

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 751 Session of 2019

INTRODUCED BY AUMENT, BROWNE, MARTIN, MENSCH, KILLION AND BLAKE, JUNE 13, 2019

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 24, 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 professional employees, further
6 providing for rating system and for persons to be suspended
7 and providing for a revised rating system; AND, IN TERMS AND <--
8 COURSES OF STUDY, PROVIDING FOR PANDEMIC OF 2020.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 1123 of the act of March 10, 1949
12 (P.L.30, No.14), known as the Public School Code of 1949, is
13 amended by adding a subsection to read:

14 Section 1123. Rating System.--\* \* \*
15 (q) This section shall expire June 30, 2021.

16 Section 2. Section 1125.1(a) and (a.1) of the act are
17 amended to read:

18 Section 1125.1. Persons to be Suspended.--(a) Professional
19 employes shall be suspended under section 1124 in the following
20 order, within the area of certification required by law for the

1 professional employe's current position:

2 (1) Each professional employe who received, on the  
3 professional employe's two most recent annual performance  
4 evaluations, consecutive ratings that are considered  
5 unsatisfactory pursuant to section 1123 or subarticle (c.1)  
6 shall be suspended first.

7 (2) After suspending professional employes under paragraph  
8 (1), each professional employe who received, on the professional  
9 employe's two most recent annual performance evaluations, one  
10 rating that is considered unsatisfactory pursuant to section  
11 1123 or subarticle (c.1) and one rating that is considered  
12 satisfactory pursuant to section 1123 or subarticle (c.1) shall  
13 be suspended second.

14 (3) After suspending professional employes pursuant to  
15 paragraph (2), each professional employe who received, on the  
16 professional employe's two most recent annual performance  
17 evaluations, consecutive ratings which are considered  
18 satisfactory pursuant to section 1123 or subarticle (c.1) and  
19 which are either consecutive ratings of "proficient" or a  
20 combination of one rating of "proficient" or "distinguished" and  
21 one rating of "needs improvement" pursuant to section 1123 or  
22 subarticle (c.1) shall be suspended third.

23 (4) After suspending professional employes pursuant to  
24 paragraph (3), each professional employe who received, on the  
25 professional employe's two most recent annual performance  
26 evaluations, consecutive ratings which are considered  
27 satisfactory pursuant to section 1123 or subarticle (c.1), and  
28 which are consecutive ratings of "distinguished" or a  
29 combination of one rating of "proficient" and one rating of  
30 "distinguished" pursuant to section 1123 or subarticle (c.1)

1 shall be suspended last.

2 (a.1) When more professional employes receive the same  
3 overall performance rating than there are suspensions, seniority  
4 within the school entity and within the area of certification  
5 required by law for the professional employe's current position  
6 shall be used to determine suspensions among professional  
7 employes with the same overall performance rating on the  
8 professional employe's two most recent annual performance  
9 evaluations pursuant to section 1123 or subarticle (c.1). An  
10 approved leave of absence shall not constitute a break in  
11 service for purposes of computing seniority for suspension  
12 purposes.

13 \* \* \*

14 Section 3. Article XI of the act is amended by adding a  
15 subarticle to read:

16 (c.1) Revised Rating System.

17 Section 1138.1. Definitions.

18 The following words and phrases when used in this subarticle  
19 shall have the meanings given to them in this section unless the  
20 context clearly indicates otherwise:

21 "Assessment." The Pennsylvania System of School Assessment  
22 test, the Keystone Exam or another test established by the State  
23 Board of Education or approved by an act of the General Assembly  
24 to meet the requirements of section 2603-B(d)(10)(i) and the  
25 requirements of the Every Student Succeeds Act (Public Law 114-  
26 95, 129 Stat. 1802) or its successor statute or required to  
27 achieve other standards established by the department for the  
28 school or school district.

29 "Chief school administrator." Includes an individual who is  
30 employed as a school district superintendent, an executive

1 director of an intermediate unit or an administrative director  
2 of an area ~~vocational-technical~~ CAREER AND TECHNICAL school. <--

3 "Classroom teacher." A professional employee or temporary  
4 professional employee who provides direct instruction to  
5 students related to a specific subject or grade level.

6 "Classroom walk-through." An observational classroom visit  
7 by an evaluator to observe an employee for the purpose of  
8 gathering evidence and artifacts to inform the employee's  
9 rating.

10 "Comprehensive classroom observation." An observational  
11 classroom visit that includes a preconference and postconference  
12 between an evaluator and an employee which may be conducted by  
13 telephone or videoconferencing. Upon the mutual agreement of  
14 both an evaluator and a professional employee, the requirement  
15 of a postconference may be waived for extenuating circumstances,  
16 if the evaluator places written documentation of the  
17 comprehensive classroom observation in the professional  
18 employee's file. If the extenuating circumstances are raised by  
19 the evaluator, a professional employee who does not receive a  
20 postconference shall not receive a rating of needs improvement  
21 or failing on the comprehensive classroom observation component  
22 of an evaluation. The requirement of a postconference shall not  
23 be waived for a temporary professional employee.

24 "Data-available teacher." A classroom teacher who is a  
25 professional employee teaching English, language arts,  
26 mathematics, science or other content areas as assessed by an  
27 assessment, including the Pennsylvania System of School  
28 Assessment and Keystone Exams.

29 "Department." The Department of Education of the  
30 Commonwealth.

1 "Differentiated supervision." A system of supervision of  
2 professional employees that:

3 (1) Involves a multi-year cycle in which supervisors  
4 complete a comprehensive classroom observation for one annual  
5 rating in the professional employee's supervision cycle and  
6 in the other years of the cycle collaborate with the  
7 professional employee to differentiate supervision by  
8 developing individualized goals, learning activities and  
9 measures for the professional employee's growth in one or  
10 more areas listed in section 1138.3(a) (1) or (b) (1) or a  
11 nonteaching professional employee's growth in one or more  
12 areas listed in section 1138.5(a) or (b).

13 (2) Is offered only to professional employees who  
14 received a proficient or distinguished annual rating in both  
15 of the two immediately preceding years and is not offered to  
16 temporary professional employees.

17 (3) Is optional for the employer and the professional  
18 employee.

19 (4) In any year in which the professional employee does  
20 not receive a comprehensive classroom observation, uses data  
21 sources and data collection strategies designed to measure a  
22 professional employee's progress toward the professional  
23 employee's individualized professional goals.

24 (5) Allows a supervisor to move a professional employee  
25 out of individualized professional goals, activities and  
26 measures and into comprehensive classroom observation at any  
27 time.

28 (6) Allows a professional employee to move out of  
29 individualized professional goals, activities and measures  
30 and enter comprehensive classroom observation at any time.

