

HOUSE No. 4947

The Commonwealth of Massachusetts

PRESENTED BY:

James K. Hawkins

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 concerning a moratorium on the MCAS in response to the Covid-19 Emergency.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>6/15/2020</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>6/15/2020</i>
<i>Maria Duaiame Robinson</i>	<i>6th Middlesex</i>	<i>6/15/2020</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>6/15/2020</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>6/15/2020</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>6/15/2020</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>6/15/2020</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>6/15/2020</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>6/15/2020</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>6/15/2020</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>6/15/2020</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>6/15/2020</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>	<i>6/15/2020</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>6/16/2020</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>6/16/2020</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>6/16/2020</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>6/16/2020</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>6/16/2020</i>

<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>6/16/2020</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>6/16/2020</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>	<i>6/17/2020</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>6/17/2020</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>6/17/2020</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>6/17/2020</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>6/18/2020</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>	<i>6/19/2020</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>6/19/2020</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>6/19/2020</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>6/20/2020</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>6/22/2020</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>6/22/2020</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>	<i>6/22/2020</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>6/22/2020</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>6/22/2020</i>

HOUSE No. 4947

By Mr. Hawkins of Attleboro, a petition (subject to Joint Rule 12) of James K. Hawkins and others relative to a moratorium on the Massachusetts Comprehensive Assessment System (MCAS) in response to the COVID-19 emergency. Education.

The Commonwealth of Massachusetts

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

An Act concerning a moratorium on the MCAS in response to the Covid-19 Emergency.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are to establish forthwith a moratorium on the administration of the Massachusetts Comprehensive Assessment System and for associated graduation requirements and accountability measures, in response to the COVID-19 emergency, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. Chapter 69 of the General Laws, as appearing in the 2018 Official Edition,
2 is hereby amended by adding the following section:-

3 Section 37. (a) Notwithstanding subsection (i) of section 1D, for the school years
4 beginning in the fall of 2020 through the school year ending in 2023, the requirement that a
5 student must demonstrate mastery of a common core of skills, competencies and knowledge as
6 measured by Massachusetts Comprehensive Assessment System or any other named statewide
7 standardized assessment shall not be required as a condition for high school graduation.

8 (b) Notwithstanding the provisions of any general law, special law, regulation, or
9 collective bargaining agreement to the contrary, the results from student learning measures that
10 inform the educator plan or self-assessment shall not be used, in whole or in part, in an
11 educator’s formative evaluation, formative assessment, or summative evaluation for the four
12 academic years from the effective date of this act.

13 (c) The department shall not implement or use the mandated state standardized
14 assessment to satisfy the accountability provisions of section 1J or section 1K, for the school
15 years beginning in the fall of 2020 through the school year ending in 2023.

16 SECTION 2. Notwithstanding any general or special law to the contrary, the
17 commissioner of elementary and secondary education shall submit to the United States
18 Department of Education a request that the Commonwealth’s statewide assessment,
19 accountability and reporting requirements under the Elementary and Secondary Education Act be
20 waived for the 2020-2023 school years. The request shall be made pursuant to section 8401 of
21 the Elementary and Secondary Education Act and shall include a request to waive the assessment
22 requirements in section 1111(b)(2); the accountability and school identification requirements in
23 sections 1111(c)(4) and 1111(d)(2)(C)-(D); and the report card provisions related to assessments
24 and accountability in section 1111(h).

25
26 SECTION 3. (a) There shall be a special commission on the school and district
27 evaluation system, assessment instruments, and requirements regarding underperforming schools
28 and school districts. The commission shall review the performance, efficacy and impact of the
29 state’s school and district evaluation system, including indicators, the framework and the process

30 used to evaluate school and district performance, including, but not limited to, district and school
31 goals, availability of programs, assessment instruments used to measure academic progress
32 indicators of academic, social, emotional and physical health of students and staff, opportunities
33 for instruction in civics, arts and creative expression, communication and social skills, racial and
34 social equity, and level of resources provided.

