

HOUSE No. 01955

The Commonwealth of Massachusetts

PRESENTED BY:

Carl M. Sciortino, Jr. and

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to improve assessment and accountability to ensure students acquire 21st century skills..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>

HOUSE No. 01955

By Mr. Sciortino of Medford and Senator Eldridge, a joint petition (accompanied by bill, House, No. 1955) of Sciortino and others for legislation to ensure that high school graduates possess a reasonable breadth and depth of knowledge and skills Joint Committee on Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 3660 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to improve assessment and accountability to ensure students acquire 21st century skills..

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

- 1 Whereas, Massachusetts has yet to fully realize the letter and spirit of the Education Reform Act
- 2 of 1993, which called for a comprehensive assessment system composed of a variety of
- 3 instruments and methods that are sensitive to different learning styles and barriers to learning
- 4 such as English language proficiency and learning disabilities; and,

- 5 Whereas, to reach our aspirations for educational quality and equity, Massachusetts public
- 6 schools need balanced systems of: evaluation, which is based on information on the functioning
- 7 of students, staff, and schools; assessment, which is based on information about learning
- 8 outcomes and progress; and accountability, which is holding schools and districts responsible for
- 9 their practices and results; and,

10 Whereas, we need a system that reflects and supports high and broad aspirations for our children,
11 and measures the breadth and depth of all the skills required for success in our changing world;
12 and,

13 Whereas, such skills include the “21st Century skills” of creativity, critical thinking, problem
14 solving, communication and collaboration, media and information literacy, flexibility, initiative,
15 social and cross-cultural skills and understandings, leadership, self-motivation and responsibility;
16 and,

17 Whereas, these skills are needed for students to succeed in college and skilled employment, but
18 colleges and employers report that Massachusetts high school graduates still largely lack these
19 capacities; and,

20 Whereas, achievement gaps remain unacceptably large, and dropout rates, already high before
21 Education Reform, are rising among urban minority populations and among English language
22 learners and students with disabilities; and,

23 Whereas, our current accountability structure suffers from an imbalance that places too much
24 emphasis on standardized test outcomes and results in “goal distortion,” i.e., a diversion of
25 attention from many important school goals to focus only on those that are measured by high
26 stakes tests; and,

27 Whereas, a consequence of this goal distortion has been less social studies, science, art, music,
28 and physical education, as well as lack of attention to the 21st century skills, particularly for low-
29 income children; and,

30 Whereas, the federal No Child Left Behind law does not require that standardized tests be the
31 form of assessment used by states and does not require test-based graduation requirements; and,
32 Whereas, local classroom-based assessments combined with limited state-wide assessments
33 provide multiple sources of evidence of student learning and progress, together with an
34 accreditation process, are needed to eliminate the goal distortion and narrowing that has resulted
35 from the current system and ensure a balanced and comprehensive accountability system that
36 addresses the full range of academic and other 21st century skills;

37 Therefore, the following amendments to the Massachusetts General Laws should be adopted to
38 improve our education system, ensure that all students are afforded a quality education, and
39 ensure high school graduates possess a reasonable breadth and depth of knowledge and skills.

40 SECTION 1. Section 1D of chapter 69 of the General Laws, as appearing in the 2008 Official
41 Edition, is hereby amended by adding after the third paragraph the following new paragraph:-

42 Before taking effect, the standards shall be reviewed and approved by the state affiliate of the
43 professional association representing the academic discipline, or its successor as the case may be,
44 for each standard as follows: in mathematics by the National Council of Teachers of
45 Mathematics; in English Language Arts by the National Council of Teachers of English, the
46 International Reading Association, and the National Association of Bilingual Educators; in
47 science and technology by the National Association of Science Teachers, the National
48 Technology Education Association and the Association for Career and Technical Education; in
49 health by the National Association for Health, Physical Education, Recreation and Dance, the
50 American School Counselors Association and the National Association of School Psychologists;
51 in the arts by the National Art Education Association, the National Alliance for the Arts and the

52 National Music Educators Association; in social studies by the National Council for the Social
53 Studies, the National Council for History Education and the National Geographic Alliance; and
54 in foreign languages by the National Foreign Language Association.

55 SECTION 2. Section 1D of chapter 69 of the General Laws, as so appearing, is hereby amended
56 by adding after the word “determination” in line 54 the following words:-

57 , according to the evaluation system established by the district or Commonwealth charter school
58 according to section one I of this chapter.