1 "Economically disadvantaged." The economically disadvantaged  
2 status of a student as reported by a school district,  
3 intermediate unit or area ~~vocational-technical~~ CAREER AND <--  
4 TECHNICAL school through the Pennsylvania Information Management  
5 System (PIMS) and determined based upon poverty data sources  
6 such as eligibility for Temporary Assistance for Needy Families,  
7 Medicaid or free or reduced-price lunch, census data, residence  
8 in an institution for the neglected or delinquent or residence  
9 in a foster home.

10 "Education specialist." The term shall have the same meaning  
11 given in section 1.2 of the act of December 12, 1973 (P.L.397,  
12 No.141), known as the Educator Discipline Act.

13 "Evaluator." Includes the chief school administrator or the  
14 chief school administrator's designee who is an assistant  
15 administrator, supervisor or principal, has supervision over the  
16 work of the professional employee or temporary professional  
17 employee being rated and is directed by the chief school  
18 administrator to perform the rating.

19 "Graduation rate." The rate submitted by the department  
20 under the Every Student Succeeds Act State plan that represents  
21 the percentage of students in a school who earn a high school  
22 diploma within four years.

23 "Nonteaching professional employee." An education specialist  
24 or a professional employee or temporary professional employee  
25 who provides services and who is not a classroom teacher.

26 "Performance improvement plan." A plan, designed by an  
27 employer with documented input from the employee, that:

28 (1) Provides actionable feedback to an employee on the  
29 specific domain within the comprehensive classroom  
30 observation and practice models that prevented the employee

1 from achieving a proficient rating. The employer shall  
2 consider the documented input from the employee for inclusion  
3 in the plan.

4 (2) Identifies employer resources that will be provided  
5 to an employee to help the employee improve. Resources may  
6 include, but shall not be limited to, mentoring, coaching,  
7 recommendations for professional development and intensive  
8 supervision based on the contents of the rating tool provided  
9 for under this subarticle.

10 "Principal." Includes a building principal, an assistant  
11 principal, a vice principal, a supervisor of special education  
12 or a director of ~~vocational~~ CAREER AND TECHNICAL education. <--

13 "Regulatory Review Act." The act of June 25, 1982 (P.L.633,  
14 No.181), known as the Regulatory Review Act.

15 Section 1138.2. State rating tool.

16 In determining whether a professional employee shall be  
17 dismissed for unsatisfactory teaching performance as provided  
18 for in section 1122(a), and in rating professional employees and  
19 temporary professional employees, each professional employee and  
20 temporary professional employee shall be rated through the use  
21 of a rating tool approved by the department in consultation with  
22 education experts, parents of school-age children enrolled in a  
23 public school, teachers and administrators, including research  
24 and collaboration conducted by the department.

25 Section 1138.3. Classroom teachers.

26 (a) Evaluation with building-level data.--Beginning in the  
27 2021-2022 school year, the evaluation of the effectiveness of a  
28 professional employee serving as a classroom teacher in a  
29 building where annual building-level data is made available by  
30 the department shall be weighted and calculated accordingly:

1           (1) Comprehensive classroom observation and practice  
2 models that are related to student achievement, which shall  
3 comprise 70% of the overall rating in each of the following  
4 areas:

5           (i) Planning and preparation, with a weight of 20%.

6           (ii) Classroom environment, with a weight of 30%.

7           (iii) Instruction, with a weight of 30%.

8           (iv) Professional responsibilities, with a weight of  
9 20%.

10          (2) Student performance, which shall comprise 30% of the  
11 overall rating, and shall be based upon multiple measures of  
12 student achievement. The multiple measures shall be comprised  
13 of the following:

14           (i) (A) Building-level data, which shall comprise  
15 one-third of the student performance component  
16 measure, including each of the following areas, if  
17 applicable:

18                   (I) Student performance on assessments  
19 administered to the grade level in the building.

20                   (II) Value-added assessment system data made  
21 available by the department under section 221 if  
22 the building administers assessments in grades  
23 for which annual value-added system data is made  
24 available by the department.

25                   (III) Graduation rate.

26                   (IV) Attendance rate as reported to the  
27 department under section 2512.

28           (B) The total score for building-level data  
29 shall be adjusted by a challenge multiplier for each  
30 school building as follows:



1           (I) Calculate the regression coefficient of  
2           determination, known as  $r^2$ , that estimates the  
3           proportion of the variance in school-level data  
4           that is predictable by the percentage of students  
5           that are economically disadvantaged in a school.

6           (II) Multiply the regression coefficient of  
7           determination under subclause (I) by .1.

8           (III) Multiply the product produced in  
9           subclause (II) by the most currently available  
10           percentage of economically disadvantaged students  
11           in the school.

12           (IV) Multiply the product produced in  
13           subclause (III) by 100.

14           (V) Add the product produced in subclause  
15           (IV) to the building level score.

16           (C) Buildings must have a minimum of two  
17           measures in clause (A) in order to receive a  
18           building-level score.

19           (ii) Teacher-specific data, which shall comprise  
20           two-thirds of the student performance component measure,  
21           including student achievement as measured by the  
22           following scores:

23           (A) If the individual is a data-available  
24           teacher, the following measures shall be weighted  
25           accordingly:

26           (I) One-half of the score shall be comprised  
27           of the following:

28           (a) Student performance on assessments  
29           as applicable and attributable to the  
30           classroom teacher.

1                   (b) Value-added assessment system data  
2                   made available by the department under  
3                   section 221 if the building administers  
4                   assessments in grades for which annual value-  
5                   added system data is made available by the  
6                   department as applicable and attributable to  
7                   the classroom teacher. The data shall be  
8                   calculated using three consecutive years of  
9                   data.

10                   (c) Progress in meeting the goals of  
11                   student individualized education plans  
12                   required under the Individuals with  
13                   Disabilities Education Act (Public Law 91-  
14                   230, 20 U.S.C. § 1400 et seq.) as applicable  
15                   and attributable to the classroom teacher.

16                   (II) One-half of the score shall be  
17                   comprised of one or more measures as applicable  
18                   and attributable to the classroom teacher  
19                   selected by the employer from the following list:

20                   (a) Locally developed school district  
21                   rubrics.

22                   (b) District-designed measures and  
23                   examinations.

24                   (c) Nationally recognized standardized  
25                   tests.

26                   (d) Industry certification examinations.

27                   (e) Student projects pursuant to local  
28                   requirements.

29                   (f) Student portfolios pursuant to local  
30                   requirements.

1           (B) If the individual is not a data-available  
2 teacher, the teacher-specific data shall be comprised  
3 of the following measures:

4           (I) One-half of the score shall be comprised  
5 of progress in meeting the goals of student  
6 individualized education plans required under the  
7 Individuals with Disabilities Education Act  
8 (Public Law 91-230, 20 U.S.C. § 1400 et seq.) as  
9 applicable and attributable to the classroom  
10 teacher.

