

**HOUSE . . . . . No. 3395**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Elizabeth A. Malia***

*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 clarifying parental rights in the administration of standardized tests.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>1/16/2015</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>12/26/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>12/26/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>12/26/2019</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>12/26/2019</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>12/26/2019</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>12/26/2019</i>

**HOUSE . . . . . No. 3395**

By Ms. Malia of Boston, a petition (accompanied by bill, House, No. 3395) of Elizabeth A. Malia and others for legislation to exempt elementary and secondary school students from standardized testing upon written request of a parent or guardian. Education.

**The Commonwealth of Massachusetts**

**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**

An Act clarifying parental rights in the administration of standardized tests.

*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 1I of chapter 69 of the General Laws, as appearing in the 2012  
2 official edition, is hereby amended by inserting after the third paragraph the following  
3 paragraphs:-

4 Notwithstanding the preceding paragraph or any other general or special law to the  
5 contrary, upon a written request of a parent or guardian of a student, the board or its designee  
6 from the local educational agency, as defined in section 1B, shall excuse the student from  
7 participating in any standardized test or assessment instrument used to fulfill the requirements  
8 for a comprehensive diagnostic assessment administered under this section. A request made  
9 pursuant to this paragraph shall specify which assessment test the student shall be exempted  
10 from. The board or its local designee shall, within 20 days, grant a parent or guardian’s written  
11 request for exemption in writing. An exemption granted pursuant to this section by the board or  
12 its designee shall apply to the academic year in which the parent or guardian made the request

13 and successive academic years, unless the parent or guardian specifies otherwise. During the  
14 period of time in which a school is administering any standardized assessment instrument, the  
15 principal shall ensure that alternate educational activities are offered to students who are exempt  
16 from such assessment tests.

17 SECTION 2. The fifth paragraph of section 1I of said chapter 69, as so appearing, is  
18 hereby amended by adding the following sentence:-

19 When calculating the percentage of students participating in comprehensive diagnostic  
20 assessment or taking any other standardized assessment instrument administered under this  
21 section or the percentage reaching state performance benchmarks for the purposes of federal or  
22 state evaluation, the department of elementary and secondary education shall exclude from the  
23 prescribed formula those students who were exempt from such assessment tests by request of  
24 their parent or guardian.

25 SECTION 3. Said section 1I of said chapter 69, as so appearing, is hereby amended by  
26 striking out, in line 224, the word “and”.

27 SECTION 4. Said section 1I of said chapter 69, as so appearing is hereby further  
28 amended by inserting after the word “proficiency”, in line 226, the following words:- ; and

29 (g) the number of students exempted from participating in comprehensive diagnostic  
30 assessment or taking any other standardized assessment instrument administered under this  
31 section.

32 SECTION 5. Said chapter 69 is hereby amended by inserting after section 1P, as inserted  
33 by section 6 of chapter 284 of the acts of 2014, the following section:-

34           Section 1Q. For purposes of this section “district diagnostic assessment” shall mean a  
35 comprehensive diagnostic assessment or any other standardized assessment test required of all  
36 students of a certain grade level within a specific school district and administered by that school  
37 district independent of any statewide comprehensive diagnostic assessment or other assessment  
38 test required pursuant to section 6I. A “district diagnostic assessment” may be a standardized  
39 assessment used by a school district as preparation or practice for statewide comprehensive  
40 diagnostic assessment or other assessment test required pursuant to said section 6I.

41           Notwithstanding any other general or special law to the contrary, upon a written request  
42 of a parent or guardian of a student, a school district shall excuse the student from participating  
43 in any district diagnostic assessment. A request made pursuant to this section shall specify which  
44 assessment test the student shall be exempted from. The school district shall, within 20 days,  
45 grant a parent or guardian’s written request for exemption in writing. An exemption granted  
46 pursuant to this section by the school district shall apply to the academic year in which the parent  
47 or guardian made the request and successive academic years, unless the parent or guardian  
48 specifies otherwise. During the period of time in which a school is administering a district  
49 diagnostic assessment, the principal shall ensure that alternate educational activities are offered  
50 to students who are exempt from such assessment.