

Annex A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

Subpart A. MISCELLANEOUS PROVISIONS

CHAPTER 4. ACADEMIC STANDARDS AND ASSESSMENT

Subchap.

Sec.

[GENERAL PROVISIONS]

A. General Provisions...4.1

[4.1. Statutory authority.

4.2. Purpose.

4.3. Definitions.

4.4. General policies.]

[ACADEMIC STANDARDS AND PLANNING]

B. Academic Standards and Planning...4.11

[4.11. Purpose of public education.

4.12. Academic standards.]

[STRATEGIC PLANS]

C. Strategic Plans...4.13

[4.13. Strategic plans.]

[CURRICULUM AND INSTRUCTION]

D. Curriculum and Instruction...4.20

- [4.20. Prekindergarten education.**
- 4.21. Elementary education: primary and intermediate levels.**
- 4.22. Middle level education.**
- 4.23. High school education.**
- 4.24. High school graduation requirements.**
- 4.25. Languages.**
- 4.26. ESOL.**
- 4.27. Physical education and athletics.**
- 4.28. Special education.**
- 4.29. HIV/AIDS and other life-threatening and communicable diseases.]**

[CAREER AND TECHNICAL EDUCATION]

E. Career and Technical Education...4.31

- [4.31. Career and technical education.**
- 4.32. Standards and reports.**
- 4.33. Advisory committees.**
- 4.34. Programs and equipment.**
- 4.35. ACTSs.]**

[SCHEDULING AND LEARNING OPTIONS]

F. Scheduling and Learning Options...4.41

[4.41. Scheduling.

4.42. Grade structure.]

[ASSESSMENT]

G. Assessment...4.51

[4.51. State assessment system.

4.51a. Pennsylvania System of School Assessment.

4.51b. Keystone Exams.

4.51c. Project-based assessment.

4.51d. Waivers.

4.52. Local assessment system.]

[SCHOOL PROFILES]

H. School Profiles...4.61

[4.61. School profiles.]

[PROVISIONS RELATING TO OTHER THAN PUBLIC SCHOOLS]

I. Provisions Relating to Other Than Public Schools...4.71

[4.71. Certification by principal of nonpublic nonlicensed school.

4.72. Credentials other than the high school diploma.

4.73. Correspondence schools.

4.74. Students in special situations.]

[ENFORCEMENT AND IMPLEMENTATION]

J. Enforcement and Implementation...4.81

[4.81. Allegations of deficiencies.

4.82. Exceptions.

4.83. {Reserved}]

[ACADEMIC STANDARDS]

K. Academic Standards...Appx.

[Appx.

Appendix A {Reserved}.

Appendix A-1 {Reserved}.

Appendix A-2 Pennsylvania Core Standards for English Language Arts and Mathematics

Appendix B {Reserved}.

Appendix B-1 Pennsylvania Integrated Standards for Science, Environment, Ecology, Technology and Engineering (Grades K—5), Pennsylvania Integrated Standards for Science, Environment and Ecology (Grades 6—12), and Pennsylvania Technology and Engineering Standards (Grades 6—12) (*Editor's Note: Appendix B-1 applies on and after July 1, 2025.*)

Appendix C Academic Standards for Civics and Government and Economics and Geography and History and the Pennsylvania Core Standards for Reading in History and Social Studies and Pennsylvania Core Standards for Writing in History and Social Studies (*Editor's Note: The standards for Economics in Appendix C expire July 1,*

2026.)

Appendix C-1 Academic Standards for Economics (*Editor's Note: Appendix C-1 applies on and after July 1, 2026.*)

Appendix D Academic Standards for the Arts and Humanities and Health, Safety and Physical Education and Family and Consumer Sciences (*Editor's Note: The standards for Family and Consumer Sciences in Appendix D expire July 1, 2026.*)

Appendix D-1 Academic Standards for Family and Consumer Sciences (*Editor's Note: Appendix D-1 applies on and after July 1, 2026.*)

Appendix E Academic Standards for Career Education and Work (*Editor's Note: Appendix E expires July 1, 2026.*)

Appendix E-1 Academic Standards for Career Education and Work (*Editor's Note: Appendix E-1 applies on and after July 1, 2026.*)

Appendix F Academic Standards for Personal Finance (*Editor's Note: Appendix F applies on and after July 1, 2026.*)

[GENERAL PROVISIONS]

Subchapter A. GENERAL PROVISIONS

Sec.

4.1. Statutory authority.

4.2. Purpose.

4.3. Definitions.

4.4. General policies.

§ 4.3. Definitions.

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

Local Assessment Validation Advisory Committee—An advisory committee established by the **[Department] department** composed of up to two representatives each from the **[Department] department** and **[Board] 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.

Performance Level Advisory Committee—An advisory committee established by the **[Department] department** to assist the **[Department] department** in developing **[Keystone Exam] 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 1/2 of its members selected from nominations made by Statewide teachers' unions and other education stakeholder organizations.

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] keystone exams**.

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

§ 4.4. General policies.

(a) It is the policy of the **[Board] 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 as determined by the school entity.

(b) It is the policy of the **[Board] 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] or** a minimum of 900 hours of instruction at the elementary level **[and] or** 990 hours of instruction at the secondary level **[(24 P. S. § § 15-1501 and 15-1504)] (24 P. S. § 1-133)**; 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 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 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]** department in its assessment administration instructions. If upon inspection of a State 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.

(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]** department will provide support to school districts, ACTSs 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]** keystone exams under § 4.51b(i) (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]** keystone exams under § 4.51b(i).

(4) Technical guidance in developing local assessments that meet the requirements of § 4.24(c)(1)(iii)(B) (relating to high school graduation requirements), upon request.

(f) The [Department] department may not, and the [Board] board will not, require school entities to utilize a Statewide curriculum or Statewide reading lists.

[ACADEMIC STANDARDS AND PLANNING]

Subchapter B. ACADEMIC STANDARDS AND PLANNING

Sec.

