

# 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 classes 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., subject matter and frequency of AP courses)
- Reviewing local policies related to high school graduation requirements for alignment to 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.

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) or via a waiver or IEP

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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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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 adopt project-based assessments as an option for meeting locally-established grade-based requirements for Keystone content.

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
- 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 on its publicly accessible website no later than the beginning of each school year.

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 (FRCPP) 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 or graduate via a waiver or IEP. The CTE Concentrator, Alternative Assessment, and Evidence-Based Pathways and the waiver 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

To accommodate a student in Grade 12 or a student who experiences extenuating circumstances<sup>2</sup> (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 requirements for proficiency in Keystone Exams or other pathway-specific criteria. Students granted waivers are still required to successfully complete locally established, grade-based requirements for academic content areas associated with each Keystone Exam in which the student does not have a numeric or non-numeric Proficient/Advanced.

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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<sup>2</sup> Per State Board of Education resolutions, the pandemic also may be considered an extenuating circumstance for which a waiver may be granted to students in the graduating classes of 2023, 2024, and 2025.

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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 4-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.

**Non-Numeric Score** – where the performance level on Keystone academic content is determined without the associated Keystone Exam numeric result, a non-numeric score of Proficient or Advanced may be assigned to a transfer student who has demonstrated their performance through comparable coursework and an equivalent assessment in a prior educational setting or to a student who has met the requirements of Pa. Act 136 of 2020 and qualified for a non-numeric score of Proficient.

**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.

NOTE: Alternatively, a student may be granted a diploma via a waiver or special education program (IEP). See the Introduction for additional information.

## PATHWAY GUIDANCE: KEYSTONE PROFICIENCY, KEYSTONE COMPOSITE

The Keystone Proficiency and Keystone Composite Pathways are based solely on the student's demonstrated level of performance for each of the three Keystone Exams.

## KEYSTONE PROFICIENCY PATHWAY

Students achieving a minimum scaled score of 1500 or better (or who qualify for non-numeric scores of Proficient) in each of the three Keystone Exams meet the Keystone Proficiency statewide requirements for high school graduation.

Students who do not have a numeric or non-numeric score of Proficient or Advanced in all three Keystone Exam areas (Algebra I, Biology, and Literature) do not qualify for this pathway; by way of example, an EL student who did not participate in the Keystone Literature Exam or a student who did not participate in a Keystone Exam for religious reasons.

NOTE: Where a student performance level on Keystone academic content is determined without the associated Keystone Exam result, a non-numeric score is assigned. There are two circumstances under which this might occur:

- The student has demonstrated proficiency through comparable coursework and an equivalent assessment in a prior educational setting (i.e., transfer student), or
- The student has demonstrated proficiency through Keystone related coursework per [Pa. Act 136 of 2020](#).

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## 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 scaled (numeric) score of Proficient or Advanced, no Keystone Exam scaled (numeric) score of Below Basic, and the composite of the three scaled (numeric) scores must be 4452 or greater.**

Students without a numeric score in all three Keystone Exams do not qualify for the Keystone Composite Pathway (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) nor do students with one or more non-numeric Keystone Exam scores attained through student performance in a prior educational setting or under Pa. Act 136 of 2020. Students with non-numeric scores may elect to participate in all three Keystone Exams, however, in order to earn the three numeric scores required to pursue the Keystone Composite Pathway.

## 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 does not have a numeric or non-numeric score of Proficient or Advanced. 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.

\*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.

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## ALTERNATIVE ASSESSMENT PATHWAY

In addition to meeting local grade-based requirements for **each** Keystone content area in which a student has no score or a score 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 does not have a numeric or non-numeric score of Proficient or Advanced*.

- 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. A student may participate in the ASVAB prior to senior year; however, the student's AFQT score must meet or exceed the minimum score for admittance to a branch of the armed services during the year in which the student graduates.

### 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 does not have a numeric or non-numeric score of Proficient or Advanced.

For example, a student who scored Proficient in only the Keystone Literature Exam would need to satisfy the following under this criterion:

1. Meet local grade-based requirements for both Algebra I and Biology, and
2. 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.



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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 for *each* Keystone Exam content area in which the student does not have a numeric or non-numeric score of Proficient or Advanced.

For example, a student who scored Proficient in only the Keystone Literature Exam would need to satisfy the following under this criterion:

1. Meet local grade-based requirements for both Algebra 1 and Biology, and
2. 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 Approaches Higher Level Mathematics: Applications and Interpretation Standard Level Mathematics: Applications and Interpretation Higher Level Physics	Biology Chemistry Design Technology Physics Science Sports, Exercise and Health	Language A: Language and Literature Language A: Literature and Performance

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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 does not have a numeric or non-numeric score of Proficient or Advanced.

For example, a student who scored Proficient in only the Keystone Literature Exam would need to satisfy the following under this criterion:

1. Meet local grade-based requirements for both Algebra 1 and Biology, and
2. Pass two LEA-approved concurrent enrollment courses, one aligned to Algebra I and one aligned to Biology.

