ANNEX A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

CHAPTER 4. ACADEMIC STANDARDS AND ASSESSMENT

GENERAL PROVISIONS

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§ 4.2. Purpose.

The purpose of this chapter is to establish rigorous academic standards and assessments, **APPLICABLE ONLY TO THE PUBLIC SCHOOLS OF THE COMMONWEALTH,** to facilitate the improvement of student achievement and to provide parents and communities a measure by which school performance can be determined.

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§ 4.3. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

AVTS—Area vocational-technical school—A public school that provides vocational-technical education to secondary school students, out-of-school youth and adults in a geographical area comprised and operated by one or more school districts and established under sections 1840—1853 of the School Code (24 P.S. §§ 18-1840—18-1853).

Academic standard—What a student should know and be able to do at a specified grade level.

Apprenticeship program—A competency-based program that coordinates and integrates classroom instruction with a structured work-based employment experience designed for students.

Assessment—A valid and reliable measurement of student performance on a set of academic standards in a subject area that captures student understanding of the set as a whole and the central concepts, knowledge and skills of each content area.

Board—The State Board of Education established under sections 2601-B—2606-B of the School Code (24 P.S. §§ 26-2601-B—26-2606-B).

[*Common Core State Standards*—Academic standards for English language arts and mathematics developed through a Nationwide, state-led process coordinated by the National Governors Association and the Council of Chief State School Officers and in collaboration with teachers, content experts and other education and skills students should have within their K-12 education careers so that they will graduate high school able to succeed in entry-level, credit-bearing academic college courses and in work-force training programs.]

Cooperative vocational-technical education—A planned method of instruction developed through a signed cooperative arrangement among school representatives, students, parents and employers in the community to provide students with an opportunity to alternate in-school academic and vocational-technical instruction in entry-level paid employment in an occupational field, in which the student's total occupational work experience is planned, coordinated and supervised by the school in close cooperation with the employer.

Curriculum—A series of planned instruction aligned with the academic standards in each subject that is coordinated and articulated and implemented in a manner designed to result in the achievement at the proficient level by all students.

Department—The Department of Education of the Commonwealth.

ESOL—English to speakers of other languages.

Employment area—A geographic area where vocational-technical education program completers are most likely to be employed.

Individuals with Disabilities Education Act—20 U.S.C.A. §§ 1400—1482.

Intermediate unit—A regional educational service agency established under sections 951—974 of the School Code (24 P.S. §§ 9-951—9-974), which provides educational services to participating school districts as part of the public school system of this Commonwealth.

Keystone Exams—State-developed end-of-course exams. **DESIGNATED EXAMS WILL BE USED TO DETERMINE, IN PART, A STUDENT'S ELIGIBILITY FOR HIGH SCHOOL GRADUATION.**

Local Assessment Validation Advisory Committee—An advisory committee established by the Department composed of up to two representatives each from the Department and Board, four representatives from the Pennsylvania School Boards Association and up to four additional members who are jointly selected by the committee. The purpose of the Committee is to develop the criteria for the local validation process and criteria for selection of approved validation entities.

NOCTI—National Occupational Competency Testing Institute.

PSSA—Pennsylvania System of School Assessment.

Parent or *guardian*—A person legally responsible for a student's care.

***Pennsylvania ~~Common~~ Core Standards*—Academic standards for English language arts and mathematics based upon a Nationwide, state-led process coordinated by the National Governors Association and the Council of Chief State School Officers and in collaboration with teachers, content experts and other education stakeholders. The standards define the knowledge and skills students should have within their K-12 education careers so that they will graduate high school able to succeed in entry-level, credit-bearing academic college courses and in work-force training programs.**

Performance Level Advisory Committee—An advisory committee established by the Department to assist the Department in developing Keystone Exam performance level descriptors and performance level cut scores. The committee includes teachers, principals, school administrators, school board members, higher education officials, representatives of the United States Armed Forces, employers and others with at least one-half of its members selected from nominations made by Statewide teachers' unions and other education stakeholder organizations.

Planned instruction—Instruction offered by a school entity based upon a written plan to enable students to achieve the academic standards under § 4.12 (relating to academic standards) and **ANY** additional academic standards **as** determined **[in strategic plans under § 4.13 (relating to strategic plans)] by the school entity.**

Prekindergarten—A program operated by a school district or by a community agency under contract from a school district that is open to children who are at least 3 years of age and completed prior to the school district's entry age for kindergarten.

School Code—The Public School Code of 1949 (24 P.S. §§ 1-101—27-2702).

School entity—A local public education provider (for example, public school district, charter school, cyber charter school, AVTS or intermediate unit).

School organization—The organization of a school district's programs into kindergarten, primary, intermediate level, middle level and high school programs, including programs operated at AVTSs.

Secretary—The Secretary of Education of the Commonwealth.

State Assessment Validation Advisory Committee—An advisory committee established by the Department to advise it on its plans to conduct a validity study of the Keystone Exams and review and provide feedback on study findings. The Committee is composed of up to two representatives each from the Department, Board, Pennsylvania State Education Association, American Federation of Teachers-Pennsylvania and up to four additional members who are jointly selected by the committee.

***STATE ASSESSMENT*—A VALID AND RELIABLE MEASUREMENT OF STUDENT PERFORMANCE ON A SET OF ACADEMIC STANDARDS AS MEASURED BY THE PENNSYLVANIA SYSTEM OF SCHOOL ASSESSMENT OR THE KEYSTONE EXAMS.**

[*Strategic plan*—A comprehensive plan for education developed under § 4.13.]

Tech-prep program—A combined secondary and postsecondary program which leads to an associate degree or certificate and employment by providing technical preparation in engineering technology, applied science, mechanical, industrial or practical art or trade, agriculture, health or business, including development of competence in mathematics, science and communications through a sequential course of study.

Vocational-technical education—Programs under public supervision and control which provide an organized process of learning experiences designed to develop integrated academic and occupational skills, knowledge, attitudes, work habits and leadership ability for entry into and advancement within various levels of employment in occupational areas of agriculture, business, marketing and distribution, health, home economics and trade and industry and for participation in postsecondary education and training.

§ 4.4. General policies.

(a) It is the policy of the Board that the local curriculum be designed by school entities to achieve the academic standards under § 4.12 (relating to academic standards) and **ANY** additional academic standards **[designated in strategic plans under § 4.13 (relating to strategic plans)]** **as determined by the school entity**.

(b) It is the policy of the Board that local school entities have the greatest possible flexibility in curriculum planning consistent with providing quality education and in compliance with the School Code, including requirements for courses to be taught (24 P.S. §§ 15-1501 and 16-1605); subjects to be taught in the English language (24 P.S. § 15-1511); courses adapted to

the age, development and needs of the pupils (24 P.S. § 15-1512); minimum school year of 180 days and minimum of 900 hours of instruction at the elementary level and 990 hours of instruction at the secondary level (24 P.S. §§ 15-1501 and 15-1504); employment of sufficient numbers of qualified professional employees (24 P.S. § 11-1106) and superintendents to enforce the curriculum requirements of State law (24 P.S. § 10-1005); and this part.

(c) Access to educational programs shall be provided without discrimination on the basis of a student's race, sex, color, religion, disability, sexual orientation or national origin.

(d) School entities shall adopt policies to assure that parents or guardians have the following:

(1) Access to information about the curriculum, including academic standards to be achieved, instructional materials and assessment techniques.

(2) A process for the review of instructional materials.

(3) The right to have their children excused from specific instruction that conflicts with their religious beliefs, upon receipt by the school entity of a written request from the parent or guardians.

(4) [**The right of the parent or guardian to review the State assessments in the school entity, at least 2 weeks prior to their administration, during convenient hours for parents and guardians. Necessary security requirements to maintain the validity of the assessment shall be taken in accordance with the State assessment administration instructions.**

(5)] **The right to review a State assessment in the school entity during convenient hours for parents and guardians, at least 2 weeks prior to their administration, to determine whether ~~an~~ A STATE assessment conflicts with their religious belief. To protect the validity and integrity of the State assessments, each school entity shall have in place procedures to be followed when parents or guardians request to view any State assessment. Procedures must be consistent with guidance provided by the Department in its assessment administration instructions.** If upon inspection of **a** State **[assessments] assessment** parents or guardians find the assessment **to be** in conflict with their religious belief and wish their students to be excused from the assessment, the right of the parents or guardians will not be denied upon written request **that states the objection** to the applicable school district superintendent, charter school chief executive officer or AVTS director.

[(6) Opportunity for involvement in the strategic planning process under § 4.13.

(7)] **(5)** The right to have their children excluded from research studies or surveys conducted by entities other than a school entity unless prior written consent has been obtained.

(e) The Department will provide support to school districts **[and],** AVTSs **and charter schools, including cyber charter schools,** in developing educational programs that enable students to attain academic standards under § 4.12. Department support will include:

(1) Establishment of a voluntary model curriculum and diagnostic supports aligned with State academic standards in each of the content areas assessed by the Keystone Exams under ~~§ 4.51(f) (relating to State assessment system)~~ **§ 4.51B(I) AND (J) (RELATING TO KEYSTONE EXAMS).**

(2) Assistance in the development of effective student tutoring, remediation and extended instructional time programs.

(3) Opportunities for continuing professional education designed to improve instruction in each of the content areas assessed by the Keystone Exams under ~~§ 4.51(f)~~ **§ 4.51B(I) AND (J).**

(4) Technical guidance **[to school districts and AVTSs (including charter schools)]** in developing local assessments that meet the requirements of **[§ 4.24(b)(1)(iv)(B)]** **§ 4.24(c)(1)(iii)(B)**, upon request.

(F) THE DEPARTMENT SHALL NOT, AND THE BOARD WILL NOT, REQUIRE SCHOOL ENTITIES TO UTILIZE A STATEWIDE CURRICULUM OR STATEWIDE READING LISTS.

ACADEMIC STANDARDS AND PLANNING

§ 4.11. Purpose of public education.

(a) This section and **[§§]** **§** 4.12 **[and 4.13]** (relating to academic standards**[; and strategic plans]**) describe the purpose of public education**[,]** **and its relationship with** the academic standards**[, their relationship with one another and strategic plans]**.

(b) Public education prepares students for adult life by attending to their intellectual and developmental needs and challenging them to achieve at their highest level possible. In conjunction with families and other community institutions, public education prepares students to become self-directed, life-long learners and responsible, involved citizens.