4.11. Purpose of public education.

4.12. Academic standards.

§ 4.12. Academic standards.

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

(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.*] {Reserved}.

(4.1) Arts. Study of dance, media arts, music, theatre and visual arts, including the processes of creating, performing-presenting-producing, responding to, and connecting to artistic 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 career and technical education programs, the skills to succeed in the occupation for which they are prepared.

Appendix E (relating to academic standards for career education and work) shall expire July 1, 2026. The academic standards under this paragraph shall be based on the provisions of Appendix E-1 (relating to academic standards for career education and work) on and after July 1, 2026.

(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.] {Reserved}.***

(6.1) Health, safety and physical education. Study of concepts and skills that promote whole-child wellness, health literacy, and physical literacy. Students learn to understand core health concepts; analyze influences on health behaviors; access reliable health information; communicate effectively; make informed decisions; set and monitor health goals; practice healthy behaviors; advocate for wellness; and develop movement competence, fitness knowledge, and lifelong physical activity habits.

DRAFT AMENDMENTS TO 22 PA. CODE CHAPTER 4

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

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

(h) School entities are responsible under subsections (a), (c) and (f) 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]** 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).

(i) No sooner than every 5 years and no later than every 10 years, the **[Board]** 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]** department may not expand the collection of student data and, in accordance with section 444 of the Family Educational Rights and Privacy Act of 1974 (20

U.S.C.A. § 1232g), regarding family educational and privacy rights, may not collect personal family data due to the implementation of Pennsylvania Core Standards in Appendix A-2.

[STRATEGIC PLANS]

Subchapter C. STRATEGIC PLANS

Sec.

4.13. Strategic plans.

§ 4.13. Strategic plans.

(a) Each school entity shall submit to the **[Secretary]** **secretary** for approval a professional education plan every 3 years as required under § 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 **[andsubmission]** **and submission** of the plan to the **[Secretary]** **secretary**. A school entity shall post the plan approved by its governing board on its publicly accessible website.

(b) Each school entity shall submit to the **[Department]** **department** for approval an induction plan every 6 years as required under § 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

DRAFT AMENDMENTS TO 22 PA. CODE CHAPTER 4

submission of the plan to the **[Department]** department. A school entity shall post the plan approved by its governing board on its publicly accessible website.

(c) Each school entity shall 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 student services). A school entity shall make its student services 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. A school entity shall post the plan approved by its governing board on its publicly accessible website.

(d) Each school district shall develop, submit to the **[Department]** department for approval and implement a special education plan every 3 years as required under § 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]** department. A school district shall post the plan approved by its governing board on its publicly accessible website.

(e) Each school district shall develop and implement a gifted education plan every 6 years as required under § 16.4 (relating to gifted education 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. A school district shall post the plan approved by its governing board on its publicly accessible website.

[CURRICULUM AND INSTRUCTION]

Subchapter D. CURRICULUM AND INSTRUCTION

Sec.

4.20. Prekindergarten education.

4.21. Elementary education: primary and intermediate levels.

4.22. Middle level education.

4.23. High school education.

4.24. High school graduation requirements.

4.25. Languages.

4.26. ESOL.

4.27. Physical education and athletics.

4.28. Special education.

4.29. HIV/AIDS and other life-threatening and communicable diseases.

§ 4.20. Prekindergarten education.

School districts are not required to offer a prekindergarten program, and parents are not required to enroll their children in those programs if offered. Prekindergarten programs shall be designed so that students complete the program prior to their reaching the school district's entry age for kindergarten. The program, when offered, must provide a comprehensive program appropriate for the age and varying developmental levels of the students; be based on how young children develop and learn; include instruction to support each child's development in the areas of approaches to learning—creative expression, language and literacy, math, logic and science,

DRAFT AMENDMENTS TO 22 PA. CODE CHAPTER 4

social-personal development and physical development and health—and must be open to children with disabilities.

(1) The [Secretary] secretary will provide academic standards, appropriate for early learning at the prekindergarten level, as guidance for the use of school districts that offer prekindergarten programs.

(2) Curriculum and instruction in the prekindergarten program must be standards-based.

(3) Prekindergarten programs may be offered to all 3 and 4 year olds or may be targeted to children who are most in need of prekindergarten services who reside in the district. Targeted programs may serve children who are at risk of school failure because of limited English proficiency, community factors, economic disadvantage, but may not exclude or be limited exclusively to children with disabilities. If a program is limited to an attendance area, children with disabilities must live in that attendance area to participate in the program. An attendance area is the geographic area within a school district designated by the school board for the purpose of assigning students to a school.

(4) The [Secretary] secretary will issue guidance to school districts on developmentally appropriate curriculum, instruction and assessments for prekindergarten.

(5) Each school district that provides prekindergarten shall design an assessment system that includes prekindergarten and uses a variety of assessment strategies, which may include those listed in § 4.52(b) (relating to local assessment system), as appropriate.

(6) Prekindergarten programs must have a student/teacher ratio of no more than 20 students for one teacher and one teacher aide in a classroom (2 adults in a classroom for every 20

students). Programs of high quality ordinarily have a student/teacher ratio of 17 students for one teacher and one teacher aide in a classroom (2 adults for every 17 students). Programs operating under contract with community providers must comply with staffing qualifications as required by § 49.85(e) (relating to limitations).

(7) Beginning in the 2009-2010 school year, a teacher aide in a prekindergarten program shall meet one of the following criteria:

(i) Completion of at least 2 years of postsecondary study.

(ii) Possession of an associate's degree or higher.

(iii) Ability to meet a rigorous standard of quality and demonstration through a formal State or local academic assessment of knowledge in and ability to assist in instructing reading, writing and mathematics. A rigorous standard of quality includes a demonstration of competence in basic literacy skills, including the ability to speak and write standard English and instruction of prekindergarten students in the acquisition of the knowledge, skills and abilities described in the early learning standards issued under paragraph (1).