11           (II) One-half of the score shall be  
12 comprised of one or more measures as applicable  
13 and attributable to the classroom teacher  
14 selected by the employer from the following list:

15           (a) Locally developed school district  
16 rubrics.

17           (b) District-designed measures and  
18 examinations.

19           (c) Nationally recognized standardized  
20 tests.

21           (d) Industry certification examinations.

22           (e) Student projects pursuant to local  
23 requirements.

24           (f) Student portfolios pursuant to local  
25 requirements.

26           (b) Evaluation without building-level data.--Beginning in  
27 the 2021-2022 school year, the evaluation of the effectiveness  
28 of a professional employee who is a classroom teacher primarily  
29 assigned in a building or buildings within a school entity by  
30 which the classroom teacher is not employed or where building-

1 level data is not made available by the department shall be  
2 weighted and calculated as follows:

3 (1) Classroom observation and practice models that are  
4 related to student achievement, which shall comprise 80% of  
5 the overall rating in each of the following areas:

6 (i) Planning and preparation, with a weight of 20%.

7 (ii) Classroom environment, with a weight of 30%.

8 (iii) Instruction, with a weight of 30%.

9 (iv) Professional responsibilities, with a weight of  
10 20%.

11 (2) Student performance as applicable and attributable  
12 to the classroom teacher, which shall comprise 20% of the  
13 overall rating, and shall be comprised of the following  
14 measures:

15 (i) (Reserved).

16 (ii) One-half of the score shall be comprised of  
17 progress in meeting the goals for student individualized  
18 education plans required under the Individuals with  
19 Disabilities Education Act as applicable and attributable  
20 to the classroom teacher.

21 (iii) One-half of the score shall be comprised of  
22 one or more measures selected by the employer from the  
23 following list:

24 (A) Locally developed school district rubrics.

25 (B) District-designed measures and examinations.

26 (C) Nationally recognized standardized tests.

27 (D) Industry certification examinations.

28 (E) Student projects pursuant to local  
29 requirements.

30 (F) Student portfolios pursuant to local

1 requirements.

2 (c) Temporary professional employee.--Beginning in the 2021-  
3 2022 school year, the evaluation of the effectiveness of a  
4 temporary professional employee serving as a classroom teacher  
5 shall be based on comprehensive classroom observation and  
6 practice models that are related to student achievement, which  
7 shall comprise 100% of the overall rating in each of the  
8 following areas:

9 (1) Planning and preparation, with a weight of 20%.

10 (2) Classroom environment, with a weight of 30%.

11 (3) Instruction, with a weight of 30%.

12 (4) Professional responsibilities, with a weight of 20%.

13 (d) Rating tool.--The following shall apply:

14 (1) No later than ~~June 30, 2020~~ MARCH 31, 2021, the <--  
15 department shall develop, issue and submit to the Legislative  
16 Reference Bureau for publication in the Pennsylvania Bulletin  
17 a rating tool for professional employees and temporary  
18 professional employees serving as classroom teachers that is  
19 consistent with subsections (a), (b) and (c) and includes the  
20 multiple measures of student performance as specified under  
21 subsections (a), (b) and (c).

22 (2) Beginning with the 2021-2022 school year, the rating  
23 tool developed under this section shall be used in the rating  
24 of each professional employee and temporary professional  
25 employee serving as a classroom teacher.

26 (3) After ~~June 30, 2020~~ MARCH 31, 2021, any changes to <--  
27 the rating tool developed under this section shall be made by  
28 the State Board of Education through regulations promulgated  
29 under the Regulatory Review Act.

30 (e) Classroom walk-throughs.--The classroom observation and

1 practice models component under subsections (a)(1), (b)(1) and  
2 (c) may include the use of multiple classroom walk-throughs in  
3 an academic year to gather evidence and artifacts to inform the  
4 professional employee's or temporary professional employee's  
5 ratings under subsections (a)(1)(ii) and (iii), (b)(1)(ii) and  
6 (iii) and (c)(2) and (3). Classroom walk-throughs used to inform  
7 the ratings for a professional employee or temporary  
8 professional employee under this subarticle shall ensure that  
9 specific observations are based only on factors that are present  
10 or witnessed by the evaluator during the walk-through. Classroom  
11 walk-throughs shall be used to gather evidence in addition to,  
12 not in place of, data gathered during one or more comprehensive  
13 classroom observations except when defined by a plan of  
14 differentiated supervision.

15 Section 1138.4. Principals.

16 (a) Evaluation.--Beginning in the 2021-2022 school year, the  
17 evaluation of the effectiveness of a professional employee  
18 serving as a principal in a building where annual building-level  
19 data is made available by the department shall be calculated  
20 with 70% of the overall rating reflected in the areas of  
21 planning and preparation, school environment, delivery of  
22 service and professional development utilizing a rating tool  
23 approved by the department.

24 (b) Student performance.--Student performance shall be  
25 measured as provided in section 1138.3(a)(2) for professional  
26 employees and temporary professional employees supervised by the  
27 principal and shall comprise 10% of the principal's overall  
28 rating. The 10% building-level data shall include, if available,  
29 but not be limited to:

30 (1) Student performance on assessments.

1       (2) Value-added assessment system data made available by  
2 the department under section 221 if the building administers  
3 assessments in grades for which annual value-added system  
4 data is made available by the department.

5       (3) Graduation rate.

6       (4) Attendance rate as reported to the department under  
7 section 2512.

8       (5) The total score for building-level data shall be  
9 adjusted by a challenge multiplier for each school building  
10 as follows:

11       (i) Calculate the regression coefficient of  
12 determination, known as  $r^2$ , that estimates the proportion  
13 of the variance in school-level data that is predictable  
14 by the percentage of students that are economically  
15 disadvantaged in a school.

16       (ii) Multiply the regression coefficient of  
17 determination under subparagraph (i) by .1.

18       (iii) Multiply the product produced in subparagraph  
19 (ii) by the most currently available percentage of  
20 economically disadvantaged students in the school.

21       (iv) Multiply the product produced in subparagraph  
22 (iii) by 100.

23       (v) Add the product produced in subparagraph (iv) to  
24 the building level score.

25       (c) Performance goals.--Performance goals shall comprise 20%  
26 of the principal's annual evaluation. Performance goals shall be  
27 determined prior to the beginning of each school year between  
28 the principal and the principal's immediate supervisor.

29 Performance goals may be district-specific or building-specific  
30 goals. The following shall apply:

1       (1) Performance goals should include specific measurable  
2 areas and the evidence to be collected during the year.

3       (2) After the initial meeting to determine the goals,  
4 the principal and the principal's supervisor shall meet  
5 midyear to monitor progress on established goals and to  
6 modify goals.