(c) Together with parents, families and community institutions, public education provides opportunities for students to:

(1) Acquire knowledge and skills.

(2) Develop integrity.

(3) Process information.

(4) Think critically.

(5) Work independently.

(6) Collaborate with others.

(7) Adapt to change.

(d) The academic standards describe the knowledge and skills **[which]** **<u>that</u>** students will be expected to demonstrate before graduating from a public school.

(e) Achievement of high academic standards in public education is dependent upon the quality of instruction in schools and student effort supported by the involvement of family and community.

(f) Assessment in public education is designed to determine student attainment of State and local academic standards.

(g) Public schools provide instruction throughout the curriculum so that students may develop knowledge and skills in the following areas:

(1) **[Reading, writing, speaking, listening and]** English language arts.

(2) Mathematics.

(3) Science and technology.

(4) Environment and ecology.

(5) Social studies (civics and government, geography, economics and history).

(6) Arts and humanities.

(7) Career education and work.

(8) Health, safety and physical education.

(9) Family and consumer science.

(h) Public education provides planned instruction to enable students to attain academic standards under § 4.12. Planned instruction consists of at least the following elements:

(1) Objectives of a planned course, instructional unit or interdisciplinary studies to be achieved by all students.

(2) Content, including materials and activities, and estimated instructional time to be devoted to achieving the academic standards. Courses, instructional units or interdisciplinary studies of varying lengths of time may be taught.

(3) The relationship between the objectives of a planned course, instructional unit or interdisciplinary studies and academic standards specified under § 4.12 and **[to those determined in the school district's (including charter schools) or AVTS's strategic plan under § 4.13] ANY** **additional academic standards as determined by the school entity**.

(4) Procedures for measurement of the objectives of a planned course, instructional unit or interdisciplinary studies.

§ 4.12. Academic standards.

(a) School entities may develop, expand or improve existing academic standards in the following content areas:

(1) *Science and technology.* Study of the natural world and facts, principles, theories and laws in the areas of biology, chemistry, physics and earth sciences. Technology is the application of science to enable societal development, including food and fiber production, manufacturing, building, transportation and communication. Science and technology share the use of the senses, science processes, inquiry, investigation, analysis and problem solving strategies. **~~Beginning July 1, 2013, the~~** **THE PENNSYLVANIA ~~Common~~ Core ~~State~~ Standards for ~~Literacy~~ READING in ~~History/Social Studies, Science and Technical Subjects~~ TECHNOLOGY AND THE PENNSYLVANIA ~~COMMON~~ CORE STANDARDS FOR WRITING IN SCIENCE AND TECHNOLOGY will be an appendix to the Commonwealth's academic standards for Science and Technology UPON PUBLICATION IN THE *PENNSYLVANIA BULLETIN*.**

(2) *Environment and ecology.* Understanding the components of ecological systems and their interrelationships with social systems and technologies. These components incorporate the disciplines of resource management, agricultural diversity, government and the impact of human actions on natural systems. This interaction leads to the study of watersheds, threatened and endangered species, pest management and the development of laws and regulations.

(3) *Social studies.*

(i) *History.* Study of the record of human experience including important events; interactions of culture, race and ideas; the nature of prejudice; change and continuity in political systems; effects of technology; importance of global-international perspectives; and the integration of geography, economics and civics studies on major developments in the history of the Commonwealth, the United States and the world.

(ii) *Geography.* Study of relationships among people, places and environments, of geographic tools and methods, characteristics of place, concept of region and physical processes.

(iii) *Civics and government.* Study of United States constitutional democracy, its values and principles, study of the Constitution of the Commonwealth and government including the study of principles, operations and documents of government, the rights and responsibilities of citizenship, how governments work and international relations.

(iv) *Economics.* Study of how individuals and societies choose to use resources to produce, distribute and consume goods and services. Knowledge of how economies work, economic reasoning and basic economic concepts, economic decision making, economic systems, the Commonwealth and the United States economy and international trade.

(v) ~~*History/social studies, science and technical subjects*~~ *PENNSYLVANIA* ~~*COMMON*~~ *CORE STANDARDS FOR READING AND WRITING.* ~~**Beginning July 1, 2013, the**~~ **THE PENNSYLVANIA** ~~**Common**~~ **Core** ~~**State**~~ **Standards for** ~~**Literacy**~~ **READING in History/ AND Social Studies,** ~~**Science and Technical Subjects**~~ **AND THE PENNSYLVANIA** ~~**COMMON**~~ **CORE STANDARDS IN WRITING FOR HISTORY AND SOCIAL STUDIES will be an appendix to the Commonwealth's academic standards for History UPON PUBLICATION IN THE *PENNSYLVANIA BULLETIN*.**

(4) *Arts and humanities.* Study of dance, theatre, music, visual arts, language and literature including forms of expression, historical and cultural context, critical and aesthetic judgment and production, performance or exhibition of work.

(5) *Career education and work.* Understanding career options in relationship to individual interests, aptitudes and skills including the relationship between changes in society, technology, government and economy and their effect on individuals and careers. Development of knowledge and skill in job-seeking and job-retaining skills and, for students completing vocational-technical programs, the skills to succeed in the occupation for which they are prepared.

(6) *Health, safety and physical education.* Study of concepts and skills which affect personal, family and community health and safety, nutrition, physical fitness, movement concepts and strategies, safety in physical activity settings, and leadership and cooperation in physical activities.

(7) *Family and consumer science.* Understanding the role of consumers as a foundation for managing available resources to provide for personal and family needs and to provide basic knowledge of child health and child care skills.

(8) *Through June 30, 2013: Reading, writing, speaking and listening.*

(i) *Reading.* The application of phonemic awareness, phonics and word study, vocabulary, fluency and text comprehension in reading critically across subject areas; the interpretation and analysis of literary expression with analysis of the origins and structures of the English language and learning how to search a variety of texts to conduct research.

(ii) *Writing.* Narrative, informational and persuasive formal writing for an audience, including spelling and editing skills; and informal writing to capture and organize information for individual use.

(iii) *Speaking and listening.* Participation in conversation and formal speaking presentations.

(iv) ***English Language Arts.*** ~~**Beginning July 1, 2013**~~ **UPON PUBLICATION IN THE *PENNSYLVANIA BULLETIN*,** following full implementation of a transition plan to be developed by the Department in collaboration with education stakeholders, academic standards will be based on the **Pennsylvania** ~~Common~~ Core **[State]** Standards for English Language Arts **[and Literacy in History/Social Studies, Science, and Technical Subjects]. [States may supplement the Common Core State Standards with additional, State-specific academic standards.]**

(9) *Mathematics.* The understanding of fundamental ideas and the development of proficient mathematical skills in numbers, computation, measurement, statistics and data analysis, probability and predictions, algebra and functions, geometry, trigonometry and concepts of calculus. Using this content, students will learn to think, reason and communicate mathematically. Students will learn to model real-world situations by creating appropriate representations of numerical quantities and plan and implement problem-solving strategies to answer the question in the context of the situation. ~~**Beginning July 1, 2013**~~ **UPON PUBLICATION IN THE *PENNSYLVANIA BULLETIN*,** following implementation of a transition plan to be developed by the Department in collaboration with education stakeholders, academic standards will be based on the **Pennsylvania** ~~Common~~ Core **[State]** Standards for Mathematics. **[States may supplement the Common Core State Standards with additional, State-specific academic standards.]**

(b) In designing educational programs, school entities shall provide for the attainment of the academic standards under subsections (a) and (c) and any additional academic standards **[that they describe in their strategic plans under § 4.13(c) (relating to strategic plans)]** **as determined by the school entity**. Attaining the academic standards in this section requires students to demonstrate the acquisition and application of knowledge.

(c) School entities shall prepare students to attain academic standards in mathematics**[, reading, writing, speaking and listening]** **and English Language Arts** as contained in Appendix A-~~1~~ **2** and incorporated here by reference and additional standards as may be adopted by the Board and promulgated as amendments to this chapter.

(d) A school entity's curriculum shall be designed to provide students with planned instruction needed to attain these academic standards.

(e) School entities shall apply academic standards for students in all areas described under subsections (a) and (c). The local assessment plan under § 4.52 (relating to local assessment system) must include a description of how the academic standards will be measured and how information from the assessments is used to assist students having difficulty meeting the academic standards.

(f) School entities shall assess the attainment of academic standards developed under subsections (a) and (c) and any other academic standards that they develop **[and describe in their strategic plans]** under § 4.52(c) for purposes of high school graduation and strategies for assisting students to attain them. Plans for assessment developed by school entities must take into account that academic standards in subsections (a) and (c) may be attained by students in various ways and shall be assessed in various ways. Children with disabilities may attain the academic standards by completion of their individualized education programs under the Individuals with Disabilities Education Act and this part.

(g) In planning any revision of the academic standards in subsection (a) content areas, the Secretary will consult with educators, business and community leaders and parents.

(h) School entities are responsible under subsections (a), (c) and (g)**[, and § 4.13(c)(5)]** for assessing individual student attainment of academic standards and for assisting those students having difficulty attaining them. Upon request by a school entity, the Department will provide the requestor with technical assistance in the development of academic standards and

assessments that are sufficient to assure that students are making progress toward the attainment of standards required for high school graduation under subsection (f) **[and those identified in the strategic plan under § 4.13(c)(3)]**.

(i) Every 3 years, the Board will review the State academic standards and State assessments under this section to determine if they are appropriate, clear, specific and challenging, and will make revisions as necessary by revising this chapter.

(J) THE DEPARTMENT SHALL NOT EXPAND THE COLLECTION OF STUDENT DATA, AND, IN ACCORDANCE WITH THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (20 U.S.C. § 1232G (RELATING TO FAMILY EDUCATIONAL AND PRIVACY RIGHTS)), SHALL NOT COLLECT PERSONAL FAMILY DATA DUE TO THE IMPLEMENTATION OF PENNSYLVANIA CORE STANDARDS CONTAINED IN APPENDIX A-2.

§ 4.13. Strategic plans.

[(a) Every school district (including a charter school) shall develop and file with the Department a strategic plan once every 6 years and review that plan for revision at the mid-point according to an implementation schedule developed by the Department. The Department will notify each school district, by letter, of the due date for submission of the school district's plan to the Department at least 1 calendar year prior to its due date. A school district plan must incorporate appropriate components of the plan submitted under subsection (b) by an AVTS in which the district participates. In the development of a strategic plan, a school district (including a charter school) will, upon request, receive technical assistance from the Department.

