[districts (including charter schools) and AVTSs]** are responsible under subsections (a), (c)[,] **and** (g), and § 4.13(c)(5) for assessing individual student attainment of academic standards and for assisting those students having difficulty attaining them. Upon request by a school entity **[district (including charter**

schools) or AVTS], the Department will provide the requestor with technical assistance in the development of academic standards and assessments that are sufficient to assure that students are making progress toward the attainment of standards required for high school graduation under subsection (f) and those identified in the strategic plan under § 4.13(c)(3).

§ 4.13. Strategic plans.

(a) Every school district (including a charter school[s]) shall develop and file with the Department a strategic plan once every 6 years, **[and]** review that plan for revision at the mid-point **and update the plan as necessary each year** according to an implementation schedule developed by the Department **[under § 4.83 (relating to implementation schedule)]**. A school district plan shall incorporate appropriate components of the plan submitted under subsection (b) by an AVTS in which the district participates. In the development of a strategic plan, a school district (including a charter school[s]) will, upon request, receive technical assistance from the Department. **The plan shall be developed by a schedule to be determined by the Department.**

(b) Every AVTS, in conjunction with and with the approval of the majority of its participating school districts, shall develop and file with the Department a strategic plan once every 6 years, **[and]** review that plan at the mid-point **and update the plan each year** according to an implementation schedule developed by the Department **[under § 4.83]**. The strategic plan shall incorporate appropriate components of the strategic plan submitted under subsection (a) by participating districts. In the development of the

strategic plan, an AVTS will, upon request, receive technical assistance from the Department.

(c) The strategic plan shall be based upon an analysis of internal and external needs, leading to the specifications of priorities for action and action plans. **The analysis of needs and the specifications of priorities shall address student achievement; the school entity's core purpose; the quality of teaching and learning; the quality of leadership; the use of infrastructure; and, continuous professional learning and education.** The requirement in subsections (a) and (b) to develop plans every six years and revisions every three years does not limit a school **entity's** [**district's (including charter schools) or AVTS's**] ability to conduct a continuous strategic planning process. **Each plan, as received and filed by the Department, becomes an extension of this chapter uniquely adapted to each school entity and can only be changed by the Strategic Planning Committee approved by the local school board.** The plan shall include the following components in addition to others the school **entity** [**district (including charter schools) or AVTS**] determines to include:

[(1) A mission statement.

(2) A listing of the school district's (including charter schools) or AVTS's educational and organizational goals as they relate to student achievement and high school graduation requirements.

(3) A description of academic standards for student achievement which shall be consistent with those under § 4.12 (relating to academic standards).

(4) The planned instruction to be offered and the instructional and assessment practices to be used to strive for the academic goals and attain academic standards under paragraph (3) and the high school graduation requirements under § 4.24 (relating to high school graduation requirements).

(5) An assessment plan under § 4.52 (relating to local assessment system) to determine the degree to which students are achieving academic standards under paragraph (3) including descriptions of methods and measures used to determine achievement, how information from the assessments shall be used to assist students who have not demonstrated attainment of the academic standards at a proficient level or higher and how information from the assessments shall be made available to the public.

(6) A plan for improving students' achievement, including specific, measurable goals for student growth and plans (including those listed in this section) that are designed to attain students' achievement goals. Achievement goals shall demonstrate a connection to the academic standards under § 4.12 including but not limited to annual improvement goals for student scores on State and local assessments.

(7) The professional development plan under section 1205.1 of the School Code (24 P. S. § 12-1205.1) and § 49.17 (relating to continuing professional development) and the induction plan under § 49.16 (relating to approval of induction plans).

(8) A description of the school district's (including charter schools) or AVTS's organization and organizational goals and their relationship to differing student

needs within the school district's (including charter schools) or AVTS's goals under paragraph (2) and the attainment of academic standards under paragraph (3).

(9) A description of the professional personnel, school library, classroom and other resources the school district (including charter schools) or AVTS plans to devote to the attainment of academic standards.

(10) A brief description of the process used to develop the strategic plan, including a list of persons involved in its development.