7       (3) At the conclusion of the school year, the principal  
8 and the principal's immediate supervisor shall meet to  
9 evaluate the performance goals by providing an overall rating  
10 of the attainment of the goals as follows:

11           (i) A score of 3, which indicates "distinguished"  
12 goal performance.

13           (ii) A score of 2, which indicates "proficient" goal  
14 performance.

15           (iii) A score of 1, which indicates "needs  
16 improvement" goal performance.

17           (iv) A score of 0, which indicates "failing" goal  
18 performance.

19       (d) Evaluation without building level-data.--Beginning in  
20 the 2021-2022 school year, the evaluation of the effectiveness  
21 of a professional employee who is a principal assigned in a  
22 building or buildings where building-level data is not made  
23 available by the department shall be weighed and calculated as  
24 follows:

25           (1) The following areas shall comprise 80% of the  
26 overall rating and are reflected in the areas of planning and  
27 preparation, school environment, delivery of service and  
28 professional development utilizing a department-approved  
29 rating tool.

30           (2) Performance goals shall comprise 20% of the



1 principal's annual evaluation. Performance goals will be  
2 determined prior to the beginning of each school year between  
3 the principal and the principal's immediate supervisor.  
4 Performance goals may be district-specific or building-  
5 specific goals. The following shall apply:

6 (i) Performance goals may include specific  
7 measurable areas and the evidence to be collected during  
8 the year.

9 (ii) After the initial meeting to determine the  
10 goals, the principal and the principal's supervisor shall  
11 meet midyear to monitor progress on established goals and  
12 to modify goals.

13 (iii) At the conclusion of the school year, the  
14 principal and the principal's immediate supervisor shall  
15 meet to evaluate the performance goals by providing an  
16 overall rating of the attainment of the goals as follows:

17 (A) A score of 3, which indicates  
18 "distinguished" goal performance.

19 (B) A score of 2, which indicates "proficient"  
20 goal performance.

21 (C) A score of 1, which indicates "needs  
22 improvement" goal performance.

23 (D) A score of 0, which indicates "failing" goal  
24 performance.

25 (e) Rating tool.--

26 (1) No later than ~~June 30, 2020~~ MARCH 31, 2021, the <--  
27 department shall develop, issue and transmit to the  
28 Legislative Reference Bureau for publication in the  
29 Pennsylvania Bulletin a rating tool for professional  
30 employees and temporary professional employees serving as

1 principals that is consistent with this section and includes  
2 the weights given to the multiple measures of student  
3 performance contained under subsection (b).

4 (2) Beginning with the 2021-2022 school year, the rating  
5 tool developed under this section shall be used in the rating  
6 of each principal superseding all other rating cards and  
7 forms used previously.

8 (3) After ~~June 30, 2020~~ MARCH 31, 2021, any changes to <--  
9 the rating tool developed under this section shall be made by  
10 the State Board of Education through regulations promulgated  
11 under the Regulatory Review Act.

12 Section 1138.5. Nonteaching professional employees.

13 (a) Evaluation.--Beginning in the 2021-2022 school year,  
14 professional employees employed as nonteaching professionals  
15 shall be evaluated using a rating tool designed specifically for  
16 nonteaching professional employees which shall be determined in  
17 the following manner:

18 (1) The following shall compose 90% of the overall  
19 rating of nonteaching professional employees:

20 (i) Planning and preparation, with a weight of 25%.

21 (ii) Educational environment, with a weight of 25%.

22 (iii) Delivery of service, with a weight of 25%.

23 (iv) Professional development, with a weight of 25%.

24 (2) Student performance as measured by building-level  
25 data as described in section 1138.3(a)(2)(i)(A) and (B) for  
26 each building in which the employee is assigned shall compose  
27 10% of the overall rating of nonteaching professional  
28 employees.

29 (b) Evaluation without building-level data.--Beginning in  
30 the 2021-2022 school year, the evaluation of the effectiveness

1 of a professional employee who is a nonteaching professional  
2 primarily assigned in a building or buildings within a school  
3 entity by which the nonteaching professional is not employed or  
4 where building-level data is not made available by the  
5 department shall include the following:

6 (1) Planning and preparation, with a weight of 25%.

7 (2) Educational environment, with a weight of 25%.

8 (3) Delivery of service, with a weight of 25%.

9 (4) Professional development, with a weight of 25%.

10 (c) Temporary professional employee.--Beginning in the 2021-  
11 2022 school year, the evaluation of the effectiveness of a  
12 temporary professional employee who is a nonteaching  
13 professional shall be evaluated using a rating tool designed  
14 specifically for nonteaching temporary professional employees  
15 which shall include the following:

16 (1) Planning and preparation, with a weight of 25%.

17 (2) Educational environment, with a weight of 25%.

18 (3) Delivery of service, with a weight of 25%.

19 (4) Professional development, with a weight of 25%.

20 (d) Rating tool.--

21 (1) No later than ~~June 30, 2020~~ MARCH 31, 2021, the <--  
22 department shall develop, issue and publish in the  
23 Pennsylvania Bulletin a rating tool for nonteaching  
24 professional and temporary professional employees that is  
25 consistent with this section and includes the weights given  
26 to the multiple measures of student performance contained  
27 under subsection (a).

28 (2) Beginning with the 2021-2022 school year, the rating  
29 tool developed under this section shall be used in the rating  
30 of each nonteaching professional and temporary professional

1 employee.

2 (3) After ~~June 30, 2020~~ MARCH 31, 2021, any subsequent <--  
3 changes to the rating tool developed under this subsection  
4 shall be made by the State Board of Education through  
5 regulations promulgated under the Regulatory Review Act.

6 Section 1138.6. Local rating tools.

7 Notwithstanding sections 1138.2, 1138.3, 1138.4 and 1138.5,  
8 professional employees and temporary professional employees  
9 serving as classroom teachers, principals and nonteaching  
10 professional employees may be evaluated through the use of a  
11 rating tool developed by an individual school district,  
12 intermediate unit or area ~~vocational technical~~ CAREER AND <--  
13 TECHNICAL school that the department has approved as meeting or  
14 exceeding the measures of effectiveness established under this  
15 subarticle.

16 Section 1138.7. Overall performance rating.

17 (a) Identification.--Each rating tool developed or approved  
18 under this subarticle shall identify the overall performance  
19 rating of the professional employees and temporary professional  
20 employees serving as classroom teachers, principals and  
21 nonteaching professional employees as one of the following:

22 (1) Distinguished.

23 (2) Proficient.

24 (3) Needs improvement.

25 (4) Failing.

26 (b) Actions.--The following shall apply:

27 (1) An overall performance rating of either  
28 "distinguished" or "proficient" shall be considered  
29 satisfactory.

30 (2) An overall performance rating of "needs improvement"

1 shall be considered satisfactory, except that any subsequent  
2 overall rating of "needs improvement" issued by the same  
3 employer within four years of the first overall performance  
4 rating of "needs improvement" where the employee is in the  
5 same certification shall be considered unsatisfactory.