(b) Every AVTS, in conjunction with and with the approval of the majority of its participating school districts, shall develop and file with the Department a strategic plan once every 6 years and review that plan at the mid-point according to an implementation schedule developed by the Department. The Department will notify each AVTS, by letter, of the due date for submission of the AVT's plan to the Department at least 1 calendar year prior to its due date. The strategic plan must incorporate appropriate components of the strategic plan submitted under subsection (a) by participating districts. In the development of the strategic plan, an AVTS will, upon request, receive technical assistance from the Department.

(c) The strategic plan must be based upon an analysis of internal and external needs, leading to the specifications of priorities for action and action plans. The requirement in subsections (a) and (b) to develop plans every 6 years and revisions every 3 years does not limit a school district's (including charter schools) or AVTS's ability to conduct a continuous strategic planning process. The plan must include the following components in addition to others the school district (including charter schools) or AVTS determines to include:

(1) A mission statement.

(2) A listing of the school district's (including charter schools) or AVTS's educational and organizational goals as they relate to student achievement and high school graduation requirements.

(3) A description of academic standards for student achievement which must be consistent with those under § 4.12 (relating to academic standards).

(4) The planned instruction to be offered and the instructional and assessment practices to be used to strive for the academic goals and attain academic standards under paragraph (3) and the high school graduation requirements under § 4.24 (relating to high school graduation requirements).

(5) An assessment plan under § 4.52 (relating to local assessment system) to determine the degree to which students are achieving academic standards under paragraph (3) including descriptions of methods and measures used to determine achievement, how information from the assessments shall be used to assist students who have not demonstrated attainment of the academic standards at a proficient level or higher and how information from the assessments shall be made available to the public.

(6) A plan for improving students' achievement, including specific, measurable goals for student growth and plans (including those listed in this section) that are designed to attain students' achievement goals. Achievement goals must demonstrate a connection to the academic standards under § 4.12 including, but not limited to, annual improvement goals for student scores on State and local assessments.

(7) The professional development plan under section 1205.1 of the School Code (24 P.S. § 12-1205.1) and § 49.17 (relating to continuing professional development) and the induction plan under § 49.16 (relating to approval of induction plans).

(8) A description of the school district's (including charter schools) or AVTS's organization and organizational goals and their relationship to differing student needs within the school district's (including charter schools) or AVTS's goals under paragraph (2) and the attainment of academic standards under paragraph (3).

(9) A description of the professional personnel, school library, classroom and other resources the school district (including charter schools) or AVTS plans to devote to the attainment of academic standards.

(10) A brief description of the process used to develop the strategic plan, including a list of persons involved in its development.

(11) A plan for additional instructional opportunities for students not achieving at the proficient level including identification procedures, alternate instructional strategies, monitoring of assessment procedures and opportunities for extended learning time.

(12) A description of how the school district will accomplish coordination with community operated infant and toddlers and preschool early intervention programs and the following before or after school programs and services for all grade levels, including prekindergarten, if offered, through grade 12:

(i) Child care.

(ii) After school programs.

(iii) Youth workforce development programs.

(iv) Tutoring.

(13) A school district that offers prekindergarten shall describe the prekindergarten program and explain how the district will coordinate with agencies that serve preschool age children with disabilities. The plan must address coordination activities designed to identify and serve children with disabilities and the supports and accommodations available to ensure both physical and programmatic access. The plan must address pre-kindergarten programs operated directly by the school district and those operated by community agencies under contract from the school district.

(14) A brief description of how the school district will provide for a smooth transition for prekindergarten students, when prekindergarten is offered, from the home setting and any early childhood care or education setting the students attend, to the school setting. This description must include how the district will coordinate with the infants and toddlers and preschool early intervention agencies that serve children with disabilities to ensure a smooth transition for those children to the school district's prekindergarten program.

(d) Strategic plans, the 6-year plan, mid-term review report, annual updates and other revisions to the plan, shall be developed through active participation by parents, students, school directors, teachers, school administrators, other school personnel and business and community representatives. Teacher representatives shall be chosen by teachers and administrative representatives shall be chosen by the administrative personnel; and school director representatives shall be chosen by the board of the school district or AVTS.

(e) Prior to its approval by the board of directors, the strategic plan and revisions of it shall be made available for public inspection in the school district's or AVTS's offices, on the school district's or AVTS's web site and nearest public library until the next regularly scheduled board meeting or a minimum of 28 days whichever comes first. The plan shall be filed with the Department after it is recommended by the school superintendent of record or chief executive officer and is approved by the school district's or AVTS's board of directors or charter school's board of trustees. If the board of directors or trustees alters the proposed strategic plan developed under subsection (d), it shall consult with the committee which developed it to reach the greatest possible consensus prior to its submission and include any minority report which is developed.

(f) A locally approved strategic plan shall remain in effect until it is superseded by a locally approved revision or a new strategic plan developed under this section.]

(a) Upon expiration of its current strategic planning phase, each school entity shall submit to the Secretary for approval a professional education plan every 3 years as required by § 49.17(a) (relating to continuing professional education). A SCHOOL ENTITY SHALL MAKE ITS PROFESSIONAL EDUCATION PLAN AVAILABLE FOR PUBLIC INSPECTION AND COMMENT FOR A MINIMUM OF 28 DAYS PRIOR TO APPROVAL OF THE PLAN BY THE SCHOOL ENTITY'S GOVERNING BOARD AND SUBMISSION OF THE PLAN TO THE SECRETARY.

(b) Upon expiration of its current strategic planning phase, each school entity shall submit to the Department for approval an induction plan every 6 years as required by § 49.16(a) (relating to approval of induction plans). A SCHOOL ENTITY SHALL MAKE

ITS INDUCTION PLAN AVAILABLE FOR PUBLIC INSPECTION AND COMMENT FOR A MINIMUM OF 28 DAYS PRIOR TO APPROVAL OF THE PLAN BY THE SCHOOL ENTITY'S GOVERNING BOARD AND SUBMISSION OF THE PLAN TO THE DEPARTMENT.

(c) Upon expiration of its current strategic planning phase, each school entity shall ~~submit to the Department a written plan for the implementation of~~ DEVELOP AND IMPLEMENT a comprehensive and integrated K-12 program of student services based on the needs of its students every 6 years as provided in § 12.41(a) (relating to description). A SCHOOL ENTITY SHALL MAKE ITS STUDENT SERVICES PLAN AVAILABLE FOR PUBLIC INSPECTION AND COMMENT FOR A MINIMUM OF 28 DAYS PRIOR APPROVAL OF THE PLAN BY THE SCHOOL ENTITY'S GOVERNING BOARD.

(d) Upon expiration of its current strategic planning phase, each school district shall develop, SUBMIT TO THE DEPARTMENT, and implement a special education plan every 3 years as required by § 14.104 (relating to special education plans). A SCHOOL DISTRICT SHALL MAKE ITS SPECIAL EDUCATION PLAN AVAILABLE FOR PUBLIC INSPECTION AND COMMENT FOR A MINIMUM OF 28 DAYS PRIOR TO APPROVAL OF THE PLAN BY THE SCHOOL DISTRICT'S BOARD OF DIRECTORS AND SUBMISSION OF THE PLAN TO THE DEPARTMENT.

(e) Upon expiration of its current strategic planning phase, each school district shall develop and implement a gifted education plan every 6 years as required by § 16.4 (relating to strategic plans). A SCHOOL DISTRICT SHALL MAKE ITS GIFTED EDUCATION PLAN AVAILABLE FOR PUBLIC INSPECTION AND COMMENT FOR A MINIMUM

OF 28 DAYS PRIOR TO APPROVAL OF THE PLAN BY THE SCHOOL DISTRICT'S BOARD OF DIRECTORS.

CURRICULUM AND INSTRUCTION

§ 4.20. Prekindergarten education.

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(10) A school district planning to offer or contract with a community agency to offer a prekindergarten program shall develop an implementation plan that describes the program and its target population. The plan must identify the facilities, staffing needs and other resources that it will use to deliver the program. The school district shall consult with parents, community agencies and organizations, and child care, early intervention and head start representatives when developing the implementation plan. In years subsequent to the initial year of the program, the implementation plan must **[become part of the strategic plan described in § 4.13 (relating to strategic plans) and included in the mid-term review and annual updates described in § 4.13]** **be submitted to the Department every 3 years or when the plan is amended, whichever is sooner**. **A SCHOOL DISTRICT SHALL MAKE THE IMPLEMENTATION PLAN AVAILABLE FOR PUBLIC INSPECTION AND COMMENT FOR A MINIMUM OF 28 DAYS PRIOR TO APPROVAL OF THE PLAN BY THE SCHOOL DISTRICT'S BOARD OF DIRECTORS AND SUBMISSION OF THE PLAN TO THE DEPARTMENT.**

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§ 4.21. Elementary education: primary and intermediate levels.

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(i) School districts, including charter schools, shall determine the most appropriate way to operate their primary and intermediate level elementary programs to achieve the purposes under subsections (b) and (d) and ~~the~~ **ANY** mission, goals and academic standards **[in their strategic plans under § 4.13 (relating to strategic plans)]** **as determined by the school entity**.

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(k) Students who have not achieved proficiency in reading and mathematics by the end of grade 5 as determined on State assessments under ~~§ 4.51 (relating to State assessment system)~~ **§ 4.51A (RELATING TO PENNSYLVANIA SYSTEM OF SCHOOL ASSESSMENT)** shall be afforded instructional opportunities to develop knowledge and skills necessary to achieve the proficient level.

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§ 4.22. Middle level education.

(a) The middle level planned instruction aligned with academic standards serves children who are approximately 11—14 years of age. School entities may modify the grouping of students based upon student needs identified **[in their strategic plans under § 4.13 (relating to strategic plans)]** **by the school entity**.

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(e) School entities shall determine the most appropriate way to operate their middle level programs to achieve the purposes under subsection (b) and ~~the~~ **ANY** additional academic standards **[in their strategic plans under § 4.13]** **as determined by the school entity**.

§ 4.23. High school education.

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(g) School districts, including a charter school, shall determine the most appropriate way to operate their high school programs to achieve the purposes under subsection (a) and **[the]** **ANY** **additional** academic standards **[in their strategic plans under § 4.13 (relating to strategic plans)]** **as determined by the school entity**.

§ 4.24. High school graduation requirements.

