THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL No. 1095 Session of 2018

INTRODUCED BY McGARRIGLE, KILLION, TOMLINSON, WHITE, VOGEL, SCAVELLO, MENSCH, BAKER, AUMENT, BREWSTER, BARTOLOTTA, BOSCOLA, STEFANO AND DINNIMAN, APRIL 6, 2018

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 24, 2018

AN ACT

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

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

Section 1. Section 121 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended June 21, 2017 (P.L.200, No.6) and November 6, 2017 (P.L.1142, No.55), is amended to read:

Section 121. Keystone Exams and Graduation Requirements.

(a) The Department of Education shall develop and implement Keystone Exams in algebra I, literature and biology. The State Board of Education shall promulgate or revise regulations, subject to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," necessary to implement this legislation.
Upon the expiration of the delay on the use of Keystone Exams as a graduation requirement and in any school year in which a demonstration of proficiency on a Keystone Exam is required for high school graduation, a student who attains a satisfactory composite score approved under paragraph (2) on the algebra I, biology and literature Keystone Exams shall be deemed proficient for the purposes of the high school graduation requirement.

No later than July 30, 2019, the secretary shall recommend, and the State Board of Education shall approve, the satisfactory composite score a student must attain in order to meet the requirements of this section. The satisfactory composite score established under this paragraph shall:

(i) Require a student to achieve a proficient score on at least one of the three Keystone Exams and no less than a basic score on the two remaining Keystone Exams.
(ii) Be calculated based upon the most recent Keystone Exam results available to the secretary.

Every five years, the State Board of Education shall review the operation of the satisfactory composite score established under paragraph (2) and shall issue a report of its findings to the chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives.

The satisfactory composite score established under paragraph (2) shall remain in effect unless the score is changed by an act of the General Assembly.

The Department of Education shall transmit notice to the Legislative Reference Bureau to publish the satisfactory composite score.
composite score established under paragraph (2) in the Pennsylvania Bulletin and the department shall publish the satisfactory composite score on the department's publicly accessible Internet website.

(b) The following shall apply:

(1) Notwithstanding section 2604 B(b)(2)(v), 22 Pa. Code § 4.24 (relating to high school graduation requirements), 4.51 (relating to State assessment system) or 4.51c (relating to project-based assessment) or any statute or regulation to the contrary, the use of the Keystone Exams as a graduation requirement or as a benchmark for the need for participation in a project-based assessment shall be delayed until the 2019-2020 school year.

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

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

   (ii) Improve and expedite the evaluation of project-based assessments.
(iii) Ensure that no student is prohibited from participation in vocational-technical education or elective courses or programs as a result of supplemental instruction required in 22 Pa. Code §§ 4.24(k) and 4.51b(f) (relating to Keystone Exams).

(b.1) Notwithstanding section 2604 B(b)(2)(v), 22 Pa. Code § 4.24, 4.51, 4.51b or 4.51c or any statute or regulation to the contrary, in any school year in which a demonstration of proficiency on a Keystone Exam is required for high school graduation, the following shall apply:

(1) A student who does not demonstrate proficiency on a Keystone Exam or on a locally validated assessment under 22 Pa. Code § 4.24 may be offered supplemental instruction by the student's public school entity. The supplemental instruction must be consistent with the student's educational program and assist the student to attain proficiency in the State academic standards. In no case may a public school entity require a student to participate in supplemental instruction.

(2) A public school entity that offers supplemental instruction shall design its supplemental instruction programs to ensure students who accept the public school entity's offer of supplemental instruction are able to participate in both supplemental instruction and instruction related to their career, military or postsecondary education plans.

(3) An offer of supplemental instruction to a student enrolled in an area vocational technical school or in a career and technical education program offered by a school district, charter school, cyber charter school or regional charter school may not intrude into instructional time for career and technical education. Supplemental instruction may not occur during a
student's dedicated time in a career and technical education program to provide the student time to gain competence in the student's concentration area within a career and technical education program as well as demonstrate a high likelihood of success on an approved industry based competency assessment.

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

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

(6) A student who achieves a score of proficient or advanced on a Keystone Exam shall not be permitted to retake the exam.

(7) When a student transfers from an out-of-State school to a public school entity in this Commonwealth, the student's public school entity shall determine whether the student's performance on out-of-State coursework and assessments that are aligned with the State academic standards assessed by each Keystone Exam satisfy the requirements of this section. The public school entity's duty under this paragraph shall be subject to guidance that the secretary shall develop and issue within 60 days of the effective date of this subsection.

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

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

2. Completes one of the following:
   
   (i) Attains an industry-based competency certification related to the CTE Concentrator's program of study; or
   
   (ii) Demonstrates a high likelihood of success on an approved industry-based competency assessment or readiness for continued meaningful engagement in the CTE Concentrator's program of study as demonstrated by performance on benchmark assessments, course grades and other factors consistent with the CTE Concentrator's goals and career plan[.] and determined for the CTE Concentrator by a chief school administrator in consultation with an area vocational-technical school director or principal of a comprehensive high school. The determination shall be made no later than the end of eleventh grade, or, for a student enrolled in a one-year program, the end of the first semester of twelfth grade.

