

# ACT 158 TOOLKIT

## INTRODUCTION

Act 158 of 2018 (Act 158) provides alternatives to Pennsylvania’s statewide requirement of attaining proficiency on the three end-of-course Keystone Exams (Algebra I, Literature, and Biology) in order for a student to achieve statewide graduation requirements. This toolkit is designed to provide guidance as a result of the enactments of Act 158 and Act 6 of 2017 (Act 6), which established alternative pathways to meeting statewide graduation requirements for students who are Career and Technical Education (CTE) concentrators.

Effective with the graduating class of 2023<sup>1</sup>, students have the option to demonstrate postsecondary preparedness through one of four additional pathways that more fully illustrate college, career, and community readiness. Keystone Exams will continue as the statewide assessment Pennsylvania uses to comply with accountability requirements set forth in the federal Every Student Succeeds Act (ESSA). Although students will no longer be required to achieve proficiency on the Keystone Exams in order to meet statewide graduation requirements, **students must take the Keystone Exams for purposes of federal accountability**. Failure to do so will affect a Local Education Agency (LEA) and school’s participation rate.

LEAs are encouraged to work with their solicitors to ensure that their local high school graduation policies comply with Act 6 and Act 158, which amended Section 121 of the Pennsylvania Public School Code (24 P.S. § 1-121) and affected the implementation of Title 22, Chapter 4 of the Pennsylvania Code.

## LEA PLANNING & PREPARATION

This section is a compendium of key actions related to policies and procedures that Local Education Agencies (LEAs) should incorporate into their local planning processes prior to implementing Act 158, including:

- Evaluating graduation cohorts to determine the percentages of students who will meet statewide graduation requirements via each pathway, IEP goals, or waiver
- Assessing pathway options to determine their availability and timeliness (e.g., AP courses offerings, in which content areas, frequency)
- Reviewing local policies related to high school graduation requirements for alignment to minimum statewide requirements
- Ensuring all stakeholders have a clear understanding of graduation requirements and responsibilities in effecting the local plan

These actions are intended to assist LEAs as they transition to the expanded opportunities for high school graduation under Act 158 and Act 6; however, they are not meant to be a comprehensive checklist or representative of all protocols, policies, procedures, and practices.

## STUDENT PATHWAYS

While LEAs recognize that not all options identified in the legislation are necessarily available in all schools, guiding students to viable pathways based upon existing options will help to create a successful student plan.

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<sup>1</sup> Pa Act 136 of 2020 delayed implementation of Act 158 requirements, now effective with the graduating class of 2023.

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Students who opted out of one or more Keystone Exams must still meet state and local graduation requirements through one of three pathways: CTE Concentrator, Alternative Assessment, or Evidence-Based.

To determine viable pathways options for students, school personnel should meet with students to review Keystone Exam scores and identify a pathway consistent with the students' goals and career plans, define the steps to meet pathway requirements, and monitor progress toward completion.

A Pathways to Graduation Guide, designed to assist during student consultations, is available in the Resources section below. Included is a sample student checklist that may facilitate discussion as students pursue one or more pathways to graduation. Counselors should customize the guide to reflect only those options available to their students and to include local policies which also govern graduation.

Note: Schools may use Title I funds for those students receiving Title I services for fees related to pathway requirements; if a school implements a Title I schoolwide program, all students qualify for funding. As noted later in this toolkit, [SAT](#) has a fee waiver program for both the SAT and SAT subject tests. [ACT](#) also has a fee waiver program for eligible students.

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## PBAS AND SUPPLEMENTAL INSTRUCTION

No LEA may be required to offer, nor may any student be required to participate in or complete, a project-based assessment in order to meet statewide graduation requirements as provided for in 22 Pa. Code § 4.51c. However, LEAs may elect to incorporate project-based assessments into their local graduation requirements.

Project-based assessments are available on the PDE [Standards Aligned System](#) website as a resource for LEAs. School administrators may download the projects and utilize them in the local setting, but the Pennsylvania Department of Education (PDE) will not manage or score the project-based assessments.

A LEA may offer supplemental instruction to a student who does not demonstrate proficiency on a Keystone Exam or on a locally validated assessment; however, no student is required to participate.

When offered, supplemental instruction must:

- Be consistent with the student's educational program
- Assist the student to attain proficiency in the state academic standards
- Ensure that students who accept the LEA's offer of supplemental instruction are able to participate in both supplemental instruction and instruction related to their career, military, or postsecondary education plans

When offered, supplemental instruction must not:

- Intrude into instructional time for career and technical education
- Occur during a student's dedicated time in a career and technical education program

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## LOCAL VERSUS STATE GRADUATION REQUIREMENTS

Minimally, statewide graduation requirements must be met; however, LEAs may establish additional local requirements as part of a Board-approved graduation policy. For example, an LEA may require:

- Options beyond those delineated in Act 158 or PDE guidance be met

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- More rigorous options be met (such as Proficiency or better on all three Keystone Exams)

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## COMMUNICATION

Each LEA shall ensure students, parents, and guardians are notified of the LEA's high school graduation requirements, including requirements established in law and regulations and any additional requirements established by the LEA, and shall publish its high school graduation requirements no later than the beginning of the 2021 - 2022 school year on its publicly accessible website. LEAs should post requirements for the graduating class of 2022 and, as soon as reasonably possible for the graduating class of 2023.

No later than December 1, 2023, and each December 1 thereafter, each LEA must submit an aggregate report to the Department via the Future Ready Comprehensive Planning Portal (FRCP) indicating the numbers of students graduating by pathway/option and by exception.

## SPECIAL POPULATIONS GUIDANCE

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### STUDENTS WITH DISABILITIES

Any 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 and 22 Pa. Code Ch. 14 (relating to special education services and programs) that does not otherwise meet the requirements of Act 158 or Act 6 shall be granted and issued a regular high school diploma by the student's LEA. Note: Students who graduate in this manner are not considered to have been granted waivers under Act 158.

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### ENGLISH LEARNERS (EL)

All English Learners (ELs) are required to participate in the Mathematics PSSA or Algebra I Keystone Exam and the Science PSSA or Biology Keystone Exam with accommodations as appropriate regardless of enrollment date. Note: All ELs are required to take the WIDA ACCESS for ELs English Proficiency Test.

However, an EL student whose enrollment in any US public school is fewer than 12 cumulative (not consecutive) months by the end of the year in which the PSSA ELA/Keystone Literature testing window occurs has an option to take the associated exam. Enrollment in a school in any US territory, such as Puerto Rico, is not to be considered enrollment in a US public school.

An EL may be exempted only *once* from participation in the PSSA ELA or Keystone Literature Exam. For example, if an EL student was exempt from participation during a previous test administration, the student must participate during the current testing window regardless of length of enrollment.

An EL student who does not participate in the Keystone Literature Exam as an 11<sup>th</sup> or 12<sup>th</sup> grade student must satisfy the requirements of Act 158 and Act 6 through a pathway other than the Keystone Proficiency or the Keystone Composite Pathways. The CTE Concentrator, Alternative Assessment, and Evidence-Based Pathways require EL students to complete locally established grade-based requirements for academic content associated with each Keystone Exam in which the student did not demonstrate proficiency.