6 (3) An overall performance rating of "failing" shall be  
7 considered unsatisfactory.

8 (4) An overall performance rating of "needs improvement"  
9 or "failing" shall require the employee to participate in a  
10 performance improvement plan. No employee shall be rated  
11 "needs improvement" or "failing" based solely upon student  
12 test scores. Nothing in the definition of "performance  
13 improvement plan" in section 1138.1 shall interfere with the  
14 employer's authority to design a plan.

15 (c) Rating scale.--The department shall develop a rating  
16 scale to reflect student performance measures and employee  
17 observation results and establish overall score ranges for each  
18 of the four rating categories under subsection (a).

19 (d) Evidence.--Observation and practice evaluation results  
20 and ratings under sections 1138.3(a)(1), (b)(1) and (c) and  
21 1138.5(a)(1) and (2) shall be based on evidence. A professional  
22 employee or temporary professional employee may provide the  
23 evaluator with evidence or documented artifacts demonstrating  
24 the employee's performance during the most recent rating period  
25 which directly pertain to the employee's observation and  
26 practice evaluation results. Nothing in this subsection shall be  
27 construed to interfere with the evaluator's authority to  
28 determine whether the evidence or artifacts provided by the  
29 employee are relevant to the employee's observation and practice  
30 evaluation results.

1 (e) Teacher-specific data measures guidance.--The following  
2 shall apply to teacher-specific data measures selected by the  
3 employer as described in section 1138.3(a) (2) (ii) (A) (II) and (B)  
4 (II):

5 (1) A classroom teacher shall provide documented input  
6 to an evaluator on the development of teacher-specific data  
7 measures and annual results of data. The documented input  
8 shall be included with documentation of the classroom  
9 teacher's overall annual rating.

10 (2) In the analysis of teacher-specific data, classroom  
11 teachers shall have the opportunity to reflect on their  
12 success, unanticipated barriers and any supports that could  
13 have been useful to classroom teachers.

14 (3) Teacher-specific data measures may be revised mid-  
15 academic year, if agreed upon by both the administrator and  
16 the teacher.

17 (4) Teacher-specific data measures may be reused on an  
18 annual basis if a classroom teacher's goals are updated and  
19 continue to offer reflections on their goals for improvement  
20 on an annual basis.

21 (f) Limits prohibited.--An employer may not limit the number  
22 of professional employees or temporary professional employees  
23 who may receive an overall performance rating of  
24 "distinguished," through the employer's written or spoken  
25 policies, guidelines or other communications or through the  
26 employer's practices.

27 Section 1138.8. Rating tool.

28 (a) Discontinuation.--Beginning with the 2021-2022 school  
29 year, the rating form under 22 Pa. Code § 351.21 (relating to  
30 rating form) and any alternative rating forms approved under 22

1 Pa. Code Ch. 351 (relating to teacher tenure hearings) prior to  
2 the implementation of this subarticle shall be discontinued for  
3 use in the evaluation of professional and temporary professional  
4 employees.

5 (b) Department duties.--

6 (1) The department shall establish professional  
7 development programs for professional employees serving as  
8 classroom teachers, temporary professional employees serving  
9 as classroom teachers, nonteaching professional employees,  
10 nonteaching temporary professional employees, principals and  
11 chief school administrators and any other individuals  
12 designated as evaluators.

13 (2) The professional development programs established  
14 under this subsection shall be tailored to the specific  
15 groups of employees listed in this subsection and shall be  
16 differentiated for evaluators and individuals being  
17 evaluated. The programs shall include the following:

18 (i) An overview of the purposes and rationales for  
19 each component of the evaluation system.

20 (ii) Suggestions for appropriate collaboration,  
21 timelines and communications between employee and  
22 employer.

23 (iii) Suggested criteria to guide quality  
24 implementation of this subarticle in both the content of  
25 an evaluation and in the process of administering an  
26 evaluation.

27 (3) The department shall make the professional  
28 development programs established under this subsection  
29 available to all school districts, intermediate units and  
30 area vocational technical CAREER AND TECHNICAL schools. The <--

1 department shall make the professional development programs  
2 established under this subsection available to all employees  
3 by posting the professional development programs on the  
4 department's publicly accessible Internet website.

5 (4) The department shall develop a standard professional  
6 development program to improve the consistency and quality of  
7 teacher-specific data measures across applicable schools.

8 (c) Professional development requirements.--

9 (1) Each temporary professional employee serving as a  
10 classroom teacher and each nonteaching temporary professional  
11 employee shall complete the appropriate professional  
12 development program tailored to the evaluation system for  
13 classroom teachers or nonteaching professionals during the  
14 employee's probationary period.

15 (2) Each principal shall complete the professional  
16 development programs tailored to evaluators and to the  
17 principal evaluation system within the first six months of  
18 the employee's appointment as a principal.

19 (3) Schools shall incorporate training on the teacher  
20 observation and evaluation model inclusive of the consistent  
21 use of quality teacher-specific data and building-level data  
22 within student performance measures into induction programs  
23 required under 22 Pa Code § 49.16 (relating to approval of  
24 induction plans).

25 (4) Each professional employee and principal shall  
26 complete a condensed version of the programs designed under  
27 subsection (b) every seven years.

28 Section 1138.9. Operative provisions.

29 The following shall apply to the ratings of each professional  
30 employee and temporary professional employee:



1           (1) Subject to paragraph (2), each rating shall be  
2 completed using the rating tools developed or approved under  
3 this subarticle.

4           (2) Professional employees who are considered  
5 satisfactory under section 1138.7 shall be rated no more than  
6 once annually. Professional employees who are considered  
7 unsatisfactory under section 1138.7 shall be rated at least  
8 annually. The first rating shall be calculated using the  
9 appropriate evaluation applicable to the employee. Any  
10 subsequent periodic rating shall be calculated as follows:

11           (i) Comprehensive classroom observation and practice  
12 models that are related to student achievement, which  
13 shall comprise 70% of the overall rating in each of the  
14 following areas:

15                   (A) Planning and preparation, with a weight of  
16                   20%.

17                   (B) Classroom environment, with a weight of 30%.

18                   (C) Instruction, with a weight of 30%.

19                   (D) Professional responsibilities, with a weight  
20 of 20%.

21           (ii) The remaining 30% shall be calculated using one  
22 or more measures selected by the employer from the  
23 following list:

24                   (A) Locally developed school district rubrics.

25                   (B) District-designed measures and examinations.

26                   (C) Nationally recognized standardized tests.

27                   (D) Industry certification examinations.

28                   (E) Student project pursuant to local  
29 requirements.

30                   (F) Student portfolios pursuant to local

1 requirements.

2 (iii) Temporary professional employes shall be rated  
3 at least twice annually.

