

## AMENDMENTS TO SENATE BILL NO. 1095

Sponsor: REPRESENTATIVE TOBASH

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1 Amend Bill, page 1, lines 9 through 19; pages 2 through 12,  
2 lines 1 through 30; page 13, lines 1 through 3; by striking out  
3 all of said lines on said pages and inserting

4 Section 1. Section 121 heading, (a), (b)(1), (c) and (d) of  
5 the act of March 10, 1949 (P.L.30, No.14), known as the Public  
6 School Code of 1949, amended or added June 21, 2017 (P.L.200,  
7 No.6) and June 22, 2018 (P.L.241, No.39), are amended and the  
8 section is amended by adding subsections to read:

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

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

16 (b) The following shall apply:

17 (1) Notwithstanding section 2604-B(b)(2)(v), 22 Pa. Code §  
18 4.24 (relating to high school graduation requirements), 4.51  
19 (relating to State assessment system) or 4.51c (relating to  
20 project-based assessment) or any statute or regulation to the  
21 contrary, the use of the Keystone Exams as a graduation  
22 requirement or as a benchmark for the need for participation in  
23 a project-based assessment shall be delayed until the [2020-  
24 2021] 2021-2022 school year.

25 \* \* \*

26 (c) Notwithstanding section 2604-B(b)(2)(v), 22 Pa. Code §  
27 4.24 or 4.51 or any statute or regulation to the contrary, in  
28 any school year in which a demonstration of proficiency on a  
29 Keystone Exam is required for high school graduation, a CTE  
30 Concentrator shall be deemed proficient provided that the CTE  
31 Concentrator shall meet all of the following requirements:

32 (1) completes locally established grade-based requirements  
33 for academic content areas associated with each Keystone Exam on  
34 which the CTE Concentrator did not achieve proficiency. For the  
35 purposes of this paragraph, completion of grade-based  
36 requirements in any science and technology and environment and  
37 ecology course shall satisfy the requirements for the academic

1 content area associated with the Keystone Exam in biology; and  
2 (2) completes one of the following:  
3 (i) attains an industry-based competency certification  
4 related to the CTE Concentrator's program of study; or  
5 (ii) demonstrates a high likelihood of success on an  
6 approved industry-based competency assessment or readiness for  
7 continued meaningful engagement in the CTE Concentrator's  
8 program of study as demonstrated by performance on benchmark  
9 assessments, course grades and other factors consistent with the  
10 CTE Concentrator's goals and career plan[.] and determined for  
11 the CTE Concentrator by a chief school administrator in  
12 consultation with an area vocational-technical school director  
13 or principal of a comprehensive high school. The determination  
14 shall be made no later than the end of eleventh grade, or, for a  
15 student enrolled in a one-year program, the end of the first  
16 semester of twelfth grade.  
17 (c.1) Notwithstanding section 2604-B(b)(2)(v), 22 Pa. Code §  
18 4.24, 4.51 or 4.51c or any statute or regulation to the  
19 contrary, in any school year in which a demonstration of  
20 proficiency on a Keystone Exam is required for high school  
21 graduation, a student shall be deemed proficient if the student  
22 demonstrates one of the following:  
23 (1) Attainment of a satisfactory composite score under  
24 subsection (c.2) on the Keystone Exams in algebra I, literature  
25 and biology.  
26 (2) Successful completion of locally established, grade-  
27 based requirements for academic content areas associated with  
28 each Keystone Exam on which the student did not achieve at least  
29 a proficient score and demonstration of one of the following:  
30 (i) Attainment of an established score on an approved  
31 alternative assessment.  
32 (ii) Attainment of at least the Gold Level on the ACT  
33 WorkKeys assessment.  
34 (iii) Attainment of an established score on an Advanced  
35 Placement Program exam in an academic content area associated  
36 with each Keystone Exam on which the student did not achieve at  
37 least a proficient score.  
38 (iv) Attainment of an established score on an International  
39 Baccalaureate Diploma Program exam in an academic content area  
40 associated with each Keystone Exam on which the student did not  
41 achieve at least a proficient score.  
42 (v) Successful completion of a concurrent enrollment course  
43 in an academic content area associated with each Keystone Exam  
44 on which the student did not achieve at least a proficient  
45 score.  
46 (vi) Successful completion of a preapprenticeship program.  
47 (vii) Acceptance to an accredited four-year nonprofit  
48 institution of higher education and evidence of the ability to  
49 enroll in college-level, credit-bearing coursework.  
50 (3) Successful completion of locally established, grade-  
51 based requirements for academic content areas associated with

1 each Keystone Exam on which the student did not achieve at least  
2 a proficient score and demonstration of three pieces of evidence  
3 that reflect readiness for meaningful postsecondary engagement  
4 consistent with the student's goals and career plan, which shall  
5 include:

6 (i) One of the following:

7 (A) Attainment of an established score on the ACT WorkKeys  
8 assessment.