For an LEA to approve a concurrent enrollment course for the purpose of meeting this criterion, the credit-bearing, non-remedial college-level 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 enrollment 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** LEA-approved, PA Labor & Industry and/or US Department of Labor registered [pre-apprenticeship program](#) (aligned to an existing registered apprenticeship) to meet state high school graduation requirements *regardless of the number of Keystone Exams in which the student does not have a numeric or non-numeric score of Proficient or Advanced*.

For example, a student who only scored Proficient in only the Keystone Literature Exam would need to satisfy the following under this criterion:

1. Meet local grade-based requirements for both Algebra 1 and Biology, and
2. Show evidence of successful completion of a PA Labor & Industry and/or US Department of Labor registered pre-apprenticeship program.

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## ACCEPTANCE TO AN ACCREDITED FOUR-YEAR NONPROFIT INSTITUTION OF HIGHER EDUCATION AND EVIDENCE OF THE ABILITY TO ENROLL IN COLLEGE-LEVEL, CREDIT-BEARING COURSEWORK

The student must demonstrate acceptance into **one 4-year program in an** accredited non-profit institution of higher education to meet state high school graduation requirements *regardless of the number of Keystone Exams in which the student does not have a numeric or non-numeric score of Proficient or Advanced*.

For example, a student who scored Proficient in only the Keystone Literature Exam would need to satisfy the following under this criterion:

1. Meet local-grade based requirements for both Algebra 1 and Biology, 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:

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- A letter of admittance confirming non-conditional acceptance into an explicit 4 year program

**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 content area in which a student has no score or a score 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 does not have a numeric or non-numeric score of Proficient or Advanced.

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
- 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 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 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) 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 LEA-approved concurrent enrollment course consistent with the student's goals and career plans.

A concurrent enrollment is a course in which a secondary student is enrolled and, upon successful completion of which, both high school and postsecondary credit are earned. The course must be a credit-bearing, non-remedial college-level course.

\*NOTE: Where an additional fee may be required for the credit to appear on a postsecondary transcript, the LEA/student does not need to assume the cost in order to meet statewide high school graduation requirements.

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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 college-level course.

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## ATTAINMENT OF AN INDUSTRY-RECOGNIZED CREDENTIAL

The student must earn an industry-recognized credential, aligned to the student's goals and career plans, as identified in PDE guidance documents for [Career & Technical Education Programs](#) or for non-CTE [Career Readiness Programs](#) (see *Guidance for Identifying and Reporting Industry-Based Learning Credentials for Non-CTE Students*).

## 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 other-than-4-year non-profit institution of higher education by providing:

- A letter of admittance confirming non-conditional acceptance into an explicit other-than-4-year program
- 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

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

The student must earn either a scaled (numeric) score of 1500 or higher on a Keystone Exam **or** qualify for a non-numeric score of Proficient or Advanced (see FAQs under the Resources section of this Toolkit).

## 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 a specified project learning goal(s). While LEAs may use discretion, a minimum of 10 hours is recommended.

A project proposal 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 under Implementation Tools in the Resources 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 whom the 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.

- Internships place students at a workplace for a defined period to participate in and observe work within a given industry, with specified learning objectives and assessment of student performance.
- Externships often occur during non-school hours and mainly explore interests as opposed to internships, which act as the bridge from student life to professional life.
- Cooperative Education Programs alternate or coordinate high school studies with a job in a field related to the student's academic or career objectives.

NOTE: Internship, externship, or 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.

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## 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.

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 under Implementation Tools in the Resources 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

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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](#)

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.



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## FREQUENTLY ASKED QUESTIONS

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

### 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 Pa. Public School Code §121 (which was amended by Pa. Act 158 of 2018).
- More rigorous options (such as Proficient or better on all three Keystone Exams).

### AT WHAT GRADE LEVEL MAY A STUDENT BEGIN TO MEET STATEWIDE GRADUATION REQUIREMENTS?

A student should be permitted to begin satisfying statewide requirements for high school graduation in the same grade level the student is allowed to begin satisfying LEA requirements for high school graduation.

### ARE SCHOOLS REQUIRED TO OFFER ALL PATHWAY OPTIONS?

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

### WILL THE CRITERIA EVER CHANGE (INCLUDING THE KEYSTONE COMPOSITE SCORE OR ALTERNATIVE ASSESSMENT CUT SCORES)?

The State Board of Education (SBE) must review the satisfactory Keystone composite score every five years and issue a report of its findings to the Senate and House Education Committees; unless the score is changed by an act of the General Assembly, the satisfactory Keystone composite score will remain in effect.

In [March 2020](#), SBE approved:

- Satisfactory cut scores or minimum levels for the SAT, PSAT, SAT Subject Tests, ACT, ACT WorkKeys\*, and the ASVAB\*\*,
- Satisfactory cut scores and Keystone-equivalent exams for AP and IB Diploma Programs, and
- The list of additional evidence under the Evidence-Based Pathway.

Alteration of the above requires further approval by the State Board of Education; alteration of the pathways or pathway options as delineated in Act 158 requires legislative action.

\*The scores necessary to achieve Gold Level and Silver Level are determined, and may be changed, by ACT.

\*\*The minimum score on the AFQT to gain admittance to a branch of the armed services in the year the student graduates.