4 (3) One hundred percent of the semiannual rating of a  
5 temporary professional employee who serves as a classroom  
6 teacher or nonteaching professional shall be based on  
7 classroom observation and practice in the areas outlined  
8 under section 1138.3(a) (1), (b) (1) and (c).

9 (4) Ratings shall be performed by or under the  
10 supervision of the chief school administrator or, if so  
11 directed by the chief school administrator, by an assistant  
12 administrator, a supervisor or a principal who has  
13 supervision over the work of the professional employee or  
14 temporary professional employee being rated, except that no  
15 unsatisfactory rating shall be valid unless approved by the  
16 chief school administrator.

17 (5) No employee shall be dismissed for unsatisfactory  
18 teaching performance under section 1122 unless the employee  
19 has been provided a completed rating tool provided for under  
20 this subarticle, which includes a description based upon  
21 classroom observations of deficiencies in practice supported  
22 by detailed anecdotal records that justify the unsatisfactory  
23 rating.

24 Section 1138.10. Reporting.

25 Each school district, intermediate unit and area vocational <--  
26 technical CAREER AND TECHNICAL school shall provide to the <--  
27 department the aggregate results of all evaluations of  
28 professional employees and temporary professional employees,  
29 principals and nonteaching professional employees.

30 Section 1138.11. Exemption from other laws.

1 (a) Exemption.--Any rating tool developed by the department  
2 under this subarticle shall be exempt from:

3 (1) Sections 201, 202, 203, 204 and 205 of the act of  
4 July 31, 1968 (P.L.769, No.240), referred to as the  
5 Commonwealth Documents Law.

6 (2) Section 204(b) of the act of October 15, 1980  
7 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

8 (3) The Regulatory Review Act.

9 (b) Application.--This section shall not apply to any  
10 changes made to a rating tool or new rating tool developed by  
11 the State Board of Education under sections 1138.3(d)(3),  
12 1138.4(e)(3) and 1138.5(d)(3).

13 Section 1138.12. State regulations.

14 The State Board of Education may develop regulations  
15 consistent with this subarticle.

16 Section 1138.13. Collective bargaining agreements.

17 A collective bargaining agreement negotiated by a school  
18 district and an exclusive representative of the employees in  
19 accordance with the act of July 23, 1970 (P.L.563, No.195),  
20 known as the Public Employe Relations Act, after the effective  
21 date of this section may not provide for a rating system other  
22 than as provided for under this subarticle. A provision in an  
23 agreement or contract in effect on the effective date of this  
24 section that provides for a rating system in conflict with this  
25 subarticle shall be discontinued in a new or renewed agreement  
26 or contract or during the period of status quo following an  
27 expired contract.

28 Section 1138.14. Rating form not public record.

29 An employee's individual rating form shall not be subject to  
30 disclosure under the act of February 14, 2008 (P.L.6, No.3),

1 known as the Right-to-Know Law.

2 Section 1138.15. Applicability.

3 The requirements of this subarticle shall apply to each  
4 school district, intermediate unit and area ~~vocational technical~~ <--  
5 CAREER AND TECHNICAL school. <--

6 Section 1138.16. Report.

7 The department shall review the revised rating system within  
8 five years of the effective date of this section and shall  
9 submit a report of its findings to the Education Committee of  
10 the Senate and the Education Committee of the House of  
11 Representatives. The report shall include a specific review of  
12 the accuracy of data collected by the department for the  
13 economically disadvantaged status of students as reported by a  
14 school district, intermediate unit or area ~~vocational technical~~ <--  
15 CAREER AND TECHNICAL school through the Pennsylvania Information <--  
16 Management System (PIMS).

17 SECTION 4. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <--

18 SECTION 1501.8. PANDEMIC OF 2020.--(A) THIS SECTION APPLIES  
19 ONLY TO THE SCHOOL YEAR 2019-2020 AS A RESULT OF THE GLOBAL  
20 PANDEMIC DECLARED BY THE WORLD HEALTH ORGANIZATION ON MARCH 11,  
21 2020.

22 (B) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY,  
23 THE FOLLOWING SHALL APPLY:

24 (1) THE REQUIREMENT UNDER SECTION 1501 REQUIRING ALL SCHOOL  
25 ENTITIES TO BE KEPT OPEN EACH SCHOOL YEAR FOR AT LEAST ONE  
26 HUNDRED EIGHTY (180) INSTRUCTIONAL DAYS IS WAIVED IMMEDIATELY.

27 (2) THE SECRETARY MAY DO ANY OR ALL OF THE FOLLOWING:

28 (I) ORDER THE CLOSURE OF ALL SCHOOL ENTITIES UNTIL THE  
29 THREAT TO HEALTH AND SAFETY CAUSED BY THE PANDEMIC OF 2020 HAS  
30 ENDED.

1 (II) INCREASE THE NUMBER OF FLEXIBLE INSTRUCTIONAL DAYS THAT  
2 SCHOOL ENTITIES MAY INSTITUTE UNDER SECTION 1506 TO A NUMBER OF  
3 FLEXIBLE INSTRUCTIONAL DAYS DETERMINED BY THE SECRETARY DURING  
4 THE 2019-2020 SCHOOL YEAR AND WAIVE THE APPLICATION DEADLINE  
5 UNDER SECTION 1506(C) (1).

6 (III) WAIVE THE MINIMUM TOTAL NUMBER OF HOURS REQUIRED FOR A  
7 CAREER AND TECHNICAL EDUCATION PROGRAM UNDER 22 PA. CODE §  
8 339.22 (9) (I) (RELATING TO PROGRAM CONTENT).

9 (IV) WAIVE THE REQUIREMENT TO INCLUDE PERFORMANCE DATA  
10 OTHERWISE REQUIRED UNDER SECTION 1123(B) (1) (II) IN A  
11 PROFESSIONAL EMPLOYEE'S PERFORMANCE RATING UNDER SECTION 1123.

12 (V) WAIVE THE MINIMUM NUMBER OF DAYS OF PREKINDERGARTEN  
13 INSTRUCTION REQUIRED UNDER 22 PA. CODE § 405.41 (RELATING TO  
14 SCHOOL TERM).

15 (VI) WAIVE THE TWELVE-WEEK STUDENT TEACHER REQUIREMENT UNDER  
16 22 PA. CODE § 354.25 (F) (RELATING TO PREPARATION PROGRAM  
17 CURRICULUM) FOR EDUCATOR PREPARATION PROGRAMS THAT ARE UNABLE TO  
18 MEET THE REGULATORY REQUIREMENT DUE TO THE PANDEMIC OF 2020.

19 (VII) WAIVE THE NIMS ASSESSMENT AND THE NOCTI EXAM.