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## WAIVERS

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To accommodate a student in Grade 12 or a student who experiences extenuating circumstances (e.g., serious illness, death in the student's immediate family, family emergency, frequent school transfers, transfer from out-of-state in grade 12), a chief school administrator may waive the Keystone Exam Proficiency requirements or alternative pathway graduation requirements. Students granted waivers are still required to successfully complete locally established, grade-based requirements for academic content areas associated with each Keystone Exam in order to meet statewide graduation requirements.

If the waivers granted by a chief school administrator exceed more than five percent of students in a graduating class, PDE will conduct a review of the waivers granted by the LEA. The LEA will be required to submit an improvement plan to PDE and will be subject to an audit conducted by PDE unless PDE determines that the five percent threshold was exceeded because waivers were granted to students who experienced extenuating circumstances.

## GUIDANCE GLOSSARY

Appendix A outlines terms defined in Act 158; however, this glossary provides definitions for common phrases and programs used throughout this Toolkit.

**Advanced (Keystone)** – superior academic performance indicating an in-depth understanding and exemplary display of the skills included in the Keystone Exams' Assessment Anchors & Eligible Content.

**Basic (Keystone)** – marginal academic performance, work approaching, but not yet reaching, satisfactory performance. Performance indicates a partial understanding and limited display of the skills included in the Keystone Exams' Assessment Anchors & Eligible Content. The student may need additional instructional opportunities and/or increased student academic commitment to achieve the Proficient level.

**Below Basic (Keystone)** – inadequate academic performance that indicates little understanding and minimal display of the skills included in the Keystone Exams' Assessment Anchors & Eligible Content. There is a major need for additional instructional opportunities and/or increased student academic commitment to achieve the Proficient level.

**Externship** – typically held for a short time period and often held during non-school hours, externships are used mainly to explore interests (as opposed to internships, which act as the bridge from student life to professional life).

**Full-Time Employment** – a relationship between an employee and employer(s) for the purposes of engaging in full-time work [as defined by the Internal Revenue Service (IRS) and the Affordable Care Act (ACA)] OR a relationship between a client(s) and an independent contractor for the purposes of engaging in full-time work or in work that may be reasonably considered commensurate with full-time work.

Employers need not be 'joint employers' (e.g., staffing/employment agencies) as defined by the Fair Labor Standards Act (FLSA) for employment to be considered full-time *providing* the LEA deems the employment (in aggregate) reasonably commensurate with sustained full-time work.

**Industry-Based Competency Certification** – validation that a student successfully demonstrated skill competencies in a core set of content and performance standards in a specific set of work-related tasks.

**Industry-Recognized Credential** – a portable credential that confirms technical or job-specific skills and abilities within specific sectors in industry, aligned to workforce demands.

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**Institution of Higher Education (IHE)** – an accredited public or other non-profit institution legally authorized within the state to provide a program of education beyond secondary education for which the institution awards a bachelor's degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree.

For the purpose of meeting the alternative assessment pathway, an accredited four-year non-profit institution of higher education is any of the following:

- A university within the State System of Higher Education under Article XX-A of the School Code
- A State-related institution as defined in section 1502-A of the School Code
- Any accredited non-profit public, private, or independent college or university that confers four-year baccalaureate degrees

For the purpose of meeting the evidence-based pathway, an accredited non-profit institution of higher education is any of the following:

- A community college operating under Article XIX-A of the School Code
- An accredited other-than-four-year non-profit institution of higher education
- Any accredited non-profit public, private, or independent college or university
- Thaddeus Stevens College of Technology

**Internship** – a highly-structured, sustained career preparation work experience in which students are placed at a workplace for a defined period to participate in and observe work within a given industry. Learning objectives are specified, and student performance is assessed. Students earn academic credit, giving the student a broad overview of the career area. The work experience is evaluated by the teachers and employers, with input from the student.

**Keystone Composite Score** – a composite score of 4452 (approved by the State Board of Education), two standard errors below 4500, which is the sum of three Keystone proficient scores. A composite score of 4452 gives benefit to the student by helping to ensure that a student who may have missed the composite score of 4500 due to measurement error is not prevented from achieving the graduation requirement.

**Local Education Agency** – A school entity defined in Act 158 as a school district, intermediate unit, area vocational-technical school, charter school, cyber charter school, regional charter school, or multiple charter school organization.

**Locally Established Grade-Based Requirements** – for students not demonstrating proficiency in Keystone Exams, locally established grade-based requirements are performance criteria identified by the Local Education Agency (LEA) and reflected in the local graduation policy as consistent with proficiency in the Keystone academic content (e.g., earning a passing grade on the course aligned to the Keystone Exam).

**NCAA standards** – academic standards for college bound athletes who want to compete in Division I or II athletics as defined by the National Collegiate Athletic Association.

**Pre-Apprenticeship** – specific career training designed to prepare a student for an apprenticeable occupation in an approved schedule of related instruction. The student must participate in a pre-apprenticeship program which is registered with the Director, Apprenticeship and Training Office, [Pennsylvania Department of Labor & Industry](#).

**Proficient (Keystone)** – satisfactory academic performance indicating a solid understanding and adequate display of the skills included in the Keystone Exams Assessment Anchors & Eligible Content.

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**Project-Based Assessment (PBA)** – an optional set of activities a student completes independently of classroom instruction to demonstrate proficiency in the content area. LEAs may elect to incorporate project-based assessments into their local graduation requirements.

**Scaled Score** – a raw score (representative of the total number of correct questions a candidate has answered) that has been converted onto a consistent and standardized scale. The purpose of scaled scores is to report scores for all examinees on a consistent scale.

**Service-Learning** – a form of experiential education that combines learning goal(s) with community service.

## PATHWAY GUIDANCE: OVERVIEW

For students graduating in 2023 and beyond, five pathways exist for meeting state high school graduation requirements:

- Keystone Proficiency
- Keystone Composite
- Career and Technical Education (CTE) Concentrator
- Alternative Assessment
- Evidence-Based

Each of the pathways and their options are detailed in the narratives below. For a graphic representation of the pathways and their options, see Implementation Tools under Resources.

## PATHWAY GUIDANCE: KEYSTONE PROFICIENCY, KEYSTONE COMPOSITE

For the following two pathways, students meet statewide graduation requirements based solely on Keystone Exam scores.

### KEYSTONE PROFICIENCY PATHWAY

Students achieving a minimum scaled score of 1500 or better in each of the three Keystone Exams (Algebra I, Biology, and Literature) demonstrate Keystone Proficiency and meet statewide requirements for high school graduation. Out-of-state transfers who have demonstrated proficiency in their prior states' exams for Keystone-associated content may be deemed by the LEA to have met Keystone Proficiency for that content.

Students who do not have a score in all three Keystone Exam areas (e.g., an EL student who did not participate in the Keystone Literature Exam, a student who did not participate in a Keystone Exam for religious reasons) do not qualify for either the Keystone Proficiency or Composite Pathways and must meet graduation requirements under the CTE Concentrator, Alternative Assessment, or Evidence-Based Pathways.

### KEYSTONE COMPOSITE PATHWAY

To qualify for the Keystone Composite Pathway, a student must have taken all three Keystone Exams and **must have at least one Keystone Exam score of Proficient or Advanced and no Keystone Exam score of Below Basic.**

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As approved by the State Board of Education, students also must earn a satisfactory composite score of **4452** or better in aggregate for the three Keystone Exams (Algebra I, Biology, and Literature) in order to fulfill the Keystone Composite requirements and meet statewide requirements for high school graduation.