(8) The **[Secretary]** secretary may approve a meritorious prekindergarten program that does not meet all regulatory requirements for the program when, in the **[Secretary's]** secretary's judgment, the program provides high quality learning opportunities for students and meets the following conditions:

(i) The school district has submitted to the **[Secretary]** secretary a written request that provides justification for the waiver and includes a description of how the meritorious program will provide high quality learning opportunities for students.

DRAFT AMENDMENTS TO 22 PA. CODE CHAPTER 4

(ii) The approval of the meritorious prekindergarten program is valid only for 1 school year.

(iii) Requests for renewals include evidence of positive student outcomes.

(9) A school district may make individual exceptions to the age of prekindergarten students based upon local policy to permit the enrollment of children under 3 years of age and 5 years of age or older.

(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 be submitted to the **[Department]** 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]** department.

(11) School district contracted prekindergarten programs operated by a community provider shall provide a lead teacher for each classroom who meets the following minimum qualifications:

(i) An associate's degree or greater in early childhood education or child development.

DRAFT AMENDMENTS TO 22 PA. CODE CHAPTER 4

(ii) For programs operating before December 16, 2006, lead teachers shall possess a bachelor's degree and early childhood certificate as provided in § 49.85(a) on or before December 16, 2011.

(iii) For programs contracted after December 16, 2006, lead teachers shall possess a bachelor's degree and early childhood certificate as provided in § 49.85 within 5 years from the date students first attend the prekindergarten program.

§ 4.21. Elementary education: primary and intermediate levels.

(e) Planned instruction aligned with academic standards in the following areas shall be provided to every student every year in the primary program. Planned instruction may be provided as a separate course or other interdisciplinary activity.

(1) English Language Arts, integrating foundational skills, reading informational text, reading literature, writing, speaking and listening, and information management, including library skills.

(2) Mathematics, including problem-solving and computation skills.

(3) Science, environment and ecology, involving active learning experiences for students.

(4) Technology and engineering **[education, involving active learning experiences for students]**, **involving the study of the engineered (human-designed) world, the goal of which is to develop individuals with a breadth of knowledge and capabilities, who see the**

interactions between technology, engineering, and society, and can use, create, and assess current and emerging technologies.

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

[(6) Health, safety and physical education, including instruction in concepts and skills which affect personal, family and community health and safety, nutrition, the prevention of alcohol, chemical and tobacco abuse, knowledge and practice of lifetime physical activities, personal fitness, basic movement skills and concepts, motor skill development, principles and strategies of movement, and safety practices in physical activity settings.] {Reserved}.

(6.1) Health, safety and physical education, including instruction in concepts and skills that promote whole-child wellness, health literacy, physical literacy, core health understanding, healthy habits, recognizing influences, communication, help-seeking, movement, motor skill development, and social skills development.

[(7) The arts, including active learning experiences in art, music, dance and theatre.] {Reserved}.

(7.1) Arts, including the study of dance, media arts, music, theater, and visual arts, and the processes of creating, performing-presenting-producing, responding to, and connecting to artistic work.

(8) Career education, including exposure to various interpersonal skills and employability skills, career awareness and learning experiences and the educational preparation necessary to achieve those experiences.

(9) Personal finance.

(f) Planned instruction in the following areas shall be provided to every student every year in the intermediate level program. Planned instruction may be provided as a separate course or as an instructional unit within another course or other interdisciplinary instructional activity:

(1) English Language Arts, integrating foundational skills, reading informational text, reading literature, writing, and speaking and listening.

(2) Mathematics, including problem-solving and computation skills.

(3) Science, environment and ecology, including instruction about agriculture and agricultural science.

(4) Technology and engineering, **involving the study of the engineered (human-designed) world, the goal of which is to develop individuals with a breadth of knowledge and capabilities, who see the interactions between technology, engineering, and society, and can use create and assess current and emerging technologies.**

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

[(6) The arts, including art, music, dance and theatre.] {Reserved}].

(6.1) Arts, including the study of dance, media arts, music, theater, and visual arts, and the processes of creating, performing-presenting-producing, responding to, and connecting to artistic work.

(7) Understanding and use of library and other information sources.

[(8) Health, safety and physical education, including instruction in concepts and skills which affect personal, family and community health and safety, nutrition, the prevention of alcohol, chemical and tobacco abuse, knowledge and practice of lifetime physical activities, personal fitness, basic movement skills and concepts, motor skill development, principles and strategies of movement and safety practices in physical activity settings.] {Reserved}.

(8.1) Health, safety and physical education, including instruction in concepts and skills that promote whole-child wellness, health literacy, physical literacy, core health understanding, healthy habits, recognizing influences, communication, help-seeking, movement, motor skill development, and social skills development.

(9) Personal finance.

(10) Career education, including exposure to various interpersonal skills and employability skills, career awareness and learning experiences and the educational preparation necessary to achieve those experiences.

§ 4.22. Middle level education.

(c) Planned instruction aligned with academic standards in the following areas shall be provided to every student in the middle level program. Planned instruction may be provided as a separate course or as an instructional unit within a course or other interdisciplinary instructional activity:

DRAFT AMENDMENTS TO 22 PA. CODE CHAPTER 4

(1) English Language Arts, integrating reading informational text, reading literature, writing, and speaking and listening.

(2) Mathematics, including mathematical reasoning, algebra and problem-solving.

(3) Science, environment and ecology, which involves active learning experiences and which may include laboratory experiments, instruction in agriculture and agricultural science, and political and economic aspects of ecology.

(4) Social studies (civics and government, economics, geography and history, including the history and cultures of the United States, the Commonwealth, and the world).

(5) {Reserved}.

(6) Information skills, including access to traditional and electronic information sources, computer use and research.

[(7) Health, safety and physical education, including instruction in concepts and skills which affect personal, family and community health and safety, nutrition, physical fitness, movement concepts, motor skill development, safety in physical activity settings, and the prevention of alcohol, chemical and tobacco abuse.] {Reserved}.

