



December 5, 2020

Legislature Temporarily Revises Pennsylvania's Assessment, Certification, Continuing Education, and Educator Evaluation Requirements for the 2020-21 School Year

On November 25, 2020, Governor Wolf enacted [Act 136](#) in an effort to address the urgent needs of schools, educators, and aspiring educators in the midst of the COVID-19 Pandemic. Elements of Act 136 impact schools, educators, and pre-service educators seeking certification in the 2020-21 school year. Changes fall into four main areas: educator evaluation; assessments and graduation requirements; initial educator certification; and continuing education requirements for educators, including support professionals.

Educator Evaluation. The bill establishes the following regarding educator evaluation for the 2020-21 school year:

- **Directs the Secretary to waive the requirement to include student performance data in a professional employee's performance rating.** This waives the requirement for the use of building level, teacher-specific, and elective data, as defined by the Pennsylvania Act 82 Educator Effectiveness System, in determining a professional employee's performance rating. This means that "observation of professional practice" will comprise 100 percent of a professional employee's evaluation for the 2020-21 school year.¹ Acting Secretary Ortega issued [the order](#) pertaining to this requirement on December 4, 2020.

Assessments and Graduation Requirements. The bill establishes the following regarding assessments and graduation requirements for the 2020-21 school year:

- **Delays the use of the Keystone Exams as a state graduation requirement** or as a benchmark for participation in a project-based assessment until the 2022-2023 school year and extends the timeline for implementation of new statewide graduation pathways enacted by Act 158 by one year to 2022-2023.
- **Ensures that for 2019-20—and for any other year in which the federal government waives annual state testing requirements—any student who completes a course in an academic content area associated with a Keystone Exam is not required to take the Keystone Exam.** Students who take a Keystone-related course during a year when annual state testing requirements are waived are deemed proficient, provided they meet locally established grade-based requirements for the academic content associated with the exam.²
- **Provides the PA Secretary of Education (Secretary) with authority to waive the NOCTI/NIMS assessments,** if appropriate, on a schoolwide basis or for a specific career and technical education program provided by a school entity for the 2020-2021 school year.

¹ In March of 2020, Act 13 also revised Pennsylvania's Educator Effectiveness System in significant ways. These changes go into effect in the 2021-22 school year. For more information on the revised Educator Effectiveness System, see PSEA's webpage, [Educator Evaluation Reform](#), for more information.

² Please note that SB 1216 does NOT prohibit school boards from requiring Keystone Exams as a local graduation requirement; however, if a school district requires Keystone Exams for graduation purposes, the district may revise its policy to remove this requirement for the 2020-21 school year.

- **Authorizes the Secretary to apply for a waiver from federal annual testing and accountability requirements, if the US Department of Education (USDoE) offers a waiver option during the 2020-2021 school year.** At this point, USDoE has not issued a waiver option for the 2020-21 school year. If USDoE issues a waiver option, the Secretary is authorized to apply to waive the annual standardized testing requirements for 2020-21.

Initial Educator Certification. The bill establishes the following regarding initial certification requirements for the 2020-21 school year:

- **Authorizes the Secretary to waive the basic skills exam requirement for prospective educators in the 2020-21 school year.** The provision expires on June 30, 2021.
- **Authorizes the Secretary to issue temporary provisional certificates** to educators who complete a preparation program and meet all requirements for certification except the satisfactory completion of the required assessments because the assessments could not be scheduled due to issues related to the pandemic. Any temporary provisional certificate issued under this provision expires one year after issuance and may be converted to a Level I Pennsylvania certificate upon satisfactory completion of the required assessments. Educators must complete the exams when they become available.

Continuing Education and Continuing Certification Requirements for Level I Certificate Holders and Paraprofessionals. The bill does the following regarding continuing education requirements for the 2020-21 school year:

- **Permits the Secretary to issue an “Exceptional Case Permit,” at the request of a school district that employs a professional employee who completed the final year of Level I Pennsylvania certificate validity in the 2019-2020 school year** and who was unable to complete the assessment requirements for conversion to a Level II Pennsylvania certificate under 22 Pa. Code § 49.18(a)(2)(iii) because the assessments were canceled or could not be scheduled. The exceptional case permit will expire one year from the date of issuance and this provision will expire June 30, 2021.
- **Permits PDE to extend emergency permits issued** under 22 Pa. Code § 49.31 **during the 2020-21 school year at the request of a school district** when an employee is unable to complete the requirements associated with the permit because the program credits or assessment requirements could not be completed or scheduled due to pandemic-related issues. The extended emergency permit will expire one year from the date of the extension and the provision will expire June 30, 2021.
- **Permits the Secretary to issue a temporary certificate to an individual who is unable to complete the appropriate subject matter test,** for areas other than health and physical education, cooperative education, all special education areas, and additional areas determined by the Pennsylvania Department of Education (PDE) under 22 Pa. Code § 49.18(e), when PDE determines the relevant assessment was canceled or could not be scheduled. The temporary certificate will expire one year from the date of issuance and may be converted to a full instructional certificate upon satisfactory achievement on the required test. The provision will expire on June 30, 2021.
- **Extends the time that paraprofessionals have to meet their professional development requirements.** A paraprofessional employed by a school entity as of March 13, 2020, must satisfy staff development activity hour requirements by June 30, 2021. This provision expires one year from the effective date of the law.

For More Information. If you have additional questions about the revised system, please contact PSEA’s Education Services Division at professionallearning@psea.org. For questions about evaluation that are specific to your employer, please contact your UniServ Representative.