(11) A plan for additional instructional opportunities for students not achieving at the proficient level including identification procedures, alternate instructional strategies, monitoring of assessment procedures and opportunities for extended learning time.]

(1) Core purpose – A summary of the school entity's mission statement, educational vision and shared values.

(2) Results for students – A listing of the school entity's educational and organizational goals as they relate to student achievement including high school graduation requirements and for having students meet or exceed proficiency levels established for State academic standards listed in § 4.12(relating to academic standards).

(3) Academic standards – A description of academic standards for student achievement, which shall be consistent with those under § 4.12.

(4) Measurable annual improvement targets – A plan for improving students' achievement, including specific, measurable goals for student growth and plans (including those listed in this section) that are designed to attain students' achievement goals. Achievement goals shall demonstrate a connection to the academic standards under § 4.12, including but not limited to annual improvement goals for student scores on State and local assessments.

(5) Curriculum, instruction and instructional materials – A plan for providing all students access to a rigorous education program, including: curriculum that is aligned to the academic standards; the planned instruction to be offered and the instructional practices and instructional materials to be used to strive for the academic goals and attain academic standards under paragraph (3) and the high school graduation requirements under § 4.24 (relating to high school graduation requirements).

(6) Assessments and public reporting – An assessment plan that describes the local assessment system as required under § 4.52 (relating to local assessment system), including methods and measures used to determine the degree to which students are achieving academic standards under paragraph (3). The plan shall include descriptions of methods and measures used to determine achievement; how information from the assessments shall be used to assist students who have not demonstrated attainment of the academic standards at a proficient level or higher; how all students as well as significant student subgroups are achieving as compared to the standards and annual improvement targets; and how information from the

assessments shall be made available to the public and the parents or guardians of each student. This plan shall address how assessment data, including value-added assessment data provided pursuant to § 403.3(d)(1)(iii) (relating to assessments), is shared with and used by district-level administrators, school administrators and professional educators to change instructional practice in order to address the learning needs of students.

(7) Targeted assistance for struggling students – A plan for additional instructional opportunities for students not achieving at the proficient level, including identification procedures, alternative instructional strategies, monitoring of assessment procedures and opportunities for extended learning time (including tutoring). This plan shall describe how grade-level learning plans for students who have not achieved proficiency in reading and mathematics during their primary grades (K-3) pursuant to § 4.21(j) (relating to elementary education: primary and intermediate levels) have been implemented and specify the instructional opportunities for students who have not achieved proficiency in reading and mathematics by the end of grade 5 pursuant to § 4.21(k).

(8) Qualified, effective teachers and capable instructional leaders – A description of the school entity's goals, strategies and performance measures regarding provision of teachers and school leaders designed to ensure that all students attain the academic standards at a proficient level or higher. This description shall specifically address how the school entity deploys its most effective

and highly qualified teachers in order to meet the learning needs of students who are below proficiency or are at risk of not graduating.

(9) Continuous professional education – A professional education plan, including: requirements under section 1205.1 of the School Code (24 P. S. § 12-1205.1) and § 49.17 (relating to continuing professional education); the induction plan under § 49.16 (relating to approval of induction plans); professional education programs linked to the academic standards under § 4.12; and how to promote professional collaboration regarding continuous improvement of instruction and student achievement.

(10) Organization and goals – A description of the school entity's organization and organizational goals and their relationship to differing student needs within the school entity's goals under paragraph (2) and the attainment of academic standards under paragraph (3).

(11) Utilization of resources – A description of the resources the school entity plans to devote to the attainment of academic standards, including professional personnel, school library, classroom materials, educational technology, school facilities, budget and other resources available to the school entity.

(12) Parent and community participation – A description of the school entity's approaches for involving parents or guardians, community groups, businesses and institutions of higher education in the learning process, as appropriate.

(13) Support for struggling schools – A description of the school district’s or area vocational technical school with multiple campuses’ process for assisting schools that do not meet the annual student achievement improvement targets and school experiencing other challenges that deter student attainment of the academic standards at a proficient level or higher.

(14) Milestones of progress – A listing of the specific goals, tasks, and initiatives that shall be accomplished by a specified date within each year of the planning cycle; such goals, tasks, and initiatives shall be derived from the priorities described in the strategic plan, as locally appropriate benchmarks that shall ensure consistent monitoring and midcourse correction.