(7.1) Health, safety and physical education, including instruction in concepts and skills that promote whole-child wellness, health literacy, physical literacy, analyzing influences, media evaluation, decision-making skills, goal setting, behavior change, physical fitness knowledge, healthy relationships, boundaries, advocacy, and leadership.

[(8) The arts, including art, music, dance and theatre.] {Reserved}.

(8.1) Arts, including the study of dance, media arts, music, theatre, and visual arts, and the processes of creating, performing-presenting-producing, responding to, and connecting to artistic work.

§ 4.23. High school education.

(c) Planned instruction aligned with academic standards in the following areas shall be provided to every student in the high school program. Planned instruction may be provided as a separate course or as an instructional unit within a course or other interdisciplinary instructional activity:

(1) English Language Arts, integrating reading informational text, reading literature, writing, and speaking and listening.

(2) Mathematics, including problem-solving, mathematical reasoning, algebra, geometry and concepts of calculus.

(3) Science, environment and ecology, including scientific, social, political and economic aspects of ecology, participation in hands-on experiments and at least one laboratory science chosen from life sciences, earth and space sciences, chemical sciences, physical sciences and agricultural sciences.

(4) Social studies (civics and government, economics, geography and history, including the history and cultures of the United States, the Commonwealth and the world).

(5) {Reserved}.

[(6) The arts, including art, music, dance, theatre and humanities.] {Reserved}.

(6.1) Arts, including the study of dance, media arts, music, theatre, and visual arts, and the processes of creating, performing-presenting-producing, responding to, and connecting to artistic work.

(7) Use of applications of microcomputers and software, including word processing, database, spreadsheets and telecommunications; and information skills, including access to traditional and electronic information sources, computer use and research.

[(8) Health, safety and physical education, including instruction in concepts and skills which affect personal, family and community health and safety, nutrition, physical fitness, movement concepts, motor skill development, safety in physical activity settings, and the prevention of alcohol, chemical and tobacco abuse.] {Reserved}.

(8.1) Health, safety and physical education, including instruction in concepts and skills that promote whole-child wellness, advanced health literacy, physical literacy, risk assessment, long-term goal setting, personal fitness, movement competency, healthy relationships, consent, mental health awareness, advocacy, and leadership.

§ 4.24. High school graduation requirements.

(c) *Requirements beginning in the 2022-2023 school year.*

(1) *General.* Beginning in the 2022-2023 school year, each school district, charter school (including a cyber charter school) and ACTS, if applicable, shall adopt and implement requirements for high school graduation that, at minimum, include:

(i) Course completion and grades.

(ii) Demonstration of proficiency as determined by the school district, charter school (including a cyber charter school) or ACTS, if applicable, in each of the State academic standards not assessed by a State assessment under § 4.51, § 4.51a or § 4.51b (relating to State assessment system; Pennsylvania System of School Assessment; and Keystone Exams).

(iii) Demonstration of proficiency or above in each of the following State academic standards: English Language Arts and Mathematics (Appendix A-2)**]; through June 30, 2025, Science and Technology and Environment and Ecology (Appendix B), and, beginning July 1, 2025,]** **and** Science, Environment and Ecology (Appendix B-1), as determined through any one or a combination of the following:

(A) 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]** **keystone exam** or through a pathway established in section 121(c) or (c.1) of the School Code (24 P.S. § § 1-121(c) or (c.1)).

(I) A school district, ACTS or charter school, including a cyber charter school, shall allow a student to take a **[Keystone Exam]** **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, ACTS or charter school, including a cyber charter school, shall allow a student who transfers from another state to take a **[Keystone Exam]** 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, ACTS or charter school, including a cyber charter school, may allow a student who scores at the advanced level on a particular **[Keystone Exam]** 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 assessments, which shall be independently and objectively validated once every 6 years. Local assessments may be designed to include a variety of assessment strategies listed in § 4.52(c) and may include the use of one or more **[Keystone Exams]** 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: English Language Arts (Literature and Composition); Mathematics (Algebra I), and **[Science and Environment and Ecology]** Science, Environment and Ecology (Biology).

DRAFT AMENDMENTS TO 22 PA. CODE CHAPTER 4

(II) Performance level expectations and descriptors that describe the level of performance required to achieve proficiency comparable to that used for the **[Keystone Exams]** 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 (d), 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, ACTS or charter school, including a cyber charter school, and the **[Department]** department. If the **[Department]** department does not provide sufficient funding to meet its share, local assessments submitted for validation shall be deemed valid until a new validation is due to the **[Department]** department.

(V) The **[Department]** department will establish a list of entities approved to perform independent validations of local assessments in consultation with the **[Local Assessment Validation Advisory Committee]** local assessment validation advisory committee as provided in § 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, ACTS or charter school, including a cyber charter school, uses a local assessment that has not been independently validated, the **[Secretary]** secretary will direct the school entity

to discontinue its use until the local assessment is approved through independent validation by an approved entity.

(d) *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) or ACTS, 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.

(e) *Demonstration of proficiency.* For purposes of this section, a student shall be deemed proficient in the State-assessed standards whenever the student demonstrates proficiency through any of the options in subsection (c)(1)(iii), regardless of the student's grade level or age.

(f) *Transcripts.* The performance level demonstrated by a student in each of the state academic standards, including the highest performance level demonstrated by a student on the associated **[Keystone Exam]** keystone exam, may be included on a student's transcript as determined by each school entity.

(g) *Release of scores.* This section does not allow for the release of individual student PSSA or **[Keystone Exam]** keystone exam scores to the **[Department]** department or other Commonwealth entities in accordance with § 4.51(f) and (g).

(h) *Supplemental instruction.* A student who does not demonstrate proficiency on a **[Keystone Exam]** keystone exam or a locally validated assessment specified in subsection (c) may be

offered supplemental instructional support by the student's school district, ACTS or charter school, including a cyber charter school consistent with section 121(c.4) of the School Code.

