HOUSE DOCKET, NO. 3899 FILED ON: 1/18/2019

HOUSE . . . . . No. 519

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:
Elizabeth A. Malia	*11th Suffolk*	*1/18/2019*
Paul Brodeur	*32nd Middlesex*	*2/1/2019*
Mindy Domb	*3rd Hampshire*	*1/31/2019*
James B. Eldridge	*Middlesex and Worcester*	*1/31/2019*
Nika C. Elugardo	*15th Suffolk*	*1/31/2019*
Sean Garballey	*23rd Middlesex*	*1/31/2019*
Carlos González	*10th Hampden*	*2/1/2019*
Natalie M. Higgins	*4th Worcester*	*1/31/2019*
Patricia D. Jehlen	*Second Middlesex*	*1/31/2019*
David Henry Argosky LeBoeuf	*17th Worcester*	*1/31/2019*
Jack Patrick Lewis	*7th Middlesex*	*2/1/2019*
James J. O'Day	*14th Worcester*	*1/31/2019*
Denise Provost	*27th Middlesex*	*1/28/2019*
Maria Duaime Robinson	*6th Middlesex*	*2/1/2019*
David M. Rogers	*24th Middlesex*	*2/1/2019*
Lindsay N. Sabadosa	*1st Hampshire*	*1/29/2019*
Tommy Vitolo	*15th Norfolk*	*1/29/2019*

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By Ms. Malia of Boston, a petition (accompanied by bill, House, No. 519) of Elizabeth A. Malia and others relative to student participation in standardized tests. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2860* OF 2017-2018.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

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:

SECTION 1. Section 1I of chapter 69 of the General Laws, as appearing in the 2016 official edition, is hereby amended by inserting after the third paragraph the following paragraph:-

Notwithstanding the preceding paragraph or any other general or special law to the contrary, upon a written request of a parent or guardian of a student, the board or its designee from the local educational agency, as defined in section 1B, shall excuse the student from participating in any standardized test or assessment instrument used to fulfill the requirements for a comprehensive diagnostic assessment administered under this section. A request made pursuant to this paragraph shall specify which assessment test the student shall be exempted from. The board or its local designee shall, within 20 days, grant a parent or guardian's written

request for exemption in writing. An exemption granted pursuant to this section by the board or its designee shall apply to the academic year in which the parent or guardian made the request and successive academic years, unless the parent or guardian specifies otherwise. During the period of time in which a school is administering any standardized assessment instrument, the principal shall ensure that alternate educational activities are offered to students who are exempt from such assessment tests.

SECTION 2. Section 1I of said chapter 69, as so appearing, is hereby amended by inserting after the fifth paragraph the following paragraph:-

When any school does not have a ninety-five percent participation rate in the state testing program, the local school district shall hold a public meeting at the school or at a location convenient to the school. The district shall invite parents and students enrolled to explain their reasons for not participating. Parents and students shall also be given time to propose changes in the testing system.

The Department of Elementary and Secondary Education may send a representative to the meeting who shall report student and parent concerns to the Board of Elementary and Secondary Education. DESE may work with the district to increase test participation, but shall not lower a school's ranking or level, or impose any other penalty.

SECTION 3. Said section 1I of said chapter 69, as so appearing, is hereby amended by striking out, in line 235, the word "and".

SECTION 4. Said section 1I of said chapter 69, as so appearing is hereby further amended by inserting after the word "proficiency", in line 237, the following words:- and

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

SECTION 5. Said chapter 69, as so appearing, is hereby amended by inserting after section 1P, the following section:-

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

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