

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.