(i) *Out-of-state transfers.* A school district, ACTS or charter school, including a cyber charter school, shall determine whether a student who transfers from an out-of-State school having demonstrated proficiency in coursework and assessments aligned with the academic standards assessed by each **[Keystone Exam]** keystone exam may satisfy the requirements of subsection (c).

(j) *Waiver of testing and accountability requirements.* In any year in which the Federal government has waived the testing and accountability requirements of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (20 U.S.C.A. §§ 6301—7981), a student shall not be required to take a **[Keystone Exam]** keystone exam for the purpose established in this section and shall be deemed proficient for purposes of this section by meeting the requirements set forth in section 121.1 of the School Code (24 P.S. § 1-121.1).

§ 4.25. Languages.

(a) World language programs must prepare students to be proficient in meeting the World Language Standards issued by the **[Department]** department and available on its web site. Every school district shall provide planned instruction in at least two languages in addition to English, at least one of which shall be a modern language, and at least one of which shall be offered in a minimum 4-year sequence in the secondary program (middle level and high school).

(b) World language planned instruction under subsection (a) may be offered beginning at any grade level, including the elementary grades.

(c) World Language Standards issued by the **[Department]** department will address the ability of students to communicate in a language other than English, including the ability to understand and interpret written and spoken language on a variety of topics and to develop knowledge and understanding of other cultures.

(d) As used in this section, the term “world language” means the study of the language, cultures, traditions and histories of different communities of people who communicate in languages other than English. American sign language is a world language.

[CAREER AND TECHNICAL EDUCATION]

Subchapter E. CAREER AND TECHNICAL EDUCATION

Sec.

4.31. Career and technical education.

4.32. Standards and reports.

4.33. Advisory committees.

4.34. Programs and equipment.

4.35. ACTSs.

§ 4.31. Career and technical education.

DRAFT AMENDMENTS TO 22 PA. CODE CHAPTER 4

(a) Career and technical education courses shall be developed in the planned instruction format and be accessible to all high school students attending those grades in which career and technical education courses are offered. All students and their parents or guardians shall be informed of the students' rights to participate in career and 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 career and 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]** 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 (relating to high school graduation requirements), including § 4.12(f) (relating to academic standards) and § 4.24(d) for students with disabilities with an individualized education program.

§ 4.32. Standards and reports.

(a) The **[Secretary]** secretary is responsible for the promulgation of standards appropriate for implementing § 4.31 (relating to career and technical education). Present standards, to the extent that they are inconsistent, are superseded by this chapter.

(b) The **[Secretary]** secretary will report annually to the **[Board]** board on the status of career and technical education programs, including tech-prep and apprenticeship programs. Reports will

include numbers and types of programs, numbers of students, post-program status of students, Statewide competency standards and assessment information.

§ 4.33. Advisory committees.

(a) A school district or ACTS administering or planning to administer career and 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 **school entity's governing** board and the administration concerning the program of the school, including its general philosophy, academic and other standards, 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 ACTS. The committee shall advise the ACTS board and the administration concerning the educational program and policies of the school.

(c) An occupational advisory committee shall be established for each career and technical education program or cluster of related programs offered by a school district or ACTS. The committee shall be appointed by the **school entity's governing** board **[of directors]**, and a majority of the members of the committee shall be employees and employers in the occupation for which training is provided. The committee shall meet at least twice each year to advise the

school entity's governing board, administration and staff on curriculum, equipment, instructional materials, safety requirements, program evaluation and other related matters and to verify that the programs meet industry standards and, if appropriate, licensing board criteria and that they prepare students with occupation related competencies.

[SCHEDULING AND LEARNING OPTIONS]

Subchapter F. SCHEDULING AND LEARNING OPTIONS

Sec.

4.41. Scheduling.

4.42. Grade structure.

§ 4.41. Scheduling.

(a) Kindergarten programs shall provide each kindergarten student with at least 2 1/2 hours of instruction each day for the full school term unless the school district, including charter schools, obtains prior **[Department]** **department** approval for an alternative kindergarten program.

(b) A school district, including charter schools, shall obtain approval of the **[Department]** **department** prior to scheduling 1/2-day sessions other than in kindergarten under subsection (a).

A school district is not required to obtain approval of the **[Department]** **department** prior to scheduling 1/2 day sessions for prekindergarten under subsection (e).

- (c) A school district shall obtain approval of the **[Department]** department prior to establishing a new school or changing school organization.
- (d) Planned instruction offered in summer school may be designed as credit or noncredit offerings.
- (e) School districts with prekindergarten programs shall provide prekindergarten students with at least 2 1/2 hours of instruction each day for the full school term unless the school district obtains prior **[Department]** department approval for an alternative prekindergarten program.

[ASSESSMENT]

Subchapter G. ASSESSMENT

Sec.

4.51. State assessment system.

4.51a. Pennsylvania System of School Assessment.

4.51b. Keystone Exams.

4.51c. Project-based assessment.

4.51d. Waivers.

4.52. Local assessment system.

§ 4.51. State assessment system.

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

DRAFT AMENDMENTS TO 22 PA. CODE CHAPTER 4

- (1) Provide students, parents, educators and citizens with an understanding of student and school performance consistent with the Every Student Succeeds Act (Pub.L. No. 114-95).
- (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 information to State policymakers, including the General Assembly and the **[Board] board**, on how effective schools are in promoting and demonstrating student proficiency of academic standards.
- (4) Provide information to the general public on school performance.
- (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-2), Mathematics (Appendix A-2), and **[, through June 30, 2025, Science and Technology and Environment and Ecology (Appendix B), and, beginning July 1, 2025,]** Science, Environment, Ecology and Technology and Engineering (Appendix B-1) for the purpose of determining, in part, a student's eligibility for high school graduation.
- (b) The State assessment system must include PSSA assessments and **[Keystone Exams]** keystone exams.
- (c) Neither State assessments nor academic standards under § 4.12 may require students to hold or express particular attitudes, values or beliefs.