### WHAT HAPPENS IF A CRITERION CHANGES AFTER A STUDENT COMPLETES THE REQUIREMENT BUT BEFORE THE STUDENT GRADUATES?

Once a criterion is met, the student does not need to meet the revised requirement in order to graduate except for the ASVAB cut score, which was approved by the State Board of Education as the minimum score to enter the military in the student's *year of graduation*.

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

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

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

Any funding source may be used if the expenditures qualify as eligible, including 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 EVIDENCE (E.G., AN ALTERNATIVE ASSESSMENT RESULT) IS NOT RECEIVED IN A TIMELY MANNER?

LEAs should encourage students to simultaneously pursue multiple pathways and/or types of evidence in order to avoid delays or uncertainties. However, evidence is typically available before the October 1 graduation reporting deadline such that affected students may, if local policies allow, participate in graduation ceremonies and receive their diploma after all high school graduation requirements have been met.

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## ARE THERE REQUIREMENTS TO INCLUDE PROFICIENCY LEVELS OR PATHWAYS ON STUDENT TRANSCRIPTS AND/OR DIPLOMAS?

There is no requirement to include a student's performance levels on the Keystone Exams or to delineate the pathway by which a student graduated; however, an LEA may elect to include this information on the transcript or diploma.

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

Students are ineligible to receive a diploma if they do not meet minimally\* either the:

- Graduation requirements or waiver requirements under Act 158, or
- IEP academic goals as part of a special education program *that does not otherwise meet* the requirements of Act 158.

\*In addition to statewide graduation requirements, LEAs may establish local requirements as part of a Board-approved graduation policy.

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## KEYSTONE EXAMS & KEYSTONE SCORES (NUMERIC, NON-NUMERIC)

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### MUST A STUDENT PARTICIPATE IN ALL THREE KEYSTONE EXAMS IN ORDER TO MEET STATEWIDE HIGH SCHOOL GRADUATION REQUIREMENTS?

No. A student meets the Keystone Proficiency Pathway if the student qualifies for a non-numeric score of Proficient or better for each Keystone Exam in which the student does not have a numeric score.

A student who opts out of one or more Keystone Exams may also meet the statewide graduation requirements under §121 of the Pa. School Code via the CTE Concentrator, Alternative Assessment, or Evidence-Based Pathway or via a waiver or IEP.

A student who graduates via the CTE Concentrator, Alternative Assessment, or Evidence-Based Pathway or a waiver must meet locally established grade-based requirements for each Keystone content area in which the

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student did not attain a numeric score of Proficient/Advanced on the related Keystone Exam *or* qualify for a non-numeric score of Proficient.

NOTE: Student non-participation in statewide assessments affects the LEA's participation rate and may affect the LEA's federal accountability designation.

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## WHAT IS THE DIFFERENCE BETWEEN A "NUMERIC" AND A "NON-NUMERIC" SCORE?

A student who participates in a Keystone Exam receives both a numeric score (e.g., 1500) and a corresponding performance level, the non-numeric score (e.g., Proficient).

Where a student performance level on Keystone academic content is determined without the associated Keystone Exam result (see [How May a Student Qualify for a Non-Numeric Score of Proficient without Participation in a Keystone Exam?](#)), only a non-numeric score may be assigned as the determination is without a standardized measure and at the LEA's discretion.

NOTE: A student demonstrating proficiency in Keystone academic content for the purposes of meeting [locally established, grade-based requirements](#) is *not* considered to have a non-numeric Proficient score in that Keystone academic content area.

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## HOW MAY A STUDENT QUALIFY FOR A NON-NUMERIC SCORE OF PROFICIENT WITHOUT PARTICIPATION IN A KEYSTONE EXAM?

There are two circumstances under which a student may qualify for a non-numeric score of Proficient *without* participation in a Keystone Exam:

- The student has demonstrated proficiency through comparable coursework and an equivalent assessment in a prior educational setting, or
- During the 19/20 school year, the student successfully completed a course\* that was 1) in an academic content area associated with the Keystone Exam and 2) locally-established as a grade-based requirement for demonstrating mastery of the Keystone content per Pa. Act 136 of 2020.

\*Including a student who may have been unsuccessful in demonstrating Proficiency in the associated Keystone Exam prior to the 19/20 SY. By way of example, a student who attained a numeric score of 1460 (Basic) in the Biology Keystone Exam during the 18/19 SY was eligible to receive a non-numeric Proficient for successfully completing a course associated with the Keystone content during the 19/20 SY (e.g., repeat the trigger course, participate in an eligible credit-recovery course). That student may utilize either the numeric score of 1460 *or* the non-numeric Proficient in order to satisfy statewide graduation requirements.

However, for the purposes of *federal accountability*, only a "first-time test-taker" who successfully completed a Keystone content-associated course during the 19/20 SY is counted as having a non-numeric Proficient.

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## HOW DOES AN LEA DETERMINE A STUDENT HAS DEMONSTRATED KEYSTONE PROFICIENCY IN A PRIOR EDUCATIONAL SETTING?

Students transferring into a Pennsylvania high school from out-of-state, a private school, a home school environment, or from out-of-country may qualify for a non-numeric Keystone Exam score of Proficient if the LEA:

- Determines that the standardized assessment the student has completed aligns with the state academic standards assessed by the Keystone Exam,
- Evaluates the student's performance to be commensurate with a Keystone Exam score of Proficient or better, and
- Verifies 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 A NON-NUMERIC SCORE BE USED TO SATISFY STATEWIDE HIGH SCHOOL GRADUATION REQUIREMENTS?

