

HOUSE No. 713

The Commonwealth of Massachusetts

PRESENTED BY:

Erika Uytterhoeven

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 adoption of the accompanying bill:

An Act relative to the abolition of MCAS and profiteering from public education.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>2/19/2021</i>

HOUSE No. 713

By Ms. Uytterhoeven of Somerville, a petition (accompanied by bill, House, No. 713) of Erika Uytterhoeven relative to abolishing the MCAS requirement for high school graduation and to investigate opportunity costs and alternative options to instructional, curriculum, and assessment materials and technologies. Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to the abolition of MCAS and profiteering from public education.

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. Effective the date of this act, the department shall not implement or use the
2 Massachusetts Comprehensive Assessment System or any other mandated statewide
3 standardized assessment administered by a for profit entity to satisfy the accountability
4 provisions of section 1J or section 1K of chapter 69.

5 SECTION 2. (a) The Department of Elementary and Secondary Education shall conduct
6 a study of the costs and the respective quality of instructional, curriculum, and assessment
7 materials and technologies supplied by for profit entities, not-for-profit entities, and
8 organizations providing open educational resources, to public school districts. The study shall
9 commence not later than December 31, 2021 and shall be completed within 12 months. The
10 Department of Elementary and Secondary Education shall suspend any mandated statewide
11 standardized assessments until the commission study is completed.

12 (b) There shall be a commission, with the support of staff from the Department of
13 Elementary and Secondary Education, who will oversee the study. The commission will consist
14 of 11 members including: 1 staff member from the Office of Administration and Finance of the
15 Department of Elementary and Secondary Education chosen by the Commissioner of the
16 Department of Elementary and Secondary Education; 1 member appointed by the Massachusetts
17 Association of School Committees; 1 member appointed by the Massachusetts Association of
18 School Superintendents; 2 members appointed by the Massachusetts Teachers Association; 2
19 members appointed by the American Federation of Teachers of Massachusetts; 1 member
20 appointed by the Boston Teachers Union; 1 member appointed by the Special Education Parent
21 Advisory Councils in Massachusetts; 1 member appointed by the Massachusetts Education
22 Justice Alliance; and 1 member appointed by Citizens for Public Schools. The Department of
23 Elementary and Secondary Education shall identify and assign a team of staff dedicated solely to
24 the support of the commission and drafting of the study.

25 (c) The commission shall establish and support district task forces for any school district
26 interested in participating in the study. The district task forces will be responsible for collecting
27 and documenting community input on instructional, curriculum, and assessment materials and
28 technology used in their school district. District task forces shall have full access to any data or
29 record related to the study.

30 (d) Each task force shall be co-chaired by the chair of the school committee, or the
31 chair's designee, and the president of the local educators union or association, or the president's
32 designee. In addition to the co-chairs, the task force composition shall consist of no more than
33 nine additional members of the community, parents, school staff including administrators and
34 educators, and students. If more than nine members volunteer to join the task force, the co-chairs

35 will oversee a nomination and election process at a public meeting and ensure that there is at
36 least 1 member who is a student, 1 member who is a parent, and 1 member who is an educator on
37 the task force.

38 (d) The study shall investigate the costs and the respective quality of instructional,
39 curriculum, and assessment materials and technologies supplied by for profit entities, not-for-
40 profit entities, and organizations providing open educational resources, to public school districts.
41 The study shall investigate opportunity costs and alternative options to instructional, curriculum,
42 and assessment materials and technologies used in each subject area. Alternatives shall include
43 but not limited to organizations providing open educational resources, such as Kendall Hunt and
44 Illustrative Mathematics, local or Massachusetts-based entities, or other not-for-profits.
45 Respective quality of instructional, curriculum, and assessment materials will be determined
46 using evidence-based, educator-reviewed assessments, drawing from reviews by organizations
47 such as but not limited to Edreports Org Inc. The study shall directly compare costs and the
48 respective quality of instructional, curriculum, and assessment materials and technologies that
49 are currently supplied to districts and their respective alternatives, for each school district in
50 Massachusetts. The study will also collect and make available community input on instructional,
51 curriculum, and assessment materials and technology. Finally, the study will provide a
52 recommendation on which instructional, curriculum, and assessment materials and technologies
53 are best suited for districts based on cost and quality.

54 (e) The commission shall present formal findings not less than one year thereafter to the
55 Joint Committee on Education and the Ways & Means Committees of the House and Senate. A
56 final report shall be submitted to the Joint Committee on Education and the Ways & Means
57 Committees of the House and Senate and available to the public not later than January 1, 2023.

58 SECTION 3. Chapter 11 of the General Laws, as appearing in the 2018 Official Edition,
59 is hereby amended by inserting after section 17 the following section:-

60 Section 18. The state auditor shall investigate and audit the Department of Elementary
61 and Secondary Education, established under section 1A of chapter 69 of the General Laws, once
62 every three years beginning not later than December 31, 2021 and if the state auditor deems it
63 necessary shall conduct an investigation more often. The audit and investigation shall include,
64 but not limited to, contract bid practices, internal financial and practice reviews and controls,
65 contract compliance, specifically review the current and former contracts between the
66 department and Measured Progress as well as any subcontractors of said contract, including but
67 not limited to Pearson, and review any other issues the state auditor deems appropriate to
68 investigate. The state auditor and the commission shall issue guidance for future contracts. Upon
69 completion of the report, a copy shall be filed with the Clerk of the House of Representatives, the
70 Clerk of the Senate, the Joint Committee on Education and the Ways & Means Committees of
71 the House and Senate.

72 SECTION 4. Notwithstanding subsection (i) of section one D of chapter 69 of the
73 General Laws, as so appearing, immediately following the effective date of this act, the
74 requirement that a student must demonstrate mastery of a common core of skills, competencies
75 and knowledge as measured by Massachusetts Comprehensive Assessment System or any other
76 named statewide standardized assessment shall not be required as a condition for high school
77 graduation.

78 SECTION 5. Notwithstanding the provisions of any general law, special law, regulation,
79 or collective bargaining agreement to the contrary, effective the date of this act, the results from

80 student learning measures that inform the educator plan or self-assessment shall not be used, in
81 whole or in part, in an educator's formative evaluation, formative assessment, or summative
82 evaluation.