DRAFT AMENDMENTS TO 22 PA. CODE CHAPTER 4

- (d) The **[Department]** **department** will 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]** **elementary and secondary school** counselors with a need to know based upon local board policy on testing and in reporting academic progress.
- (g) The **[Department]** **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]** **board** will authorize the expansion of the State assessment system through a revision of this chapter.
- (1) The **[Board]** **board** will not include National assessments as part of the State assessment system unless, upon consultation with teachers, **elementary and secondary school** counselors and parents representing students who have been identified under Chapter 14 (relating to special education services and programs), the **[Board]** **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]** board will not, and the **[Department]** department may 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]** 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]** department will 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, ACTS or charter school, including a cyber charter school, shall be subject to disciplinary action under the Educator Discipline Act (24 P.S. § § 2070.1a—2070.18c).

(2) Cheating by students or employees other than those covered in paragraph (1) shall be subject to disciplinary action by the school district, ACTS or charter school, including a cyber charter school.

(3) Cheating or breaches of assessment security shall be reported to the **[Secretary]** secretary as soon as detected.

(j) The **[Secretary]** secretary is authorized to establish guidelines for the administration of the State assessment system.

(k) The [Secretary] secretary will report each September to the [Board] board and the General Assembly information and pertinent data regarding the State assessment system. The [Secretary] secretary also will 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 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 PSSA or [Keystone Exams] 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.

(a) All PSSA assessments administered in English Language Arts, Mathematics, and Science, Environment, Ecology, Technology and Engineering 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]** may vary by grade level. The criteria for judging performance on PSSA assessments are as follows:

(1) Performance on PSSA English Language Arts assessments shall be demonstrated by students' responses to comprehension questions about age-appropriate reading passages[, **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]**.

DRAFT AMENDMENTS TO 22 PA. CODE CHAPTER 4

(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 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, environment, ecology, technology and engineering.

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

(b) The **[Department]** department will develop or cause to be developed PSSA assessments based on Pennsylvania Core Standards in Mathematics and English Language Arts under § 4.12 (relating to academic standards) and contained in Appendix A-2~~].~~ **Through June 30, 2025, the Department will develop or cause to be developed PSSA assessments based on academic standards in Science, Technology, Environment and Ecology under § 4.12 and contained in Appendix B. Beginning July 1, 2025, the Department will develop or cause to be developed PSSA assessments based on] and** academic standards in Science, Environment, Ecology, Technology and Engineering under § 4.12 and contained in Appendix B-1. In developing PSSA assessments, the **[Department]** department will consult with educators, students, parents and citizens regarding the specific methods of assessment.

(c) The PSSA assessments shall be administered annually and include assessments of the State academic standards in Mathematics and English Language Arts at grades 3 through 8, and in Science, Environment, Ecology, Technology and Engineering at grades [4] **5** and 8. **[Beginning in the 2025-2026 school year, the PSSA that assesses State academic standards in Science, Environment, Ecology, Technology and Engineering shall be administered at grade 5 and grade 8 and the PSSA assessment of these standards administered at grade 4 shall be discontinued.]**

§ 4.51b. Keystone Exams.

(a) The **[Department]** department will develop or cause to be developed **[Keystone Exams]** keystone exams as provided in this subsection. (This subsection is intended by the **[Board]** board to be a continuation of § 4.51(f) (relating to State assessment system) as published at 40 Pa.B. 240 (January 9, 2010) and referenced in section 102 of the School Code (24 P.S. § 1-102).)

(1) One assessment aligned with the Mathematics standards, contained in Appendix A-2, that assesses the academic content traditionally included in an Algebra I course.

(2) One assessment aligned with select English Language Arts standards, contained in Appendix A-2, that assesses academic content traditionally included in a high school literature course.

(3) **[Through June 30, 2025, one assessment aligned with select standards for Science, Technology, Environment and Ecology, contained in Appendix B, that assesses academic content traditionally included in a high school level Biology course. Beginning July 1, 2025, one]** One assessment aligned with select standards for Science, Environment and Ecology,

contained in Appendix B-1, that assesses academic content traditionally included in a high school level Biology course.

(b) Keystone **[Exams]** exams shall be offered at least three times each year: once each in the fall, spring and summer.

(c) Keystone **[Exams]** 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, ACTS or charter school, including a cyber charter school, may request the **[Department]** department to approve alternative test administration and scoring time frames. The **[Department]** 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.

(d) A student shall be permitted to retake any **[Keystone Exam]** keystone exam, or **[Keystone Exam]** keystone exam module, in which the student did not score proficient or above at the next available testing date. There is not a limit on the number of times a student who did not score proficient on a **[Keystone Exam]** keystone exam is permitted to retake the **[Keystone Exam]** keystone exam or **[Keystone Exam]** keystone exam module. A student who has achieved a score of proficient or advanced on a **[Keystone Exam]** keystone exam shall be permitted to retake a **[Keystone Exam]** keystone exam only if the student or parent submits a request in writing to the school entity.

(e) Each **[Keystone Exam]** 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.

(f) A student taking **[Keystone Exams]** keystone exams, or **[Keystone Exam]** keystone exam modules, who did not score proficient on a **[Keystone Exam]** keystone exam, or **[Keystone Exam]** keystone exam module, may be provided supplemental instruction consistent with the student's educational program by the student's school district, ACTS or charter school, including a cyber charter school, consistent with section 121(c.4) of the School Code (24 P.S. § 1-121(c.4)).

(g) Performance levels for **[Keystone Exams]** keystone exams shall be set at the advanced, proficient, basic and below basic levels. In consultation with the **[Performance Level Advisory Committee]** performance level advisory committee, the **[Department]** department will develop and recommend to the **[Board]** board for its approval performance level descriptors and performance level cut scores for the **[Keystone Exams]** keystone exams and any alternative assessments developed to assess students with disabilities as permitted by the Every Student Succeeds Act (Pub.L. No. 114-95). The **[Department]** department will use widely-accepted psychometric procedures to establish the cut scores. Cut scores shall be presented at a public meeting of the **[Board]** board for its review at least 2 weeks prior to scheduled **[Board]** board action on the cut scores.