Yes. Non-numeric scores may be used to satisfy the Keystone Proficiency Pathway requirements or to fulfill criteria under Section Two of the Evidence-Based Pathway; however, non-numeric scores may *not* be used to satisfy the Keystone Composite Pathway as three numerical values are required to calculate the composite score.

Also, a student pursuing the CTE, Alternative Assessment, or Evidence-Based Pathway is not required to meet locally established grade-based requirements for Keystone academic content in which the student has a numeric or non-numeric score of Proficient/Advanced. By way of example, a student graduating via the Alternative Assessment Pathway with a score of 1525 (Proficient) on the Algebra I Keystone Exam, a non-numeric Proficient in the Biology Keystone Exam, and no Literature Keystone Exam score must meet only the locally established grade-based requirement for Keystone Literature academic content as well as satisfy a pathway-specific criterion (such as score a 3 or better on an eligible AP Exam for Literature).

NOTE: A student meeting locally established, grade-based requirements for Keystone academic content is not considered to have attained a “non-numeric Proficient” Keystone Exam score in that Keystone academic content area.

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## IS A STUDENT REQUIRED TO RETAKE A KEYSTONE EXAM AFTER AN UNSUCCESSFUL ATTEMPT?

There is no state requirement for a student to retake any Keystone Exam. However, locally established policies may require a student to retake a Keystone Exam for purposes of meeting the LEA’s graduation requirements.

NOTE: A student who scores Basic or Below Basic may request to retake the assessment; a student who achieves a score of Proficient or Advanced on a Keystone Exam may retake the exam if the student or parent/guardian submits a request in writing to the LEA.

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## MAY A STUDENT WITH A NON-NUMERIC SCORE OF PROFICIENT TAKE THE ASSOCIATED KEYSTONE EXAM?

Yes. A student with a non-numeric score of Proficient may elect to take the associated Keystone Exam and may utilize whichever score (numeric or non-numeric) is more advantageous in meeting pathway requirements.

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## KEYSTONE PROFICIENCY & KEYSTONE COMPOSITE PATHWAYS

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### TO GRADUATE ON THE KEYSTONE PROFICIENCY OR THE KEYSTONE COMPOSITE PATHWAY, MUST A STUDENT PASS THE KEYSTONE EXAM ‘TRIGGER’ COURSES?

No. However, the Keystone Proficiency Pathway requirements may be met using one or more *non-numeric* scores of Proficient - eligibility for which requires the student to have passed the associated course (see [What is the Difference between a “Numeric” and a “Non-Numeric” Score](#)).

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### HOW WERE THE KEYSTONE COMPOSITE PATHWAY CRITERIA DETERMINED?

The Keystone Composite Pathway criteria were informed by a report to the legislature, titled [Findings and Recommendations Pursuant to Act 1 of 2016](#), and approved by the State Board of Education.

The criteria include the attainment of a satisfactory composite score on the Keystone Exams in Algebra I, Biology, and Literature. In collaboration with the Department’s Technical Advisory Committee, the composite score of 4452 was deemed “satisfactory” as the minimum score within a 95% confidence band that a student’s true composite score is within 2 Standard Errors of Measurement (between 4452 and 4548) of scoring Proficient on all three Keystone Exams, an aggregate score of 4500.

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

No. 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 (including Keystone Proficiency).

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## LOCALLY ESTABLISHED GRADE-BASED REQUIREMENTS

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### MUST A STUDENT PASS THE KEYSTONE TRIGGER COURSE IN ORDER TO DEMONSTRATE PROFICIENCY WHEN MEETING LOCALLY ESTABLISHED, GRADE-BASED REQUIREMENTS?

Not necessarily. Minimally, performance criteria reflected in the local graduation policy as consistent with proficiency in Keystone academic content should include the successful completion of an associated trigger course\*. However, where a student is unable to successfully complete a trigger course, an LEA might consider permitting the student to demonstrate proficiency through the successful completion of either a:

- Project-Based Assessment (PBA), or
- Credit recovery course *provided* the coursework covers the same breadth and depth of Keystone eligible content as the original trigger course (as determined by the LEA) and a passing grade/credit is reflected on the student transcript.

\*A trigger course aligns to Keystone-associated academic standards and results in a Keystone Exam. Where the standards are addressed over a series of courses (e.g., Algebra 1A and Algebra 1B), the last in the series is usually designated as the trigger course because the eligible content should be covered completely prior to ‘triggering’ an end-of-course exam; however, LEAs may consider student performance *across* the course series (both Algebra 1A and Algebra 1B) when determining proficiency in the Keystone academic content for the purposes of meeting locally established, grade-based requirements.

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### MAY A PROJECT BASED ASSESSMENT BE USED IN LIEU OF A KEYSTONE EXAM?

No. However, Project Based Assessments (PBA) may provide another option for a student to meet locally established grade-based requirements for Keystone academic content where a student has not demonstrated proficiency (i.e., does not have a numeric or non-numeric score of Proficient/Advanced). NOTE: An LEA may not require a student to complete a PBA.