(c.i) Notwithstanding section 2604 B(b)(2)(v), 22 Pa. Code § 4.24 or 4.51 or any statute or regulation to the contrary, in any school year in which a demonstration of proficiency on a Keystone Exam is required for high school graduation, a student shall be deemed proficient if the student completes both of the...
following:

(1) Locally established grade-based requirements in the associated academic content areas of the Keystone Exams. For the purposes of this paragraph, completion of grade-based requirements in any science and technology and environment and ecology course shall satisfy the requirements for the academic content area associated with the Keystone Exam in biology.

(2) Any of the following:

(i) completion of an advanced placement program exam or international baccalaureate diploma program exam in the associated Keystone Exam content area at a score recommended by the secretary in consultation with the Transfer and Articulation Oversight Committee and approved by the State Board of Education or established by an act of the General Assembly to be comparable to the proficient level on the appropriate Keystone Exam;

(ii) completion of the Armed Services Vocational Aptitude Battery Test at a performance level that would qualify the student for military enlistment;

(iii) receipt of a certification that the student will begin work in a registered apprenticeship program following high school graduation;

(iv) completion of the general SAT or ACT at a performance level recommended by the secretary and approved by the State Board of Education;

(v) evidence of admission to, or scholarship award from, an accredited nonprofit institution of higher education;

(vi) achievement of a passing grade in a dual enrollment course or any postsecondary course at an accredited nonprofit institution of higher education; or
(vii) if permitted by the public school entity, and if
elected by a student, presentation of rigorous and compelling
pieces of objective evidence approved by the chief school
administrator or their designee that reflect the student's
readiness for graduation and relate to the student's career,
military or postsecondary education plans. The pieces of
evidence eligible to be presented and the minimum number of
pieces of evidence required shall be recommended by the
secretary and approved by the State Board of Education, and the
Department of Education shall issue guidance for public school
entities to follow when applying the provisions of this
subparagraph. The pieces of evidence recommended by the
secretary and approved by the State Board of Education shall
include, but not be limited to, the following:

(A) Completion of any advanced placement program exam or
international baccalaureate diploma program exam at a score
recommended by the secretary in consultation with the Transfer
and Articulation Oversight Committee and approved by the State
Board of Education or established by an act of the General
Assembly.

(B) A guaranteed full-time employment letter in a career
field consistent with the student's career or postsecondary
education plans.

(C) Attainment of an industry-recognized credential, as
approved by the Department of Education and identified in the
industry credential resource book compiled by the department's
Bureau of Career and Technical Education.

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

(E) Completion of an SAT subject-specific test at a
performance level recommended by the secretary in consultation
with the Transfer and Articulation Oversight Committee and
approved by the State Board of Education or established by an-
act of the General Assembly.

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

(G) Satisfactory completion of a community service project
that received advance approval for use as a rigorous and
objective piece of evidence by a chief school administrator or
their designee. A community service project shall include in-
school, local, State, national or global projects.

(H) Attainment of a score of proficient or advanced on a
Keystone Exam.

(I) Attainment of a career readiness certificate through
satisfactory completion of the ACT WorkKeys Assessment.

(e.2) In accordance with 22 Pa. Code § 4.51(f), and
notwithstanding any other provision of law, a public school
entity shall not release individual student Pennsylvania System
of School Assessment or Keystone Exam scores to the Department
of Education or other Commonwealth entities.

(e.3) The performance level demonstrated in each of the
State academic standards, including the highest performance-
level demonstrated by a student on the associated Keystone Exam,
may be included on a student's transcript as determined locally
by each public school entity.

(e.4) No later than the beginning of the 2020-2021 school-
year, each public school entity shall ensure students, parents
and guardians are notified of the public school entity's high
school graduation requirements, including requirements established in law and regulations and any additional requirements established by the public school entity, and shall publish its high school graduation requirements on its publicly accessible Internet website.

(c.5) Beginning June 30, 2021, and each June 30 thereafter, the secretary shall prepare a report regarding the presentation of evidence for graduation under subsection (c.1)(2)(vii) and submit the report to the Governor, the chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives and post the report on the Department of Education's publicly accessible Internet website. The report shall, at a minimum, include all of the following information:

(1) The total number and identity of all public school entities in which students categorized by a public school entity demonstrated readiness for graduation under subsection (c.1)(2)(vii).

(2) The total number of students categorized by a public school entity who demonstrated readiness for graduation under subsection (c.1)(2)(vii) each year.

(3) The percentage of students categorized by a public school entity who demonstrate readiness for graduation each year through the following:

   (i) achieving a proficient score on all three Keystone Exams;
   (ii) meeting the requirements of subsection (a.1);
   (iii) meeting the requirements of subsection (c);
   (iv) meeting the requirements of subsection (c.1)(2)(i), (ii), (iii), (iv), (v) or (vi); and
(v) meeting the requirements of subsection (c.1)(2)(vii).

(4) A description of each type of evidence used by students
categorized by a public school entity to demonstrate readiness
for graduation under subsection (c.1)(2)(vii) and a list
describing the evidence most often used.

(5) Recommendations for improving the provisions and
utilization of subsection (c.1)(2)(vii).