(A) HIGH SCHOOL GRADUATION REQUIREMENTS AND REVISIONS TO THEM SHALL BE APPROVED BY A SCHOOL ENTITY'S GOVERNING BOARD WITHIN SIX MONTHS OF THIS REGULATION'S PUBLICATION IN THE *PENNSYLVANIA BULLETIN*, AND A COPY OF THE REQUIREMENTS SHALL BE PUBLISHED AND DISTRIBUTED TO STUDENTS, PARENTS AND GUARDIANS. COPIES OF THE REQUIREMENTS ALSO SHALL BE AVAILABLE IN EACH SCHOOL BUILDING OR ON EACH SCHOOL ENTITY'S PUBLICLY ACCESSIBLE WEBSITE. CHANGES TO HIGH SCHOOL GRADUATION REQUIREMENTS SHALL BE PUBLISHED AND DISTRIBUTED TO STUDENTS, PARENTS AND GUARDIANS AND MADE AVAILABLE IN EACH SCHOOL BUILDING OR ON EACH SCHOOL ENTITY'S PUBLICLY ACCESSIBLE WEBSITE IMMEDIATELY FOLLOWING APPROVAL BY THE GOVERNING BOARD.

~~(a)~~ **(B)** *Requirements through the [2013-2014] 2015-2016 school year.* Each school district, ~~AVTS and charter school,~~ (including a **cyber** charter school), **AND AVTS, IF APPLICABLE,** shall specify requirements for graduation **[in the strategic plan under § 4.13 (relating to strategic plans)]**. Requirements through the **[2013-2014] 2015-2016** school year must include course completion and grades, completion of a culminating project, results of local assessments aligned with the academic standards and a demonstration of proficiency in **[Reading, Writing] English Language Arts** and Mathematics on either the State assessments administered in grade 11 or 12 or local **[assessment] assessments** aligned with academic standards and State assessments under § 4.52 (relating to local assessment system) at the

proficient level or better to graduate. The purpose of the culminating project is to assure that students are able to apply, analyze, synthesize and evaluate information and communicate significant knowledge and understanding.

~~(b) High school graduation requirements and any revisions to them shall be approved by the board of school directors.~~

(c) *Requirements beginning in the [2014-2015] 2016-2017 school year.*

(1) *General.* Beginning in the **[2014-2015] 2016-2017** school year, each school district **[and], ~~AVTS~~ [(including charter schools), shall specify], ~~and~~ charter school, (including a cyber charter school), AND AVTS, IF APPLICABLE, shall adopt and implement** requirements for high school graduation **[in the strategic plan under § 4.13]** that, at minimum, include:

(i) Course completion and grades.

(ii) **[Completion of a culminating project in one or more areas of concentrated study under the guidance and direction of the high school faculty. The purpose of the project, which may include research, writing, completion of a college application or some other appropriate form of demonstration, is to assure that the student is able to apply, analyze, synthesize and evaluate information and communicate significant knowledge and understanding. Projects may be undertaken by individual students or groups of students.**

(iii)] Demonstration of proficiency as determined by the school district **[or], ~~AVTS~~ [(including charter schools)] ~~or~~ charter school, (including a cyber charter school), OR**

AVTS, IF APPLICABLE, in each of the State academic standards not assessed by a State assessment under § 4.51 (relating to State assessment system), **§ 4.51A (RELATING TO PENNSYLVANIA SYSTEM OF SCHOOL ASSESSMENT) AND § 4.51B (RELATING TO KEYSTONE EXAMS).**

[(iv)**]** **(iii)** Demonstration of proficiency or above in each of the following State academic standards: **[Reading, Writing]** **English Language Arts** and Mathematics (Appendix A-~~1~~ 2); Science and Technology and Environment and Ecology (Appendix B), as determined through any one or a combination of the following:

(A) **[Successful completion]** **Completion** of secondary level coursework in **[English Composition, Literature]** **English Language Arts (Literature)**, Algebra I and Biology in which a **student demonstrates proficiency on the associated** Keystone Exam **[serves as the course final exam] OR RELATED PROJECT-BASED ASSESSMENT IF § 4.4(D)(4) (RELATING TO GENERAL POLICIES) APPLIES. [A student's Keystone Exam score shall count as one-third of the final course grade. A school district or AVTS (including a charter school) may, at its discretion, elect to have the Keystone Exam count for more than one-third of the course grade.]** ~~A school district [or], AVTS [(including a charter school), at its discretion,] or charter school, including a cyber charter school, may allow [students who score] a student who scores at the advanced level on a particular Keystone Exam prior to taking the course to be granted course credit for the course without having to complete the course.~~

(I) A SCHOOL DISTRICT, AVTS OR CHARTER SCHOOL, INCLUDING A CYBER CHARTER SCHOOL, SHALL ALLOW A STUDENT TO TAKE A KEYSTONE

EXAM PRIOR TO TAKING THE COURSE ASSOCIATED WITH THE EXAM'S CONTENT, PROVIDED THAT THE STUDENT ACHIEVED A SCORE OF ADVANCED ON THE MOST RECENT ASSOCIATED PSSA ASSESSMENT ADMINISTERED TO THE STUDENT.

(II) A SCHOOL DISTRICT, AVTS OR CHARTER SCHOOL, INCLUDING A CYBER CHARTER SCHOOL, SHALL ALLOW A STUDENT WHO TRANSFERS FROM ANOTHER STATE TO TAKE A KEYSTONE EXAM PRIOR TO TAKING THE COURSE ASSOCIATED WITH THE EXAM'S CONTENT, PROVIDED THAT THE STUDENT ACHIEVED A SCORE COMPARABLE TO THE PSSA'S ADVANCED PERFORMANCE LEVEL ON A COMPARABLE ASSESSMENT ADMINISTERED BY ANOTHER STATE.

(III) A SCHOOL DISTRICT, AVTS OR CHARTER SCHOOL, INCLUDING A CYBER CHARTER SCHOOL, MAY ALLOW A STUDENT WHO SCORES AT THE ADVANCED LEVEL ON A PARTICULAR KEYSTONE EXAM PRIOR TO TAKING THE COURSE TO BE GRANTED COURSE CREDIT FOR THE COURSE WITHOUT HAVING TO COMPLETE THE COURSE.

(B) Locally approved and administered**[, independently validated]** assessments**, which** shall be independently and objectively validated once every 6 years **[in conjunction with submission of the school district's strategic plan, as provided in § 4.13]**. Local assessments may be designed to include a variety of assessment strategies listed in ~~§ 4.52(e)~~ **§ 4.52(C)** and may include the use of one or more Keystone Exams. Except for replacement of individual test

items that have a similar level of difficulty, a new validation is required for any material changes to the assessment. Validated local assessments must meet the following standards:

(I) Alignment with the following State academic standards: **[Reading, Writing]** **English Language Arts** (Literature ~~[~~**and Composition**~~]~~); Mathematics (Algebra I), Science and Technology, ~~and~~ Environment and Ecology (Biology), **AND CIVICS AND GOVERNMENT**.

(II) Performance level expectations and descriptors that describe the level of performance required to achieve proficiency comparable to that used for the Keystone Exams.

(III) Administration of the local assessment to all students, as a requirement for graduation, except for those exempted by their individualized education program under subsection (e), regarding special education students, or gifted individualized education plan as provided in § 16.32 (relating to GIEP).

(IV) Subject to appropriations provided by law, the cost to validate local assessments shall be evenly divided between the school district **[or]**, AVTS **[(including a charter school)]** **or charter school, including a cyber charter school,** and the Department. If the Department does not provide sufficient funding to meet its share, local assessments submitted for validation shall be deemed valid **[for the balance of the strategic plan period until either a new or mid-point update to the strategic plan]** **until a new validation** is due to the Department.

(V) The Department will establish a list of entities approved to perform independent validations of local assessments in consultation with the local assessment validation advisory committee as provided in ~~§ 4.52(g)~~ **§ 4.52(F)**.

(VI) School boards shall only approve assessments that have been determined to meet the requirements of this subsection by an approved entity performing the independent validation. If a school district **[or]**, AVTS **[(including a charter school)]** **or charter school, including a cyber charter school,** uses a local assessment that has not been independently validated, the Secretary will direct the district to discontinue its use until the local assessment is approved through independent validation by an approved entity.

(C) **[Advanced placement or international baccalaureate exams include]** **Completion of an Advanced Placement exam or International Baccalaureate exam that includes** academic content comparable to the appropriate Keystone Exam at a score established by the Secretary to be comparable to the proficient level on the appropriate Keystone Exam. **[Successful completion of an advanced placement course and test may be used for one or more of the courses required for graduation without the student being required to take the related Keystone Exam. Successful completion of an international baccalaureate program and tests may be used for one or more of the courses required for graduation without the student being required to take the related Keystone Exam or local assessment.**

(c) ***Requirements beginning in the 2016-2017 school year.*** **Effective with the 2016-2017 school year, History and Civics and Government (Appendix C) are added to the academic standards listed in subsection (b)(1)(iv) regarding requirements beginning in the 2014-2015 school year. Requirements listed in subsection (b)(1)(iv)(A) must include a determination of proficiency in both English Composition and Literature; two of three Mathematics (Algebra I, Geometry, Algebra II), one of two Sciences (Biology or**

Chemistry), and one of three Social Studies (American History, Civics and Government or World History).

(d) *Strategic plan.* Each school district, including a charter school, shall describe in its strategic plan under § 4.13 how its planned instruction is designed to prepare students to meet the requirements of subsections (a) and (b).]

(d) *Requirements beginning in the 2018-2019 school year.* Effective with the 2018-2019 school year, requirements in subsection (c)(1)(iii) must include a determination of proficiency in English Language Arts (Composition) (Appendix A-~~1~~ 2).

(e) *Requirements beginning in the 2019-2020 school year.* Effective with the 2019-2020 school year, Civics and Government (Appendix C) is added to the academic standards in subsection (c)(1)(iii). The requirements in subsection (c)(1)(iii) must include a determination of proficiency in Civics and Government.

(F) A STUDENT ENROLLED IN A DEPARTMENT-APPROVED CAREER AND TECHNICAL EDUCATION PROGRAM, MAY SATISFY THE REQUIREMENTS OF SUBSECTIONS (D) AND (E) UPON COMPLETION OF SECONDARY LEVEL COURSEWORK IN ENGLISH LANGUAGE ARTS (LITERATURE), ALGEBRA I AND BIOLOGY IN WHICH A STUDENT DEMONSTRATES PROFICIENCY ON THE ASSOCIATED KEYSTONE EXAM, VALIDATED LOCAL ASSESSMENT OR PROJECT-BASED ASSESSMENT, AND ACHIEVES A SCORE OF COMPETENT OR ADVANCED ON A PENNSYLVANIA STATE SKILLS ASSESSMENT.