LEAs may utilize the Department-provided PBAs or design their own. The PBAs on the SAS website, accessible to LEA Assessment Coordinators\*, offer two modules per Keystone Exam – Module 1 and Module 2. For example, in the Algebra I modules, Module 1 addresses Operations and Linear Equations and Inequalities while Module 2 addresses Linear Functions and Data Organization.

The PBAs on the SAS website may serve as models; however, LEAs should determine the circumstances around PBA administration: method of delivery, teacher oversight, length of time to complete the work, scoring protocols, etc.

\* LEA Assessment Coordinators requiring access should contact the SAS Help Desk at 877.973.3727.

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### MAY A STUDENT SATISFY LOCALLY ESTABLISHED GRADE-BASED REQUIREMENTS THROUGH AN ADVANCED PLACEMENT OR CONCURRENT ENROLLMENT COURSE?

Yes, if the LEA has adopted a local graduation policy to that effect. The LEA is not required to identify the AP or concurrent enrollment course as a Keystone Exam ‘trigger course’; however, the LEA must determine that the course covers the same breadth and depth of the Keystone eligible content.

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NOTE: Where a passing grade in a concurrent enrollment course is used to satisfy locally established grade-based requirements for a student, the same course grade may not be used to also satisfy a pathway criterion for the same student.

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## CAREER & TECHNICAL EDUCATION (CTE) CONCENTRATOR PATHWAY

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### WHO IS A CTE CONCENTRATOR?

§121 of the Pa. School Code defines a [CTE Concentrator](#) as a student who:

- is enrolled in a PDE-approved CTE Program, and
- has successfully completed at least 50% of the minimum technical instructional hours required under 22 Pa. Code Ch. 339.

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### MAY ANY SCIENCE COURSE BE USED IN LIEU OF BIOLOGY WHEN ESTABLISHING LOCAL GRADE-BASED REQUIREMENTS FOR CTC STUDENTS?

Any science, technology, or environment and ecology course may satisfy the requirements for the academic content area associated with the Keystone Exam in Biology for CTE concentrators.

The LEA may identify either the course that culminates in the Keystone Biology Exam or, where the standards are addressed over a series of courses, the LEA may consider student performance *across* the course series when determining proficiency in the Keystone academic content for the purposes of meeting locally established, grade-based requirements.

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## ALTERNATIVE ASSESSMENT & EVIDENCE-BASED PATHWAYS

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### MUST A STUDENT MEET PATHWAY-SPECIFIC CRITERIA FOR EACH KEYSTONE CONTENT AREA IN WHICH THE STUDENT DID NOT DEMONSTRATE PROFICIENCY?

No pathway-specific criteria are based upon Keystone academic content *except* for the AP Exam, IB Exam, and concurrent enrollment course criteria under the Alternative Assessment Pathway, which require an associated exam or course for each Keystone content area in which the student has not demonstrated proficiency (i.e., has a numeric or non-numeric Proficient/Advanced).

By way of example, a student who has a non-numeric score of Proficient for only Keystone Literature would satisfy the following under the AP Exam criterion for the Alternative Assessment Pathway:

- Meet local grade-based requirements for both Algebra I and Biology, and
- Score a 3 or better on approved AP Exams for Algebra I and Biology aligned courses.

Alternatively, that same student might choose to successfully complete only *one* approved pre-apprenticeship program in *any* discipline in order to satisfy the Alternative Assessment Pathway.

NOTE: Under the Evidence-Based Pathway, the AP Exam, IB Exam, and concurrent enrollment or postsecondary course criteria may be in *any* content area consistent with the student's goals and career plan.

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## MAY A PSAT 10 SCORE SATISFY THE CRITERION UNDER THE ALTERNATIVE ASSESSMENT PATHWAY?

Yes. For the purposes of meeting this criterion under the Alternative Assessment Pathway, a score of 970 or better on the PSAT 10 is the same as achieving a score of 970 or better on the PSAT/NMSQT.

NOTE: A score in the PSAT 8/9 may not be utilized to satisfy this pathway as it is a different exam.

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## MAY A STUDENT WHO PARTICIPATES IN THE ASVAB WITH ACCOMMODATIONS BE CONSIDERED AS HAVING MET REQUIREMENTS FOR ADMITTANCE INTO THE ARMED SERVICES?

No. Only Armed Forces Qualifying Test (AFQT) scores obtained from an ASVAB exam session given under identical (i.e., [standardized](#)) conditions may be considered as having met the minimum score to gain admittance to a branch of the armed services, thereby satisfying the criterion under the Alternative Assessment Pathway.

NOTE: Accommodations are available for the ASVAB Career Exploration Program (CEP) which, if appropriate for the student, may be incorporated into an IEP for the purpose of meeting Pennsylvania's Career Education and Work (CEW) standards.

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## MUST THE CONCURRENT ENROLLMENT COURSE CREDIT EARNED APPEAR ON A POSTSECONDARY TRANSCRIPT?

No. A concurrent enrollment course is one in which both high school and postsecondary credit are earned upon successful completion; however, where an additional fee may be required for the credit to appear on a postsecondary transcript, the LEA/student does not need to assume the cost in order to meet statewide high school graduation requirements.