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

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

(1) A community college operating under Article XIX-A.
(2) A university within the State System of Higher
Education.
(3) The Pennsylvania State University.
(4) The University of Pittsburgh.
(5) Temple University.
(6) Lincoln University.
(7) Any other institution that is designated as State-
related by the Commonwealth.
(8) Any accredited nonprofit public, private or independent-
college or university.

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

"ACT WorkKeys assessment." An assessment of workplace skills-
administered by ACT.

"Advanced Placement Program." As defined in section 2001-C.

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

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

"Chief school administrator." The superintendent of a school district, administrative director of an area vocational technical school, executive director of an intermediate unit or chief executive officer of a charter school, regional charter school or cyber charter school.

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

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

"GPA." Grade point average.

"International Baccalaureate Diploma Program." As defined in section 2001 C.

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

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

"Public school entity." A school district, area vocational technical school, intermediate unit, charter school, regional charter or cyber charter school.
"SAT." A standardized test for the assessment of college readiness administered by the College Board.

"Secretary." The Secretary of Education of the Commonwealth.

Section 2. This act shall take effect immediately.

SECTION 1. SECTION 121 HEADING, (A), (B)(1), (C) AND (D) OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, AMENDED OR ADDED JUNE 21, 2017 (P.L.200, NO.6) AND JUNE 22, 2018 (P.L.241, NO.39), ARE AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

SECTION 121. KEYSTONE EXAMS AND GRADUATION REQUIREMENTS.--

(A) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT KEYSTONE EXAMS IN ALGEBRA I, LITERATURE AND BIOLOGY.

(B) THE FOLLOWING SHALL APPLY:

(1) NOTWITHSTANDING SECTION 2604-B(B)(2)(V), 22 PA. CODE § 4.24 (RELATING TO HIGH SCHOOL GRADUATION REQUIREMENTS), 4.51 (RELATING TO STATE ASSESSMENT SYSTEM) OR 4.51C (RELATING TO PROJECT-BASED ASSESSMENT) OR ANY STATUTE OR REGULATION TO THE CONTRARY, THE USE OF THE KEYSTONE EXAMS AS A GRADUATION REQUIREMENT OR AS A BENCHMARK FOR THE NEED FOR PARTICIPATION IN A PROJECT-BASED ASSESSMENT SHALL BE DELAYED UNTIL THE 2020-2021 SCHOOL YEAR.

(C) NOTWITHSTANDING SECTION 2604-B(B)(2)(V), 22 PA. CODE § 4.24 OR 4.51 OR ANY STATUTE OR REGULATION TO THE CONTRARY, IN ANY SCHOOL YEAR IN WHICH A DEMONSTRATION OF PROFICIENCY ON A KEYSTONE EXAM IS REQUIRED FOR HIGH SCHOOL GRADUATION, A CTE 20180SB1095PN1994
CONCENTRATOR SHALL BE DEEMED PROFICIENT PROVIDED THAT THE CTE
CONCENTRATOR SHALL MEET ALL OF THE FOLLOWING REQUIREMENTS:
(1) COMPLETES LOCALLY ESTABLISHED GRADE-BASED REQUIREMENTS
FOR ACADEMIC CONTENT AREAS ASSOCIATED WITH EACH KEYSTONE EXAM ON
WHICH THE CTE CONCENTRATOR DID NOT ACHIEVE PROFICIENCY. FOR THE
PURPOSES OF THIS PARAGRAPH, COMPLETION OF GRADE-BASED
REQUIREMENTS IN ANY SCIENCE AND TECHNOLOGY AND ENVIRONMENT AND
ECOLOGY COURSE SHALL SATISFY THE REQUIREMENTS FOR THE ACADEMIC
CONTENT AREA ASSOCIATED WITH THE KEYSTONE EXAM IN BIOLOGY; AND
(2) COMPLETES ONE OF THE FOLLOWING:
(I) ATTAINS AN INDUSTRY-BASED COMPETENCY CERTIFICATION
RELATED TO THE CTE CONCENTRATOR'S PROGRAM OF STUDY; OR
(II) DEMONSTRATES A HIGH LIKELIHOOD OF SUCCESS ON AN
APPROVED INDUSTRY-BASED COMPETENCY ASSESSMENT OR READINESS FOR
CONTINUED MEANINGFUL ENGAGEMENT IN THE CTE CONCENTRATOR'S
PROGRAM OF STUDY AS DEMONSTRATED BY PERFORMANCE ON BENCHMARK
ASSESSMENTS, COURSE GRADES AND OTHER FACTORS CONSISTENT WITH THE
CTE CONCENTRATOR'S GOALS AND CAREER PLAN[,] AND DETERMINED FOR
THE CTE CONCENTRATOR BY A CHIEF SCHOOL ADMINISTRATOR IN
CONSULTATION WITH AN AREA VOCATIONAL-TECHNICAL SCHOOL DIRECTOR
OR PRINCIPAL OF A COMPREHENSIVE HIGH SCHOOL. THE DETERMINATION
SHALL BE MADE NO LATER THAN THE END OF ELEVENTH GRADE, OR, FOR A
STUDENT ENROLLED IN A ONE-YEAR PROGRAM, THE END OF THE FIRST
semester of twelfth grade.
(C.1) NOTWITHSTANDING SECTION 2604-B(B)(2)(V), 22 PA. CODE §
4.24, 4.51 OR 4.51C OR ANY STATUTE OR REGULATION TO THE
CONTRARY, IN ANY SCHOOL YEAR IN WHICH A DEMONSTRATION OF
PROFICIENCY ON A KEYSTONE EXAM IS REQUIRED FOR HIGH SCHOOL
GRADUATION, A STUDENT SHALL BE DEEMED PROFICIENT IF THE STUDENT
DEMONSTRATES ONE OF THE FOLLOWING:
(1) Attainment of a satisfactory composite score under Subsection (C.2) on the Keystone Exams in Algebra I, Literature and Biology.