Performance on other states' exams for Keystone-associated content may not be considered when calculating the Keystone Composite score. Out-of-state transfers may participate in all three Keystone Exams to pursue the Keystone Proficiency or Keystone Composite requirements or they may pursue the CTE Concentrator, Alternative Assessment, or Evidence-Based Pathways.

Students who do not have a score in all three Keystone Exam areas (e.g., an EL student who did not participate in the Keystone Literature Exam, a student who did not participate in a Keystone Exam for religious reasons, a student who did not participate due to COVID-19) do not qualify for either the Keystone Proficiency or Composite Pathways and must meet graduation requirements under the CTE Concentrator, Alternative Assessment, or Evidence-Based Pathways.

## PATHWAY GUIDANCE: CTE CONCENTRATOR, ALTERNATIVE ASSESSMENT, EVIDENCE-BASED

For the following three pathways, students must complete locally established grade-based requirements for academic content associated with each Keystone Exam in which the student did not demonstrate proficiency. Additionally, students must meet other pathway-specific criteria.

For example, the Local Education Agency (LEA) might establish a passing grade in Grade 10 English (identified by the LEA as the pre-requisite course for the Keystone Literature Exam) as the local grade-based requirement for students not demonstrating proficiency on the Keystone Literature Exam. Note that a Project-Based Assessment (PBA) may be offered but cannot be required to meet the locally established grade-based requirement.

## CAREER AND TECHNICAL EDUCATION (CTE) CONCENTRATOR PATHWAY

In addition to meeting local grade-based requirements\* for **each** Keystone Exam content area in which a student achieves less than Proficient, the student must also meet one of the following:

- Attainment of an Industry-Based Competency Certification related to the CTE concentrator's program of study.  
**OR**
- Demonstration of high likelihood of success on approved industry-based competency assessment as demonstrated by performance on benchmark assessments, course grades, and other factors consistent with the CTE concentrator's goals and career plan and as determined 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 the eleventh grade, or, if a student enrolled in a one-year program, the end of the first semester of twelfth grade.  
**OR**
- Demonstration of readiness for continued meaningful engagement in a CTE Concentrator 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 as determined 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 the eleventh grade, or, if a student enrolled in a one-year program, the end of the first semester of twelfth grade.

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\*Completion of local 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 for CTE concentrators.

## ALTERNATIVE ASSESSMENT PATHWAY

In addition to meeting local grade-based requirements for **each** Keystone content in which a student achieves less than Proficient, the student must also meet one of the following:

### ATTAINMENT OF AN ESTABLISHED SCORE ON AN APPROVED ALTERNATIVE ASSESSMENT

The student must meet or exceed any **one** of the established scores for the following approved alternative assessments to meet state high school graduation requirements regardless of the number of Keystone Exams for which the student did not achieve proficiency.

- ACT - composite score of 21  
**OR**
- ACT WorkKeys NCRC (National Career Readiness Certificate) - Gold Level\*  
**OR**
- ASVAB [Armed Forces Qualifying Test (AFQT)\*\*] - composite score of 31  
**OR**
- PSAT/NMSQT - total score of 970  
**OR**
- SAT - total score of 1010

For example, a student who only demonstrated Proficiency or better in the Keystone Literature Exam would need to satisfy the following under this criterion:

1. Achieve local grade-based requirements in both the Algebra I and the Biology courses), and
2. Achieve the established score or higher on **one** of the above approved alternative assessments.

\* The ACT WorkKeys National Career Readiness Certificate (NCRC) is a credential earned by completing the following three WorkKeys assessments: Applied Math, Graphic Literacy, and Workplace Documents. Gold Level signifies that an individual has scored at least a Level 5 on each of the three ACT Workplace assessments.

\*\* A subset of the Armed Services Vocational Aptitude Battery (ASVAB), the AFQT score determines basic qualification for enlistment and is comprised of Paragraph Comprehension, Word Knowledge, Mathematics Knowledge, and Arithmetic Reasoning.

### 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

The student must score a 3 or higher on an approved Advanced Placement (AP) Exam for **each** Keystone Exam content area in which the student achieved less than Proficient.

For example, a student who only demonstrated Proficiency or better in the Keystone Literature Exam would need to satisfy the following under this criterion:

1. Achieve local grade-based requirements in both the Algebra I and the Biology courses, and



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- Score a 3 or better on approved AP Exams for Algebra I **and** Biology aligned courses (see chart below).

Note: AP Exams aligned to more than one content area may be attributed to only one Keystone Exam (e.g., a score of 3 or better on AP Chemistry may be attributed only to Algebra I or to Biology, not both).

Courses that apply to each Keystone Exam are listed below.

Approved AP Exams		
Algebra I	Biology	Literature
AP Calculus AB AP Calculus BC AP Chemistry AP Computer Science A AP Computer Science Principles AP Physics 1: Algebra Based AP Physics 2: Algebra Based AP Physics C: Electricity and Magnetism AP Physics C: Mechanics AP Statistics	AP Biology AP Chemistry AP Environmental Science AP Physics 1: Algebra-Based AP Physics 2: Algebra-Based AP Physics C: Electricity and Magnetism AP Physics C: Mechanics	AP English Language and Composition AP English Literature and Composition

## 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

The student must score a 4 or higher on an approved International Baccalaureate (IB) Programme Exam for **each** Keystone Exam content area in which the student achieved less than Proficient.

For example, a student who only demonstrated Proficiency or better in the Keystone Literature Exam would need to satisfy the following under this criterion:

- Achieve local grade-based requirements in both the Algebra 1 and the Biology courses, and
- Score a 4 or better on approved IB Exams for Algebra I **and** Biology aligned courses (see chart below).

Note: IB Exams aligned to more than one content area may only be attributed to one Keystone Exam (e.g., a score of 4 or better on IB Chemistry may be attributed only to Algebra I or Biology, not both).

Courses that apply to each Keystone Exam are listed below.

Approved IB Exams		
Algebra	Biology	Literature
Chemistry Computer Science Mathematics: Analysis and Approaches Standard Level Mathematics: Analysis and	Biology Chemistry Design Technology Physics Science	Language A: Language and Literature Language A: Literature Literature and Performance

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Approved IB Exams		
Algebra	Biology	Literature
Approaches Higher Level Mathematics: Applications and Interpretation SL Mathematics: Applications and Interpretation HL Physics	Sports, Exercise and Health	

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## SUCCESSFUL COMPLETION OF A CONCURRENT ENROLLMENT COURSE IN AN ACADEMIC CONTENT AREA ASSOCIATED WITH EACH KEYSTONE EXAM IN WHICH THE STUDENT DID NOT ACHIEVE AT LEAST A PROFICIENT SCORE

The student must earn a passing grade on an LEA-approved concurrent enrollment course (as evidenced by a high school transcript or college transcript) for **each** Keystone Exam content area in which the student achieved less than Proficient.

For example, a student who only demonstrated Proficiency or better in the Keystone Literature Exam would need to satisfy the following under this criterion:

1. Pass both the Algebra 1 and the Biology courses (local grade-based requirements), and
2. Pass an LEA-approved concurrent course aligned to Algebra I **and** an LEA-approved concurrent course aligned to Biology.

