

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1145 Session of 2018

INTRODUCED BY EICHELBERGER, DINNIMAN, GORDNER, SABATINA,
 FARNESE, BLAKE, KILLION, VULAKOVICH, RAFFERTY, LEACH, WARD,
 REGAN AND FOLMER, APRIL 24, 2018

REFERRED TO EDUCATION, APRIL 24, 2018

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
 2 act relating to the public school system, including certain
 3 provisions applicable as well to private and parochial
 4 schools; amending, revising, consolidating and changing the
 5 laws relating thereto," in preliminary provisions, further
 6 providing for Keystone Exams.

7 The General Assembly of the Commonwealth of Pennsylvania
 8 hereby enacts as follows:

9 Section 1. Section 121 of the act of March 10, 1949 (P.L.30,
 10 No.14), known as the Public School Code of 1949, amended June
 11 21, 2017 (P.L.200, No.6), is amended to read:

12 Section 121. Keystone Exams and Graduation Requirements.--

13 (a) The Department of Education shall develop and implement
 14 Keystone Exams in algebra I, literature and biology. The State
 15 Board of Education shall promulgate or revise regulations,
 16 subject to the act of June 25, 1982 (P.L.633, No.181), known as
 17 the "Regulatory Review Act," necessary to implement this
 18 section.

19 [(b) The following shall apply:

1 (1) Notwithstanding section 2604-B(b)(2)(v), 22 Pa. Code §
2 4.24 (relating to high school graduation requirements), 4.51
3 (relating to State assessment system) or 4.51c (relating to
4 project-based assessment) or any statute or regulation to the
5 contrary, the use of the Keystone Exams as a graduation
6 requirement or as a benchmark for the need for participation in
7 a project-based assessment shall be delayed until the 2019-2020
8 school year. ((1) amended Nov. 6, 2017, P.L.1142, No.55)

9 (2) The Department of Education shall investigate and
10 develop alternatives in addition to the use of the Keystone
11 Exams as a requirement for graduation and shall, within six (6)
12 months of the effective date of this paragraph, issue a report
13 of the Department of Education's findings and recommendations,
14 including proposed legislation, to the chairman and minority
15 chairman of the Education Committee of the Senate and the
16 chairman and minority chairman of the Education Committee of the
17 House of Representatives. The report shall, at a minimum,
18 contain a detailed plan and timeline within which the Department
19 of Education shall accomplish all of the following:

20 (i) Implement alternative methods for students to
21 demonstrate proficiency for graduation in addition to the
22 Keystone Exams, the project-based assessments and other
23 alternative assessments provided for in 22 Pa. Code § 4.24.

24 (ii) Improve and expedite the evaluation of project-based
25 assessments.

26 (iii) Ensure that no student is prohibited from
27 participation in vocational-technical education or elective
28 courses or programs as a result of supplemental instruction
29 required in 22 Pa. Code §§ 4.24(k) and 4.51b(f) (relating to
30 Keystone Exams).]

1 (b.1) Each local school district shall have requirements for
2 high school graduation which include locally established course
3 completion and grade-based requirements for academic content
4 areas and a demonstration of proficiency in State academic
5 standards, which shall be in addition to the graduation
6 requirement alternatives contained in this section. All students
7 shall be provided the alternatives to demonstrate readiness for
8 graduation which are contained in this section.

9 (c) Notwithstanding section 2604-B(b) (2) (v), 22 Pa. Code §
10 4.24 (relating to high school graduation requirements) or 4.51
11 (relating to State assessment system) or any statute or
12 regulation to the contrary, in any school year in which a
13 demonstration of proficiency on a Keystone Exam is required for
14 high school graduation, a CTE Concentrator shall be deemed
15 proficient provided that the CTE Concentrator shall meet all of
16 the following requirements:

17 (1) completes locally established grade-based requirements
18 for academic content areas associated with each Keystone Exam on
19 which the CTE Concentrator did not achieve proficiency. For the
20 purposes of this paragraph, completion of grade-based
21 requirements in any science and technology and environment and
22 ecology course shall satisfy the requirements for the academic
23 content area associated with the Keystone Exam in biology; and

24 (2) completes one of the following:

25 (i) attains an industry-based competency certification
26 related to the CTE Concentrator's program of study; [or]

27 (ii) demonstrates a high likelihood of success on an
28 approved industry-based competency assessment or readiness for
29 continued meaningful engagement in the CTE Concentrator's
30 program of study as demonstrated by performance on benchmark

1 assessments, course grades and other factors consistent with the
2 CTE Concentrator's goals and career plan[.];

3 (iii) attains an industry-recognized credential, as approved
4 by the Pennsylvania Department of Education and identified in
5 the industry credential resource book compiled by the
6 department's Bureau of Career and Technical Education; or
7 (iv) receipt of a certification that the student will begin
8 work in a registered apprenticeship program following high
9 school graduation.

10 (c.1) Beginning in school year 2018-2019, notwithstanding
11 any statute or regulation to the contrary, students shall be
12 provided the following alternatives to demonstrate readiness for
13 graduation:

14 (1) Compliance with subsection (c).