(2) Successful completion of locally established, grade-based requirements for academic content areas associated with each Keystone exam on which the student did not achieve at least a proficient score and demonstration of one of the following:

(i) Attainment of an established score on an approved alternative assessment.

(ii) Attainment of at least the gold level on the ACT Workkeys Assessment.

(iii) Attainment of an established score on an advanced placement program exam in an academic content area associated with each Keystone exam on which the student did not achieve at least a proficient score.

(iv) Attainment of an established score on an international baccalaureate diploma program exam in an academic content area associated with each Keystone exam on which the student did not achieve at least a proficient score.

(v) Successful completion of a concurrent enrollment course in an academic content area associated with each Keystone exam on which the student did not achieve at least a proficient score.

(vi) Successful completion of a preapprenticeship program.

(vii) Acceptance to an accredited four-year nonprofit institution of higher education and evidence of the ability to enroll in college-level, credit-bearing coursework.

(3) Successful completion of locally established, grade-based requirements for academic content areas associated with each Keystone exam on which the student did not achieve at least
A PROFICIENT SCORE AND DEMONSTRATION OF THREE PIECES OF EVIDENCE THAT REFLECT READINESS FOR MEANINGFUL POSTSECONDARY ENGAGEMENT CONSISTENT WITH THE STUDENT'S GOALS AND CAREER PLAN, WHICH SHALL INCLUDE:

(I) ONE OF THE FOLLOWING:

(A) ATTAINMENT OF AN ESTABLISHED SCORE ON THE ACT WORKKEYS ASSESSMENT.

(B) ATTAINMENT OF AN ESTABLISHED SCORE ON AN SAT SUBJECT TEST.

(C) ACCEPTANCE TO AN ACCREDITED NONPROFIT INSTITUTION OF HIGHER EDUCATION OTHER THAN AN ACCREDITED FOUR-YEAR NONPROFIT INSTITUTION OF HIGHER EDUCATION AND EVIDENCE OF THE ABILITY TO ENROLL IN COLLEGE-LEVEL, CREDIT-BEARING COURSE WORK.

(D) ATTAINMENT OF AN INDUSTRY-RECOGNIZED CREDENTIAL, AS IDENTIFIED IN THE INDUSTRY CREDENTIAL RESOURCE BOOK OR IN THE INDUSTRY-BASED LEARNING GUIDELINES COMPILED BY THE DEPARTMENT.

(E) ATTAINMENT OF AN ESTABLISHED SCORE ON AN ADVANCED PLACEMENT PROGRAM EXAM.

(F) ATTAINMENT OF AN ESTABLISHED SCORE ON AN INTERNATIONAL BACCALAUREATE DIPLOMA PROGRAM EXAM.

(G) SUCCESSFUL COMPLETION OF A CONCURRENT ENROLLMENT COURSE OR A POSTSECONDARY COURSE.

(II) TWO ADDITIONAL PIECES OF EVIDENCE FROM A LIST ESTABLISHED BY THE SECRETARY AND APPROVED BY THE STATE BOARD OF EDUCATION, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO:

(A) ANY ADDITIONAL ITEMS LISTED UNDER SUBPARAGRAPH (I).

(B) SATISFACTORY COMPLETION OF A SERVICE LEARNING PROJECT THAT RECEIVED ADVANCE APPROVAL FOR USE AS A RIGOROUS AND OBJECTIVE PIECE OF EVIDENCE BY A CHIEF SCHOOL ADMINISTRATOR OR THEIR DESIGNEE. A SERVICE LEARNING PROJECT SHALL INCLUDE GLOBAL,
NATIONAL, STATE, LOCAL OR IN-SCHOOL PROJECTS AS DEFINED BY THE
DEPARTMENT.

(C) ATTAINMENT OF A SCORE OF PROFICIENT OR ADVANCED ON A
KEYSTONE EXAM.

(D) A LETTER GUARANTEEING FULL-TIME EMPLOYMENT.

(E) A CERTIFICATE OF SUCCESSFUL COMPLETION OF AN INTERNSHIP,
EXTERNSHIP OR COOPERATIVE EDUCATION PROGRAM.

(F) SATISFACTORY COMPLIANCE WITH THE NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION'S CORE COURSES FOR COLLEGE-BOUND STUDENT
ATHLETES WITH A MINIMUM GPA OF 2.0 OR THE EQUIVALENT ON AN
ALTERNATIVE GRADING SCALE.