[(e)] ~~(f)~~ (G) *Special education students.* Children with disabilities who satisfactorily complete a special education program developed by an Individualized Education Program team under the Individuals with Disabilities Education Act and this part shall be granted and issued a regular high school diploma by the school district of residence, **CHARTER SCHOOL (INCLUDING CYBER CHARTER SCHOOL) AND AVTS, IF APPLICABLE.** This subsection applies if the special education program of a child with a disability does not otherwise meet the requirements of this chapter.

[f] ~~(g)~~ (H) *Demonstration of proficiency.* For purposes of this section, **[students]** **a student** shall be deemed proficient in the State-assessed standards whenever **[they demonstrate]** **the student demonstrates** proficiency through any of the options in subsection **[(b)(1)(iv)]** **(c)(1)(iii)**, regardless of the student's grade level or age.

[g] ~~(h)~~ (I) *Transcripts.* Beginning in the 2003-2004 school year, **AND THROUGH THE 2012-2013 SCHOOL YEAR,** PSSA scores in each assessed discipline~~, and beginning~~ **SHALL BE INCLUDED ON STUDENT TRANSCRIPTS. BEGINNING** in the **[2014-2015]** **2016-2017** school year, **the performance level demonstrated** ~~on each~~ ~~Keystone Exam or validated local assessment [scores],~~ **IN EACH OF THE ACADEMIC STANDARDS IN SUBSECTIONS (C), (D) AND (E)** shall be included on student transcripts ~~and may be released only with the permission of the student and parent or guardian, or the student only if the student is 18 years of age or older~~. **THE INFORMATION PRESENTED ON A TRANSCRIPT SHALL INCLUDE THE HIGHEST PERFORMANCE LEVEL DEMONSTRATED BY A STUDENT ON THE ASSOCIATED KEYSTONE EXAM, VALIDATED LOCAL ASSESSMENT OR PROJECT-BASED ASSESSMENT AT THE**

TIME THE TRANSCRIPT IS PRODUCED, AND SHALL REFLECT WHETHER THE PERFORMANCE LEVEL WAS DEMONSTRATED THROUGH A PROJECT-BASED ASSESSMENT UNDER § 4.51C.

[(h)] ~~(i)~~ **(J)** *Release of scores.* This section does not allow for the release of individual student PSSA or Keystone Exam scores to the Department or other Commonwealth entities in accordance with ~~§ 4.51(e)~~ **§ 4.51(F) AND (G).**

[(i)] ~~(j)~~ **(K)** *Supplemental instruction.* Beginning in the 2011-2012 school year, a student who does not demonstrate proficiency **[in any of the ten courses]** **on a Keystone Exam** or **a** locally validated **[assessments]** **assessment** specified in **[subsections (b) and]** **subsection** (c)**, (d) or (e)** shall be offered supplemental instructional support by the student's school **[entity]** **district, AVTS or charter school, including a cyber charter school**. The supplemental instructional support must **BE CONSISTENT WITH THE STUDENT'S EDUCATIONAL PROGRAM AND** assist the student to attain proficiency in the State academic standards.

~~[(j)] (k) *Waivers.* The Secretary may waive one or more provisions of this section on a case-by-case basis for good cause. Waivers will be based upon receipt of a written request from the chief school administrator. Waivers may be granted to accommodate [students who experience] a student who experiences extenuating circumstances (including serious illness, death in immediate family, family emergency[,] or frequent transfers in schools[, or transfer from an out-of-State school in 12th grade]).~~

(l) Out-of-state transfers. **A SCHOOL DISTRICT, AVTS OR CHARTER SCHOOL, INCLUDING A CYBER CHARTER SCHOOL, SHALL DETERMINE**

WHETHER ~~A~~ A student who transfers from an out-of-State school having demonstrated proficiency ~~on an~~ IN COURSEWORK AND ~~assessment~~ ASSESSMENTS ~~congruent with~~ ALIGNED WITH the academic standards assessed by each Keystone Exam may satisfy the requirements of subsections (c), (d) and (e) subject to ~~guidelines~~ GUIDANCE developed by the Secretary. ~~The guidelines will be submitted for approval or disapproval by the Board.~~

[(k)] (m) *Transition.* To effect successful transition between requirements outlined in subsections (a) and (b) regarding requirements through the [2013-2014] 2015-2016 school year and requirements beginning in the [2014-2015] 2016-2017 school year, [students] subsection (d) regarding requirements beginning in the 2018-2019 school year and subsection (e) regarding requirements beginning in the 2019-2020 school year, a student who will graduate in the [2014-2015] 2016-2017 school year or thereafter, who successfully [complete] completes courses with academic content assessed under subsection (c), (d) or (e), regarding [requirements beginning in the 2014-2015 school year, and] requirements beginning in the 2016-2017 school year, 2018-19 school year and 2019-2020 school year for which BOTH THE Keystone Exams ~~or~~ AND local validated assessments were not available at the time the course was completed, shall be deemed proficient for purposes of this section.

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VOCATIONAL-TECHNICAL EDUCATION

§ 4.31. Vocational-technical education.

(a) Vocational-technical education courses shall be developed in the planned instruction format and be accessible to all high school students attending those grades in which vocational-technical education courses are offered. All students and their parents or guardians shall be

informed of the students' rights to participate in vocational-technical education programs and courses and that students with disabilities enrolled in the programs are entitled to services under Chapter 14 (relating to special education services and programs). Students who complete approved vocational-technical education programs shall have their occupational competency assessed by completion of the appropriate assessment under the Pennsylvania Skills Certificate Program or by completion of another occupational competency assessment approved by the Department. A student with a disability shall be provided appropriate accommodations when provided for in the student's individualized education program. Students shall also demonstrate proficiency in meeting academic standards as required under **[§ 4.24(a)]** **§ 4.24** (relating to high school graduation requirements), including § 4.12(f) (relating to academic standards) and **[§ 4.24(e)]** **§ 4.24(f)** for students with disabilities with an individualized education program.

(b) Vocational-technical education courses may be taught at AVTSs or other high schools.

(c) Vocational-technical education programs must consist of a series of planned academic and vocational-technical education courses that are articulated with one another so that knowledge and skills are taught in a systematic manner. When appropriate, vocational-technical education programs must adopt, in program areas for which they are available, industry recognized skills standards and may also include cooperative vocational-technical education and participation in vocational student organizations to develop leadership skills.

(d) Vocational-technical education courses must include content based upon occupational analysis, clearly stated performance objectives deemed critical to successful employment and assessment of student competencies based upon performance standards. **[In**

listing planned instruction in its strategic plan under § 4.13 (relating to strategic plans), a school district or AVTS shall indicate which courses meet the requirements of this section.]

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§ 4.33. Advisory committees.

(a) A school district or AVTS administering or planning to administer vocational-technical education programs shall appoint a local advisory committee. Membership on the committee shall consist of business and industry representatives, public sector employers, agriculture, labor organizations, community organizations, postsecondary education institutions and the general public. The appointed advisory committee shall meet at least once each year and give advice to the board and the administration concerning the program of the school, including its general philosophy, academic and other standards, **[strategic plans,]** course offerings, support services, safety requirements and the skill needs of employers. An advisory committee may serve multiple institutions where employment areas overlap.

(b) An administrative committee, composed of chief school administrators representing participating school districts, shall be included in the organization of each AVTS. The committee shall **[play an integral part in the development of the AVTS strategic plan under § 4.13 (relating to strategic plans) and]** advise the AVTS board and the administration concerning the educational program and policies of the school.

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ASSESSMENT

§ 4.51. State assessment system.

(a) The State assessment system shall be designed to serve the following purposes:

(1) Provide students, parents, educators and citizens with an understanding of student and school performance consistent with the No Child Left Behind Act of 2001 (Pub. L. No. 107-110, 115 Stat. 1425).

(2) Determine the degree to which school programs enable students to attain proficiency of academic standards under § 4.12 (relating to academic standards).

(3) **[Provide results to school entities for consideration in the development of strategic plans under § 4.13 (relating to strategic plans).**

(4)] Provide information to State policymakers, including the General Assembly and the Board, on how effective schools are in promoting and demonstrating student proficiency of academic standards.

[(5)] (4) Provide information to the general public on school performance.

[(6)] (5) Provide results to school entities based upon the aggregate performance of all students, for students with an Individualized Education Program (IEP) and for those without an IEP.

(6) ASSESS STUDENT PROFICIENCY IN THE ACADEMIC STANDARDS FOR ENGLISH LANGUAGE ARTS (APPENDIX A-~~1~~ 2), MATHEMATICS (APPENDIX A-~~1~~

2), SCIENCE AND TECHNOLOGY AND ENVIRONMENT AND ECOLOGY (APPENDIX B), AND CIVICS AND GOVERNMENT (APPENDIX C) FOR THE PURPOSE OF DETERMINING, IN PART, A STUDENT'S ELIGIBILITY FOR HIGH SCHOOL GRADUATION.

(B) THE STATE ASSESSMENT SYSTEM SHALL INCLUDE PSSA ASSESSMENTS AND KEYSTONE EXAMS.

(C) NEITHER STATE ASSESSMENTS NOR ACADEMIC STANDARDS UNDER § 4.12 MAY REQUIRE STUDENTS TO HOLD OR EXPRESS PARTICULAR ATTITUDES, VALUES OR BELIEFS.

(D) THE DEPARTMENT SHALL MAKE SAMPLES OF STATE ASSESSMENT QUESTIONS, ASSESSMENT FORMATS AND SCORING GUIDES AVAILABLE TO THE PUBLIC AFTER EACH ADMINISTRATION OF STATE ASSESSMENTS.

(E) TO ENSURE THAT INFORMATION REGARDING STUDENT PERFORMANCE IS AVAILABLE TO PARENTS AND TEACHERS, STATE ASSESSMENTS DEVELOPED UNDER THIS SECTION MUST INCLUDE STUDENT NAMES.