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## WAIVERS AND SPECIAL STUDENT POPULATIONS

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### MAY A CHIEF SCHOOL ADMINISTRATOR WAIVE GRADUATION REQUIREMENTS?

Yes, to an extent. For a student either in grade 12 or experiencing extenuating circumstances who does not meet the Keystone Proficiency or Keystone Composite Pathway requirements, the chief school administrator may waive the student's obligation to satisfy criteria under other pathways *provided* the student successfully completes locally established, grade-based requirements for academic content associated with each Keystone Exam for which the student was not deemed Proficient via a numeric or non-numeric score.

Extenuating circumstances include serious illness, death in the student's immediate family, family emergency, frequent school transfers, and transfer from out-of-state in grade 12. Per State Board of Education resolutions, the pandemic also may be considered an extenuating circumstance for which a waiver may be granted to students in the *graduating classes of 2023, 2024, and 2025*.

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.

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### WHAT GRADUATION OPTIONS EXIST FOR A STUDENT 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 statewide graduation requirements is to be issued a regular high school diploma by the student's LEA. A student who graduates in this manner is not considered as having graduated via a Graduation Pathway under §121 of the Pa. School Code, nor is the student included in the

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waiver count.

NOTE: All students, including students with disabilities, are required to participate in the Keystone Exams for the purposes of federal accountability - *unless* the student participates in the Grade 11 [PASA](#).

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## ARE THERE LIMITATIONS WHEN GRADUATING STUDENTS VIA IEP GOALS?

No. The number or percentage of students within a graduating class issued diplomas for the satisfactory completion of a special education program is not limited, and students do not have to qualify for the PASA in order to graduate in this manner.

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## MUST AN ADULT STUDENT OR A STUDENT WHO IS RE-ENGAGED IN A DIPLOMA PROGRAM MEET STATEWIDE GRADUATION REQUIREMENTS?

Students who are legally entitled to attend school in the commonwealth (e.g., those students who are 21 years of age or younger or have turned 21 during the school term) and who are re-engaged in the academic program as delineated in Chapter 4 are subject to statewide high school graduation requirements, including students with a GED who are working toward a diploma or students beyond the age of 21 in an extended school program per a hearing officer decision or court order.

Participants in preparation programs for a Commonwealth Secondary School Diploma or High School Equivalency (via a GED, HISET, or 30 college credit option) are not expressly subject to statewide graduation requirements, nor are adults who do not meet the above conditions but are engaged in an LEA-offered program resulting in the local issuance of a high school diploma.

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## MUST A STUDENT PLACED IN AN ALTERNATE EDUCATIONAL SETTING MEET STATEWIDE GRADUATION REQUIREMENTS?

If a student is enrolled at a school entity as defined in §121 of the Pa. School Code, the student must meet the statewide graduation requirements. Specifically, a school entity is defined as a school district, intermediate unit, area vocational-technical school, charter school, cyber charter school, regional charter school, or multiple charter school organization. Entities not included in the definition are not subject to §121 of the Pa. School Code but may be subject to other mandates regarding responsibilities to a home/host district for student academic progress and achievement of graduation requirements; see Department guidance delineated in the [Basic Education Circulars \(BECs\)](#) for more information.

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## TRACKING AND REPORTING

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### HOW CAN SCHOOLS TRACK STUDENT PATHWAYS?

Schools may elect to use the PDE-provided tracking tool available through [MyPDESuite](#). This optional tool will:

- Assist in determining pathway options for students by identifying those students not meeting Keystone Exam or Keystone Composite score requirements, and
- Allow the LEA/school to enter and track each student's progress toward viable graduation pathways.

Although the tracking tool will permit the batch upload of data, it is not an online repository for individual student artifacts; therefore, schools should establish procedures for the local management and retention of pathway evidence.



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## WHAT MUST LEAS REPORT TO THE DEPARTMENT?

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

- Total number of students enrolled in twelfth grade and number graduated within the prior school year
- Number of students within the graduation class granted a waiver
- Number of students within the class graduating by IEP goals
- Number of students within the class graduating by pathway and delineated by the option(s) utilized under that pathway, e.g.:
  - Of the 10 students within the class 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 should maintain documentation of student evidence at the local level though not necessarily the evidence itself. By way of example, documentation should indicate the Evidence-Based Pathway and the three criteria met - but might not include the actual employment letter.

## 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

Schools may elect to use the PDE-provided tracking tool. This optional tool will assist in determining pathway options by allowing schools to identify those students not meeting Keystone Proficiency or Keystone Composite score requirements and to record additional data in order to track each student's progress toward viable graduation pathways.

- [Accessing the Pathways to Graduation Tracking Tool](#)
- [MyPDESuite](#)

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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/>.

## EXAMPLES

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

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.

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**Concurrent Enrollment Course** - A course in which a secondary student is enrolled and, upon successful completion of which, both high school and postsecondary credit are earned.

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

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

**Department** - The Department of Education of the Commonwealth.

**Established Score** - A score recommended by the Secretary 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 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

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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:

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.

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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.

(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 employe's performance rating under section 1123.

# ACT 158 TOOLKIT

(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.