20 (C) NOTWITHSTANDING THE PROVISIONS UNDER SUBSECTION (B), THE  
21 FOLLOWING SHALL APPLY:

22 (1) NO EMPLOYE OF ANY SCHOOL ENTITY WHO WAS EMPLOYED AS OF  
23 MARCH 13, 2020, SHALL RECEIVE MORE OR LESS COMPENSATION THAN THE  
24 EMPLOYE WOULD OTHERWISE HAVE BEEN ENTITLED TO RECEIVE FROM THE  
25 SCHOOL ENTITY HAD THE PANDEMIC OF 2020 NOT OCCURRED, HAD THE  
26 MINIMUM INSTRUCTIONAL DAY REQUIREMENT NOT BEEN WAIVED UNDER  
27 SUBSECTION (B) (1) OR HAD THE SECRETARY NOT TAKEN ACTION UNDER  
28 SUBSECTION (B) (2).

29 (2) NO EMPLOYE OF ANY SCHOOL ENTITY WHO WAS EMPLOYED AS OF  
30 MARCH 13, 2020, SHALL RECEIVE MORE OR LESS CREDIT OR CONTRIBUTE

1 MORE OR LESS THAN THE EMPLOYEE WOULD OTHERWISE HAVE CONTRIBUTED  
2 PURSUANT TO THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT CODE UNDER  
3 24 PA.C.S. PT. IV (RELATING TO RETIREMENT FOR SCHOOL EMPLOYEES)  
4 HAD THE PANDEMIC OF 2020 NOT OCCURRED, HAD THE MINIMUM  
5 INSTRUCTIONAL DAY REQUIREMENT NOT BEEN WAIVED UNDER SUBSECTION  
6 (B) (1) OR HAD THE SECRETARY NOT TAKEN ACTION UNDER SUBSECTION  
7 (B) (2).

8 (3) EACH SCHOOL ENTITY SHALL PROVIDE ANY EMPLOYEE WHO IS  
9 RESPONSIBLE FOR CLEANING SCHOOL FACILITIES AS A RESULT OF, OR  
10 DURING THE THREAT TO HEALTH AND SAFETY CAUSED BY, THE PANDEMIC  
11 OF 2020, WITH APPROPRIATE CLEANING MATERIALS AND PROTECTIVE  
12 CLOTHING AND GEAR AS RECOMMENDED BY THE CENTERS FOR DISEASE  
13 CONTROL AND PREVENTION.

14 (4) EACH SCHOOL ENTITY SHALL PROVIDE WRITTEN NOTICE TO THE  
15 PARENT OR GUARDIAN OF EACH STUDENT WHO RECEIVES SERVICES UNDER  
16 AN INDIVIDUALIZED EDUCATION PROGRAM UNDER THE INDIVIDUALS WITH  
17 DISABILITIES EDUCATION ACT (PUBLIC LAW 91-230, 20 U.S.C. § 1400  
18 ET SEQ.) (IDEA) OF THE SCHOOL ENTITY'S PLANS FOR ENSURING THE  
19 STUDENT RECEIVES A FREE AND APPROPRIATE PUBLIC EDUCATION AS  
20 REQUIRED UNDER IDEA.

21 (5) EACH SCHOOL ENTITY SHALL MAKE A GOOD FAITH EFFORT TO  
22 PLAN TO OFFER CONTINUITY OF EDUCATION TO STUDENTS USING  
23 ALTERNATIVE MEANS DURING THE PERIOD OF CLOSURE. THE DEPARTMENT  
24 OF EDUCATION SHALL PROVIDE GUIDANCE TO SCHOOL ENTITIES AND  
25 INTERMEDIATE UNITS MAY PROVIDE TECHNICAL ASSISTANCE. A SCHOOL  
26 ENTITY SHALL SUBMIT THE PLAN TO THE DEPARTMENT OF EDUCATION. THE  
27 SCHOOL ENTITY SHALL POST THE PLAN ON ITS PUBLICLY ACCESSIBLE  
28 INTERNET WEBSITE.

29 (D) A SCHOOL ENTITY WHICH WAS CLOSED AS A RESULT OF THE  
30 PANDEMIC OF 2020 MAY NOT RECEIVE LESS SUBSIDY PAYMENTS,

1 REIMBURSEMENTS, ALLOCATIONS, TUITION OR OTHER PAYMENTS FROM THE  
2 DEPARTMENT OF EDUCATION OR ANOTHER SCHOOL ENTITY THAN THE SCHOOL  
3 ENTITY WOULD OTHERWISE BE ENTITLED TO RECEIVE FOR THE SCHOOL  
4 YEAR 2019-2020 HAD THE PANDEMIC OF 2020 NOT OCCURRED, HAD THE  
5 MINIMUM INSTRUCTIONAL DAY REQUIREMENT NOT BEEN WAIVED UNDER  
6 SUBSECTION (B) (1) OR HAD THE SECRETARY NOT TAKEN ACTION UNDER  
7 SUBSECTION (B) (2). FOR THE TIME PERIOD A CHARTER SCHOOL,  
8 REGIONAL CHARTER SCHOOL OR CYBER CHARTER SCHOOL IS CLOSED DUE TO  
9 THE 2020 PANDEMIC, THE CHARTER SCHOOL, REGIONAL CHARTER SCHOOL  
10 OR CYBER CHARTER SCHOOL SHALL RECEIVE TUITION PAYMENTS BASED  
11 UPON THE ENROLLMENT AS OF MARCH 13, 2020.

12 (E) THE SECRETARY SHALL APPLY TO THE UNITED STATES  
13 DEPARTMENT OF EDUCATION FOR A WAIVER OF THE TESTING AND  
14 ACCOUNTABILITY REQUIREMENTS OF THE ELEMENTARY AND SECONDARY  
15 EDUCATION ACT OF 1965 (PUBLIC LAW 89-10, 20 U.S.C. § 6301 ET  
16 SEQ.), AS AMENDED BY THE EVERY STUDENT SUCCEEDS ACT (PUBLIC LAW  
17 114-95, 129 STAT. 1802), TO ALLOW THE CANCELLATION OF TESTING  
18 FOR THE 2019-2020 SCHOOL YEAR.