For an LEA to approve a concurrent enrollment course for the purpose of meeting this criterion, the credit-bearing, non-remedial course must be aligned to the respective Keystone Exam (i.e., includes the majority of the Eligible Content for the respective Keystone Exam). Concurrent enrollment courses aligned to more than one content area may only be attributed to one Keystone Exam (e.g., a passing grade in a concurrent Chemistry course may be attributed only to Algebra I or Biology, not both).

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## SUCCESSFUL COMPLETION OF A PRE-APPRENTICESHIP PROGRAM

The student must earn a passing grade in **one** approved pre-apprenticeship program to meet state high school graduation requirements regardless of the number of Keystone Exams for which the student did not achieve proficiency.

For example, a student who only demonstrated Proficiency or better in the Keystone Literature Exam would need to satisfy the following under this criterion:

1. Achieve local grade-based requirements in both the Algebra 1 and the Biology courses, and
2. Show evidence of successful completion of a Labor & Industry registered pre-apprenticeship program.

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## ACCEPTANCE IN AN ACCREDITED NON-PROFIT INSTITUTION OF HIGHER EDUCATION AND EVIDENCE OF THE ABILITY TO ENROLL IN COLLEGE-LEVEL COURSEWORK

The student must demonstrate acceptance into **one** accredited 4-year non-profit institution of higher education to meet state high school graduation requirements regardless of the number of Keystone Exams for which the student did not achieve proficiency.

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For example, a student who only demonstrated Proficiency or better in the Keystone Literature Exam would need to satisfy the following under this criterion:

1. Achieve local-grade based requirements in both the Algebra 1 and the Biology courses, and
2. Show evidence of acceptance and the ability to enroll in college-level coursework, per below.

To demonstrate acceptance into an accredited 4-year non-profit institution of higher education, students must provide:

- A letter of admittance confirming non-conditional acceptance into an explicit degree program or major
- OR**
- A letter of general admittance **AND** evidence of the ability to enroll in college-level coursework through **one** of the following:
    - Placement test results indicating the student may enroll in college-level coursework in every subject area tested

**or**

  - College registration confirmation of enrollment in college-level courses (non-remedial) only

**or**

  - A locally-established graduate profile recommended minimally to consist of:
    - ✓ GPA of 3.0 (or B average) or higher
    - ✓ Attendance rate of 85% in grades 11 and 12
    - ✓ Successful completion in an advanced\* secondary-level math course other than the course leading to the Algebra I Keystone Exam
    - ✓ Successful completion in an advanced\* secondary-level English course other than the course leading to the Literature Keystone Exam

*\*determined by the LEA to be of equal or greater rigor than the Keystone-associated course*

## EVIDENCE-BASED PATHWAY

In addition to meeting local grade-based requirements for each Keystone Exam content in which a student achieved less than Proficient, the student must provide **three** pieces of evidence under this pathway regardless of the number of Keystone Exams in which the student achieved less than Proficient.

At least **one** of the pieces of evidence must be from Section One (outlined in more detail below).

Additional evidence (the second and/or third pieces of evidence) may be met through the criteria listed in Section One - either by satisfying different criteria or by satisfying select criteria more than once:

- Attainment of an established score on more than one SAT Subject Test (each a different subject or level)
- Attainment of an established score on more than one AP Exam (each affiliated with a different AP course)
- Attainment of an established score on more than one IB Exam (each affiliated with a different IB course)
- Successful completion of more than one concurrent enrollment or postsecondary course
- Attainment of more than one industry-recognized credential

Note: Each of the following may be satisfied only once:

- Attainment of an established score on the ACT WorkKeys NCRC

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- Acceptance into an accredited other-than-4-year non-profit Institution of Higher Education (IHE) with the ability to enroll in college-level coursework

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## EVIDENCE-BASED REQUIREMENTS: SECTION ONE

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### ATTAINMENT OF AN ESTABLISHED SCORE ON THE ACT WORKKEYS

The student must meet or exceed the established score of Silver Level or higher on the ACT WorkKeys NCRC.

The ACT WorkKeys National Career Readiness Certificate (NCRC) is a portable, evidence-based credential earned by completing the following three WorkKeys assessments: Applied Math, Graphic Literacy, and Workplace Documents. Silver Level signifies that an individual has scored at least a Level 4 on each of the three ACT Workplace assessments.

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### ATTAINMENT OF AN ESTABLISHED SCORE ON AN SAT SUBJECT TEST

The student must meet or exceed the established score of 630 or higher on **any** SAT Subject Test.

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### ATTAINMENT OF AN ESTABLISHED SCORE ON AN ADVANCED PLACEMENT PROGRAM EXAM

The student must score a 3 or higher on **any** Advanced Placement (AP) course exam consistent with the student's goals and career plans.

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### ATTAINMENT OF AN ESTABLISHED SCORE ON AN INTERNATIONAL BACCALAUREATE DIPLOMA PROGRAMME EXAM

The student must score a 3 or higher on **any** International Baccalaureate (IB) Programme Exam consistent with the student's goals and career plan.

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### SUCCESSFUL COMPLETION OF A CONCURRENT ENROLLMENT COURSE

The student must earn a passing grade, as evidenced by a high school transcript or college transcript, on **any** approved concurrent enrollment course consistent with the student's goals and career plans. The course must be an LEA-approved, credit-bearing non-remedial course.

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### SUCCESSFUL COMPLETION OF A POSTSECONDARY COURSE

The student must earn a passing grade, as evidenced by a high school transcript or college transcript, on **any** college-level course consistent with the student's goals and career plans. The course must be an LEA-approved, credit-bearing non-remedial course.

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### ATTAINMENT OF AN INDUSTRY-RECOGNIZED CREDENTIAL

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The student must earn an industry credential aligned to the student's goals and career plans, identified in PDE guidance documents for students in [Career & Technical Education Programs](#) or in [non-CTE programs](#).

## ACCEPTANCE TO AN ACCREDITED OTHER-THAN-4-YEAR NON-PROFIT INSTITUTION OF HIGHER EDUCATION AND EVIDENCE OF THE ABILITY TO ENROLL IN COLLEGE-LEVEL CREDIT-BEARING COURSEWORK

The student must demonstrate acceptance into an accredited nonprofit institution of higher education other than a 4-year IHE by providing:

- A letter of admittance confirming non-conditional acceptance into an explicit degree program or major

**OR**

- Written confirmation of general admittance **AND** evidence of the ability to enroll in college-level coursework through **one** of the following:
  - Placement test results (or equivalent criteria established by the IHE) indicating the student may enroll in college-level coursework in every subject area

**or**

  - College registration confirmation of enrollment in college-level courses (non-remedial) only

**or**

  - A locally-established graduate profile recommended minimally to consist of:
    - ✓ GPA of 2.6 (or C average) or higher
    - ✓ Attendance rate of 80% in grades 11 and 12
    - ✓ Successful completion in an advanced\* secondary-level math course other than the course leading to the Algebra I Keystone Exam
    - ✓ Successful completion in an advanced\* secondary-level English course other than the course leading to the Literature Keystone Exam

*\*determined by the LEA to be of equal or greater rigor than the Keystone-associated course*

## EVIDENCE-BASED PATHWAY: SECTION TWO

Minimally, the student must meet **one** of the required **three** pieces of evidence through criteria listed in Section One.