59 SECTION 3. Section 1D of chapter 69 of the General Laws, as so appearing, is hereby amended
60 by adding after the fifth paragraph, the following new paragraph:-

61 To fulfill the high school graduation competency determination, the state shall require students to
62 pass a course in tenth grade English, a math course, a science or technology course, and a U.S. or
63 world history course. The student’s grade in each said course shall include an end-of-course
64 examination developed by the board. Any such examination shall count for no more than twenty
65 percent of a student's final grade in the course and shall have no other consequences for
66 individual students. In any such examination, the state shall ensure that no more than twenty-
67 five percent of the score will be obtained through use of multiple-choice or short-answer items,
68 and at least seventy-five percent of the score in that examination will be obtained through
69 performance assessment items appropriate to the subject. Performance assessment items shall
70 include essays, tasks, projects, performances, exhibits, laboratory experiments, or other similar
71 performance assessment items that are intended in significant part to assess student acquisition of
72 21st century skills, as defined in Section 1I. Such items may be scored by teachers in the local
73 district where the student attends school. The board shall ensure quality control and

74 comparability of scoring across schools and districts. Local school districts may be allowed to
75 use their own assessments and not use the state end-of-course exams provided, however, that
76 local assessments meet the other criteria in this chapter, are based on state standards, and are
77 approved by the department.

78 SECTION 4. Section 1E of chapter 69 of the General Laws, as so appearing, is hereby amended
79 by adding the following new paragraph at the end thereof:-

80 Before taking effect, the standards shall be reviewed and approved by the state affiliate of the
81 professional association representing the academic discipline, or its successor as the case may be,
82 for each standard as follows, as described in Section 1D.

83 SECTION 5. Section 1I of chapter 69 of the General Laws, as so appearing, is hereby amended
84 by striking the first through fourth paragraphs, and inserting in place thereof the following
85 paragraphs:-

86 Every ten years all public schools, including Commonwealth and Horace Mann charter schools,
87 shall take the steps necessary to become accredited by the New England Association of Schools
88 and Colleges, hereinafter referred to as NEASC. The governing school authority, if any, shall
89 take all steps necessary to assist each school in its jurisdiction to achieve such accreditation. If,
90 after four years from the beginning of the accreditation process, a school fails to achieve
91 accreditation, fails to make significant progress toward accreditation, or is placed on probation
92 status by the NEASC, the commissioner may initiate proceedings pursuant to section 1J of this
93 chapter.

94 Each school district shall develop and adopt a system for evaluating on an annual basis the
95 overall performance and progress of both the district and individual public schools within the

96 district, including Horace Mann charter schools. Each Commonwealth charter school shall
97 develop and adopt a system for evaluating on an annual basis the overall performance of the
98 school. Each local evaluation system shall be designed to help improve the overall quality of the
99 school and district in educating the whole child, measure outcomes and results regarding student
100 learning and progress, and improve the effectiveness of curriculum and instruction. These would
101 include outcomes in eight broad categories: basic academic knowledge and skills, critical
102 thinking and problem-solving, appreciation of the arts and literature, preparation for skilled
103 employment, social skills and work ethic, citizenship and community responsibility, physical
104 health and emotional health. In its design and application, each evaluation system shall strike a
105 balance among considerations of accuracy, fairness, expense and administration.

106 In both district and Commonwealth charter schools, the evaluation system shall include a
107 criterion-referenced assessment system designed to measure current student academic status and
108 the extent to which the school or district has succeeded in improving or has failed to improve
109 student academic performance. Said performance shall be defined as student acquisition of the
110 skills, competencies and knowledge called for by the academic standards and embodied in the
111 curriculum frameworks established by the board pursuant to sections 1D and 1E, in the areas of
112 mathematics, science and technology, history and social science, English, foreign languages, the
113 arts, and health. The district may include other gauges of student learning judged by the district
114 to be relevant and meaningful to students, parents, teachers, administrators, and taxpayers.

115 The local assessment system shall gather and report information about student learning on either
116 a comprehensive or statistically valid sampling basis. To ensure quality and comparability across
117 districts, the assessment system shall meet the NEASC standards on assessment. In addition, the
118 board may establish other means for ensuring comparability across districts and for providing

119 feedback to districts and schools aimed at improving assessment, teaching and learning,
120 including rescoring samples of student work.

121 The local assessment system shall be comprised primarily of work samples and portfolios that
122 predominantly include performance assessment items, and shall facilitate authentic and direct
123 gauges of student performance. Performance assessment items include essays, tasks, projects,
124 performances, exhibits, laboratory experiments, or other similar performance assessment items,
125 administered on demand or as part of the ongoing student work in the class, that are intended in
126 significant part to assess student acquisition of 21st century skills, defined as including the
127 following: creativity, critical thinking, problem solving, communication and collaboration, media
128 and information literacy, flexibility, initiative, social and cross-cultural skills and understandings,
129 leadership, self-motivation and responsibility.