(F) INDIVIDUAL ASSESSMENT RESULTS SHALL BE USED IN PLANNING INSTRUCTION ONLY BY PARENTS, TEACHERS, ADMINISTRATORS AND GUIDANCE COUNSELORS WITH A NEED TO KNOW BASED UPON LOCAL BOARD POLICY ON TESTING AND IN REPORTING ACADEMIC PROGRESS.

(G) THE DEPARTMENT AND OTHER COMMONWEALTH ENTITIES ARE PROHIBITED FROM COLLECTING INDIVIDUAL STUDENT TEST SCORES AND MAY COLLECT ONLY AGGREGATE TEST SCORES BY SCHOOL AND DISTRICT.

(H) THE BOARD WILL AUTHORIZE THE EXPANSION OF THE STATE ASSESSMENT SYSTEM THROUGH A REVISION OF THIS CHAPTER.

(1) THE BOARD WILL NOT INCLUDE NATIONAL ASSESSMENTS AS PART OF THE STATE ASSESSMENT SYSTEM UNLESS, UPON CONSULTATION WITH TEACHERS, COUNSELORS AND PARENTS REPRESENTING STUDENTS WHO HAVE BEEN IDENTIFIED UNDER CHAPTER 14, THE BOARD DETERMINES THE ASSESSMENT IS AN APPROPRIATE MEANS OF ASSESSING THE ACADEMIC PROGRESS OF STUDENTS IDENTIFIED UNDER CHAPTER 14, OR UNLESS THE GENERAL ASSEMBLY AUTHORIZES THE USE OF A NATIONAL ASSESSMENT.

(2) SUBJECT TO PARAGRAPH (3), THE BOARD WILL NOT, AND THE DEPARTMENT SHALL NOT, BE A GOVERNING STATE IN ANY CONSORTIUM FOR THE DEVELOPMENT OF A NATIONAL ASSESSMENT FOR THE PURPOSE OF UTILIZATION AS PART OF THE STATE ASSESSMENT SYSTEM.

(3) THE DEPARTMENT MAY CONTINUE TO PARTICIPATE IN A CONSORTIUM TO DEVELOP AN ALTERNATE ASSESSMENT TO MEASURE THE ACADEMIC PROGRESS OF STUDENTS IDENTIFIED UNDER CHAPTER 14.

(I) THE DEPARTMENT SHALL IMPLEMENT PROVISIONS FOR SECURITY OF THE STATE ASSESSMENT SYSTEM, INCLUDING THE FOLLOWING:

(1) ACTION BY A PROFESSIONAL EMPLOYEE OR COMMISSIONED OFFICER THAT IS WILLFULLY DESIGNED TO DIVULGE TEST QUESTIONS, FALSIFY STUDENT SCORES OR IN SOME OTHER FASHION COMPROMISE THE INTEGRITY OF THE STATE ASSESSMENT SYSTEM AS DETERMINED BY THE SCHOOL DISTRICT, AVTS OR CHARTER SCHOOL, INCLUDING A CYBER CHARTER SCHOOL, SHALL BE SUBJECT TO DISCIPLINARY ACTION UNDER THE PROFESSIONAL EDUCATOR DISCIPLINE ACT (24 P.S. §§ 2070.1A—2070.18A).

(2) CHEATING BY STUDENTS OR EMPLOYEES OTHER THAN THOSE COVERED IN PARAGRAPH (1) SHALL BE SUBJECT TO DISCIPLINARY ACTION BY THE SCHOOL DISTRICT, AVTS OR CHARTER SCHOOL, INCLUDING A CYBER CHARTER SCHOOL.

(3) CHEATING OR BREACHES OF ASSESSMENT SECURITY SHALL BE REPORTED TO THE SECRETARY AS SOON AS DETECTED.

(J) THE SECRETARY IS AUTHORIZED TO ESTABLISH GUIDELINES FOR THE ADMINISTRATION OF THE STATE ASSESSMENT SYSTEM.

(K) THE SECRETARY SHALL REPORT EACH SEPTEMBER TO THE BOARD AND THE GENERAL ASSEMBLY INFORMATION AND PERTINENT DATA RELATING TO THE STATE ASSESSMENT SYSTEM. THE SECRETARY ALSO SHALL PROVIDE EACH SCHOOL ENTITY INFORMATION AND PERTINENT DATA FOR THE SCHOOL ENTITY AND ITS STUDENTS.

(L) CHILDREN WITH DISABILITIES AND CHILDREN WITH LIMITED ENGLISH PROFICIENCY SHALL BE INCLUDED IN THE STATE ASSESSMENT SYSTEM AS REQUIRED BY FEDERAL LAW, WITH APPROPRIATE ACCOMMODATIONS WHERE NECESSARY. AS APPROPRIATE, THE COMMONWEALTH WILL DEVELOP GUIDELINES FOR THE PARTICIPATION OF CHILDREN WITH DISABILITIES IN ALTERNATE ASSESSMENTS FOR THOSE CHILDREN WHO CANNOT PARTICIPATE IN THE PSSA OR KEYSTONE EXAMS AS DETERMINED BY EACH CHILD'S INDIVIDUALIZED EDUCATION PROGRAM TEAM UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AND THIS PART.

§ 4.51A. PENNSYLVANIA SYSTEM OF SCHOOL ASSESSMENT.

~~(b)~~ **(A)** All PSSA ~~instruments~~ **ASSESSMENTS** administered in **[Reading, Writing and Mathematics in grades 5, 8 and 11]** **English Language Arts, Mathematics, and Science and Technology and Environment and Ecology** will be standards-based and criterion referenced and include essay or open-ended response items in addition to other item formats. The proportion of type of items will vary by grade level. ~~Neither State assessments nor academic standards under § 4.12 may require students to hold or express particular attitudes, values or beliefs. The Department will make samples of assessment questions, instrument formats and scoring guides available to the public after each administration of State assessments.~~ The criteria for judging performance on ~~State~~ **PSSA** assessments are as follows:

(1) Performance on PSSA **[reading]** **English Language Arts** assessments shall be demonstrated by students' responses to comprehension questions about age-appropriate reading passages **[and],** by their written responses to in-depth comprehension questions about the passages **and by the quality of their written compositions on a variety of topics and modes of writing**.

(2) Performance on PSSA mathematics assessments shall be demonstrated by students' responses to questions about grade-appropriate content and by the quality of their responses to questions that require a written solution to a problem.

(3) **[Performance on PSSA writing assessments shall be demonstrated by the quality of students' written compositions on a variety of topics and modes of writing.**

(4)] Performance on PSSA science assessments shall be demonstrated by students' responses to grade appropriate content and by the quality of their responses to questions that demonstrate knowledge of each category of the standards for science and technology and environment and ecology.

[(5)] **(4)** ~~**Levels of proficiency**~~ **PERFORMANCE LEVELS** shall be advanced, proficient, basic and below basic. In consultation with educators, students, parents and citizens, the Department will develop and recommend to the Board for its approval specific criteria for advanced, proficient, basic and below basic levels of performance.

~~**(c)**~~ **(B)** The Department will develop or cause to be developed PSSA assessments based on **[academic standards in Mathematics, Reading, Writing and Science]** **Pennsylvania** ~~**Common**~~ **Core Standards in Mathematics and English Language Arts** under § 4.12 and

contained in Appendix A-~~1~~ **2** **and academic standards in Science and Technology and Environment and Ecology under § 4.12 and contained in Appendix B**. In developing **PSSA** assessments, the Department will consult with educators, students, parents and citizens regarding the specific methods of assessment. ~~**To ensure that information regarding student performance is available to parents and teachers, State assessments developed under this section must include student names. Individual test results shall be used in planning instruction only by parents, teachers, administrators and guidance counselors with a need to know based upon local board policy on testing and in reporting academic progress. The Department [or] and other Commonwealth entities are prohibited from collecting individual student test scores, and may only collect aggregate test scores by school and district.**~~

~~**(d)**~~ **(C)** The ~~**State**~~ **PSSA** assessments shall be administered annually and include assessments of the State academic standards in Mathematics and **[Reading]** **English Language Arts** at grades 3 **[—8 and 11; in Writing at grades 5, 8 and 11;]** **through 8,** and in Science **and Technology and Environment and Ecology** at grades 4**[, 8 and 11]** **and 8**. ~~**Additional state assessments shall be administered annually in accordance with subsection (e).**~~

~~**(e)**~~ **[Students not achieving at the proficient level in the administration of State assessments in grade 11 shall be provided one additional opportunity in grade 12 to demonstrate a proficient level on the PSSA assessments.]**

§ 4.51B. KEYSTONE EXAMS.

[(f)] **(A)** The Department will develop or cause to be developed Keystone Exams as follows:

(1) Three assessments aligned with the Mathematics standards, contained in Appendix A-~~1~~ **2**, that assess the academic content traditionally included in Algebra I, Algebra II and Geometry courses.

(2) Two assessments aligned with select **[Reading, Writing, Speaking and Listening]** **English Language Arts** standards, contained in Appendix A-~~1~~ **2** that assess academic content traditionally included in high school literature and composition courses.

(3) Three assessments aligned with select History and Civics and Government standards, contained in Appendix C, that assess content traditionally included in high school level American History, World History and Civics and Government courses.

(4) Two assessments aligned with select standards for Science and Technology and Environment and Ecology, contained in Appendix B, that assess academic content traditionally included in high school level Biology and Chemistry courses.

~~(5)~~ **(B) [If a]** Keystone **[Exam is offered as a graduation requirement, it]** **Exams** shall be offered at least 3 times each year: once each in the fall, spring and summer. ~~**Keystone Exams shall be administered, reviewed and scored so that the scores for candidates for graduation are provided to schools no later than 10 calendar days prior to graduation. A school district [or], AVTS [(including a cyber charter school)] or charter school, including a cyber charter school, may request that the Department approve alternative test administration and scoring time frames. The Department will publish guidelines and procedures for**~~

~~approving alternative test administration and scoring time frames on its web site. The guidelines will provide for approval of all requests unless the approval is contrary to standards of test validity and scoring.~~

(C) KEYSTONE EXAMS SHALL BE ADMINISTERED, REVIEWED AND SCORED SO THAT SCORES FOR CANDIDATES FOR GRADUATION ARE PROVIDED TO SCHOOLS NO LATER THAN 10 CALENDAR DAYS PRIOR TO GRADUATION. A SCHOOL DISTRICT, AVTS OR CHARTER SCHOOL, INCLUDING A CYBER CHARTER SCHOOL, MAY REQUEST THAT THE DEPARTMENT APPROVE ALTERNATIVE TEST ADMINISTRATION AND SCORING TIME FRAMES. THE DEPARTMENT WILL PUBLISH GUIDELINES AND PROCEDURES FOR APPROVING ALTERNATIVE TEST ADMINISTRATION AND SCORING TIME FRAMES ON ITS WEB SITE. THE GUIDELINES WILL PROVIDE FOR APPROVAL OF ALL REQUESTS UNLESS THE APPROVAL IS CONTRARY TO STANDARDS OF TEST VALIDITY AND SCORING.