If the required **three** pieces of evidence are not met through criteria listed in Section One, the student may satisfy up to **two** of the criteria listed in Section Two. Similar to Section One, the student may satisfy select criteria more than once, i.e.:

- Attainment of Proficient or Advanced on more than one Keystone Exam (each in a different content area)
- Successful completion of more than one approved service-learning project
- Successful completion of more than one internship, externship, or cooperative education program

Note: Each of the following may be satisfied only once:

- Satisfactory compliance with NCAA requirements and minimum GPA
- Guarantee of full-time employment

## ATTAINMENT OF A SCORE OF PROFICIENT OR ADVANCED ON A KEYSTONE EXAM

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The student must meet or exceed the scaled score of 1500 or higher on **one** Keystone Exam.

## SATISFACTORY COMPLETION OF AN APPROVED SERVICE-LEARNING PROJECT

The student must successfully complete a service-learning project of sufficient duration and intensity to address identified community needs and meet specified project learning goal(s). While LEAs may use discretion, a minimum of 10 hours is recommended.

A written project must be submitted to the school official for pre-approval and must include a project description, learning goal(s), timeline, number of service hours, the project's contribution to the community, and the sponsoring organization. The project must be supervised and assessed by an adult with successful completion verified in writing by the adult supervisor. An optional Service-Learning Project Application (Sample Form) is provided in the Implementation Tools section of this Toolkit.

Note: The adult that both the service provider and the school identify as the child's supervisor and the person responsible for the child's welfare while the child participates in the program is required to obtain Clearance/Background Check certifications, not necessarily all employees/volunteers with which student will interact. The adult identified as the person responsible for the child's welfare is required to be in the immediate vicinity at regular intervals with the child during the program. LEAs may enter into written understandings with hosting entities to identify the supervisor and establish the terms of the supervision of the students in the program.

## CERTIFICATE OF SUCCESSFUL COMPLETION OF AN INTERNSHIP, EXTERNSHIP, OR COOPERATIVE EDUCATION PROGRAM

The student must successfully complete an internship, externship, or cooperative education program, as evidenced by locally established documentation. [Cooperative education programs](#) must comply with related federal and state laws and regulations.

## SATISFACTORY COMPLIANCE WITH THE NCAA CORE COURSES FOR COLLEGE-BOUND STUDENT ATHLETES

Regardless of postsecondary intent and for the purpose of meeting this criterion only, the student must comply with [NCAA's Division II core courses](#) for college-bound student athletes, with a minimum GPA of 2.0 or the equivalent on an alternate grading scale. Note: Students planning to attend a Division I school will need to meet Division I requirements for the purpose of NCAA compliance.

## GUARANTEE OF FULL-TIME EMPLOYMENT

The student must provide documentation guaranteeing sustained full-time employment:

- averaging at least 30 hours per week, or
- 130 hours per month, or
- multiple jobs that, in aggregate, are reasonably commensurate with full-time work.

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Work that is timebound or terminates with project completion (such as freelance work) may be considered sustained, providing the LEA deems likely a continuation or recurrence of work in a manner consistent with ongoing employment.

Full-time employment should be scheduled to commence no later than 30 calendar days after the date of high school graduation (i.e., date of receipt of diploma or 30 calendar days after student has fulfilled academic requirements for graduation). If cause for a delay in employment is determined to be reasonable by the LEA, full-time employment may commence up to 90 calendar days after graduation.

In lieu of full-time employment, the student may provide verification of military enlistment (to include enrollment in a Delayed Enlistment Program which permits a delay of up to 365 days).

An optional Letter Guaranteeing Full-Time Employment (Sample Form) is provided in the Implementation Tools section of this Toolkit.

## RESOURCES

### RELATED LINKS

#### [ACT](#)

This website provides comprehensive information on all aspects of the ACT assessments.

#### [ACT Fee Waiver](#)

This document provides eligibility requirements for the ACT fee waiver.

#### [ACT WorkKeys](#)

This website provides information on ACT WorkKeys assessments which measure foundational skills required for success in the workplace and workplace skills that can affect job performance. Individuals who successfully complete three assessments—Applied Math, Graphic Literacy, and Workplace Documents—earn the National Career Readiness Certificate (NCRC).

#### [Advanced Placement \(AP\) Program](#)

This website provides AP resources for students, AP coordinators, teachers, and administrators.

#### [Advanced Placement \(AP\) Exam Fee Reduction](#)

This website provides eligibility requirements for AP Exam fee reductions.

#### [ASVAB](#) and [ASVAB Career Exploration Program \(CEP\)](#)

These websites offer information on the ASVAB multi-aptitude test, study guides, and practice tests, as well as the ASVAB Career Exploration Program which allows students to explore multiple paths to success.

#### [Cooperative Education Program Guidelines](#) and [Certification](#)

These websites provide information on Cooperative Education Guidelines for Administration that meet Federal and State Laws and Regulations as well as certification guidelines for those teaching in a cooperative education program.

#### [Industry-Recognized Credentials for Career and Technical Education](#)

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This website links to industry-recognized credentials for career and technical education programs in Pennsylvania's career clusters.

## [Industry-Recognized Credential \(non-CTE program\)](#)

This website provides schools with career related resources, including *Guidance for Identifying and Reporting Industry-Based Learning Credentials for Non-CTE Students*.

## [International Baccalaureate \(IB\) Programme](#)

This website provides information on the IB Programme and curriculum associated with the IB Diploma.

## [Internships](#)

This PDE Work-Based Learning Toolkit includes general information on common types of work-based learning.

## [National Youth Leadership Council \(NYLC\) Service-Learning Network](#)

This website provides a comprehensive overview of service-learning and its value.

## [NCAA Core Course Requirements for College-Bound Athletes](#)

This website provides information on NCAA's core courses as well as Division I and Division II academic requirements.

## [NIMS](#)

This website provides information on NIMS performance assessments that measure an array of skills verified against an industry-written standard.

## [NOCTI](#)

This website provides information on the NOCTI assessments for many certificate program certificates or certification in a technical area.

## [Pre-Apprenticeship Programs](#)

This website provides definitions for pre-apprenticeship programs as well as benefits and resources for getting started.

## [SAS Instructional Toolkits](#)

This website provides links to SAS toolkits for AP, IB, dual credit, and work-based learning.

## [SAT](#) and [PSAT/NMSQT](#)

These websites provide information on SAT and PSAT/NMSQT and includes test and practice information.

## [SAT Fee Waiver](#) and [PSAT/NMSQT Fee Waiver](#)

This brochure and website provide information on 2019/20 SAT fee waivers available to students in grades 11 and 12, SAT Subject Test fee waivers available to students in grades 9–12, and PSAT/NMSQT fee waivers available to students in grade 11.

## FREQUENTLY ASKED QUESTIONS

This brief FAQ is designed to respond to overarching questions related to local preparation and logistical implementation.



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## LEA PLANNING

### WHAT NOTIFICATIONS MUST LEAS PROVIDE TO INFORM STUDENTS, PARENTS, AND GUARDIANS OF HIGH SCHOOL GRADUATION REQUIREMENTS?

Each LEA shall ensure students, parents, and guardians are notified of its high school graduation requirements, including requirements established in law and regulations and any additional requirements established by the LEA, and shall publish its high school graduation requirements no later than the beginning of the 2021-2022 school year on its publicly accessible website. LEAs should post requirements for the graduating class of 2022 and as soon as reasonably possible, for the graduating class of 2023.