(15) Planning process – A brief description of the process used to develop the strategic plan, including a list of persons involved in its development.

(16) Coordination with other programs – A description of how the school district will accomplish coordination with the following before or after school programs and services for all grade levels, including pre-kindergarten, if offered, through 12:

- (i) Child care;
- (ii) After school programs;
- (iii) Youth workforce development programs; and
- (iv) Tutoring.

(d) Strategic plans, **the six-year plan, mid-term review report, annual updates and all other revisions to the plan,** shall be developed through active participation by parents, students, school directors, teachers **from elementary schools, middle/junior high schools, senior high schools and AVTS, educational specialists (e.g., school nurses, guidance counselors),** school administrators, other school personnel, **and** business and community representatives. Teacher representatives shall be chosen by teachers[.]; **educational specialists shall be chosen by educational specialists;** [and] administrative representatives shall be chosen by the administrative personnel[.]; and school director representatives shall be chosen by the board of the school district or AVTS.

(e) Prior to its approval by the board of directors, the strategic plan and revisions of it shall be made available for public inspection in the school district's or AVTS's offices, **on the entity's web site** and nearest public library until the next regularly scheduled board meeting or a minimum of 28 days whichever comes first. The plan shall be filed with the Department after it is recommended by the school superintendent of record and is approved by the school district's or AVTS's board of directors. If the board of directors alters the proposed strategic plan developed under subsection (d), it shall consult with the committee which developed it to reach the greatest possible consensus prior to its submission and shall include any minority report which is developed.

(g) As an extension of this chapter, the locally approved strategic plan shall be administered in the school entity under the authority of a commissioned officer,

AVTS administrative director or cyber charter school chief executive officer and readily available to the public.

CURRICULUM AND INSTRUCTION

§ 4.21. Elementary education: primary and intermediate levels.

(a) The primary program shall ordinarily be completed by children who are approximately 8 years of age **and may include pre-kindergarten.** School districts shall provide opportunities for individualized rates of learning and social and emotional development that reflect differing rates of development and learning styles of young children.

(b) Curriculum and instruction in the primary program **shall be standards-based and** shall focus on introducing young children to formal education, developing an awareness of the self in relation to others and the environment, and developing skills of communication, thinking and learning. **Literacy skills, including phonemic awareness, phonological awareness, fluency, vocabulary and comprehension and developmental writing will begin in pre-kindergarten and kindergarten, if offered, and developed appropriately for the primary grade level.**

(c) The intermediate level program shall ordinarily be completed by children who are approximately 11 years of age.

(d) **Standards-based [C]**curriculum and instruction in the intermediate level shall **[continue the development of communication, thinking and learning skills and shall begin to focus on learning specific subject matter content] enable all students to reach the proficient level on the local assessment system and the statewide**

assessment system. Academic standards will guide the focus on learning specific subject matter content.

(e) Planned instruction **aligned with academic standards** in the following areas shall be provided to every student every year in the primary program. Planned instruction may be provided as separate course or other interdisciplinary activity.

(6) Health, safety and physical education, including instruction in concepts and skills which affect personal, family and community health and safety, nutrition, **the prevention of alcohol, chemical and tobacco abuse, knowledge and practice of lifetime physical activities, personal [physical] fitness, basic movement skills and concepts, motor skill development, principles and strategies of movement, and safety practices** in physical activity settings **[and the prevention of alcohol, chemical and tobacco abuse]**.

(f) Planned instruction in the following areas shall be provided to every student every year in the intermediate level program. Planned instruction may be provided as a separate course or as an instructional unit within another course or other interdisciplinary instructional activity:

(3) Science and technology, including **[, when appropriate,]** instruction about agriculture and agricultural science.

(4) Environment and ecology, including[, **when appropriate,**] instruction about agriculture and agricultural science.

(8) Health, safety and physical education, including instruction in concepts and skills which affect personal, family and community health and safety, nutrition, **the prevention of alcohol, chemical and tobacco abuse, knowledge and practice of lifetime physical activities, personal [physical] fitness, basic movement skills and concepts, motor skill development, principles and strategies of movement, and** safety practices in physical activity settings [**and the prevention of alcohol, chemical and tobacco abuse**].

