

**IN THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION**

Order

WHEREAS, on November 25, 2020, the Governor signed Act 136 of 2020 into law (“Act 136”), which amended the Public School Code of 1949 (the “School Code”), Act of March 10, 1949, P.L. 30;

WHEREAS, Act 136 authorizes the Secretary of Education (“Secretary”) to waive certain provisions of the School Code, regulations of the State Board of Education, and regulations of the Department of Education (“Department”) related to the 2020-2021 school year;

WHEREAS, the ongoing global pandemic presents comparability, reliability, and validity threats to any statewide assessments administered during the 2020-2021 school year; and

WHEREAS, these threats inform the Department’s position that any statewide assessments administered during the 2020-2021 school year should not be used for high-stakes purposes, including professional evaluative purposes;

NOW, THEREFORE, pursuant to the authority provided to me by Act 136, I hereby waive the requirement to include performance data otherwise required under section 1123(b)(1)(ii) of the School Code in a professional employee’s performance rating.

This Order shall take effect immediately.

December 4, 2020



Noe Ortega
Acting Secretary of Education