

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 AND STEFANO, APRIL 6, 2018

AS AMENDED ON SECOND CONSIDERATION, JUNE 19, 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) and November 6, 2017 (P.L.1142, No.55),
12 is amended to read:

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

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

1 (a.1) (1) Upon the expiration of the delay on the use of  
2 Keystone Exams as a graduation requirement and in any school  
3 year in which a demonstration of proficiency on a Keystone Exam  
4 is required for high school graduation, a student who attains a  
5 satisfactory composite score approved under paragraph (2) on the  
6 algebra I, biology and literature Keystone Exams shall be deemed  
7 proficient for the purposes of the high school graduation  
8 requirement.

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

14 (i) Require a student to achieve a proficient score on at  
15 least one of the three Keystone Exams and no less than a basic  
16 score on the two remaining Keystone Exams.

17 (ii) Be calculated based upon the most recent Keystone Exam  
18 results available to the secretary.

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

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

28 (5) The Department of Education shall transmit notice to the  
29 Legislative Reference Bureau to publish the satisfactory  
30 composite score established under paragraph (2) in the

1 Pennsylvania Bulletin and the department shall publish the  
2 satisfactory composite score on the department's publicly  
3 accessible Internet website.

4 (b) The following shall apply:

5 (1) Notwithstanding section 2604-B(b)(2)(v), 22 Pa. Code §  
6 4.24 (relating to high school graduation requirements), 4.51  
7 (relating to State assessment system) or 4.51c (relating to  
8 project-based assessment) or any statute or regulation to the  
9 contrary, the use of the Keystone Exams as a graduation  
10 requirement or as a benchmark for the need for participation in  
11 a project-based assessment shall be delayed until the [2019-  
12 2020] 2020-2021 school year.

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

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

28 (ii) Improve and expedite the evaluation of project-based  
29 assessments.

30 (iii) Ensure that no student is prohibited from

1 participation in vocational-technical education or elective  
2 courses or programs as a result of supplemental instruction  
3 required in 22 Pa. Code §§ 4.24(k) and 4.51b(f) (relating to  
4 Keystone Exams).

5 (b.1) Notwithstanding section 2604-B(b)(2)(v), 22 Pa. Code §  
6 4.24, 4.51, 4.51b or 4.51c or any statute or regulation to the  
7 contrary, in any school year in which a demonstration of  
8 proficiency on a Keystone Exam is required for high school  
9 graduation, the following shall apply:

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

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

24 (3) An offer of supplemental instruction to a student  
25 enrolled in an area vocational-technical school or in a career  
26 and technical education program offered by a school district,  
27 charter school, cyber charter school or regional charter school  
28 may not intrude into instructional time for career and technical  
29 education. Supplemental instruction may not occur during a  
30 student's dedicated time in a career and technical education

1 program to provide the student time to gain competence in the  
2 student's concentration area within a career and technical  
3 education program as well as demonstrate a high likelihood of  
4 success on an approved industry-based competency assessment.

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

8 (5) A student with a disability who satisfactorily completes  
9 a special education program developed by an individualized  
10 education program team under the Individuals with Disabilities  
11 Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) and  
12 22 Pa. Code Ch. 14 (relating to special education services and  
13 programs) that does not otherwise meet the requirements of this  
14 section shall be granted and issued a regular high school  
15 diploma by the student's public school entity.

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

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

27 (c) Notwithstanding section 2604-B(b)(2)(v), 22 Pa. Code §  
28 4.24 or 4.51 or any statute or regulation to the contrary, in  
29 any school year in which a demonstration of proficiency on a  
30 Keystone Exam is required for high school graduation, a CTE

1 Concentrator shall be deemed proficient provided that the CTE  
2 Concentrator shall meet all of the following requirements:

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

10 (2) completes one of the following:

11 (i) attains an industry-based competency certification  
12 related to the CTE Concentrator's program of study; or

13 (ii) demonstrates a high likelihood of success on an  
14 approved industry-based competency assessment or readiness for  
15 continued meaningful engagement in the CTE Concentrator's  
16 program of study as demonstrated by performance on benchmark  
17 assessments, course grades and other factors consistent with the  
18 CTE Concentrator's goals and career plan[.] and determined for  
19 the CTE Concentrator by a chief school administrator in  
20 consultation with an area vocational-technical school director  
21 or principal of a comprehensive high school. The determination  
22 shall be made no later than the end of eleventh grade, or, for a  
23 student enrolled in a one-year program, the end of the first  
24 semester of twelfth grade.