### MAY LOCAL GRADUATION REQUIREMENTS EXCEED OR LIMIT THE STATE'S REQUIREMENTS?

Minimally, statewide graduation requirements must be met; however, LEAs may establish additional local requirements as part of a Board-approved graduation policy. For example, an LEA may require:

- Options beyond those delineated in Act 158 or PDE guidance be met
- More rigorous options be met (such as Proficiency or better on all three Keystone Exams)

### DO THE GRADUATION REQUIREMENTS APPLY TO STUDENTS WHO DO NOT PARTICIPATE IN ALL THREE KEYSTONE EXAMS?

Yes. Students participating in fewer than three Keystone Exams must still meet state and local graduation requirements. Students may meet the statewide graduation requirement through one of the multiple pathways described in the Toolkit. Note that students opting out of one or more Keystone Exams will affect the student state assessment participation rate related to a school's accountability status.

### IS THERE A STATE REQUIREMENT FOR A STUDENT TO RETAKE A KEYSTONE EXAM AFTER A FIRST UNSUCCESSFUL ATTEMPT?

At the state level, there is no requirement for a student to retake any Keystone Exam; however, a student who scores Basic or Below Basic may request to retake a Keystone Exam. (Note: A student who achieves a score of Proficient or Advanced on a Keystone Exam may retake the exam if the student or parent submits a request in writing to the LEA.)

If local graduation policies require proficiency on the Keystone Exams, LEAs may require that students retake the Keystone Exam(s).

### ARE PROJECT-BASED ASSESSMENTS STILL AN OPTION TO MEET PROFICIENCY?

No LEA may be required to offer, nor may any student be required to participate in or complete, a project-based assessment in order to meet statewide graduation requirements as provided for in 22 Pa. Code § 4.51c.

LEAs may choose to incorporate project-based assessments into their local graduation requirements. Project-based assessments are available on the PDE [Standards Aligned System](#) website as a resource for schools. School

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administrators may download the projects and utilize them in the local setting, but PDE will not manage or score the project-based assessments.

## IS SUPPLEMENTAL INSTRUCTION REQUIRED FOR THOSE STUDENTS WHO DO NOT MEET PROFICIENCY?

An LEA may offer supplemental instruction to a student who does not demonstrate proficiency on a Keystone Exam or on a locally validated assessment; however, no student is required to participate in supplemental instruction.

When offered, supplemental instruction must:

- Be consistent with the student's educational program
- Assist the student to attain proficiency in the state academic standards
- Ensure that students who accept the offer of supplemental instruction are able to participate in both supplemental instruction and instruction related to their career, military, or postsecondary education plans

When offered, supplemental instruction must not:

- Intrude into instructional time for career and technical education
- Occur during a student's dedicated time in a career and technical education program

## WHAT FACTORS DETERMINE WHICH PATHWAY(S) MAY BE UTILIZED FOR A STUDENT TO DEMONSTRATE POSTSECONDARY READINESS AND MEET STATE GRADUATION REQUIREMENTS?

Students who do not score Proficient or better on all three Keystone Exams or achieve the Keystone composite score must consider locally available options when selecting the alternate pathway best suited to their postsecondary goals (i.e., Career and Technical Education Concentrator, Alternative Assessment, or Evidence-Based).

## MAY STUDENTS FULFILL GRADUATION REQUIREMENTS REMOTELY (E.G., ONLINE INTERNSHIP)?

Local education agencies may work with outside agencies to offer students the flexibility to participate in a program or learning experience remotely, where appropriate.

## ARE SCHOOLS REQUIRED TO OFFER ALL PATHWAY OPTIONS?

Schools are not required to offer all the options listed under each pathway in the legislation (e.g., not all schools offer an International Baccalaureate (IB) Diploma Programme). In guiding students to the pathway most feasible, schools should clearly delineate which options are available locally.

## WHAT FUNDING SOURCES ARE AVAILABLE TO ASSIST STUDENTS WITH ASSOCIATED COSTS?

In addition to local funding sources, schools may use Title I funds for those students receiving Title I services. If Title I designation is schoolwide, all students qualify for funding.

College Board has a fee waiver program for both the [SAT and SAT subject tests](#), as well as the [PSAT/NMSQT](#). [ACT](#) also has a fee waiver program for eligible students, and [AP Exam](#) offers a fee reduction.

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## HOW DO WE PROCEED IF ALTERNATIVE ASSESSMENT RESULTS ARE NOT RECEIVED IN A TIMELY MANNER?

Typically, all late arriving assessment scores are available during the summer and well before the October 1 graduation reporting date such that affected students may participate in graduation ceremonies, per district policy, and receive diplomas when the scores are available.

## WHAT HAPPENS IF STUDENTS DO NOT MEET STATEWIDE GRADUATION REQUIREMENTS?

Students who do not meet statewide graduation requirements are ineligible to receive a diploma.

## TRACKING AND REPORTING

### WHAT TOOLS WILL PDE PROVIDE TO ASSIST SCHOOLS IN TRACKING STUDENT PATHWAYS?

Schools may elect to use the PDE-provided tracking tool found in the Act 158 Toolkit under the *Resources: Implementation Tools* section. This tool, for local use only, will assist in determining pathway options for students by identifying those students not meeting Keystone Exam or Keystone Composite score requirements and allowing the counselor to record additional data (e.g., alternative assessment scores, select coursework and grades) to track each student's progress toward viable graduation pathways.

### WHAT MUST LEAS REPORT TO THE DEPARTMENT?

No later than December 1, 2023, and each December 1 thereafter, each LEA must submit via the Comprehensive Planning Portal (CPP) the following:

- Total number of students enrolled in twelfth grade and number graduated within the prior school year
- Number of students within the graduation cohort granted a waiver
- Number of students within the cohort graduating by IEP goals
- Number of students within the cohort graduating by pathway and delineated by the option(s) utilized under that pathway, e.g.:
  - Of the 10 students within the cohort who met statewide graduation requirements through the Alternative Assessment Pathway:
    - 6 students utilized an approved alternative assessment score (such as the SAT),
    - 4 students utilized an approved AP Exam score for each of the Keystone content areas in which proficiency was not demonstrated.

The PDE website will publish LEA-reported data at the school level on an annual basis. Although student-level information will not be reported or submitted to the state, LEAs are encouraged to maintain documentation of student evidence at the local level.

### WILL THE KEYSTONE COMPOSITE SCORE CHANGE?

Per legislation, the State Board of Education shall review the satisfactory composite score every five years.

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## ARE THERE REQUIREMENTS TO INCLUDE KEYSTONE EXAM PROFICIENCY LEVELS OR PATHWAYS ON A STUDENT'S TRANSCRIPT AND/OR DIPLOMA?

There is no state requirement to include 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); however, an LEA may elect to include this information on a student's transcript or diploma.

## WAIVERS AND SPECIAL CIRCUMSTANCES

### DOES A GRADUATION REQUIREMENT WAIVER OPTION EXIST?

To accommodate a student in Grade 12 or a student who experiences extenuating circumstances (e.g., serious illness, death in the student's immediate family, family emergency, frequent school transfers, transfer from out-of-state in grade 12), a chief school administrator may waive the Keystone Exam Proficiency requirements or alternative pathway graduation requirements. Students granted waivers are still required to successfully complete locally established, grade-based requirements for academic content areas associated with each Keystone Exam in order to graduate.

If the waivers granted by a chief school administrator exceed more than five percent of students in a graduating class, PDE will conduct a review of the waivers granted by the LEA. The LEA will be required to submit an improvement plan to PDE and will be subject to an audit conducted by PDE unless PDE determines that the five percent threshold was exceeded because waivers were granted to students who experienced extenuating circumstances.