(4) FOR THE PURPOSES OF THIS SUBSECTION, COMPLETION OF
GRADE-BASED REQUIREMENTS IN ANY SCIENCE AND TECHNOLOGY AND
ENVIRONMENT AND ECOLOGY COURSE SHALL SATISFY THE REQUIREMENTS
FOR THE ACADEMIC CONTENT AREA ASSOCIATED WITH THE KEYSTONE EXAM
IN BIOLOGY.

(C.2) (1) NO LATER THAN JULY 30, 2019, THE SECRETARY SHALL
RECOMMEND, AND THE STATE BOARD OF EDUCATION SHALL APPROVE, THE
SATISFACTORY COMPOSITE SCORE A STUDENT MUST ATTAIN IN ORDER TO
MEET THE REQUIREMENTS OF THIS SECTION. THE SATISFACTORY
COMPOSITE SCORE ESTABLISHED UNDER THIS PARAGRAPH SHALL:

(I) REQUIRE A STUDENT TO ACHIEVE AT LEAST A PROFICIENT SCORE
ON AT LEAST ONE OF THE THREE KEYSTONE EXAMS AND NO LESS THAN A
BASIC SCORE ON THE TWO REMAINING KEYSTONE EXAMS.

(II) BE CALCULATED BASED UPON THE MOST RECENT KEYSTONE EXAM
RESULTS AVAILABLE TO THE SECRETARY.

(III) EVERY FIVE YEARS, THE STATE BOARD OF EDUCATION SHALL
REVIEW THE OPERATION OF THE SATISFACTORY COMPOSITE SCORE
ESTABLISHED UNDER PARAGRAPH (1) AND SHALL ISSUE A REPORT OF ITS
FINDINGS TO THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
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EDUCATION COMMITTEE OF THE SENATE AND THE CHAIRPERSON AND
MINORITY CHAIRPERSON OF THE EDUCATION COMMITTEE OF THE HOUSE OF
REPRESENTATIVES.

(2) THE SATISFACTORY COMPOSITE SCORE ESTABLISHED UNDER
PARAGRAPH (1) SHALL REMAIN IN EFFECT UNLESS THE SCORE IS CHANGED
BY AN ACT OF THE GENERAL ASSEMBLY.

(3) THE DEPARTMENT SHALL TRANSMIT NOTICE TO THE LEGISLATIVE
REFERENCE BUREAU TO PUBLISH THE SATISFACTORY COMPOSITE SCORE
ESTABLISHED UNDER PARAGRAPH (1) IN THE PENNSYLVANIA BULLETIN AND
SHALL PUBLISH THE SATISFACTORY COMPOSITE SCORE ON THE
DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

(C.3) A CHIEF SCHOOL ADMINISTRATOR MAY GRANT A WAIVER OF THE
REQUIREMENTS FOR DEMONSTRATIONS OF PROFICIENCY ON THE KEYSTONE
EXAMS OR THE REQUIREMENTS OF SUBSECTION (C) OR (C.1) FOR A
STUDENT IN GRADE TWELVE OR TO ACCOMMODATE A STUDENT WHO
EXPERIENCES EXTENUATING CIRCUMSTANCES. THE FOLLOWING SHALL
APPLY:

(1) IF THE WAIVERS GRANTED BY A CHIEF SCHOOL ADMINISTRATOR
EXCEED FIVE PERCENT (5%) OF STUDENTS IN THE GRADUATING CLASS IN
ANY SCHOOL YEAR, THE DEPARTMENT SHALL REQUIRE THE SCHOOL ENTITY
TO SUBMIT AN IMPROVEMENT PLAN FOR THE DEPARTMENT'S APPROVAL.

(2) IF THE WAIVERS GRANTED BY A CHIEF SCHOOL ADMINISTRATOR
EXCEED FIVE PERCENT (5%) OF STUDENTS IN THE GRADUATING CLASS IN
TWO (2) CONSECUTIVE SCHOOL YEARS, THE FOLLOWING SHALL OCCUR:

(I) THE DEPARTMENT SHALL CONDUCT AN AUDIT OF THE SCHOOL
ENTITY TO ASSESS THE FOLLOWING:

(A) THE ALIGNMENT OF THE COURSEWORK OFFERED BY THE SCHOOL
ENTITY WITH THE STATE ACADEMIC STANDARDS ASSESSED BY EACH
KEYSTONE EXAM.

(B) THE SCHOOL ENTITY'S IMPLEMENTATION OF SUBSECTIONS (C)
AND (C.1).

(C) THE CHIEF SCHOOL ADMINISTRATOR'S GRANTING OF WAIVERS UNDER THIS SUBSECTION.

(II) THE DEPARTMENT SHALL PROVIDE THE SCHOOL ENTITY WITH TECHNICAL ASSISTANCE.

(III) THE SCHOOL ENTITY SHALL DEVELOP, SUBMIT TO THE DEPARTMENT FOR APPROVAL AND IMPLEMENT A THREE-YEAR IMPROVEMENT PLAN IN ORDER TO ADDRESS ISSUES AS DETERMINED BY THE AUDIT FINDINGS.