25 (c.1) Notwithstanding section 2604-B(b)(2)(v), 22 Pa. Code §  
26 4.24 or 4.51 or any statute or regulation to the contrary, in  
27 any school year in which a demonstration of proficiency on a  
28 Keystone Exam is required for high school graduation, a student  
29 shall be deemed proficient if the student completes both of the  
30 following:

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

7 (2) Any of the following:

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

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

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

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

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

27 (vi) achievement of a passing grade in a dual enrollment  
28 course or any postsecondary course at an accredited nonprofit  
29 institution of higher education; or

30 (vii) if permitted by the public school entity, and if

1 elected by a student, presentation of rigorous and compelling  
2 pieces of objective evidence approved by the chief school  
3 administrator or their designee that reflect the student's  
4 readiness for graduation and relate to the student's career,  
5 military or postsecondary education plans. The pieces of  
6 evidence eligible to be presented and the minimum number of  
7 pieces of evidence required shall be recommended by the  
8 secretary and approved by the State Board of Education, and the  
9 Department of Education shall issue guidance for public school  
10 entities to follow when applying the provisions of this  
11 subparagraph. The pieces of evidence recommended by the  
12 secretary and approved by the State Board of Education shall  
13 include, but not be limited to, the following:

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

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

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

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

29 (E) Completion of an SAT subject-specific test at a  
30 performance level recommended by the secretary in consultation

1 with the Transfer and Articulation Oversight Committee and  
2 approved by the State Board of Education or established by an  
3 act of the General Assembly.

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

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

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

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

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

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

27 (c.4) No later than the beginning of the 2020-2021 school  
28 year, each public school entity shall ensure students, parents  
29 and guardians are notified of the public school entity's high  
30 school graduation requirements, including requirements

1 established in law and regulations and any additional  
2 requirements established by the public school entity, and shall  
3 publish its high school graduation requirements on its publicly  
4 accessible Internet website.

5 (C.5) BEGINNING JUNE 30, 2021, AND EACH JUNE 30 THEREAFTER, <--  
6 THE SECRETARY SHALL PREPARE A REPORT REGARDING THE PRESENTATION  
7 OF EVIDENCE FOR GRADUATION UNDER SUBSECTION (C.1) (2) (VII) AND  
8 SUBMIT THE REPORT TO THE GOVERNOR, THE CHAIRMAN AND MINORITY  
9 CHAIRMAN OF THE EDUCATION COMMITTEE OF THE SENATE AND THE  
10 CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE  
11 HOUSE OF REPRESENTATIVES AND POST THE REPORT ON THE DEPARTMENT  
12 OF EDUCATION'S PUBLICLY ACCESSIBLE INTERNET WEBSITE. THE REPORT  
13 SHALL, AT A MINIMUM, INCLUDE ALL OF THE FOLLOWING INFORMATION:

14 (1) THE TOTAL NUMBER AND IDENTITY OF ALL PUBLIC SCHOOL  
15 ENTITIES IN WHICH STUDENTS CATEGORIZED BY A PUBLIC SCHOOL ENTITY  
16 DEMONSTRATED READINESS FOR GRADUATION UNDER SUBSECTION (C.1) (2)  
17 (VII).

18 (2) THE TOTAL NUMBER OF STUDENTS CATEGORIZED BY A PUBLIC  
19 SCHOOL ENTITY WHO DEMONSTRATED READINESS FOR GRADUATION UNDER  
20 SUBSECTION (C.1) (2) (VII) EACH YEAR.

21 (3) THE PERCENTAGE OF STUDENTS CATEGORIZED BY A PUBLIC  
22 SCHOOL ENTITY WHO DEMONSTRATE READINESS FOR GRADUATION EACH YEAR  
23 THROUGH THE FOLLOWING:

24 (I) ACHIEVING A PROFICIENT SCORE ON ALL THREE KEYSTONE  
25 EXAMS;

26 (II) MEETING THE REQUIREMENTS OF SUBSECTION (A.1);

27 (III) MEETING THE REQUIREMENTS OF SUBSECTION (C);

28 (IV) MEETING THE REQUIREMENTS OF SUBSECTION (C.1) (2) (I),  
29 (II), (III), (IV), (V) OR (VI); AND

30 (V) MEETING THE REQUIREMENTS OF SUBSECTION (C.1) (2) (VII).

1     (4) A DESCRIPTION OF EACH TYPE OF EVIDENCE USED BY STUDENTS  
2 CATEGORIZED BY A PUBLIC SCHOOL ENTITY TO DEMONSTRATE READINESS  
3 FOR GRADUATION UNDER SUBSECTION (C.1) (2) (VII) AND A LIST  
4 DESCRIBING THE EVIDENCE MOST OFTEN USED.

5     (5) RECOMMENDATIONS FOR IMPROVING THE PROVISIONS AND  
6 UTILIZATION OF SUBSECTION (C.1) (2) (VII).

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

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

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

13     (2) A university within the State System of Higher  
14 Education.

15     (3) The Pennsylvania State University.

16     (4) The University of Pittsburgh.

17     (5) Temple University.

18     (6) Lincoln University.

19     (7) Any other institution that is designated as State-  
20 related by the Commonwealth.

21     (8) Any accredited nonprofit public, private or independent  
22 college or university.

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

25     "ACT WorkKeys assessment." An assessment of workplace skills  
26 administered by ACT.

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

28     "Approved industry-based competency assessment." A NOCTI  
29 exam, NIMS assessment or other industry-based competency  
30 assessment identified by the Secretary of Education and approved

1 by the State Board of Education or identified by an act of the  
2 General Assembly.

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

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

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

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

20 "GPA." Grade point average.

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

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 "Public school entity." A school district, area vocational-  
28 technical school, intermediate unit, charter school, regional  
29 charter or cyber charter school.

30 "SAT." A standardized test for the assessment of college

1 readiness administered by the College Board.

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

3 Section 2. This act shall take effect immediately.