~~(6)~~ **(D)** [Students] A student shall be permitted to retake any Keystone Exam, or Keystone Exam module, in which the student did not score proficient or above at the next available testing date, so long as the student has participated in a satisfactory manner in supplemental instruction as provided under ~~§ 4.24(j) (relating to high school graduation requirements)~~ § 4.24(K) (RELATING TO SUPPLEMENTAL INSTRUCTION) and ~~paragraph (8)~~ SUBSECTION (F). THERE IS NO LIMIT ON THE NUMBER OF TIMES A STUDENT WHO DID NOT SCORE PROFICIENT ON A KEYSTONE EXAM SHALL BE PERMITTED TO RETAKE THE KEYSTONE EXAM OR KEYSTONE EXAM

MODULE. A STUDENT WHO HAS ACHIEVED A SCORE OF PROFICIENT OR ADVANCED ON A KEYSTONE SHALL NOT BE PERMITTED TO RETAKE THE EXAM.

~~(7)~~ **(E)** Each Keystone Exam will be designed in modules that reflect distinct, related academic content that is common to the traditional progression of coursework to allow students who do not score proficient or above to retake those portions of the test in which they did not score proficient or above.

~~(8)~~ **[Keystone Exams shall be scored on a 100-point scale. When used to determine proficiency to meet high school graduation requirements, a Keystone Exam shall count for one-third of the final course grade. A Keystone Exam may be counted for more than one-third of the final course grade at the sole election of the school district or AVTS (including a charter school). A student must score advanced, proficient or basic on a Keystone Exam to receive points from the exam toward a final course grade.]**

(F) **A student taking Keystone Exams, or Keystone Exam modules, who did not score proficient on a Keystone Exam, or Keystone Exam module, shall be provided supplemental instruction CONSISTENT WITH THE STUDENT'S EDUCATIONAL PROGRAM by the student's school district, AVTS or charter school, including a cyber charter school, until the student can demonstrate proficiency in the subject area or the student begins a project-based assessment provided in ~~subsection (m)~~ § 4.51C (RELATING TO PROJECT-BASED ASSESSMENT).**

~~(9)~~ **(G)** ~~**Levels of proficiency on**~~ **PERFORMANCE LEVELS FOR** Keystone Exams shall be set at the advanced, proficient, basic and below basic levels. In consultation with the Performance Level Advisory Committee, the Department will develop and recommend to the Board for its approval, performance level descriptors and performance level cut scores for the Keystone Exams and any alternative assessments developed to assess students with disabilities as permitted by the No Child Left Behind Act of 2001 (Pub. L. No. 107-110, 115 Stat. 1425). The Department will use widely-accepted psychometric procedures to establish the cut scores. Cut scores shall be presented at a public meeting of the Board for its review at least 2 weeks prior to scheduled Board action on the cut scores.

~~(10)~~ **(H)** The Department will provide guidance to school **[entities]** **districts, AVTSs and charter schools, including cyber charter schools,** as to the appropriate accommodations school entities shall provide to students with disabilities, students who are gifted and English language learners, when appropriate.

~~(11)~~ **[Keystone Exams in the following subjects will be developed by the Department and will be made available for voluntary use by school districts and AVTSs (including charter schools) in accordance with the following schedule:**

School Year 2010-11 Algebra I

Literature

Biology

Fall 2011 **English Composition**

	Algebra II
Fall 2012	**Geometry**
	United States History
Fall 2016	**Chemistry**
	Civics and Government
	World History]

(I) Beginning in the 2012-2013 school year, Keystone Exams in the following subjects will be developed by the Department and made available for use by school districts, AVTSs and charter schools, including cyber charter schools, for the purpose of assessing high school graduation requirements in § 4.24(c)(1)(iii):

Algebra I

Literature

Biology

~~(12)~~ (J) Subject to funding appropriated by the General Assembly for development of the exams and related project-based assessments and validation of related local assessments, Keystone Exams in the following subjects will be developed by the Department and made available for use by school districts, AVTSs and charter schools, including cyber charter schools, for the purpose of assessing high school graduation requirements in § 4.24(c)(1)(iii) in accordance with the following schedule:

School Year 2015-2016	**English Composition**

School Year 2016-2017 Civics and Government

~~(i)~~ (1) During the 2014-2015 school year, school districts, AVTSs and charter schools, including cyber charter schools, shall administer the Keystone Exam in English Composition for the purpose of gathering data to set performance level cut scores for the exam.

~~(ii)~~ (2) During the 2015-2016 school year, school districts, AVTSs and charter schools, including cyber charter schools, shall administer the Keystone Exam in Civics and Government for the purpose of gathering data to set performance level cut scores for the exam.

~~(13)~~ (K) Subject to funding appropriated by the General Assembly for development of the exams, Keystone Exams in the following subjects shall be developed by the Department and shall be made available for voluntary use by school districts, AVTSs and charter schools, including cyber charter schools, in accordance with the following schedule:

School Year 2016-2017 Geometry

School Year 2017-2018 U.S. History

School Year 2018-2019 Algebra II

School Year 2019-2020 Chemistry

School Year 2020-2021 World History

[(12)] ~~(14)~~ **(L)** The Department will seek to have the Keystone **[Exam system]** **Exams** approved as the high school level single accountability system under the No Child Left Behind Act of 2001. Upon approval by the United States Department of Education, the Algebra I and Literature exams will be used to determine adequate yearly progress at the high school level. The Biology Keystone Exam will be used as the high school level science assessment, which is not a factor in determining adequate yearly progress. If the Keystone **[Exam system receives]** **Exams receive** approval as the high school level accountability measure, school districts **[and]**, AVTSs **[(including charter schools)]** **and charter schools, including cyber charter schools,** shall administer the Literature, Algebra I and Biology exams as end-of-course tests in the grade level in which students complete the relevant coursework.

[(13)] ~~(15)~~ **(M)** The 11th grade PSSA exams in Reading, Writing, Math and Science shall be discontinued upon implementation of the Keystone Exams as the approved assessment system under section 1111(b)(2)(C) of the No Child Left Behind Act of 2001 (20 U.S.C.A. § 6311(b)(2)(C)).

[(g)] ~~(f) The Board will authorize the expansion of the State assessment system through a revision of this chapter.~~

[(h)] ~~(g) The Department will implement provisions for security of the State assessment system, including the following provisions:~~

~~(1) Action by a professional employee or commissioned officer that is willfully designed to divulge test questions, falsify student scores or in some other fashion compromise the integrity of the State assessment system as determined by the school entity~~

~~shall be subject to disciplinary action under the Professional Educator Discipline Act (24 P.S. §§ 2070.1a—2070.18a).~~

~~(2) Cheating by students or employees other than those covered in paragraph (1) shall be subject to disciplinary action by the school district.~~

~~(3) Cheating or breaches of assessment security shall be reported to the Secretary as soon as detected.~~

~~[(i)]~~ ~~(h) The Secretary has the authority to establish guidelines for the administration of the State assessment system.~~

~~[(j)]~~ ~~(i) The Secretary will report each September to the Board and the General Assembly information and pertinent data relating to the State assessment system. The Secretary will also provide each school entity information and pertinent data for the school entity and its students.~~

~~[(k)]~~ ~~(j) Children with disabilities and children with limited English proficiency shall be included in the State assessment system as required by Federal law, with appropriate accommodations, when necessary. As appropriate, the Commonwealth will develop guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in the State assessment as determined by each child's Individualized Education Program team under the Individuals with Disabilities Education Act and this part.~~

[(*l*)] ~~(k) The Department will establish a State Assessment Validation Advisory Committee (Committee). The Committee shall advise the Department on its plans to conduct the validity study and review and provide feedback on its findings. The Department and the Committee will investigate the use of a certificate based on industry approved standards and performance on a NOCTI exam as an alternative pathway to graduation and will make a report and recommendation to the Board by January 10, 2011.~~

[(m)] ~~(l)~~ (N) At least once every 5 years, the Department will contract with a qualified, independent research organization to perform a validity study of the Keystone Exams using generally accepted education research Standards. These studies will determine, at a minimum, the degree to which the Keystone Exams and performance level cut scores are valid for the purposes for which they are used; aligned with State academic standards; aligned with performance levels of other states; internationally benchmarked; and predict college and career success. In addition, all Keystone Exams, performance level descriptors and cut scores will be subject to the best available forms of content, criterion and consequential validation.

(O) THE DEPARTMENT WILL ESTABLISH A STATE ASSESSMENT VALIDATION ADVISORY COMMITTEE. THE COMMITTEE SHALL ADVISE THE DEPARTMENT ON ITS PLANS TO CONDUCT THE VALIDITY STUDY AND REVIEW AND PROVIDE FEEDBACK ON ITS FINDINGS.

(P) THE DEPARTMENT AND THE STATE ASSESSMENT VALIDATION ADVISORY COMMITTEE WILL INVESTIGATE THE USE OF A CERTIFICATE BASED ON INDUSTRY APPROVED STANDARDS AND PERFORMANCE ON A NOCTI EXAM AS AN ALTERNATIVE PATHWAY TO GRADUATION AND WILL

MAKIE A REPORT AND RECOMMENDATION TO THE BOARD BY JANUARY 10, 2011.

§ 4.51C. PROJECT-BASED ASSESSMENT.

[(n) If a student is unable to meet the requirements in § 4.24(b)(1)(iv)(A) (relating to high school graduation requirements), the student may supplement a Keystone Exam score through satisfactory completion of a project-based assessment as provided in subsection (o). Points earned through satisfactory performance on one or more project modules related to the Keystone Exam module or modules on which the student scored below proficient shall be added to the student's highest Keystone Exam score. The total shall count as one-third of a student's final course grade, as provided in subsection (f)(8).