### ARE IEP STUDENTS INCLUDED IN THE 5% WAIVER GROUP?

Students who satisfactorily complete a special education program developed by an IEP team and who meet statewide graduation requirements in that manner are not included in the waiver numbers.

### WHAT REGULATIONS EXIST FOR STUDENTS WITH DISABILITIES?

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 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 LEA.

Note: The Every Student Succeeds Act (ESSA) requires Pennsylvania to ensure that the total number of students assessed in each subject, using the alternate assessment for students with the most significant cognitive disabilities, does not exceed 1.0 percent of the total number of all students in the state assessed on the statewide assessments.

## TRANSFER STUDENTS

### FOR THE KEYSTONE PROFICIENCY PATHWAY, WHAT ASSESSMENTS OTHER THAN KEYSTONE EXAMS MAY SATISFY THE STATE GRADUATION REQUIREMENT?

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For students transferring into a Pennsylvania high school from out-of-state, a private school, a home school environment, or from out-of-country, the LEA must:

- Determine whether the standardized assessments the student has completed are aligned with the state academic standards assessed by each Keystone Exam,
- Evaluate the student's performance to be commensurate with Keystone Proficiency or better, and
- Verify the transcript shows credit earned in Algebra 1, or an equivalent course; Literature, or an equivalent course; or Biology 1, or an equivalent course.

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## MAY SCORES FROM STANDARDIZED ASSESSMENTS OTHER THAN KEYSTONE EXAMS BE CALCULATED AS PART OF A KEYSTONE COMPOSITE SCORE?

Other standardized assessment scores may not be used to calculate the Keystone composite score; however, they may be used to satisfy requirements to meet pathways other than Keystone Composite.

## IMPLEMENTATION TOOLS

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### ACT 158 PATHWAY GRAPHIC

Available at <https://www.pdesas.org/Page/Viewer/ViewPage/56/>.

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### TRACKING TOOL

Coming soon.

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### PATHWAYS TO GRADUATION GUIDE

Available at <https://www.pdesas.org/Page/Viewer/ViewPage/56/>.

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### SAMPLE FORMS

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#### SERVICE-LEARNING PROJECT APPLICATION (SAMPLE FORM)

Available at <https://www.pdesas.org/Page/Viewer/ViewPage/56/>.

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#### LETTER GUARANTEEING FULL-TIME EMPLOYMENT (SAMPLE FORM)

Available at <https://www.pdesas.org/Page/Viewer/ViewPage/56/>.

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### EXAMPLES

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#### IHE: LETTER OF ADMITTANCE CONFIRMING NON-CONDITIONAL ACCEPTANCE INTO AN EXPLICIT DEGREE PROGRAM OR MAJOR

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Available at <https://www.pdesas.org/Page/Viewer/ViewPage/56/>.

IHE: WRITTEN CONFIRMATION OF GENERAL ADMITTANCE

Available at <https://www.pdesas.org/Page/Viewer/ViewPage/56/>.

## APPENDICES

### APPENDIX A: ACT 158 DEFINITIONS AND TERMS

**Accredited four-year non-profit 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 non-profit public, private, or independent college or university that confers four-year baccalaureate degrees.

**Accredited non-profit institution of higher education** – Any of the following:

- (1) a community college operating under Article XIX-A.
- (2) an accredited four-year non-profit institution of higher education.
- (3) any accredited non-profit 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 (AP)** - 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 Alternate 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.

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**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 of Education and approved by the State Board of Education.

**GPA** - Grade Point Average.

**International Baccalaureate (IB) 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.

**Pre-apprenticeship 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.

## APPENDIX B: ACT 136

Session of 2020  
No. 2020-136

SB 1216

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

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and changing the laws relating thereto," in preliminary provisions, further providing for Keystone Exams and graduation requirements, for special provisions applicable to the Keystone Exams, graduation requirements and alternative competency assessment and for Special Education Funding Commission; in certification of teachers, further providing for instructional certificate grade spans and age levels and duties of department and providing for special provisions applicable to 2020-2021 school year; in pupils and attendance, providing for nonpublic school transportation for 2020-2021 school year; in terms and courses of study, further providing for pandemic of 2020; and, in educational tax credits, further providing for limitations.

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

Section 1. Section 121(b)(1) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended to read:

Section 121. Keystone Exams and Graduation Requirements.--

(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 [2021-2022] 2022-2023 school year.

Section 2. The act is amended by adding a section to read:

Section 121.1. Special Provisions Applicable to the Keystone Exams, Graduation Requirements and Alternative Competency Assessment.--For the 2019-2020 school year and any subsequent school year in which the Federal Government has waived the testing and accountability requirements of the Elementary and Secondary Education Act of 1965 (Public Law 89-10, 20 U.S.C. § 6301 et seq.), as amended by the Every Student Succeeds Act (Public Law 114-95, 129 Stat. 1802), any student who completed a course in an academic content area associated with a Keystone Exam shall not be required to take the Keystone Exam related to that course and shall be deemed proficient for purposes of sections 121 and 2604-B(b)(2)(v) and 22 Pa. Code § 4.24 (relating to high school graduation requirements), provided that the student demonstrates successful completion of locally established, grade-based requirements for the academic content areas associated with each Keystone Exam.

Section 2.1. Section 122(k)(2) of the act, amended June 5, 2020 (P.L.223, No.30), is amended to read:

Section 122. Special Education Funding Commission.--

(k)

(2) The commission shall be reconstituted not later than August 15, 2019, and shall issue the report to the recipients listed in subsection (i)(5) not later than [September 30, 2020] June 30, 2021. The commission shall limit the scope of the review provided for under this subsection to only the provision of special education payments to school districts by the Commonwealth through the funding formula contained in section 2509.5.

Section 3. Section 1202.1(a) of the act is amended by adding a paragraph to read:



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Section 1202.1. Instructional Certificate Grade Spans and Age Levels and Duties of Department.--(a) The following shall apply to special education certificates:

(1.1) Notwithstanding paragraph (1), a teacher preparation program may permit an individual enrolled at an institution of higher education or in an approved alternative preparation program prior to December 31, 2021, and who remains continuously enrolled to complete the program for the grade level limitations provided under 22 Pa. Code § 49.85(a) and (b). The department may issue the appropriate Special Education-PK-8 or Special Education-7-12 certificates to an applicant who completes the program and meets all other certification requirements.

Section 4. The act is amended by adding sections to read:

Section 1207.4. Special Provisions Applicable to 2020-2021 School Year.--(a) Beginning on the effective date of this subsection and notwithstanding any other provision of law to the contrary, the Secretary of Education may do any or all of the following:

(1) Waive the requirement to satisfactorily complete the assessment of basic skills required under section 1207.3 and 22 Pa. Code § 49.18(c) (relating to assessment) during the 2020-2021 school year. This paragraph shall expire June 30, 2021.

(2) Issue a temporary provisional certificate to an educator who has completed a preparation program and meets all requirements for certification except the satisfactory completion of the assessments required pursuant to 22 Pa. Code § 49.18(c) because the assessments were canceled or could not be scheduled. A temporary provisional certificate issued under this paragraph shall expire after one year of issuance and may be converted to a Level I Pennsylvania certificate upon submission of evidence of satisfactory completion of the required assessments to the Department of Education. This paragraph shall expire on June 30, 2021.