(g) Planned instruction **aligned with academic standards** in the following areas shall be provided to every student at least once by the end of elementary school. Planned instruction may be provided as a separate course or as an instructional unit within another course or other interdisciplinary instructional activity. *See* section 1511 of the School Code (24 P.S. § 15-1511).

- (1) History of the United States.
- (2) History of the Commonwealth.
- (3) Geography.
- (4) Civics.

(h) This section does not preclude the teaching of other planned instruction designed to achieve a school **entity's** [**district's, including charter schools,**] mission, goals and academic standards.

(j) **[Beginning in the 2001-2002 school year, s]**Students who have not achieved proficiency in reading and mathematics during their primary grades (K—3), as determined by the school **entity, [district, (including charter schools)]** shall be afforded additional instructional opportunities through a grade-level learning plan developed by the school **entity [district (including charter schools)]**. The plan will assist the student in acquiring the knowledge and skills necessary to achieve at the proficient level. Assessments to measure proficiency shall be described in the local assessment system under § 4.52 (relating to local assessment system).

(k) **[Beginning in the 2001-2002 school year, s]**Students who have not achieved proficiency in reading and mathematics by the end of grade 5 as determined on State assessments under § 4.51 (relating to State assessment system) shall be afforded instructional opportunities to develop knowledge and skills necessary to achieve the proficient level.

§ 4.22. Middle level education.

(a) The middle level **planned instruction aligned with academic standards** **[program ordinarily]** serves children who are approximately 11—14 years of age. School **entities [districts, including charter schools,]** may modify the grouping of students based upon student needs identified in their strategic plans under § 4.13 (relating to strategic plans).

(b) Curriculum and instruction in the middle level program **shall be standards-based and** shall focus on mastery of academic subjects, the development of critical and creative thinking, information literacy, good health and encourage active participation in the school and community.

(c) Planned instruction **aligned with academic standards** in the following areas shall be provided to every student in the middle level program. Planned instruction may be provided as a separate course or as an instructional unit within a course or other interdisciplinary instructional activity:

(3) Science and technology, which involves active learning experiences and which may include laboratory experiments and[, **when appropriate,**] instruction in agriculture and agricultural science.

(5) Environment and ecology, including social, political and economic aspects of ecology, and [**when appropriate,**] instruction in agriculture and agricultural science.

(d) This section does not preclude the teaching of other planned instruction designed to achieve a school **entity's** [**district's, including charter schools,**] academic standards.

(e) School **entities** [**districts, including charter schools,**] shall determine the most appropriate way to operate their middle level programs to achieve the purposes under subsection (b) and the academic standards in their strategic plans under § 4.13.

§ 4.23. High school education.

(b) Curriculum and instruction in the high school **shall be standards-based and** shall provide all students opportunities to develop the skills of analysis, synthesis, evaluation and problem-solving, and information literacy.

(c) Planned instruction **aligned with academic standards** in the following areas shall be provided to every student in the high school program. Planned instruction may be provided as a separate course or as an instructional unit within a course or other interdisciplinary instructional activity:

(9) Family and consumer science, including principles of consumer behavior and basic knowledge of child health, **[and] child care [skills] and early literacy skill development.**

(f) This section does not preclude the teaching of other planned instruction designed to achieve a school **entity's** **[district's, including charter schools,]** academic standards.

(g) School **entities** **[districts, including charter schools,]** shall determine the most appropriate way to operate their high school programs to achieve the purposes under subsection (a) and the academic standards in their strategic plans under § 4.13 (relating to strategic plans).

§ 4.24. High school graduation requirements.

(a) Each school **entity** **[district, including charter schools,]** shall specify requirements for graduation in the strategic plan under § 4.13 (relating to strategic plans). Requirements shall include course completion and grades, completion of a culminating project and results of local assessments aligned with the academic standards. Beginning in the 2002-2003 school year, students shall demonstrate proficiency in reading, writing and mathematics on either the State assessments administered in grade 11 or 12 or local

assessment aligned with academic standards and State assessments under § 4.52 (relating to local assessment system) at the proficient level or better to graduate. The purpose of the culminating project is to assure that students are able to apply, analyze, synthesize and evaluate information and communicate significant knowledge and understanding.