9 (B) Attainment of an established score on an SAT Subject  
10 Test.

11 (C) Acceptance to an accredited nonprofit institution of  
12 higher education other than an accredited four-year nonprofit  
13 institution of higher education and evidence of the ability to  
14 enroll in college-level, credit-bearing course work.

15 (D) Attainment of an industry-recognized credential, as  
16 identified in the industry credential resource book or in the  
17 industry-based learning guidelines compiled by the department.

18 (E) Attainment of an established score on an Advanced  
19 Placement Program exam.

20 (F) Attainment of an established score on an International  
21 Baccalaureate Diploma Program exam.

22 (G) Successful completion of a concurrent enrollment course  
23 or a postsecondary course.

24 (ii) Two additional pieces of evidence from a list  
25 established by the secretary and approved by the State Board of  
26 Education, which shall include, but not be limited to:

27 (A) Any additional items listed under subparagraph (i).

28 (B) Satisfactory completion of a service learning project  
29 that received advance approval for use as a rigorous and  
30 objective piece of evidence by a chief school administrator or  
31 their designee. A service learning project shall include global,  
32 national, State, local or in-school projects as defined by the  
33 department.

34 (C) Attainment of a score of proficient or advanced on a  
35 Keystone Exam.

36 (D) A letter guaranteeing full-time employment.

37 (E) A certificate of successful completion of an internship,  
38 externship or cooperative education program.

39 (F) Satisfactory compliance with the National Collegiate  
40 Athletic Association's core courses for college-bound student  
41 athletes with a minimum GPA of 2.0 or the equivalent on an  
42 alternative grading scale.

43 (4) For the purposes of this subsection, completion of  
44 grade-based requirements in any science and technology and  
45 environment and ecology course shall satisfy the requirements  
46 for the academic content area associated with the Keystone Exam  
47 in biology.

48 (c.2) (1) No later than July 30, 2019, the secretary shall  
49 recommend, and the State Board of Education shall approve, the  
50 satisfactory composite score a student must attain in order to  
51 meet the requirements of this section. The satisfactory

1 composite score established under this paragraph shall:  
2 (i) Require a student to achieve at least a proficient score  
3 on at least one of the three Keystone Exams and no less than a  
4 basic score on the two remaining Keystone Exams.  
5 (ii) Be calculated based upon the most recent Keystone Exam  
6 results available to the secretary.  
7 (iii) Every five years, the State Board of Education shall  
8 review the operation of the satisfactory composite score  
9 established under paragraph (1) and shall issue a report of its  
10 findings to the chairperson and minority chairperson of the  
11 Education Committee of the Senate and the chairperson and  
12 minority chairperson of the Education Committee of the House of  
13 Representatives.  
14 (2) The satisfactory composite score established under  
15 paragraph (1) shall remain in effect unless the score is changed  
16 by an act of the General Assembly.  
17 (3) The department shall transmit notice to the Legislative  
18 Reference Bureau to publish the satisfactory composite score  
19 established under paragraph (1) in the Pennsylvania Bulletin and  
20 shall publish the satisfactory composite score on the  
21 department's publicly accessible Internet website.  
22 (c.3) A chief school administrator may grant a waiver of the  
23 requirements for demonstrations of proficiency on the Keystone  
24 Exams or the requirements of subsection (c) or (c.1) for a  
25 student in grade twelve or to accommodate a student who  
26 experiences extenuating circumstances. The following shall  
27 apply:  
28 (1) If the waivers granted by a chief school administrator  
29 exceed five percent (5%) of students in the graduating class in  
30 any school year, the department shall require the school entity  
31 to submit an improvement plan for the department's approval.  
32 (2) If the waivers granted by a chief school administrator  
33 exceed five percent (5%) of students in the graduating class in  
34 two (2) consecutive school years, the following shall occur:  
35 (i) The department shall conduct an audit of the school  
36 entity to assess the following:  
37 (A) The alignment of the coursework offered by the school  
38 entity with the State academic standards assessed by each  
39 Keystone Exam.  
40 (B) The school entity's implementation of subsections (c)  
41 and (c.1).  
42 (C) The chief school administrator's granting of waivers  
43 under this subsection.  
44 (ii) The department shall provide the school entity with  
45 technical assistance.  
46 (iii) The school entity shall develop, submit to the  
47 department for approval and implement a three-year improvement  
48 plan in order to address issues as determined by the audit  
49 findings.  
50 (3) When the waivers granted by a chief school administrator  
51 exceed five percent (5%) of students in the graduating class in

