

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2642 Session of 2018

INTRODUCED BY TOBASH, SEPTEMBER 14, 2018

REFERRED TO COMMITTEE ON EDUCATION, SEPTEMBER 14, 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
 11 November 6, 2017 (P.L.1142, No.55) and June 22, 2018 (P.L.241,
 12 No.39), 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.

20 (a.1) (1) Upon the expiration of the delay on the use of

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

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

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

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

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

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

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

1 satisfactory composite score on the department's publicly
2 accessible Internet website.

3 (b) The following shall apply:

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

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

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

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

29 (iii) Ensure that no student is prohibited from
30 participation in vocational-technical education or elective

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

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

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

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

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

1 student's concentration area within a career and technical
2 education program as well as demonstrate a high likelihood of
3 success on an approved industry-based competency assessment.

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

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

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

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

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

1 Concentrator shall meet all of the following requirements:

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

9 (2) completes one of the following:

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

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

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

30 (1) Locally established grade-based requirements in the

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

6 (2) Any of the following:

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

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

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

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

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

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

29 (vii) if permitted by the public school entity, and if
30 elected by a student, presentation of rigorous and compelling

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

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

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

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

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

28 (E) Completion of an SAT subject-specific test at a
29 performance level recommended by the secretary in consultation
30 with the Transfer and Articulation Oversight Committee and

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

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

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

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

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

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

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

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

1 requirements established by the public school entity, and shall
2 publish its high school graduation requirements on its publicly
3 accessible Internet website.

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

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

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

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

23 (i) achieving a proficient score on all three Keystone
24 Exams;

25 (ii) meeting the requirements of subsection (a.1);

26 (iii) meeting the requirements of subsection (c);

27 (iv) meeting the requirements of subsection (c.1)(2)(i),
28 (ii), (iii), (iv), (v) or (vi); and

29 (v) meeting the requirements of subsection (c.1)(2)(vii).

30 (4) A description of each type of evidence used by students

1 categorized by a public school entity to demonstrate readiness
2 for graduation under subsection (c.1)(2)(vii) and a list
3 describing the evidence most often used.

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

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

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

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

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

14 (3) The Pennsylvania State University.

15 (4) The University of Pittsburgh.

16 (5) Temple University.

17 (6) Lincoln University.

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

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

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

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

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

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

1 General Assembly.

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

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

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

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

19 "GPA." Grade point average.

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

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

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

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

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

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

2 Section 2. This act shall take effect immediately.