(d) Each school **entity** [district, including charter schools,] shall describe in its strategic plan under § 4.13 how its planned instruction is designed to prepare students to meet the requirements of subsection (a).

§ 4.25. Languages.

(a) **World language programs shall prepare students to be proficient in meeting the World Language Standards issued by the Department.** Every school district shall provide planned instruction in at least two languages in addition to English, at least one of which shall be a modern language, and at least one of which shall be offered in a minimum 4-year sequence in the secondary program (middle level and high school).

(b) World language **planned** instruction under subsection (a) may be offered beginning at any grade level, including the elementary grades.

(c) **World Language Standards issued by the Department shall address the ability of students to communicate in a language other than English, including the ability to understand and interpret written and spoken language on a variety of topics and to develop knowledge and understanding of other cultures.**

§ 4.27. Physical education and athletics.

(b) The physical education program shall be adapted for students who are medically unable to participate in the regular physical education program.

§ 4.29. HIV/AIDS and other life-threatening and communicable diseases.

(a) Planned [I]instruction aligned with the academic standards for health regarding the prevention of human immunodeficiency virus (HIV) infection[/], acquired immunodeficiency syndrome (AIDS) and other life-threatening and communicable diseases shall be [given for] provided to every student in the primary, intermediate, middle school and high school [education] levels and shall follow the requirements of subsections (b), [and] (c), (d) and (e).

(b) Educational materials and instruction shall be determined by the local school district [and be appropriate to the age group being taught] in accordance with subsections (c), (d) and (e). [The program of instruction shall include information about the nature of the diseases, treatments and cures, methods of transmission and how infection can be prevented. The school district may omit instruction in the elementary grades on transmission of disease through sexual activity. Programs discussing transmission through sexual activity shall stress that abstinence from sexual activity is the only completely reliable means of preventing sexual transmission. Programs shall stress that avoidance of illegal drug use is the only completely reliable means of preventing transmission of disease through shared drug paraphernalia.]

(c) The program of instruction shall include information about the nature of the diseases, treatments and cures, methods of transmission and how infection can be prevented. It is recommended that the school district's age appropriate planned curriculum conform to the "Guidelines for Effective School Health Education to Prevent the Spread of AIDS," issued by the United State Centers for Disease Control and Prevention or other science-based guideline. The school district may omit instruction in the elementary grades (K-6) on transmission of disease through sexual activity. Programs discussing transmission through sexual activity shall stress that abstinence from sexual activity is the only completely reliable means of preventing sexual transmission. Programs shall stress that avoidance of illegal drug use is the only completely reliable means of preventing transmission of disease through shared drug paraphernalia.

[c] (d) A school [district, including charter schools,] entity shall excuse a pupil from HIV/AIDS instruction when, based upon an inspection of the instructional materials, the parents or guardians find that the instruction conflicts with the their religious beliefs, [or principles of the pupil or parent or guardian of the pupil and when excusal is requested in writing] and the parents or guardians have delivered a written request for excusal to the school entity. [Prior to the commencement of instruction, a school district shall publicize that detailed curriculum outlines and curricular materials used in conjunction with the instruction are available to parents and guardians during normal school hours or at teacher-parent conferences.] Curricular materials, if practical, shall be made available by the school

[district] entity for home instructional use by a parent or guardian [of a] if the student has been excused from the school entity's [district's] HIV/AIDS instruction.

(e) Before beginning HIV/AIDS instruction, a school entity shall publicize that detailed curriculum outlines and curricular materials used in conjunction with the planned instruction are available to parents and guardians for review during normal school hours or at teacher-parent conferences.

VOCATIONAL-TECHNICAL EDUCATION

§ 4.31. Vocational-technical education.