1 any school year, the department shall review the waivers  
2 granted. If the department determines that the five percent (5%)  
3 threshold was exceeded because waivers were granted to students  
4 who experienced extenuating circumstances, paragraphs (1) and  
5 (2) shall not apply.

6 (4) Each student granted a waiver under this subsection  
7 shall complete locally established, grade-based requirements for  
8 academic content areas associated with each Keystone Exam.

9 (5) As used in this subsection, the term "extenuating  
10 circumstances" shall include serious illness, death in the  
11 student's immediate family, family emergency, frequent school  
12 transfers or transfer from an out-of-State school in grade  
13 twelve or another emergency as determined by the secretary and  
14 approved by the State Board of Education.

15 (c.4) A school entity may offer supplemental instruction to  
16 a student who does not demonstrate at least proficiency on a  
17 Keystone Exam or on a locally validated assessment under 22 Pa.  
18 Code § 4.24. The supplemental instruction:

19 (1) Shall be consistent with the student's educational  
20 program.

21 (2) Shall assist the student to attain proficiency in the  
22 State academic standards.

23 (3) Shall be designed as to ensure students who accept the  
24 school entity's offer of supplemental instruction are able to  
25 participate in both supplemental instruction and instruction  
26 related to their career, military or postsecondary education  
27 plans.

28 (4) Shall not intrude into instructional time for career and  
29 technical education and may not occur during a student's  
30 dedicated time in a career and technical education program in  
31 order to provide the student time to gain competence in the  
32 student's concentration area within a career and technical  
33 education program as well as demonstrate a high likelihood of  
34 success on an approved industry-based competency assessment.

35 (5) Shall not require the participation of any student.

36 (c.5) No school entity may be required to offer, nor may any  
37 student be required to participate in or complete, a project-  
38 based assessment as provided for in 22 Pa. Code § 4.51c.

39 (c.6) A student with a disability who satisfactorily  
40 completes a special education program developed by an  
41 individualized education program team under the Individuals with  
42 Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400  
43 et seq.) and 22 Pa. Code Ch. 14 (relating to special education  
44 services and programs) that does not otherwise meet the  
45 requirements of this section shall be granted and issued a  
46 regular high school diploma by the student's school entity.

47 (c.7) A student who achieves a score of proficient or  
48 advanced on a Keystone Exam shall only be permitted to retake  
49 the exam if the student or parent submits a request in writing  
50 to the school entity.

51 (c.8) When a student transfers from an out-of-State school

1 to a school entity in this Commonwealth, the student's school  
2 entity shall determine whether the student's performance on out-  
3 of-State coursework and assessments that are aligned with the  
4 State academic standards assessed by each Keystone Exam satisfy  
5 the requirements of this section.

6 (c.9) The performance level demonstrated in each of the  
7 State academic standards, including the highest performance  
8 level demonstrated by a student on the associated Keystone Exam,  
9 may be included on a student's transcript as determined by each  
10 school entity.

11 (c.10) No later than the beginning of the 2020-2021 school  
12 year, each school entity shall ensure students, parents and  
13 guardians are notified of the school entity's high school  
14 graduation requirements, including requirements established in  
15 law and regulations and any additional requirements established  
16 by the school entity, and shall publish its high school  
17 graduation requirements on its publicly accessible Internet  
18 website.

19 (c.11) No later than December 1, 2022, and each December 1  
20 thereafter, each school entity shall submit a report to the  
21 department which shall be posted by January 15 of each year on  
22 the department's publicly accessible Internet website. The  
23 report shall contain, at a minimum, the following:

24 (1) Name of the school entity.

25 (2) County in which the school entity is located.

26 (3) Total number of students in grade twelve in the previous  
27 school year.

28 (4) Total number of students who graduated in the previous  
29 school year.

30 (5) Total number of students who graduated by demonstrating  
31 proficiency under each of the following:

32 (i) the achievement of the required score on all three (3)  
33 Keystone Exams;

34 (ii) subsection (c) of this section;

35 (iii) subsection (c.1)(1) of this section;

36 (iv) subsection (c.1)(2) of this section; and

37 (v) subsection (c.1)(3) of this section.