(h) The **[Department]** department will provide guidance to school districts, ACTSs 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.

(i) Beginning in the 2012-2013 school year, **[Keystone Exams]** keystone exams in the following subjects will be developed by the **[Department]** department and made available for use by school districts, ACTSs and charter schools, including cyber charter schools, for the purpose of assessing high school graduation requirements in § 4.24(c)(1)(iii) (relating to high school graduation requirements):

Algebra I

Literature

Biology

(j) The **[Department]** department will seek to have the **[Keystone Exams]** keystone exams approved as the high school level single accountability system under the Every Student Succeeds Act (20 U.S.C.A. § § 6301—7981) or its successor Federal statute. If the **[Keystone Exams]** keystone exams receive approval as the high school level accountability measure, school districts, ACTSs 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.

(k) **[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)).] **{Reserved}**

(l) At least once every 5 years, the **[Department]** department will contract with a qualified, independent research organization to perform a validity study of the **[Keystone Exams]** keystone exams using generally accepted education research standards. These studies will determine, at a minimum, the degree to which the **[Keystone Exams]** 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]** keystone exams, performance level descriptors and cut scores will be subject to the best available forms of content, criterion and consequential validation.

(m) The **[Department]** department will establish a **[State Assessment Validation Advisory Committee]** state assessment validation advisory committee (Committee). The Committee will advise the **[Department]** department on its plans to conduct the validity study and review and provide feedback on its findings.

(n) **[The Department and the Committee will investigate the use of a certificate based on industry approved standards and performance on an NOCTI exam as an alternative pathway to graduation and will make a report and recommendation to the Board by January 10, 2011.]** **{Reserved}**

§ 4.51c. Project-based assessment.

The **[Department]** **department** will develop a project-based assessment system that is aligned with the modules for the **[Keystone Exams]** **keystone exams** in Literature, Algebra I and Biology. School entities may utilize project-based assessments for students consistent with section 121(c.5) of the School Code (24 P.S. § 1-121(c.5)).

§ 4.51d. Waivers.

A chief school administrator, in his sole discretion, may waive the requirements in § 4.24 (relating to high school graduation requirements) consistent with section 121(c.3) of the School Code (24 P.S. § 1-121(c.3)). The following apply:

(1) The chief school administrator of each school district, ACTS and charter school, including a cyber charter school, shall annually report to the **[Department]** **department** the number of waivers granted to students in the most recent graduating class consistent with section 121(c.11)(6) of the School Code, and the **[Department]** **department** will annually report to the **[Board]** **board** the number of waivers granted by each school district, ACTS and charter school, including a cyber charter school.

(2) The waiver process described in this section does not confer an individual right on any student.

(3) The decision of a chief school administrator concerning a waiver request is not an adjudication.

§ 4.52. Local assessment system.

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

DRAFT AMENDMENTS TO 22 PA. CODE CHAPTER 4

(1) Determine the degree to which students are achieving academic standards under § 4.12 (relating to academic standards). The school entity shall provide assistance to students not attaining academic standards at the proficient level or better.

(2) Use assessment results to improve curriculum and instructional practices and to guide instructional strategies.

(3) Provide information requested by the **[Department]** 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 the approval date.

(c) 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.
- (d) Individual test information shall be maintained in a student's educational record in a manner consistent with section 444 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).
- (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 school, including a cyber charter school, or ACTS 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.
- (f) The **[Department]** department will establish a Local Assessment Validation Advisory Committee (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(c)(1)(iii)(B) (relating to high school graduation requirements). The **[Department]** 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] board. The [Department] department will post the approved criteria, selection criteria and list of approved entities on its web site.

[SCHOOL PROFILES]

Subchapter H. SCHOOL PROFILES

Sec.

4.61. 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).] {Reserved}

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

(c) The [Secretary] 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.

[PROVISIONS RELATING TO OTHER THAN PUBLIC SCHOOLS]

Subchapter I. PROVISIONS RELATING TO OTHER THAN PUBLIC SCHOOLS

Sec.

4.71. Certification by principal of nonpublic nonlicensed school.

4.72. Commonwealth secondary school diploma.

4.73. Correspondence schools.

4.74. Students in special situations.

§ 4.71. Certification by principal of nonpublic nonlicensed school.

Elementary or secondary nonpublic nonlicensed schools, shall, within 30 days of beginning classes, file a notarized certificate with the [Secretary] **secretary** as required by section 1327(b)(1) and (2) of the School Code (24 P. S. § 13-1327(b)(1) and (2)) in the form prescribed by the [Secretary] **secretary**.

§ 4.72. [Credentials other than the high school diploma.] **Commonwealth Secondary School Diploma.**

The requirements for [a] **an applicant to be issued a** Commonwealth secondary school diploma **as a credential recognized by the department as equivalent to a high school diploma** are as follows:

(1) The Commonwealth secondary school diploma may be issued to an applicant who is a resident of this Commonwealth and does not possess a secondary school diploma **or its equivalent from any state or territory of the United States** upon presentation of evidence of **[full matriculation and]** the satisfactory completion of a minimum of **[1 full year or]** 30 semester hours **or 45 quarter hours or 900 clock hours** of study at an accredited institution of postsecondary education.