130 Each local evaluation and assessment system shall be approved by the school committee, or by
131 the governing board of any school not under the direction and control of a school committee.

132 Every school district or school must submit its proposed evaluation and assessment systems to
133 the Department of Elementary and Secondary Education for review and approval prior to the
134 implementation of said systems. The department shall establish criteria to use in its review and
135 approval process. Local evaluation and assessment information may be used in any evaluation of
136 school or district performance or progress, such as that described in Sections 1J and 1K of this
137 Chapter.

138 In addition, each district or Commonwealth charter school, under procedures and guidelines
139 established by the department, shall administer the following statewide standardized tests as part
140 of its assessment system: reading or language arts tests in grades 3, 5 and 7 only; math tests in

141 grades 4, 6 and 8 only; and the standardized end-of-course assessments described in Section 3.
142 No other statewide standardized tests shall be given and the administration of such statewide
143 standardized tests shall be limited to no more than five school days total in any school year;
144 provided further, that the school, district and individual student scores for any statewide
145 standardized tests must be reported to the school and district no later than the end of the school
146 year in which the test was taken. Said statewide standardized tests shall be used for purposes of
147 diagnosis, remediation, and assessment of the extent to which the school's students have
148 acquired the skills, competencies and knowledge called for by the academic standards and
149 embodied in the curriculum frameworks established by the board pursuant to sections 1D and
150 1E. They shall not be used to deny any student graduation, except as included in the competency
151 determination described in Section D, or promotion to the next grade, except as one component
152 of a comprehensive evaluation, or any other benefit of public education. Test scores shall be
153 reported to each student and to his or her parents or guardians and shall be reported in the
154 aggregate at the school and district level. Aggregate scores may be used as one component of
155 any evaluation of school or district progress, such as that described in Section 1J of this Chapter.
156 Prior to the use of any state tests described in the previous paragraph, the tests shall be reviewed
157 and approved by the state affiliate of the professional association representing the academic
158 discipline, or their successors as the case may be, for each test, as described in Section 1D.
159 Notwithstanding any provision of this chapter to the contrary, reporting by the department of
160 performance levels on the statewide standardized tests shall not include the term "failing" or any
161 similar pejorative term.

162 The department shall provide professional development and training to teachers in the
163 construction, use and scoring of performance assessment items. The department shall provide
164 technical assistance to schools and school districts to develop performance assessments, as
165 required by this section, including the development of models for local assessment systems. The
166 department also shall work with schools, districts, colleges and universities, and other states, to
167 develop collections of high-quality performance assessment items that schools and districts may
168 use in classroom instruction and assessment.

169 The department shall provide technical assistance to schools and school districts to achieve the
170 accreditation and implement the evaluation systems required by this section, including the
171 development of models for local evaluation systems. The department shall fund the costs
172 associated with achieving and maintaining accreditation by the NEASC, including teacher
173 reassign time, substitute teachers and other staff participation costs associated with the
174 accreditation process, as well as the costs associated with the performance evaluation systems
175 required by this section.

176 SECTION 6. Section 11 of chapter 69 of the General Laws, as so appearing, is hereby amended
177 by inserting the following paragraph at the end thereof:-

178 Each public school, including Commonwealth and Horace Mann charter schools, shall annually
179 report to the public how all its students have performed under the assessment system established
180 by the district, or by the school in the case of a Commonwealth charter school. Each district shall
181 report how each of its schools and the district as a whole have performed under the evaluation
182 and assessment systems, and each Commonwealth charter school shall similarly report. The
183 reports shall be in a uniform format within each school district, or within the school in the case

184 of a Commonwealth charter school, and shall break down the data by student status, including
185 economically disadvantaged, race, gender, disability, English proficiency, and such other
186 categories as the district or school deems useful. The school report shall include how each
187 school's performance relates to its school improvement plan. The report also shall include the
188 school's progress in obtaining or renewing accreditation by the NEASC and results of the
189 statewide standardized test.

190 Each district shall compile and review the reports of each school. It shall evaluate the strengths,
191 progress, problems and needs for each school and the district as a whole, and submit a report to
192 the department. Each Commonwealth charter school shall submit its school evaluation report to
193 the department. The department shall review each district and Commonwealth charter school
194 report and where it deems appropriate make recommendations to the district or school and ensure
195 the provision of resources and other assistance designed to help each district or school improve.
196 The department shall focus on providing assistance to schools that are not accredited and or
197 schools or districts whose reports indicate a particularly urgent need for assistance. The nature
198 and results of such recommendations and assistance shall be included in subsequent school and
199 district reports. These reports may be used as one component of any evaluation of school or
200 district progress, such as that described in Section 1J of this Chapter.