(a) Vocational-technical education courses shall be developed in the planned instruction format and shall be accessible to all high school students attending those grades in which vocational-technical education courses are offered. All students and their parents or guardians shall be informed of the students' rights to participate in vocational-technical education programs and courses. Students who complete approved vocational-technical education programs shall have their occupational competency assessed by completion of the appropriate assessment under the Pennsylvania Skills Certificate program or by completion of another occupational competency assessment approved by the Department. Students shall also demonstrate proficiency in meeting academic standards as required under Section 4.24(a) (relating to high school graduation requirements).

(c) Vocational-technical education programs shall consist of a series of planned academic and vocational-technical education courses that are articulated with one another

so that knowledge and skills are taught in a systematic manner. When appropriate, vocational-technical education programs **shall adopt, in program areas for which they are available, industry recognized skills standards and** may also include cooperative vocational-technical education and participation in vocational student organizations to develop leadership skills.

§ 4.33. Advisory committees.

(c) An occupational advisory committee shall be established for each vocational-technical education program or cluster of related programs offered by a school district of AVTS. **The committee shall be appointed by the board of directors, and a majority of the members of the committee shall be employees and employers in the occupation for which training is provided.** The committee shall meet at least [once] **twice** each year to advise the board, administration and staff on curriculum, equipment, instructional materials, safety requirement, program evaluation and other related matters and to verify that the programs meet industry standards and, if appropriate, licensing board criteria and that they prepare students with occupation related competencies.

ASSESSMENT

§ 4.51. State assessment system.

(a) The State assessment system shall be designed to serve the following purposes:

(1) Provide students, parents, educators and citizens with an understanding of student and school performance **consistent with the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425)**.

(3) Provide results to school **entities [districts, including charter schools, and AVTSs]** for consideration in the development of strategic plans under § 4.13 (relating to strategic plans).

(6) Provide results to school **entities [districts, including charter schools, and AVTSs]** based upon the aggregate performance of all students, for students with an Individualized Education Program (IEP) and for those without an IEP.

(b) All State assessment instruments **administered in reading and mathematics in grades 5, 8 and 11 and in writing in grades 6, 9 and 11** will be standards-based and criterion referenced and include essay or open-ended response items in addition to other item formats. The proportion of type of items will vary by grade level. Neither State assessments nor academic standards under § 4.12 shall require students to hold or express particular attitudes, values or beliefs. The Department will make samples of assessment questions, instrument formats, and scoring guides available to the public after each administration of State assessments. The criteria for judging performance on State assessments are as follows:

(2) Performance on State mathematics assessments shall be demonstrated by students' responses to questions about grade-appropriate content and by the quality of their responses to questions **[which] that** require a written solution to a problem.

(d) The State assessments shall be administered annually and shall include assessments of the State academic standards in mathematics and reading at grades **3, 4, 5, 6, 7, 8** and 11; **[and]** in writing at grades 6, 9 and 11; **and in science at grades 4, 7 and 10.** The purpose of State assessments administered in **[1999] 2005** is to validate assessment instruments and to provide initial information to teachers and schools to guide the redesign of curricula and instructional strategies to enable **all** students to achieve **at the proficient level on the** academic standards.

(f) **The Board will authorize the** **[E]**expansion of the State assessment system **[will be authorized by the Board]** through a revision of this chapter.

(g) The Department will implement provisions for security of the State assessment system, including the following provisions:

(1) Action by a professional employe or commissioned officer **[which] that** is willfully designed to divulge test questions, falsify student scores or in some other fashion compromise the integrity of the State assessment system as determined by the school **[district] entity** shall be subject to disciplinary action under **[sections 1259—1267 of the School Code (24 P. S. §§ 12-1259—12-**

**1267)] the Professional Educator Discipline Act (24 P.S. §§ 2070.1a—
2070.18a).**

(i) The Secretary will report each September to the Board and the General Assembly information and pertinent data relating to the State assessment system. The Secretary will also provide each school **entity [district (including charter schools) and AVTS]** information and pertinent data for the school **entity [district or AVTS]** and its students.

(j) Children with disabilities **and children with limited English proficiency** shall be included in the State assessment system **as required by Federal law**, with appropriate accommodations, where necessary. As appropriate, the Commonwealth will develop guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in the State assessment as determined by each child's Individualized Education Program team under the Individuals with Disabilities Education Act and this part.