(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

# ACT 158 TOOLKIT

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

## APPENDIX C: ACT 158

### 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

# ACT 158 TOOLKIT

the Public School Code of 1949, amended or added June 21, 2017 (P.L.200, No.6) and June 22, 2018 (P.L.241, No.39), are amended and the section is amended by adding subsections to read:

Section 121. Keystone Exams and Graduation Requirements.--(a) The [Department of Education] department shall develop and implement Keystone Exams in algebra I, literature and biology. The State Board of Education shall promulgate or revise regulations, subject to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," necessary to implement this section.

(b) The following shall apply:

(1) Notwithstanding section 2604-B(b)(2)(v), 22 Pa. Code § 4.24 (relating to high school graduation requirements), 4.51 (relating to State assessment system) or 4.51c (relating to project-based assessment) or any statute or regulation to the contrary, the use of the Keystone Exams as a graduation requirement or as a benchmark for the need for participation in a project-based assessment shall be delayed until the [2020-2021] **2021-2022** school year.

\* \* \*

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

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

(2) completes one of the following:

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

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

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

(1) Attainment of a satisfactory composite score under subsection (c.2) on the Keystone Exams in algebra I, literature and biology.

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



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- (i) Attainment of an established score on an approved alternative assessment.
  - (ii) Attainment of at least the Gold Level on the ACT WorkKeys assessment.
  - (iii) Attainment of an established score on an Advanced Placement Program exam in an academic content area associated with each Keystone Exam on which the student did not achieve at least a proficient score.
  - (iv) Attainment of an established score on an International Baccalaureate Diploma Program exam in an academic content area associated with each Keystone Exam on which the student did not achieve at least a proficient score.
  - (v) Successful completion of a concurrent enrollment course in an academic content area associated with each Keystone Exam on which the student did not achieve at least a proficient score.
  - (vi) Successful completion of a preapprenticeship program.
  - (vii) Acceptance to an accredited four-year nonprofit institution of higher education and evidence of the ability to enroll in college-level, credit-bearing coursework.
- (3) Successful completion of locally established, grade-based requirements for academic content areas associated with each Keystone Exam on which the student did not achieve at least a proficient score and demonstration of three pieces of evidence that reflect readiness for meaningful postsecondary engagement consistent with the student's goals and career plan, which shall include:
- (i) One of the following:
    - (A) Attainment of an established score on the ACT WorkKeys assessment.
    - (B) Attainment of an established score on a SAT Subject Test.
    - (C) Acceptance to an accredited nonprofit institution of higher education other than an accredited four-year nonprofit institution of higher education and evidence of the ability to enroll in college-level, credit-bearing course work.
    - (D) Attainment of an industry-recognized credential, as identified in the industry credential resource book or in the industry-based learning guidelines compiled by the department.
    - (E) Attainment of an established score on an Advanced Placement Program exam.
    - (F) Attainment of an established score on an International Baccalaureate Diploma Program exam.
    - (G) Successful completion of a concurrent enrollment course or a postsecondary course.
  - (ii) Two additional pieces of evidence from a list established by the secretary and approved by the State Board of Education, which shall include, but not be limited to:
    - (A) Any additional items listed under subparagraph (i).

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

(C) Attainment of a score of Proficient or Advanced on a Keystone Exam.

(D) A letter guaranteeing full-time employment.

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

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

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

(c.2) (1) No later than July 30, 2019, the secretary shall recommend, and the State Board of Education shall approve, the satisfactory composite score a student must attain in order to meet the requirements of this section. The satisfactory composite score established under this paragraph shall:

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

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

(iii) Every five years, the State Board of Education shall review the operation of the satisfactory composite score established under paragraph (1) and shall issue a report of its findings to the chairperson and minority chairperson of the Education Committee of the Senate and the chairperson and minority chairperson of the Education Committee of the House of Representatives.

(2) The satisfactory composite score established under paragraph (1) shall remain in effect unless the score is changed by an act of the General Assembly.

(3) The department shall transmit notice to the Legislative Reference Bureau to publish the satisfactory composite score established under paragraph (1) in the Pennsylvania Bulletin and shall publish the satisfactory composite score on the department's publicly accessible Internet website.

(c.3) A chief school administrator may grant a waiver of the requirements for demonstrations of proficiency on the Keystone Exams or the requirements of subsection (c) or (c.1) for a student in grade twelve or to accommodate a student who experiences extenuating circumstances. The following shall apply:

(1) If the waivers granted by a chief school administrator exceed five percent (5%) of students in the graduating class in any school year, the department shall require the school entity to submit an improvement plan for the department's approval.

(2) If the waivers granted by a chief school administrator exceed five percent (5%) of students in the graduating class in two (2) consecutive school years, the following shall occur:

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(i) The department shall conduct an audit of the school entity to assess the following:

(A) The alignment of the coursework offered by the school entity with the State academic standards assessed by each Keystone Exam.

(B) The school entity's implementation of subsections (c) and (c.1).

(C) The chief school administrator's granting of waivers under this subsection.

(ii) The department shall provide the school entity with technical assistance.

(iii) The school entity shall develop, submit to the department for approval and implement a three-year improvement plan in order to address issues as determined by the audit findings.

(3) When the waivers granted by a chief school administrator exceed five percent (5%) of students in the graduating class in any school year, the department shall review the waivers granted. If the department determines that the five percent (5%) threshold was exceeded because waivers were granted to students who experienced extenuating circumstances, paragraphs (1) and (2) shall not apply.