201 SECTION 7. Chapter 69 of the General Laws, as so appearing, is hereby amended by striking
202 section 1J and inserting in place thereof the following section:-

203 Section 1J. If, after four years from the beginning of the accreditation process, a school fails to
204 achieve accreditation required by section 1D, fails to make significant progress toward
205 accreditation, or is placed on probation status by the NEASC, the commissioner may appoint an

206 independent fact-finding team to assess the reasons for the non-accreditation, failure to make
207 progress or probation status, and the prospects for improvement. Upon review of the conclusions
208 of the fact-finding team, the board may, according to regulations established by the board,
209 declare the school chronically under-performing.

210 Upon a determination that a school is chronically under-performing, the following steps may be
211 taken:

212 (1) The principal of the school may be immediately removed and may not be assigned to the
213 school for the following school year if the board finds that the principal played a significant role
214 in the under-performance of the school;

215 (2) The superintendent may designate a new principal for the school;

216 (3) If the school does not receive funding from the district at least equal to the average per pupil
217 funding received for students of the same classification and grade level in the district, the district
218 shall provide additional funding sufficient to bring funding for that school to such level;

219 (4) Such other actions determined by the board of elementary and secondary education, to be
220 reasonably calculated to significantly increase the number of students attending the school who
221 satisfy the student performance standards.

222 The department shall monitor the efforts and results of any actions taken pursuant to this section
223 and continue to intervene, as it deems appropriate, until it determines that the school has made
224 sufficient progress and is capable of continuing sufficient progress.

225 SECTION 9. Chapter 69 of the General Laws, as so appearing, is hereby amended by striking
226 section 1K and inserting in place thereof the following section:-

227 Section 1K. If, after four years from the beginning of the accreditation process, more than one-
228 third of the schools in a district fail to achieve accreditation required by section 1D, fail to make
229 significant progress toward accreditation, or are placed on probation status by the NEASC, the
230 commissioner shall appoint an independent fact-finding team to assess the reasons for the non-
231 accreditation, failure to make progress or probation status, and the prospects for improvement.
232 Upon review of the conclusions of the fact-finding team, the board may, according to regulations
233 established by the board, declare the district chronically under-performing. Following such a
234 declaration, the board shall designate a receiver for the district with all the powers of the
235 superintendent and school committee or other applicable executive officer and governing board.
236 The receiver shall report directly to the commissioner. At its option, the board may revoke the
237 charter of the Commonwealth charter school. For purposes of this section, the term “district”
238 shall include a Commonwealth charter school. Said receivership shall continue until the board
239 determines that the district or Commonwealth charter school has made sufficient progress and is
240 capable of continuing sufficient progress.

241 If a municipality has failed to fulfill its fiscal responsibilities to education under chapter seventy,
242 the commissioner shall recommend to the board that the district be declared chronically under-
243 performing. The municipality's mayor or chairman of the board of selectmen shall have the
244 opportunity to present evidence to the board. A vote by the board that a school district is
245 chronically under-performing for fiscal reasons shall authorize the commissioner to petition the
246 commissioner of revenue to require an increase in funds for the school district, alleging that the
247 amount necessary in said community for the support of public schools has not been included in
248 the annual budget appropriations. The commissioner of revenue shall determine the amount of
249 any deficiency pursuant to the sums required under chapter seventy, if any, and issue an order

250 compelling the community to provide a sum of money equal to such deficiency. If the
251 community does not provide a sum of money equal to such deficiency, the commissioner of
252 revenue, in accordance with his powers in section twenty-three of chapter fifty-nine, shall not
253 approve the tax rate of the community for the fiscal year until the deficiency is alleviated. This
254 section shall not be construed to create a cause of action for educational malpractice by students
255 or their parents, guardians or persons acting as parents.

256 SECTION 10. The Commissioner of Elementary and Secondary Education shall select a panel
257 of three experts from a list of nationally qualified experts in educational assessment provided by
258 the National Research Council of the National Academy of Sciences, and two educators, one an
259 elementary teacher and the other a secondary school teacher, from a list of experienced teachers
260 provided by the Massachusetts Teachers Association and the AFT-Massachusetts, to perform a
261 study of the validity, reliability, quality and age and language appropriateness of the statewide
262 standardized tests established in section 11. .

263 The Commissioner of Elementary and Secondary Education shall enter into a contract on behalf
264 of the Department of Elementary and Secondary Education, with the selected panel of experts to
265 conduct such a study. The Commissioner and the Department of Elementary and Secondary
266 Education shall assist the panel in obtaining all information, documents or other evidence
267 necessary to conduct the study.

268 The findings, conclusions and recommendations of the Commission shall be presented to the
269 Board of Elementary and Secondary Education and to the Joint Committee on Education.