(3) WHEN THE WAIVERS GRANTED BY A CHIEF SCHOOL ADMINISTRATOR EXCEED FIVE PERCENT (5%) OF STUDENTS IN THE GRADUATING CLASS IN ANY SCHOOL YEAR, THE DEPARTMENT SHALL REVIEW THE WAIVERS GRANTED. IF THE DEPARTMENT DETERMINES THAT THE FIVE PERCENT (5%) THRESHOLD WAS EXCEEDED BECAUSE WAIVERS WERE GRANTED TO STUDENTS WHO EXPERIENCED EXTENUATING CIRCUMSTANCES, PARAGRAPHS (1) AND (2) SHALL NOT APPLY.

(4) EACH STUDENT GRANTED A WAIVER UNDER THIS SUBSECTION SHALL COMPLETE LOCALLY ESTABLISHED, GRADE-BASED REQUIREMENTS FOR ACADEMIC CONTENT AREAS ASSOCIATED WITH EACH KEYSTONE EXAM.

(5) AS USED IN THIS SUBSECTION, THE TERM "EXTENUATING CIRCUMSTANCES" SHALL INCLUDE SERIOUS ILLNESS, DEATH IN THE STUDENT'S IMMEDIATE FAMILY, FAMILY EMERGENCY, FREQUENT SCHOOL TRANSFERS OR TRANSFER FROM AN OUT-OF-STATE SCHOOL IN GRADE TWELVE OR ANOTHER EMERGENCY AS DETERMINED BY THE SECRETARY AND APPROVED BY THE STATE BOARD OF EDUCATION.

(C.4) A SCHOOL ENTITY MAY OFFER SUPPLEMENTAL INSTRUCTION TO A STUDENT WHO DOES NOT DEMONSTRATE AT LEAST PROFICIENCY ON A KEYSTONE EXAM OR ON A LOCALLY VALIDATED ASSESSMENT UNDER 22 PA CODE § 4.24. THE SUPPLEMENTAL INSTRUCTION:

(1) SHALL BE CONSISTENT WITH THE STUDENT'S EDUCATIONAL
(2) SHALL ASSIST THE STUDENT TO ATTAIN PROFICIENCY IN THE STATE ACADEMIC STANDARDS.

(3) SHALL BE DESIGNED AS TO ENSURE STUDENTS WHO ACCEPT THE SCHOOL ENTITY'S OFFER OF SUPPLEMENTAL INSTRUCTION ARE ABLE TO PARTICIPATE IN BOTH SUPPLEMENTAL INSTRUCTION AND INSTRUCTION RELATED TO THEIR CAREER, MILITARY OR POSTSECONDARY EDUCATION PLANS.

(4) SHALL NOT INTRUDE INTO INSTRUCTIONAL TIME FOR CAREER AND TECHNICAL EDUCATION AND MAY NOT OCCUR DURING A STUDENT'S DEDICATED TIME IN A CAREER AND TECHNICAL EDUCATION PROGRAM IN ORDER TO PROVIDE THE STUDENT TIME TO GAIN COMPETENCE IN THE STUDENT'S CONCENTRATION AREA WITHIN A CAREER AND TECHNICAL EDUCATION PROGRAM AS WELL AS DEMONSTRATE A HIGH LIKELIHOOD OF SUCCESS ON AN APPROVED INDUSTRY-BASED COMPETENCY ASSESSMENT.

(5) SHALL NOT REQUIRE THE PARTICIPATION OF ANY STUDENT.

(C.5) NO SCHOOL ENTITY MAY BE REQUIRED TO OFFER, NOR MAY ANY STUDENT BE REQUIRED TO PARTICIPATE IN OR COMPLETE, A PROJECT-BASED ASSESSMENT AS PROVIDED FOR IN 22 PA. CODE § 4.51C.

(C.6) A STUDENT WITH A DISABILITY WHO SATISFACTORILY COMPLETES A SPECIAL EDUCATION PROGRAM DEVELOPED BY AN INDIVIDUALIZED EDUCATION PROGRAM TEAM UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (PUBLIC LAW 91-230, 20 U.S.C. § 1400 ET SEQ.) AND 22 PA. CODE CH. 14 (RELATING TO SPECIAL EDUCATION SERVICES AND PROGRAMS) THAT DOES NOT OTHERWISE MEET THE REQUIREMENTS OF THIS SECTION SHALL BE GRANTED AND ISSUED A REGULAR HIGH SCHOOL DIPLOMA BY THE STUDENT'S SCHOOL ENTITY.

(C.7) A STUDENT WHO ACHIEVES A SCORE OF PROFICIENT OR ADVANCED ON A KEYSTONE EXAM SHALL ONLY BE PERMITTED TO RETAKE THE EXAM IF THE STUDENT OR PARENT SUBMITS A REQUEST IN WRITING
TO THE SCHOOL ENTITY.

(C.8) WHEN A STUDENT TRANSFERS FROM AN OUT-OF-STATE SCHOOL TO A SCHOOL ENTITY IN THIS COMMONWEALTH, THE STUDENT'S SCHOOL ENTITY SHALL DETERMINE WHETHER THE STUDENT'S PERFORMANCE ON OUT-OF-STATE COURSEWORK AND ASSESSMENTS THAT ARE ALIGNED WITH THE STATE ACADEMIC STANDARDS ASSESSED BY EACH KEYSTONE EXAM SATISFY THE REQUIREMENTS OF THIS SECTION.