15 (2) As to any academic content area as to which a student
16 did not achieve proficiency on the Keystone Exam, or any
17 successor exam, a student shall be deemed proficient for
18 graduation purposes as to the content area if the student
19 completes one or more of the following:

20 (i) The earning of a passing grade in a dual-enrollment
21 course in a comparable content area.

22 (ii) The earning of a passing score on an advanced placement
23 assessment in a comparable content area.

24 (iii) The earning of a passing score on an international
25 baccalaureate assessment or course in a comparable content area.

26 (3) If a student attains one or more of the following, the
27 student shall be deemed proficient for graduation purposes,
28 regardless of scores on the Keystone Exam or successor exam:

29 (i) A combined score above the fiftieth percentile on either
30 the SAT or ACT.

1 (ii) Achievement of a minimum score on the Armed Services
2 Vocational Aptitude Battery test required for enlistment.

3 (iii) Proof of acceptance of admission or scholarship to an
4 accredited institution of higher education. The Pennsylvania
5 Department of Education shall maintain a list of approved
6 institutions.

7 (4) Attainment of an established composite score on the
8 Algebra I, Biology and Literature Keystone Exams. The Secretary
9 of Education shall propose the satisfactory composite score a
10 student must attain no later than September 30, 2019, and shall
11 submit the proposed composite score to the State Board of
12 Education for approval. The State Board of Education shall
13 approve a composite score no later than December 31, 2019. At a
14 minimum, the composite score shall require a student to achieve
15 a proficient score on at least one of the three content areas of
16 the Keystone Exam and no less than a basic score on the
17 remaining portions and shall be no less than one standard
18 deviation below the mean.

19 (c.2) Notwithstanding section 2604-B(b)(2)(v), 22 Pa. Code §
20 4.24 (relating to high school graduation requirements) or 4.51
21 (relating to State assessment system) or any statute or
22 regulation to the contrary, beginning with the 2018-2019 school
23 year, neither project-based assessments, as provided for in 22
24 Pa. Code § 4.51c (relating to project-based assessment), nor
25 supplemental instruction shall be required of any student for
26 high school graduation. Supplemental instruction may be provided
27 within the guidance of the Department of Education.

28 (c.3) A child with a disability who satisfactorily completes
29 a special education program developed by an individualized
30 education program team under the Individuals with Disabilities

1 Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) and
2 22 Pa. Code Ch. 14 (relating to special education services and
3 programs) shall be granted and issued a regular high school
4 diploma by the school entity, if applicable. This subsection
5 shall apply if the special education program of a child with a
6 disability does not otherwise meet the requirements of this
7 section.

8 (c.4) The Secretary of Education, with approval of the State
9 Board of Education, may approve locally administered assessments
10 for graduation purposes in addition to the alternatives provided
11 under this section. Locally administered assessments shall be
12 independently and objectively validated once every six years.
13 Local assessments may be designed to include a variety of
14 assessment strategies for graduation purposes, including the use
15 of the GED, the HiSET® exam, attainment of a career-readiness
16 certificate through the ACT WorkKeys assessment, an internship,
17 externship or cooperative education program or one or more
18 portions of the Keystone Exam. Validated local assessments shall
19 contain performance-level expectations and descriptors that
20 describe a level of performance comparable to those required to
21 achieve proficiency on the Keystone Exams.

22 (d) As used in this section, the following words and phrases
23 shall have the meanings given to them in this subsection unless
24 the context clearly indicates otherwise:

25 "Accredited institution of higher education." A public,
26 private or independent college or university which has received
27 accreditation from an entity recognized by the United States
28 Department of Education, the Pennsylvania Department of
29 Education or the Council for Higher Education Accreditation.

30 "ACT." The nationally recognized college admissions test to

1 determine academic readiness for college.

2 "Approved industry-based competency assessment." A NOCTI
3 exam, NIMS assessment or other industry-based competency
4 assessment identified by the Secretary of Education and approved
5 by the State Board of Education.

6 "Armed Services Vocational Aptitude Battery." The multiple-
7 aptitude test, including the Armed Forces Qualification Test,
8 used by the United States military to determine vocational
9 aptitude and qualification for enlistment.

10 "Cooperative education program." A program of instruction
11 whereby students alternate or coordinate their high school
12 studies with a job in a field related to their academic or
13 career objectives.

14 "CTE Concentrator." A student who, by the end of a reporting
15 year, will be reported as successfully completing at least fifty
16 percent (50%) of the minimum technical instructional hours
17 required under 22 Pa. Code Ch. 339 (relating to vocational
18 education).

19 "GED." The General Educational Development Test from the
20 American Council on Education.

21 "HiSET® exam." The high school equivalency exam offered by
22 the Educational Testing Service.

23 "NIMS assessment." An assessment based on the National
24 Institute for Metalworking Skills standards.

25 "NOCTI exam." A National Occupational Competency Testing
26 Institute exam.

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

30 "Successor exam." An assessment which replaces the Keystone

1 Exam and is developed to comply with section 1111 of the
2 Elementary and Secondary Education Act of 1965 (Public Law 89-
3 10, 20 U.S.C. § 6301 et seq.), as amended by the Every Student
4 Succeeds Act (Public Law 114-95, 129 Stat. 1802), or its
5 successor Federal statute.

6 Section 2. This act shall take effect immediately.