

PUBLIC SCHOOL CODE OF 1949 - KEYSTONE EXAMS

Act of Oct. 24, 2018, P.L. 1146, No. 158

Cl. 24

Session of 2018

No. 2018-158

SB 1095

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 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 of Education] **department** 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 section.

(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] **2021-2022** 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 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 a 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 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 program.

(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 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);
  - (iii) subsection (c.1)(1);
  - (iv) subsection (c.1)(2); and
  - (v) subsection (c.1)(3).
- (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 confers 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." A 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.

APPROVED--The 24th day of October, A.D. 2018.

TOM WOLF