(C.9) THE PERFORMANCE LEVEL DEMONSTRATED IN EACH OF THE STATE ACADEMIC STANDARDS, INCLUDING THE HIGHEST PERFORMANCE LEVEL DEMONSTRATED BY A STUDENT ON THE ASSOCIATED KEYSTONE EXAM, MAY BE INCLUDED ON A STUDENT'S TRANSCRIPT AS DETERMINED BY EACH SCHOOL ENTITY.

(C.10) NO LATER THAN THE BEGINNING OF THE 2020-2021 SCHOOL YEAR, EACH SCHOOL ENTITY SHALL ENSURE STUDENTS, PARENTS AND GUARDIANS ARE NOTIFIED OF THE SCHOOL ENTITY'S HIGH SCHOOL GRADUATION REQUIREMENTS, INCLUDING REQUIREMENTS ESTABLISHED IN LAW AND REGULATIONS AND ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY THE SCHOOL ENTITY, AND SHALL PUBLISH ITS HIGH SCHOOL GRADUATION REQUIREMENTS ON ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE.

(C.11) NO LATER THAN DECEMBER 1, 2022, AND EACH DECEMBER 1 THEREAFTER, EACH SCHOOL ENTITY SHALL SUBMIT A REPORT TO THE DEPARTMENT WHICH SHALL BE POSTED BY JANUARY 15 OF EACH YEAR ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE. THE REPORT SHALL CONTAIN, AT A MINIMUM, THE FOLLOWING:

(1) NAME OF THE SCHOOL ENTITY.

(2) COUNTY IN WHICH THE SCHOOL ENTITY IS LOCATED.

(3) TOTAL NUMBER OF STUDENTS IN GRADE TWELVE IN THE PREVIOUS SCHOOL YEAR.

(4) TOTAL NUMBER OF STUDENTS WHO GRADUATED IN THE PREVIOUS 20180SB1095PN1994
SCHOOL YEAR.

(5) TOTAL NUMBER OF STUDENTS WHO GRADUATED BY DEMONSTRATING
PROFICIENCY UNDER EACH OF THE FOLLOWING:

(I) THE ACHIEVEMENT OF THE REQUIRED SCORE ON ALL THREE (3)
KEYSTONE EXAMS;

(II) SUBSECTION (C) OF THIS SECTION;

(III) SUBSECTION (C.1)(1) OF THIS SECTION;

(IV) SUBSECTION (C.1)(2) OF THIS SECTION; AND

(V) SUBSECTION (C.1)(3) OF THIS SECTION.

(6) NUMBER OF STUDENTS THAT THE CHIEF SCHOOL ADMINISTRATOR
GRANTED A WAIVER UNDER SUBSECTION (C.3).

(7) FOR STUDENTS GRADUATING UNDER SUBSECTION (C.1)(2), THE
NUMBER OF STUDENTS UTILIZING EACH ITEM UNDER SUBSECTION (C.1)(2)
(I).

(8) FOR STUDENTS GRADUATING UNDER SUBSECTION (C.1)(3), THE
NUMBER OF STUDENTS AND DESCRIPTION OF THE TYPE OF EVIDENCE USED
TO DEMONSTRATE PROFICIENCY.

(C.12) THE SECRETARY SHALL ISSUE GUIDELINES WITHIN NINETY
(90) DAYS OF THE EFFECTIVE DATE OF THIS SECTION FOR
IMPLEMENTATION OF THIS SECTION.

(D) AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES
SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION UNLESS
THE CONTEXT CLEARLY INDICATES OTHERWISE:

"ACCREDITED FOUR-YEAR NONPROFIT INSTITUTION OF HIGHER
EDUCATION." ANY OF THE FOLLOWING:

(1) A UNIVERSITY WITHIN THE STATE SYSTEM OF HIGHER EDUCATION
UNDER ARTICLE XX-A.

(2) A STATE-RELATED INSTITUTION AS DEFINED IN SECTION 1502-
A.

(3) ANY ACCREDITED NONPROFIT PUBLIC, PRIVATE OR INDEPENDENT
COLLEGE OR UNIVERSITY THAT CON芙RS FOUR-YEAR BACCALAUREATE
DEGREES.