(o)] ~~(m)~~ **(A)** The Department will develop a project-based assessment system that is aligned with the modules for ~~each~~ **[of the ten] THE** Keystone ~~[~~**Exams**~~]~~ ~~Exam~~ **IN LITERATURE, ALGEBRA I, BIOLOGY, COMPOSITION, AND CIVICS AND GOVERNMENT,** <u>for students who are unable to demonstrate proficiency on a Keystone Exam or Keystone Exam module</u> **OR IF § 4.4(D)(4) APPLIES.**

~~(1)~~ **(B)** The project-based assessment system shall be administered by schools and scored by **[regional]** <u>Statewide</u> panels composed of teachers, principals and curriculum specialists assembled by the Department. The **[regional]** <u>Statewide</u> review panels shall score student projects according to scoring protocols and rubrics developed by the Department.

~~(2)~~ (C) [Students] A student in grade 12 who has not demonstrated proficiency on a Keystone Exam or Keystone Exam module may qualify to participate in one or more project-based assessments if the student has met all of the following conditions:

~~[~~(1)~~]~~ ~~(i)~~ Has taken the course.

[(2) Was unsuccessful in achieving a score of proficient on the Keystone Exam after at least two attempts.

(3)] ~~(ii)~~ (2) Has met the attendance requirements of the school **[district's attendance requirements for the course]** district, AVTS or charter school, including a cyber charter school.

[(4)] ~~(iii)~~ (3) Has participated in a satisfactory manner in supplemental instructional services **CONSISTENT WITH THE STUDENT'S EDUCATIONAL PROGRAM [under § 4.24(i)]** provided by the school district, AVTS or charter school, including a cyber charter school, as provided under ~~§ 4.24(i)~~ §§ 4.24(K) and ~~subsection (e)(8)~~ 4.51B(F).

~~(3)~~ (D) A student below grade 12 who has not demonstrated proficiency on a Keystone Exam or Keystone Exam module after at least two attempts on the exam may qualify to participate in one or more project-based assessments if the student has met all of the following conditions:

~~(i)~~ (1) Has taken the course.

~~(ii)~~ (2) Has met the attendance requirements of the school district, AVTS or charter school, including a cyber charter school.

~~(iii)~~ (3) Has participated in a satisfactory manner in supplemental instructional services CONSISTENT WITH THE STUDENT'S EDUCATIONAL PROGRAM provided by the school district, AVTS, or charter school, including a cyber charter school, as provided under ~~§ 4.24(j)~~ §§ 4.24(K) and ~~subsection (e)(8)~~ 4.51B(F)~~, for at least 2 school years or the equivalent amount of time for schools that operate on a block schedule.~~

(E) A STUDENT TO WHOM § 4.4(D)(4) APPLIES MAY QUALIFY TO PARTICIPATE IN ONE OR MORE PROJECT-BASED ASSESSMENTS IF THE STUDENT HAS MET ALL OF THE FOLLOWING CONDITIONS:

(1) HAS TAKEN THE COURSE.

(2) HAS MET THE ATTENDANCE REQUIREMENTS OF THE SCHOOL DISTRICT, AVTS OR CHARTER SCHOOL, INCLUDING A CYBER CHARTER SCHOOL.

~~[(4)]~~ (F) Successful completion of a project-based assessment aligned to the Keystone Exam or Keystone Exam module on which a student did not demonstrate proficiency shall satisfy the requirements in § 4.24.

(G) A STUDENT ENROLLED IN A DEPARTMENT-APPROVED CAREER AND TECHNICAL EDUCATION PROGRAM WHO HAS NOT DEMONSTRATED PROFICIENCY ON A KEYSTONE EXAM OR KEYSTONE EXAM MODULE IN BIOLOGY MAY QUALIFY TO PARTICIPATE IN A PROJECT-BASED ASSESSMENT IN BIOLOGY IF THE STUDENT HAS MET ALL OF THE FOLLOWING CONDITIONS:

(1) HAS TAKEN THE COURSE.

(2) HAS MET THE ATTENDANCE REQUIREMENTS OF THE SCHOOL DISTRICT, AVTS OR CHARTER SCHOOL, INCLUDING A CYBER CHARTER SCHOOL.

§ 4.51D. WAIVERS.

~~(m)~~ The Secretary may waive the requirements in § 4.24 on a case-by-case basis for good cause. WAIVERS MAY BE GRANTED for a student in grade 12 who was not successful in completing a project-based assessment as provided in ~~subsection (m)~~ § 4.51C (RELATING TO PROJECT-BASED ASSESSMENT), OR TO ACCOMMODATE A STUDENT WHO EXPERIENCES EXTENUATING CIRCUMSTANCES (INCLUDING SERIOUS ILLNESS, DEATH IN IMMEDIATE FAMILY, FAMILY EMERGENCY, FREQUENT TRANSFERS IN SCHOOLS OR TRANSFER FROM AN OUT-OF-STATE SCHOOL IN GRADE 12).

(1) ~~Emergency waivers~~ WAIVERS will be based upon receipt of a written request from the chief school administrator. The Secretary will invite and consider justifications from the chief school administrator for granting ~~an emergency~~ A waiver. At a minimum, the waiver request shall certify that the student meets the following criteria:

(i) Has met the local requirements of the school district, AVTS or charter school, including a cyber charter school, for graduation, except for demonstration of proficiency of the requirements in § 4.24(c)(1)(iii)(A) for which the waiver is being requested.

(ii) Has not demonstrated proficiency on a Keystone Exam or Keystone Exam module.

(iii) IF THE STUDENT IS REQUIRED TO PARTICIPATE IN SUPPLEMENTAL INSTRUCTION UNDER §§ 4.24(K) AND 4.51B(F), ~~Has~~ HAS participated in a satisfactory manner in supplemental instructional services CONSISTENT WITH THE STUDENT'S EDUCATIONAL PROGRAM provided by the school district, AVTS or charter school, including a cyber charter school, ~~as provided under § 4.24(j) and subsection (e)(8) of this section~~.

(iv) Has not successfully completed a project-based assessment aligned to the Keystone Exam or Keystone Exam module on which the student did not demonstrate proficiency.

(2) ~~Emergency waiver~~ WAIVER requests shall be reviewed by the Department so that waiver determinations for candidates for graduation are provided to school districts, AVTSs ~~or~~ AND charter schools, including cyber charter schools, no later than 10 calendar days prior to graduation.

(3) If a chief school administrator requests ~~emergency~~ waivers for more than 10% of students in the graduating class of a school district, AVTS or charter school, including a cyber charter school, WHO WERE NOT SUCCESSFUL IN COMPLETING A PROJECT-BASED ASSESSMENT AS PROVIDED IN § 4.51C, the chief school administrator shall submit an action plan for approval by the Secretary. The action plan must identify improvements the school district, AVTS or charter school, including a cyber

charter school, will implement to each course associated with the Keystone Exam content for which the waivers were requested.

(4) The Department shall annually report to the Board the number of ~~emergency~~ waivers issued to each school district, AVTS and charter school, including a cyber charter school.

§ 4.52. Local assessment system.

(a) Each school entity shall design an assessment system to do the following:

(1) Determine the degree to which students are achieving academic standards under **[§§]** § 4.12 **[and 4.13(c)(3)]** (relating to academic standards**[; and strategic plans]**). The school entity shall provide assistance to students not attaining academic standards at the proficient level or better **[and the assistance to be provided shall be indicated in the strategic plan under § 4.13]**.

(2) Use assessment results to improve curriculum and instructional practices**[,]** **and** to guide instructional strategies **[and to develop future strategic plans under § 4.13]**.

(3) Provide information requested by the Department regarding the achievement of academic standards, **but** which does not include student names, identification numbers or individually identifiable information.

(4) Provide summary information, including results of assessments under this section, to the general public regarding the achievement of students, **but** which does not include student names, identification numbers or individually identifiable information.

(b) The local assessment system shall be **approved by the board of school directors, at minimum, once every 6 years and** implemented no later than 1 year after **[its strategic plan or revision is approved by the board of school directors under § 4.13] the approval date**.

(c) **[The local assessment system shall be described in the school entity's strategic plan under § 4.13(c)(5).**

(d) The local assessment system shall be described in the district's (including a charter school's) or AVTS's strategic plan under § 4.13(c)(5), including industry certifications earned by vocational-technical students, Pennsylvania skill certificates earned by vocational technical education students, and projects completed by vocational-technical education students which demonstrate their occupational competency.

(e)] The local assessment system shall be designed to include a variety of assessment strategies which may include the following:

(1) Written work by students.

(2) Scientific experiments conducted by students.

(3) Works of art or musical, theatrical or dance performances by students.

(4) Other demonstrations, performances, products or projects by students related to specific academic standards.

(5) Examinations developed by teachers to assess specific academic standards.

(6) Nationally-available achievement tests.

(7) Diagnostic assessments.

(8) Evaluations of portfolios of student work related to achievement of academic standards.

(9) Other measures as appropriate, which may include standardized tests.

[(f)] **(d)** Individual test information shall be maintained in a student's educational record in a manner consistent with section 438 of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.A. § 1232g) and 34 CFR Part 99 (relating to family educational rights and privacy).

[(g)] **(e)** Children with disabilities shall be included in the local assessment system, with appropriate accommodations, when necessary. As appropriate, the school district, including **a** charter **[schools]** **school**, or AVTS shall develop guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in the local assessment as determined by each child's Individualized Education Program team under the Individuals with Disabilities Education Act and this part.

[(h)] **(f)** The Department will establish a Local Assessment Validation Advisory Committee. The Committee will develop the criteria for the local validation process and criteria for selection of approved validation entities as provided in **[§ 4.24(b)(1)(iv)(B)]** **§ 4.24(c)(1)(iii)(B)** (relating to high school graduation requirements). The Department, in consultation with the Committee, will establish a list of entities approved to perform independent validations of local assessments. The Committee will submit its recommendations for approval

or disapproval to the Board. The Department will post the approved criteria, selection criteria and list of approved entities on its web site.

SCHOOL PROFILES

§ 4.61. School profiles.

(a) School profiles developed by the Secretary will include information as required under section 220 of the School Code (24 P.S. § 2-220).

(b) **[In compiling school profiles under this chapter, the Department will provide school entities interpretive information to assist in using the profiles for strategic planning under § 4.13 (relating to strategic plans).**

(c)] The Secretary will prescribe procedures for reporting State assessment data to schools and communities.

[(d)] **(c)** The Secretary will make available to the public, and report to the public with the same frequency and in the same detail as for children who are nondisabled, all data as required under the Individuals with Disabilities Education Act.

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