19 (F) THE GOVERNING BODY OF A SCHOOL ENTITY MAY APPLY TO THE  
20 SECRETARY FOR A WAIVER, IN THE FORM AND MANNER PRESCRIBED BY THE  
21 SECRETARY, OF ANY PROVISION OF THIS ACT, THE REGULATION OF THE  
22 STATE BOARD OF EDUCATION OR THE STANDARDS OF THE DEPARTMENT OF  
23 EDUCATION, EXCLUDING SECTIONS 528, 1124 AND 1125.1, IF THE  
24 WAIVER IS DIRECTLY RELATED TO THE SCHOOL ENTITY'S STAFFING NEEDS  
25 OR IMPACTS THE SCHOOL ENTITY'S INSTRUCTIONAL PROGRAM OR  
26 OPERATIONS AS A RESULT OF THE PANDEMIC OF 2020. THE SECRETARY  
27 SHALL HAVE 30 DAYS FROM THE RECEIPT OF THE APPLICATION TO  
28 APPROVE OR DISAPPROVE THE REQUEST. THE SECRETARY'S DETERMINATION  
29 RELATED TO A WAIVER REQUEST UNDER THIS SUBSECTION SHALL NOT BE  
30 APPEALABLE UNDER 2 PA.C.S. (RELATING TO ADMINISTRATIVE LAW AND

1 PROCEDURE) .

2 (G) BEGINNING ON THE EFFECTIVE DATE OF THIS SUBSECTION AND  
3 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, EACH  
4 PROFESSIONAL EDUCATOR'S CURRENT CONTINUING PROFESSIONAL  
5 EDUCATION COMPLIANCE PERIOD UNDER SECTION 1205.2 OR 1205.5 SHALL  
6 BE EXTENDED BY ONE YEAR. THIS SUBSECTION SHALL APPLY ONLY TO  
7 PROFESSIONAL EDUCATORS WITH AN ACTIVE CERTIFICATION AS OF THE  
8 EFFECTIVE DATE OF THIS SUBSECTION AND SHALL EXPIRE ONE YEAR FROM  
9 THE EFFECTIVE DATE OF THIS SUBSECTION.

10 (H) ANY WAIVER OF FEDERAL REQUIREMENTS SOUGHT AS A RESULT OF  
11 THE PANDEMIC OF 2020 SHALL NOT BE SUBJECT TO THE REQUIREMENTS OF  
12 SECTION 126.

13 (I) THE FOLLOWING SHALL APPLY TO NONPUBLIC SCHOOLS FOR THE  
14 2019-2020 SCHOOL YEAR:

15 (1) THE GOVERNING BODY OF A NONPUBLIC SCHOOL MAY CLOSE THE  
16 NONPUBLIC SCHOOL DUE TO THE THREAT TO HEALTH AND SAFETY CAUSED  
17 BY THE PANDEMIC OF 2020.

18 (2) THE MINIMUM INSTRUCTIONAL TIME REQUIREMENTS OF SECTION  
19 1327(B) SHALL NOT APPLY.

20 (J) THE FOLLOWING SHALL APPLY:

21 (1) THE MINIMUM INSTRUCTIONAL TIME REQUIREMENTS OF SECTION  
22 1327.1 SHALL NOT APPLY.

23 (2) THE REQUIREMENTS TO ADMINISTER A NATIONALLY NORMED  
24 STANDARDIZED ACHIEVEMENT TEST OR STATEWIDE TEST UNDER SECTION  
25 1327.1 (E) (1) AND CONDUCT THE ANNUAL EVALUATIONS UNDER SECTION  
26 1327.1 (E) (2) AND (H.1) SHALL NOT APPLY.

27 (K) A PRIVATE OR NONPUBLIC SCHOOL WHICH WAS CLOSED BECAUSE  
28 OF THE 2020 PANDEMIC MAY NOT RECEIVE MORE OR LESS PAYMENT FROM  
29 SCHOOL ENTITIES FOR ANY STUDENT PLACED BY A SCHOOL ENTITY AND  
30 ENROLLED AS OF MARCH 13, 2020, AS LONG AS THE PRIVATE OR



1 NONPUBLIC SCHOOL IS OFFERING CONTINUITY OF EDUCATION DURING THE  
2 PERIOD OF CLOSURE.

3 (L) THE FOLLOWING SHALL APPLY:

4 (1) EACH SCHOOL ENTITY MAY RENEGOTIATE A CONTRACT FOR  
5 SCHOOL BUS TRANSPORTATION SERVICES TO ENSURE CONTRACTED  
6 PERSONNEL AND FIXED COSTS, INCLUDING ADMINISTRATIVE AND  
7 EQUIPMENT, ARE MAINTAINED DURING THE PERIOD OF SCHOOL  
8 CLOSURE. DURING THE PERIOD OF SCHOOL CLOSURE, THE SCHOOL BUS  
9 TRANSPORTATION CONTRACTOR SHALL SUBMIT WEEKLY DOCUMENTATION  
10 TO THE SCHOOL ENTITY THAT ITS COMPLEMENT LEVELS REMAIN AT OR  
11 ABOVE THE LEVEL ON MARCH 13, 2020, IN ORDER TO CONTINUE BEING  
12 PAID.

13 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, IF  
14 A SCHOOL ENTITY CONTINUES TO PAY A SCHOOL BUS TRANSPORTATION  
15 CONTRACTOR OR OPERATES ITS OWN SCHOOL BUS TRANSPORTATION, THE  
16 SCHOOL ENTITY SHALL BE ELIGIBLE FOR REIMBURSEMENT FROM THE  
17 DEPARTMENT OF EDUCATION AT A RATE THE SCHOOL ENTITY WOULD  
18 HAVE RECEIVED HAD THE PANDEMIC OF 2020 NOT OCCURRED, HAD THE  
19 MINIMUM INSTRUCTION DAYS REQUIREMENT NOT BEEN WAIVED UNDER  
20 SUBSECTION (B) (1) OR HAD THE SECRETARY NOT TAKEN ACTION UNDER  
21 SUBSECTION (B) (2).

22 (M) A PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION THAT  
23 WAS CLOSED BECAUSE OF THE 2020 PANDEMIC MAY NOT RECEIVE LESS  
24 PAYMENT FROM SCHOOL ENTITIES OR THE COMMONWEALTH FOR ANY STUDENT  
25 ENROLLED AS OF MARCH 13, 2020.

26 (N) AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES  
27 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION UNLESS  
28 THE CONTEXT CLEARLY INDICATES OTHERWISE:

29 "NIMS ASSESSMENT." AN ASSESSMENT BASED ON THE NATIONAL  
30 INSTITUTE FOR METALWORKING SKILLS STANDARDS.

1       "NOCTI EXAM." A NATIONAL OCCUPATIONAL COMPETENCY TESTING  
2 INSTITUTE EXAM.

3       "SCHOOL ENTITY." ANY SCHOOL DISTRICT, INTERMEDIATE UNIT,  
4 AREA CAREER AND TECHNICAL SCHOOL, CHARTER SCHOOL, CYBER CHARTER  
5 SCHOOL OR REGIONAL CHARTER SCHOOL A CHILD ATTENDS IN ORDER TO  
6 FULFILL THE COMPULSORY ATTENDANCE REQUIREMENTS OF THIS ACT.

7       Section ~~4~~ 5. Any regulation inconsistent with this act is       <--  
8 abrogated to the extent of any inconsistency with this act.

9       Section ~~5~~ 6. This act shall take effect immediately.       <--