

SENATE NO. 310

AN ACT TO REQUIRE A COMPREHENSIVE ASSESSMENT SYSTEM FOR STUDENTS

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. Section 1D of chapter 69 of the Massachusetts General Laws, as appearing in the
2 2004 Official Edition, is hereby amended by inserting in line 49 after the words, “taking effect.” the
3 following:-
4 Before taking effect, the standards shall be reviewed and approved by the state affiliate of the
5 professional association representing the academic discipline, or their successors as the case may
6 be, for each standard as follows: in mathematics by the National Council of Teachers of
7 Mathematics; in English Language Arts by the National Council of Teachers of English, the
8 International Reading Association and the National Association of Bilingual Educators; in science
9 and technology by the National Association of Science Teachers, the National Technology
10 Education Association and the Association for Career and Technical Education; in health by the
11 National Association for Health, Physical Education, Recreation and Dance, the American School
12 Counselors Association and the National Association of School Psychologists; in the arts by the
13 National Art Education Association, the National Alliance for the Arts and the National Music
14 Educators Association; in social studies by the National Council for the Social Studies, the National
15 Council for History Education and the National Geographic Alliance; and in foreign languages by
16 the National Foreign Language Association.

17 SECTION 2. Section 1E of chapter 69 of the General Laws, as so appearing, is hereby amended
18 by adding the following new paragraph at the end thereof:-

19 Before taking effect, the standards shall be reviewed and approved by the state affiliate of the
20 professional association representing the academic discipline, or their successors as the case may
21 be, for each standard as follows: in mathematics by the National Council of Teachers of
22 Mathematics; in English Language Arts by the National Council of Teachers of English, the
23 International Reading Association and the National Association of Bilingual Educators; in science
24 and technology by the National Association of Science Teachers, the National Technology
25 Education Association and the Association for Career and Technical Education; in health by the
26 National Association for Health, Physical Education, Recreation and Dance, the American School
27 Counselors Association and the National Association of School Psychologists; in the arts by the
28 National Art Education Association, the National Alliance for the Arts and the National Music
29 Educators Association; in social studies by the National Council for the Social Studies, the National
30 Council for History Education and the National Geographic Alliance; and in foreign languages by
31 the National Foreign Language Association.

32 SECTION 3. Section 1D of chapter 69 of the General Laws, as so appearing, is hereby amended by
33 adding after the word “determination” in line 54 the following words:-

34 , according to the evaluation system established by the district or Commonwealth charter school
35 according to section one I of this chapter,

36 SECTION 4. Section 1D of chapter 69 of the General Laws, as so appearing, is hereby amended by
37 adding after the word “graduation” in line 59 the following words:-

38 ; provided however, that the Massachusetts Comprehensive Assessment System (“MCAS”) tests, so
39 called, or other state standardized tests, shall not be used to measure whether a student has met the
40 competency determination.

41 SECTION 5. Section 1I of chapter 69 of the General Laws, as so appearing, is hereby amended by
42 striking the first through third paragraphs, and inserting in place thereof the following eight
43 paragraphs:-

44 Each school district shall develop and adopt a system for evaluating on an annual basis the
45 performance of both the district and individual public schools within the district, including Horace
46 Mann charter schools. Each Commonwealth charter school shall develop and adopt a system for
47 evaluating on an annual basis the performance of the school. With respect to individual schools, the
48 system shall include instruments designed to assess the extent to which the school and district have
49 succeeded in improving or have failed to improve student performance, as defined by student
50 acquisition of the skills, competencies and knowledge called for by the academic standards and
51 embodied in the curriculum frameworks established by the board pursuant to sections one D and
52 one E in the areas of mathematics, science and technology, history and social science, English,
53 foreign languages and the arts, as well as by other gauges of student learning judged by the district
54 to be relevant and meaningful to students, parents, teachers, administrators, and taxpayers.