§ 4.52. Local assessment system.

(a) Each school **entity [district, including charter schools, and AVTS]** shall design an assessment system to do the following:

(1) Determine the degree to which students are achieving academic standards under §§ 4.12 and 4.13(c)(3) (relating to academic standards; and strategic plans). The school **entity [district (including charter schools) or AVTS]** shall provide assistance to students not attaining academic standards at the proficient level or better and the assistance to be provided shall be indicated in the strategic plan under § 4.13.

(c) [The local assessment system shall be described in the district's (including charter schools) or AVTS's strategic plan under § 4.13(b)(5)] In the event that a school entity should choose to use a local assessment to determine whether a student is proficient as outlined in § 4.24(a) (relating to high school graduation requirements), the local assessment shall be described in the school entity's strategic plan and adhere to the following:

(1) Local assessments may be a single exam or a combination of assessment strategies, including but not limited to:

- (i). A nationally recognized standardized assessment.
- (ii). A locally developed standardized assessment.
- (iii). A portfolio assessment.

(2) The proficient level on the local assessment shall be comparable to the proficient level on the PSSA.

(3) The Department shall determine whether a school entity is meeting the requirements of paragraph (2). School entities that use one or more local assessments for the purpose of determining whether a student is proficient as outlined in § 4.24(a) (relating to high school graduation requirements) shall submit an annual report on a form and in a manner determined by the Department certifying the comparability or alignment between the PSSA and the local assessment or assessments and providing data specified by the Department to support the certification. The existence of significant numbers of students not achieving proficiency on the PSSA who are deemed proficient by a local assessment

will raise an inference that the local assessment is not aligned with the PSSA or the PSSA's meaning of proficient. A school entity whose certification is rejected by the Department shall use the PSSA for the purposes of § 4.24(a) (relating to high school graduation requirements) until the school entity receives Department approval that a local assessment or assessments meets the requirements of paragraph (2).

(4) If the report and certification are not submitted as required, or in the event that the Secretary is not satisfied with the form or accuracy of the report and certification that have been submitted by the school entity, the Secretary shall exercise his powers under section 2552 of the School Code, 24 P.S. § 25-2552 (relating to withholding State appropriations), in a manner that is consistent with law, until such time as the Secretary is satisfied that the school entity is in compliance with this chapter.

(d) The local assessment system shall be described in the school entity's [district's (including charter schools) or AVTS's] strategic plan under § 4.13(b)(5), including industry certifications earned by vocational-technical students, Pennsylvania skill certificates earned by vocational technical education students, and projects completed by vocational-technical education students which demonstrate their occupational competency.

[(d)] (e) The local assessment system shall be designed to include a variety of assessment strategies which may include the following:

- (1) Written work by students.
- (2) Scientific experiments conducted by students.
- (3) Works of art or musical, theatrical or dance performances by students.

(4) Other demonstrations, performances, products or projects by students related to specific academic standards.

(5) Examinations developed by teachers to assess specific academic standards.

(6) Nationally-available achievement tests.

(7) Diagnostic assessments.

(8) Evaluations of portfolios of student work related to achievement of academic standards.

(9) Other measures as appropriate, which may include standardized tests.

SCHOOL PROFILES

§ 4.61. School profiles.

(a) School profiles developed by the Secretary will include **[the following] information as required under Federal and State law], in addition to other information the Secretary deems appropriate:**

(1) Results of State assessments under § 4.51 (relating to State assessment system).

(2) Results of local assessments under § 4.52 (relating to local assessment), which may not include student names, identification numbers or individually identifiable information.

(3) School performance improvement goals based on state assessment results under § 4.13 (relating to strategic plans).

(4) **Class size.**

(5) **Information about the instructional program.**

(6) **Percentages of students who graduate or who drop out and the status of graduates the year after they leave high school.**

(7) **Student attendance.**

(8) **Teacher attendance.**

(9) **Information about fiscal support of the school, school district or AVTS].**

(b) In compiling school profiles under this chapter, the Department will provide school entities interpretive information to assist in using the profiles for strategic planning under § 4.13 **(relating to strategic plans)**.