(3) Issue an exceptional case permit for a professional employe at the request of a school entity that employs the professional employe who completed the final year of Level I Pennsylvania certificate validity in the 2019-2020 school year and who was unable to complete the assessment requirements for conversion to a Level II Pennsylvania certificate under 22 Pa. Code § 49.18(a)(2)(iii) because the assessments were canceled or could not be scheduled. The exceptional case permit shall expire one year from the date of issuance. This paragraph shall expire June 30, 2021.

(4) Issue a temporary certificate to an individual who is unable to complete the appropriate subject matter test for areas other than health and physical education, cooperative education, all special education areas and additional areas as may be determined by the Department of Education under 22 Pa. Code § 49.18(e) when the Department of Education determines that the relevant assessment has been canceled or could not be scheduled. An individual who provides evidence as required by the Department of Education indicating that the individual attempted to access testing and was denied registration may be eligible for issuance of a temporary certificate under this paragraph. The temporary certificate shall expire one year from the date of issuance and may be converted to a full instructional certificate by providing proof of satisfactory achievement on the required test to the Department of Education. This paragraph shall expire June 30, 2021.

(5) Extend an emergency permit issued under 22 Pa. Code § 49.31 (relating to criteria for eligibility) during the 2020-2021 school year at the request of a school entity that employs an emergency permit holder when an employe is unable to complete the requirements associated with the permit because the program credits or assessment could not be completed or scheduled. The extended emergency permit shall expire one year from the date of extension. This paragraph shall expire June 30, 2021.

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(6) The following provisions relating to testing shall apply:

(i) The Secretary of Education may waive the NIMS assessment and the NOCTI exam on a school-wide basis or for a specific career and technical education program provided by a school entity based on the recommendations of directors of career and technical education programs under 22 Pa. Code Ch. 339 (relating to vocational education). The recommendations shall account for the length of time a career and technical center was open for in-person student instruction and the subject matter of the program affected.

(ii) The Secretary of Education shall waive the requirement to include performance data otherwise required under section 1123(b)(1)(ii) in a professional employee's performance rating under section 1123.

(b) Beginning on the effective date of this subsection and notwithstanding any other provision of law to the contrary, the deadline by which any paraprofessional employed by a school entity as of March 13, 2020, must satisfy staff development activity hour requirements under 22 Pa. Code § 14.105 (relating to personnel) shall be extended until June 30, 2021. This subsection shall expire one year from the effective date of this subsection.

(c) The Secretary of Education may apply to the United States Department of Education for a waiver of the testing and accountability requirements of the Elementary and Secondary Education Act of 1965 (Public Law 89-10, 20 U.S.C. § 6301 et seq.), as amended by the Every Student Succeeds Act (Public Law 114-95, 129 stat. 1802), if the United States Department of Education provides an opportunity to apply for such a waiver for the 2020-2021 school year. This paragraph may not be construed to include the power of the Secretary of Education to seek a waiver for future school years without legislative approval.

Section 1361.1. Nonpublic School Transportation for 2020-2021 School Year.--(a) As it relates to the provision of transportation for nonpublic schools for the 2020-2021 school year, if transportation was provided during the 2019-2020 school year for pupils of nonpublic schools under section 1361(1), the board of school directors shall provide pupils of nonpublic school transportation on the dates and periods that the nonpublic school is in session according to the school calendar officially adopted by the nonpublic school whether or not transportation is provided on those dates and periods to students attending schools of the district.

(b) 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:

"COVID-19 disaster emergency." The proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the proclamation of disaster emergency.

Section 5. Section 1501.8(a) of the act, added March 27, 2020 (P.L.62, No.13), is amended and the section is amended by adding a subsection to read:

Section 1501.8. Pandemic of 2020.--(a) [This] Except as provided in subsection (m.1), this section applies only to the 2019-2020 school year as a result of the global pandemic declared by the World Health Organization on March 11, 2020.

(m.1) Notwithstanding subsection (a):

(1) The following apply to the 2020-2021 school year as a result of the COVID-19 disaster emergency:

(i) Notwithstanding the provisions of this act, a school entity shall receive a pupil transportation subsidy payment equal to the greater of the amount calculated for reimbursement or the amount allocated to the school entity for the prior school year.

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(ii) To receive a pupil transportation subsidy payment equal to the amount allocated to the school entity for the prior school year, a school entity that contracts for school bus transportation services shall pay the school bus transportation contractor for the school year in an amount that the school bus transportation contractor would have received from the school entity had school bus transportation services not been so affected by the COVID-19 disaster emergency minus the amount of any variable costs provided the school bus transportation contractor certifies the variable costs to the school district.

(iii) The Department of Education shall develop and publish guidelines on variable costs in consultation with the Pennsylvania Association of School Business Officials, the Pennsylvania School Boards Association and the Pennsylvania School Bus Association within thirty (30) days of the effective date of this paragraph.

(2) For the purposes of this subsection, the term "variable costs" means the difference between costs for labor, fuel, tolls, maintenance and other expenses as determined by the department during normal operations of school bus transportation and those same costs during the COVID-19 disaster emergency.

Section 6. Section 2006-B(d) of the act is amended and the section is amended by adding a subsection to read:

Section 2006-B. Limitations.

(d) Use.--[A] Subject to subsection (d.1), a tax credit not used by the applicant in the taxable year the contribution was made or in the year designated by the shareholder, member or partner to whom the credit was transferred under section 2005-B(e) may not be carried forward or carried back and is not refundable or transferable.

(d.1) Pandemic relief.--

(1) A tax credit awarded to a business firm during the 2020-2021 or 2021-2022 fiscal year that cannot be used by the business firm during the fiscal year in which awarded may be carried forward and used during the two taxable years following the taxable year in which the tax credit was awarded.

(2) Tax credits that are carried forward under this subsection shall not diminish the total amount of tax credits that may otherwise be awarded to a business firm under section 2005-B or that may be awarded to all business firms in the aggregate under subsection (a).

Section 7. This act shall take effect as follows:

(1) The amendment of section 1202.1(a) of the act shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

APPROVED--The 25th day of November, A.D. 2020.

TOM WOLF

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## 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:

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(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:

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(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.

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(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.

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(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



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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.

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(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.

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"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

## APPENDIX D: ACT 6

### PUBLIC SCHOOL CODE OF 1949 - KEYSTONE EXAMS

Act of Jun. 21, 2017, P.L. 200, No. 6

Cl. 24

Session of 2017

No. 2017-6

HB 202

AN ACT

# ACT 158 TOOLKIT

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(a) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended February 3, 2016 (P.L.1, No.1), is amended and the section is amended by adding subsections to read:

Section 121. Keystone Exams.--(a) [Subject to annual appropriation, not later than the 2020-2021 school year, the] The Department of Education shall develop and implement Keystone Exams in [the following subjects:] algebra I, literature[, biology, English composition, algebra II, geometry, United States history, chemistry, civics and government and world history.] and biology. The State Board of Education shall promulgate 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.

(c) Notwithstanding section 2604-B(b)(2)(v), 22 Pa. Code § 4.24 (relating to high school graduation requirements) or 4.51 (relating to State assessment system) 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.

(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:

"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.

"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).

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

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

Section 2. This act shall take effect immediately.

APPROVED--The 21st day of June, A.D. 2017.

TOM WOLF