55 Each system shall be designed both to measure outcomes and results regarding student
56 performance, and to improve the effectiveness of curriculum and instruction. In its design and
57 application, each system shall strike a balance among considerations of accuracy, fairness, expense
58 and administration. Each system shall employ a variety of assessment instruments on either a
59 comprehensive or statistically valid sampling basis. Such instruments shall be criterion referenced,
60 assessing whether students are meeting the academic standards described in this chapter. As much

61 as is practicable, especially in the case of students whose performance is difficult to assess using
62 conventional methods, such instruments shall include consideration of work samples, projects and
63 portfolios, and shall facilitate authentic and direct gauges of student performance. Each system shall
64 be approved by the school committee, or by the governing board of any school not under the
65 direction and control of a school committee, and shall meet the NEASC standards on assessment.
66 Every school district must submit a written summary of its proposed assessment system to the
67 Department of Education for review prior to the implementation of said system.

68 In addition, each district or Commonwealth charter school shall, under procedures and
69 guidelines established by the department, administer the following tests as part of its assessment
70 system: the Iowa Test of Basic Skills in Reading in Grade 3; a standardized statewide test,
71 established by the department, in English language arts every two years beginning in grade 5; a
72 standardized statewide test, established by the department, in mathematics every two years
73 beginning in grade 4; standardized end-of-course assessments, established by the department, in
74 history and social studies in grades 9 and 10; standardized end-of-course assessments, established
75 by the department, in science in grades 9 and 10; and local assessments in foreign languages, arts
76 and health. Said tests and assessments shall be used only for purposes of diagnosis, remediation,
77 and assessment of the extent to which the school's students have acquired the skills, competencies
78 and knowledge called for by the academic standards and embodied in the curriculum frameworks
79 established by the board pursuant to sections one D and one E, and shall not be used to deny any
80 student graduation or any other benefit of public education. Test scores shall be reported to each
81 student and to his or her parents or guardians and shall be reported in the aggregate at the school
82 and district level.

83 Prior to the use of any state tests described in the previous paragraph, the tests shall be
84 reviewed and approved by the state affiliate of the professional association representing the
85 academic discipline, or their successors as the case may be, for each test as follows: mathematics
86 by the National Council of Teachers of Mathematics; English Language Arts by the National
87 Council of Teachers of English, the International Reading Association and the National Association
88 of Bilingual Educators; science and technology by the National Association of Science Teachers,
89 the National Technology Education Association and the Association for Career and Technical
90 Education; health by the National Association for Health, Physical Education, Recreation and
91 Dance, the American School Counselors Association and the National Association of School
92 Psychologists; arts by the National Art Education Association, the National Alliance for the Arts
93 and the National Music Educators Association; social studies by the National Council for the Social
94 Studies, the National Council for History Education and the National Geographic Alliance; and
95 foreign languages by the National Foreign Language Association.

96 Notwithstanding any provision of this chapter to the contrary, reporting by the department
97 of performance levels of the MCAS tests, so called, shall be by numerical categories and shall not
98 be by any qualitative description, such as “advanced”, “proficient”, “needs improvement” or
99 “failing”.

100 The department shall provide technical assistance to schools and school districts to achieve
101 the accreditation and implement the evaluation systems required by this section, including the
102 development of models for local evaluation systems. The department shall fund all costs associated
103 with achieving and maintaining accreditation by the NEASC, including teacher reassign time,
104 substitute teachers and other staff participation costs associated with the accreditation process, as
105 well as all costs associated with the performance evaluation systems required by this section.

106 SECTION 6. The Commissioner of Education shall select a panel of three experts from out-of-
107 state from a list of nationally qualified experts in educational testing provided by the National
108 Research Council of the National Academy of Sciences, and two educators, one an elementary
109 teacher and the other a secondary school teacher, from a list of experienced teachers provided by
110 the Massachusetts Teachers Association and the American Federation of Teachers/Massachusetts,
111 to perform a study of the validity, reliability, quality and age and language appropriateness of the
112 Massachusetts Comprehensive Assessment System tests as used in the public schools.

113 The Commissioner of Education shall enter into a contract on behalf of the Department of
114 Education, with the selected panel of experts to conduct such a study. Said contract shall require
115 that the study be completed no later than December 31, 2008. The Commissioner and the
116 Department of Education shall assist the panel in obtaining all information, documents or other
117 evidence necessary to conduct the study.

118 The findings, conclusions and recommendations of the Commission shall be presented to the Board
119 of Education and to the house chair and senate chair of the Joint Committee on Education no later
120 than March 1, 2009.