35 The house and senate chairs of the joint committee on education or their designees shall
36 serve as co-chairs. A third co-chair will be selected by commission members at their first
37 meeting from among the commission's membership. Additional commission members will
38 include the commissioner of elementary and secondary education; the commissioner of early
39 education and care; the speaker of the house of representatives or designee; the president of the
40 senate or designee; the minority leader of the house of representatives or designee; the minority
41 leader of the senate or designee; and one member to be appointed by each of the following
42 organizations: Massachusetts Association of School Committees, Inc.; Massachusetts
43 Association of School Superintendents, Inc.; Massachusetts Teachers Association; American
44 Federation of Teachers Massachusetts; Massachusetts Association of Vocational Administrators,
45 Inc.; Massachusetts Association of Regional Schools, Inc.; Massachusetts Parent Teacher
46 Association; Massachusetts State Student Advisory Council; Massachusetts Association of
47 Bilingual Education; Multicultural Education, Training, & Advocacy; NAACP Boston; Citizens
48 for Public Schools; Massachusetts Consortium for Innovative Education Assessment; Urban
49 League of Massachusetts; Black Educators Alliance of Massachusetts; Massachusetts Asian
50 American Educators Association, Gaston Institute of University of Massachusetts Boston;
51 Massachusetts Education Justice Alliance; Sociedad Latina; Massachusetts Advocates for
52 Children; and Trotter Institute of University of Massachusetts Boston.

53 The commissioner of elementary and secondary education shall furnish reasonable staff
54 and other support for the work of the commission, including administration of the grant program
55 established in subsection (b). The special commission shall be guided by the original language of
56 the Massachusetts Education Reform Act of 1993, Chapter 69, Section 1I, including the
57 following language, “Such instruments shall be criterion referenced, assessing whether students
58 are meeting the academic standards described in this chapter. As much as is practicable,
59 especially in the case of students whose performance is difficult to assess using conventional
60 methods, such instruments shall include consideration of work samples, projects and portfolios,
61 and shall facilitate authentic and direct gauges of student performance.” Prior to issuing its
62 recommendations, the commission shall conduct not fewer than 8 public hearings across regions
63 of the commonwealth, invite in expert speakers on alternative forms of state assessment and
64 accountability systems other than standardized testing, and review reports, and recommendations
65 from the school district task forces created in subsection (c&d). The special commission shall
66 make recommendations, including proposed amendments to sections 1I, 1J and 1K of chapter 69
67 of the General Laws. The special commission shall file its recommendations, together with drafts
68 of legislation necessary to carry those recommendations into effect, with the clerks of the senate
69 and house of representatives on or before December 31, 2022.

70 (b) For each of the three years that MCAS testing is not administered, each district shall
71 be responsible for conducting diagnostic testing of students in grades 3-8 and 10 in English
72 language arts and mathematics to assess grade-level proficiency, with data dis-aggregated by
73 race, Title I status, English learner, and disability. Diagnostic tests shall be selected or developed
74 by individual districts. Districts shall be required to report the aggregate and dis-aggregated by

75 group results of their diagnostic testing to the department of elementary and secondary education
76 by June 30 of each of the three years.

77 (c) The commission shall create a grant program within 90 days of the enactment of this
78 act to support the establishment of no more than 25 district or consortia of districts task forces to
79 develop and pilot school and district evaluation models. The purpose of the grant program is to
80 enable educators, students, parents and local districts to establish a vision and goals for their
81 public schools; to determine how best to evaluate whether or not their vision and goals are being
82 met; and to identify what resources are needed to realize those goals. The further purpose of the
83 grant program is to provide the commission established with locally informed, practical
84 information and feedback to inform its work, findings and recommendations. The commission
85 shall approve all grant decisions related to the program, which shall be administered by the
86 department of elementary and secondary education. Grants to school districts, not to exceed
87 \$50,000, shall be funded from the 21st Century Education Trust Fund.

88 (d) A school district or district consortia task force on assessment shall be formed at the
89 local level in no more than 25 public-school districts or consortia of districts. The participating
90 school districts and consortia shall include districts from each region of the state and include
91 regional school districts, economically disadvantaged school districts as defined in section 3A of
92 chapter 23A of the General Laws and school districts with a significant population of English
93 language learners as defined in subsection (d) of section 2 of chapter 71A of the General Laws.

94 Each task force shall be co-chaired by the superintendent or designee, and the president
95 of the authorized collective bargaining agent representing licensed educators or designee. In
96 addition to the co-chairs, the task force composition shall consist of no more than nine members

97 of the community, parents, school staff including administrators and educators, and students as
98 appropriate. The task forces may convene within 30 days of notification by the department that a
99 grant has been awarded to the district.

100 Each task force shall annually report on its progress to the department of elementary and
101 secondary education, which shall furnish the reports to the commission.

102 (e) The department of elementary and secondary education shall submit a preliminary
103 report on the status of the grant program, progress of applicants and assess the need for increased
104 funding after the initial application cycle to the commission to inform its work and
105 recommendations.