"ACCREDITED NONPROFIT INSTITUTION OF HIGHER EDUCATION." ANY
OF THE FOLLOWING:
(1) A COMMUNITY COLLEGE OPERATING UNDER ARTICLE XIX-A.
(2) AN ACCREDITED FOUR-YEAR NONPROFIT INSTITUTION OF HIGHER
EDUCATION.
(3) ANY ACCREDITED NONPROFIT PUBLIC, PRIVATE OR INDEPENDENT
COLLEGE OR UNIVERSITY.
(4) THE THADDEUS STEVENS COLLEGE OF TECHNOLOGY.
"ACT." A STANDARDIZED TEST FOR THE ASSESSMENT OF COLLEGE
READINESS ADMINISTERED BY ACT.
"ACT WORKKEYS ASSESSMENT." AN ASSESSMENT OF WORKPLACE SKILLS
ADMINISTERED BY ACT.
"ADVANCED PLACEMENT PROGRAM." A PROGRAM AUTHORIZED BY THE
COLLEGE BOARD THAT ALLOWS A STUDENT TO STUDY COLLEGE-LEVEL
SUBJECTS WHILE ENROLLED IN HIGH SCHOOL AND TO RECEIVE ADVANCED
PLACEMENT AND COLLEGE CREDIT FOR EARNING A QUALIFIED SCORE ON
THE COURSE-RELATED ADVANCED PLACEMENT EXAM.
"APPROVED ALTERNATIVE ASSESSMENT." AN SAT, PSAT, ACT OR
ARMED SERVICES VOCATIONAL APTITUDE BATTERY TEST.
"APPROVED INDUSTRY-BASED COMPETENCY ASSESSMENT." A NOCTI
EXAM, NIMS ASSESSMENT OR OTHER INDUSTRY-BASED COMPETENCY
ASSESSMENT IDENTIFIED BY THE SECRETARY OF EDUCATION AND APPROVED
BY THE STATE BOARD OF EDUCATION OR IDENTIFIED BY AN ACT OF THE
GENERAL ASSEMBLY.
"ARMED SERVICES VOCATIONAL APTITUDE BATTERY TEST." THE
APTITUDE TEST DEVELOPED AND MAINTAINED BY THE UNITED STATES
DEPARTMENT OF DEFENSE.
"CHIEF SCHOOL ADMINISTRATOR." THE SUPERINTENDENT OF A SCHOOL
DISTRICT, EXECUTIVE DIRECTOR OF AN INTERMEDIATE UNIT,
ADMINISTRATIVE DIRECTOR OF AN AREA VOCATIONAL-TECHNICAL SCHOOL
OR CHIEF EXECUTIVE OFFICER OF A CHARTER SCHOOL, CYBER CHARTER
SCHOOL, REGIONAL CHARTER SCHOOL OR MULTIPLE CHARTER SCHOOL
ORGANIZATION.

"CONCURRENT ENROLLMENT COURSE." A COURSE IN WHICH A
SECONDARY STUDENT IS ENROLLED AND, UPON SUCCESSFUL COMPLETION OF
WHICH BOTH HIGH SCHOOL AND POSTSECONDARY CREDIT ARE EARNED.

"COOPERATIVE EDUCATION PROGRAM." A PROGRAM OF INSTRUCTION
WHEREBY STUDENTS ALTERNATE OR COORDINATE THEIR HIGH SCHOOL
STUDIES WITH A JOB IN A FIELD RELATED TO THEIR ACADEMIC OR
CAREER OBJECTIVES.

"CTE CONCENTRATOR." A STUDENT WHO, BY THE END OF A REPORTING
YEAR, WILL BE REPORTED AS SUCCESSFULLY COMPLETING AT LEAST FIFTY
PERCENT (50%) OF THE MINIMUM TECHNICAL INSTRUCTIONAL HOURS
REQUIRED UNDER 22 PA. CODE CH. 339 (RELATING TO VOCATIONAL
EDUCATION).

"DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE
COMMONWEALTH.

"ESTABLISHED SCORE." A SCORE RECOMMENDED BY THE SECRETARY
AND APPROVED BY THE STATE BOARD OF EDUCATION.

"GPA." GRADE POINT AVERAGE.

"INTERNATIONAL BACCALAUREATE DIPLOMA PROGRAM." AN
ACADEMICALLY CHALLENGING TWO-YEAR PRECOLLEGE DIPLOMA PROGRAM
COMPRISED OF THREE CORE REQUIREMENTS AND SIX ACADEMIC SUBJECT
AREAS WITH FINAL EXAMINATIONS THAT PREPARE STUDENTS SIXTEEN (16)
TO NINETEEN (19) YEARS OF AGE FOR HIGHER EDUCATION AND LIFE IN A
GLOBAL SOCIETY.

"NIMS ASSESSMENT." AN ASSESSMENT BASED ON THE NATIONAL
INSTITUTE FOR METALWORKING SKILLS STANDARDS.
"NOCTI EXAM." A NATIONAL OCCUPATIONAL COMPETENCY TESTING INSTITUTE EXAM.

"POSTSECONDARY COURSE." A COURSE IN WHICH A SECONDARY STUDENT IS ENROLLED AND, UPON SUCCESSFUL COMPLETION, POSTSECONDARY CREDIT IS EARNED.

"PREAPPRENTICESHIP PROGRAM." AN APPRENTICESHIP PROGRAM REGISTERED WITH THE PENNSYLVANIA APPRENTICESHIP AND TRAINING COUNCIL.

"SAT." A STANDARDIZED TEST FOR THE ASSESSMENT OF COLLEGE READINESS ADMINISTERED BY THE COLLEGE BOARD.

"SAT SUBJECT TEST." A STANDARDIZED TEST FOR THE ASSESSMENT OF A SPECIFIC CONTENT AREA ADMINISTERED BY THE COLLEGE BOARD.

"SCHOOL ENTITY." A SCHOOL DISTRICT, INTERMEDIATE UNIT, AREA VOCATIONAL-TECHNICAL SCHOOL, CHARTER SCHOOL, CYBER CHARTER SCHOOL, REGIONAL CHARTER SCHOOL OR MULTIPLE CHARTER SCHOOL ORGANIZATION.

"SECRETARY." THE SECRETARY OF EDUCATION OF THE COMMONWEALTH.

SECTION 2. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.