38 (6) Number of students that the chief school administrator  
39 granted a waiver under subsection (c.3).

40 (7) For students graduating under subsection (c.1)(2), the  
41 number of students utilizing each item under subsection (c.1)(2)  
42 (i).

43 (8) For students graduating under subsection (c.1)(3), the  
44 number of students and description of the type of evidence used  
45 to demonstrate proficiency.

46 (c.12) The secretary shall issue guidelines within ninety  
47 (90) days of the effective date of this section for  
48 implementation of this section.

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

1 "Accredited four-year nonprofit institution of higher  
2 education." Any of the following:

3 (1) A university within the State System of Higher Education  
4 under Article XX-A.

5 (2) A State-related institution as defined in section 1502-  
6 A.

7 (3) Any accredited nonprofit public, private or independent  
8 college or university that confers four-year baccalaureate  
9 degrees.

10 "Accredited nonprofit institution of higher education." Any  
11 of the following:

12 (1) A community college operating under Article XIX-A.

13 (2) An accredited four-year nonprofit institution of higher  
14 education.

15 (3) Any accredited nonprofit public, private or independent  
16 college or university.

17 (4) The Thaddeus Stevens College of Technology.

18 "ACT." A standardized test for the assessment of college  
19 readiness administered by ACT.

20 "ACT WorkKeys assessment." An assessment of workplace skills  
21 administered by ACT.

22 "Advanced Placement Program." A program authorized by the  
23 college board that allows a student to study college-level  
24 subjects while enrolled in high school and to receive advanced  
25 placement and college credit for earning a qualified score on  
26 the course-related Advanced Placement exam.

27 "Approved alternative assessment." An SAT, PSAT, ACT or  
28 Armed Services Vocational Aptitude Battery test.

29 "Approved industry-based competency assessment." A NOCTI  
30 exam, NIMS assessment or other industry-based competency  
31 assessment identified by the Secretary of Education and approved  
32 by the State Board of Education or identified by an act of the  
33 General Assembly.

34 "Armed Services Vocational Aptitude Battery Test." The  
35 aptitude test developed and maintained by the United States  
36 Department of Defense.

37 "Chief school administrator." The superintendent of a school  
38 district, executive director of an intermediate unit,  
39 administrative director of an area vocational-technical school  
40 or chief executive officer of a charter school, cyber charter  
41 school, regional charter school or multiple charter school  
42 organization.

43 "Concurrent enrollment course." A course in which a  
44 secondary student is enrolled and, upon successful completion of  
45 which both high school and postsecondary credit are earned.

46 "Cooperative education program." A program of instruction  
47 whereby students alternate or coordinate their high school  
48 studies with a job in a field related to their academic or  
49 career objectives.

50 "CTE Concentrator." A student who, by the end of a reporting  
51 year, will be reported as successfully completing at least fifty

1 percent (50%) of the minimum technical instructional hours  
2 required under 22 Pa. Code Ch. 339 (relating to vocational  
3 education).

4 "Department." The Department of Education of the  
5 Commonwealth.

6 "Established score." A score recommended by the secretary  
7 and approved by the State Board of Education.

8 "GPA." Grade point average.

9 "International Baccalaureate Diploma Program." An  
10 academically challenging two-year precollege diploma program  
11 comprised of three core requirements and six academic subject  
12 areas with final examinations that prepare students sixteen (16)  
13 to nineteen (19) years of age for higher education and life in a  
14 global society.

15 "NIMS assessment." An assessment based on the National  
16 Institute for Metalworking Skills standards.

17 "NOCTI exam." A National Occupational Competency Testing  
18 Institute exam.

19 "Postsecondary course." A course in which a secondary  
20 student is enrolled and, upon successful completion,  
21 postsecondary credit is earned.

22 "Preapprenticeship program." An apprenticeship program  
23 registered with the Pennsylvania Apprenticeship and Training  
24 Council.

25 "SAT." A standardized test for the assessment of college  
26 readiness administered by the College Board.

27 "SAT Subject Test." A standardized test for the assessment  
28 of a specific content area administered by the College Board.

29 "School entity." A school district, intermediate unit, area  
30 vocational-technical school, charter school, cyber charter  
31 school, regional charter school or multiple charter school  
32 organization.

33 "Secretary." The Secretary of Education of the Commonwealth.  
34 Section 2. This act shall take effect immediately.