DRAFT AMENDMENTS TO 22 PA. CODE CHAPTER 4

(2) In addition to the provisions of paragraph (1), the Commonwealth secondary school diploma may be issued to an applicant who is a resident of this Commonwealth, does not possess a secondary school diploma **or its equivalent from any state or territory of the United States** and is not enrolled in a public, licensed private, **[registered]** accredited or **[licensed]** nonpublic secondary school upon earning a passing score as determined by the **[Department on the high school level tests of General Educational Development (GED)] department on a high school equivalency assessment approved by the department.** A person 18 years of age or older **who is a State resident and not enrolled in a secondary school** may qualify for **[GED] high school equivalency** testing upon request. A person between 16 and 18 years of age **who is a State resident** may qualify for **[GED] high school equivalency** testing upon the issuance of a court order or at the written request of one of the following:

- (i) An employer who requires a high school equivalency credential for job opportunities.
- (ii) An official of an accredited institution of postsecondary education which accepts applicants on the basis of **[GED] high school equivalency** test scores.
- (iii) A recruiting officer of a branch of the armed forces that requires a high school equivalency credential for entry of new recruits.
- (iv) The director of a State institution on behalf of residents, patients or inmates.
- (v) The chief school administrator, or a designee, of the school entity in which a student is enrolled.**

(3) The **[Department] department** will not ordinarily issue a **Commonwealth secondary school** diploma until **[after the high school class of which the applicant was a member has**

been graduated] **the applicant reaches 18 years of age.** This restriction may be waived by the [Department] **department** upon the recommendation of the [school district] **school entity** for persons between 16 and 18 years of age who meet the higher education or [GED] **high school equivalency test** requirements for the **Commonwealth** secondary school diploma.

§ 4.73. Correspondence schools.

An applicant 18 years of age or older will be issued a Certificate of Preliminary Education upon presentation to the [Department] **department** of evidence of the issuance of a high school diploma by an accredited private correspondence school licensed or approved by the State Board of Private Licensed Schools.

§ 4.74. Students in special situations.

(a) A foreign student without educational credentials may earn the Commonwealth secondary school diploma by meeting the requirements under [§ 4.72 (relating to credentials other than the high school diploma)] **§ 4.72 (relating to Commonwealth Secondary School Diploma).**

[ENFORCEMENT AND IMPLEMENTATION]

Subchapter J. ENFORCEMENT AND IMPLEMENTATION

Sec.

4.81. Allegations of deficiencies.

4.82. Exceptions.

4.83. {Reserved}

§ 4.81. Allegations of deficiencies.

(a) The [Secretary] **secretary** will receive and investigate allegations of curriculum deficiencies from professional employees, commissioned officers, parents of students or other residents of a school entity.

(b) The [Secretary] **secretary** will notify the school entity's superintendent or chief executive of allegations and may require the superintendent or chief executive to submit one or more of the following:

- (1) Relevant descriptions of planned instruction.
- (2) A series of written articulated courses of instructional units.
- (3) Relevant student assessment information.
- (4) Information on staff assignments.
- (5) Other information pertinent to investigating a specific allegation.

(c) If the [Secretary] **secretary** determines that a curriculum deficiency exists, the school entity shall be required to submit to the Secretary for approval a plan to correct the deficiency.

(d) Within 1 year of the implementation of a corrective action plan under subsection (c), the [Secretary] **secretary** will review the actions taken to correct the deficiency. If the deficiency

remains uncorrected, the **[Secretary]** secretary will send a formal notice of deficiency to the governing board of the school entity, and the notice shall be announced at the meeting of the school entity's governing board immediately following its receipt.

(e) If the school entity does not take appropriate actions to correct the deficiency after the notice of deficiency is announced, the **[Secretary]** secretary will take action under State law.

§ 4.82. Exceptions.

(a) The **[Secretary]** secretary may grant exceptions to specific provisions of this chapter when it is necessary to adapt them to the curriculum needs of individual school entities or to facilitate transition to the revised provisions of this chapter. Specific exception may be made for school entities that develop or implement academic standards that are comparable to or exceed those found in § 4.12 (relating to academic standards). Exceptions may be granted under the following conditions:

(1) The request for an exception must be in writing and include relevant information supporting the need for the exception.

(2) The exception will be valid for a limited term not to exceed 2 years.

(3) The request shall be made prior to initiating the action requiring approval and shall have the prior approval of the board of school directors.

(b) The **[Secretary]** secretary will report annually to the **[Board]** board on the nature and status of requests for exceptions under this section.

[ACADEMIC STANDARDS]

Subchapter K. ACADEMIC STANDARDS

Appx.

Appendix A {Reserved}.

Appendix A-1 {Reserved}.

Appendix A-2 Pennsylvania Core Standards for English Language Arts and Mathematics

Appendix B {Reserved}.

Appendix B-1 Pennsylvania Integrated Standards for Science, Environment, Ecology, Technology and Engineering (Grades K—5), Pennsylvania Integrated Standards for Science, Environment and Ecology (Grades 6—12), and Pennsylvania Technology and Engineering Standards (Grades 6—12) (Editor’s Note: Appendix B-1 applies on and after July 1, 2025.)

Appendix C Academic Standards for Civics and Government and Economics and Geography and History and the Pennsylvania Core Standards for Reading in History and Social Studies and Pennsylvania Core Standards for Writing in History and Social Studies (Editor’s Note: The standards for Economics in Appendix C expire July 1, 2026.)

Appendix C-1 Academic Standards for Economics (Editor’s Note: Appendix C-1 applies on and after July 1, 2026.)

Appendix D Academic Standards for the Arts and Humanities and Health, Safety and Physical Education and Family and Consumer Sciences (Editor’s Note: The standards for

Family and Consumer Sciences in Appendix D expire July 1, 2026.)

Appendix D-1 Academic Standards for Family and Consumer Sciences (*Editor's*

Note: Appendix D-1 applies on and after July 1, 2026.)

Appendix E Academic Standards for Career Education and Work (*Editor's*

Note: Appendix E expires July 1, 2026.)

Appendix E-1 Academic Standards for Career Education and Work (*Editor's*

Note: Appendix E-1 applies on and after July 1, 2026.)

**Appendix F Academic Standards for Personal Finance (*Editor's Note: Appendix F*
applies on and after July 1, 2026.)**

Appendix A {Reserved}.

Appendix A-1 {Reserved}.

Appendix A-2 Pennsylvania Core Standards for English Language Arts and Mathematics