ENFORCEMENT AND IMPLEMENTATION

§ 4.81. Allegations of deficiencies.

(a) The Secretary will receive and investigate allegations of curriculum deficiencies from professional employees, commissioned officers, parents of students or other residents of a school **entity** [district or AVTS].

(b) The Secretary will notify the school **entity's** [district or AVTS] superintendent **or chief executive** of allegations and may require the superintendent **or chief executive** to submit one or more of the following:

(c) If the Secretary determines that a curriculum deficiency exists, the **school entity [school district or AVTS]** shall be required to submit to the Secretary for approval a plan to correct the deficiency.

(d) Within 1 year of the implementation of a corrective action plan under subsection (c), the Secretary will review the actions taken to correct the deficiency. If the deficiency remains uncorrected, the Secretary will send a formal notice of deficiency to the **governing board of the school entity [district or AVTS board of school directors]**, and the notice shall be announced at the **[school board] meeting of the school entity's governing board** immediately following its receipt.

(e) If the school **entity [district or AVTS]** does not take appropriate actions to correct the deficiency after the notice of deficiency is announced, the Secretary will take action under State law.

§ 4.82. Exceptions.

(a) The Secretary may grant exceptions to specific provisions of this chapter when it is necessary to adapt them to the curriculum needs of individual school **entities [districts or AVTSs]** or to facilitate transition to the revised provisions of this chapter. Specific exception may be made for school **entities [districts (including charter schools) and AVTSs which] that** develop or implement academic standards that are comparable to or exceed those found in § 4.12 (relating to academic standards). Exceptions may be granted under the following conditions:

§ 4.83. [Implementation schedule] Reserved.

[(a) The strategic plans under § 4.13 (relating to strategic plans) shall be developed by a schedule to be determined by the Department. Plans addressing the requirements of this chapter shall be on file with the Department by September 30, 2002.

(b) In the school year in which a school district (including charter schools) or AVTS submits its initial strategic plan under § 4.13, it shall implement professional development, curriculum development and assessment development activities identified in the strategic plan and shall receive technical assistance from the Department.]



Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

September 26, 2005

Mr. Kim Kaufman
Executive Director
Independent Regulatory Review Commission
14th Floor, 333 Market Street
Harrisburg, PA 17126

Dear Mr. Kaufman:

Enclosed is a copy of proposed State Board of Education regulation 22 Pa. Code, Chapter 4, Academic Standards and Assessment (#006-295) for review by the Commission pursuant to the provisions of section 5 (c) of the Regulatory Review Act. The act provides that the Commission shall approve or disapprove proposed regulations within 10 days of the close of the Committee review period or at its next scheduled meeting.

The State Board of Education will provide your Commission with any assistance it requires to facilitate a thorough review of these proposed regulations.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Jim Buckheit".

Jim Buckheit
Executive Director

cc: Gerald Zahorchak, Acting Secretary of Education
Gregory Dunlap, Esq.
Adam Schott

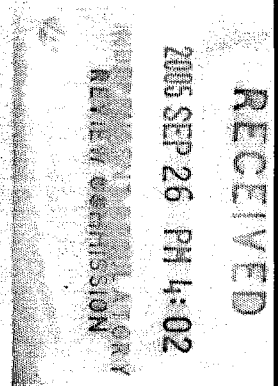
TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT

I.D. NUMBER: #6-295
SUBJECT: State Board of Education: Academic Standards and Assessment
AGENCY: DEPARTMENT OF EDUCATION

2499

TYPE OF REGULATION

- X Proposed Regulation
Final Regulation
Final Regulation with Notice of Proposed Rulemaking Omitted
120-day Emergency Certification of the Attorney General
120-day Emergency Certification of the Governor
Delivery of Tolled Regulation
a. With Revisions b. Without Revisions



FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
9/26	Mia L...	HOUSE COMMITTEE ON EDUCATION
9/26	Mia Dech	
10 A	9/26	SENATE COMMITTEE ON EDUCATION
A.R.	9/26	
9/26	Steph F. Aff	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
		LEGISLATIVE REFERENCE BUREAU (for Proposed only)