(4) Each student granted a waiver under this subsection shall complete locally established, grade-based requirements for academic content areas associated with each Keystone Exam.

(5) As used in this subsection, the term "extenuating circumstances" shall include serious illness, death in the student's immediate family, family emergency, frequent school transfers or transfer from an out-of-State school in grade twelve or another emergency as determined by the secretary and approved by the State Board of Education.

(c.4) A school entity may offer supplemental instruction to a student who does not demonstrate at least proficiency on a Keystone Exam or on a locally validated assessment under 22 Pa. Code § 4.24. The supplemental instruction:

(1) Shall be consistent with the student's educational program.

(2) Shall assist the student to attain proficiency in the State academic standards.

(3) Shall be designed as to ensure students who accept the school entity's offer of supplemental instruction are able to participate in both supplemental instruction and instruction related to their career, military or postsecondary education plans.

(4) Shall not intrude into instructional time for career and technical education and may not occur during a student's dedicated time in a career and technical education program in order to provide the student time to gain competence in the student's concentration area within a career and technical education program as well as demonstrate a high likelihood of success on an approved industry-based competency assessment.

(5) Shall not require the participation of any student.

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

(c.6) A student with a disability who satisfactorily completes a special education program developed by an

# ACT 158 TOOLKIT

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

(c.7) A student who achieves a score of Proficient or Advanced on a Keystone Exam shall only be permitted to retake the exam if the student or parent submits a request in writing to the school entity.

(c.8) When a student transfers from an out-of-State school to a school entity in this Commonwealth, the student's school entity shall determine whether the student's performance on out-of-State coursework and assessments that are aligned with the State academic standards assessed by each Keystone Exam satisfy the requirements of this section.

(c.9) The performance level demonstrated in each of the State academic standards, including the highest performance level demonstrated by a student on the associated Keystone Exam, may be included on a student's transcript as determined by each school entity.

(c.10) No later than the beginning of the 2020-2021 school year, each school entity shall ensure students, parents and guardians are notified of the school entity's high school graduation requirements, including

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

(c.11) No later than December 1, 2022, and each December 1 thereafter, each school entity shall submit a report to the department which shall be posted by January 15 of each year on the department's publicly accessible Internet website. The report shall contain, at a minimum, the following:

- (1) Name of the school entity.
- (2) County in which the school entity is located.
- (3) Total number of students in grade twelve in the previous school year.
- (4) Total number of students who graduated in the previous school year.
- (5) Total number of students who graduated by demonstrating proficiency under each of the following:
  - (i) the achievement of the required score on all three (3) Keystone Exams;
  - (ii) subsection (c);
  - (iii) subsection (c.1)(1);
  - (iv) subsection (c.1)(2); and
  - (v) subsection (c.1)(3).
- (6) Number of students that the chief school administrator granted a waiver under subsection (c.3).

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(7) For students graduating under subsection (c.1)(2), the number of students utilizing each item under subsection (c.1)(2)(i).

(8) For students graduating under subsection (c.1)(3), the number of students and description of the type of evidence used to demonstrate proficiency.

(c.12) The secretary shall issue guidelines within ninety (90) days of the effective date of this section for implementation of this section.

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

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

(1) A university within the State System of Higher Education under Article XX-A.

(2) A State-related institution as defined in section 1502-A.

(3) Any accredited nonprofit public, private or independent college or university that confers four-year baccalaureate degrees.

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

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

(2) An accredited four-year nonprofit institution of higher education.

(3) Any accredited nonprofit public, private or independent college or university.

(4) The Thaddeus Stevens College of Technology.

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

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

"Advanced Placement Program." A program authorized by the college board that allows a student to study college-level subjects while enrolled in high school and to receive advanced placement and college credit for earning a qualified score on the course-related Advanced Placement exam.

"Approved alternative assessment." A SAT, PSAT, ACT or Armed Services Vocational Aptitude Battery test.

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

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

"Chief school administrator." The superintendent of a school district, executive director of an intermediate

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unit, administrative director of an area vocational-technical school or chief executive officer of a charter school, cyber charter school, regional charter school or multiple charter school organization.

"Concurrent enrollment course." A course in which a secondary student is enrolled and, upon successful completion of which both high school and postsecondary credit are earned.

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

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

"Department." The Department of Education of the Commonwealth.

"Established score." A score recommended by the secretary and approved by the State Board of Education.

"GPA." Grade point average.

"International Baccalaureate Diploma Program." An academically challenging two-year precollege diploma program comprised of three core requirements and six academic subject areas with final examinations that prepare students sixteen (16) to nineteen (19) years of age for higher education and life in a global society.

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

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

"Postsecondary course." A course in which a secondary student is enrolled and, upon successful completion, postsecondary credit is earned.

"Preapprenticeship program." An apprenticeship program registered with the Pennsylvania Apprenticeship and Training Council.

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

"SAT Subject Test." A standardized test for the assessment of a specific content area administered by the College Board.

"School entity." A school district, intermediate unit, area vocational-technical school, charter school, cyber charter school, regional charter school or multiple charter school organization.

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

Section 2. This act shall take effect immediately.

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

TOM WOLF

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## 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

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.

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(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).

"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