

SENATE No. 246**The Commonwealth of Massachusetts**

PRESENTED BY:

Joanne M. Comerford*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 empowering students and schools to thrive.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	
<i>Liz Miranda</i>	<i>Second Suffolk</i>	<i>1/20/2023</i>
<i>Adam Gomez</i>	<i>Hampden</i>	<i>1/20/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/24/2023</i>
<i>Paul W. Mark</i>	<i>Berkshire, Hampden, Franklin and Hampshire</i>	<i>1/24/2023</i>
<i>Robyn K. Kennedy</i>	<i>First Worcester</i>	<i>1/27/2023</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/27/2023</i>
<i>Marc R. Pacheco</i>	<i>Third Bristol and Plymouth</i>	<i>1/29/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/29/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/31/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/2/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/6/2023</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/6/2023</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/6/2023</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>2/6/2023</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>2/6/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>2/7/2023</i>

<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/15/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/15/2023</i>
<i>Anne M. Gobi</i>	<i>Worcester and Hampshire</i>	<i>2/21/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/23/2023</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>2/28/2023</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>3/1/2023</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>3/2/2023</i>
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	<i>3/3/2023</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>3/13/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>3/29/2023</i>
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>	<i>4/18/2023</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>5/8/2023</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>7/26/2023</i>
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	<i>2/6/2024</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>4/3/2024</i>

SENATE No. 246

By Ms. Comerford, a petition (accompanied by bill, Senate, No. 246) of Joanne M. Comerford, Liz Miranda, Adam Gomez, Jack Patrick Lewis and other members of the General Court for legislation to empower students and schools to thrive. Education.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act empowering students and schools to thrive.

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 1D of chapter 69 of the General Laws is hereby amended by
2 striking out subsection (i), as appearing in the 2020 Official Edition, and inserting in place
3 thereof the following subsection:-

4 (i) The "competency determination" shall be based on the academic standards and
5 curriculum frameworks for tenth graders in the areas of mathematics, science and technology,
6 and English, and shall represent a determination that a particular student has demonstrated
7 mastery of a common core of skills, competencies and knowledge in these areas by satisfactorily
8 completing coursework that has been certified by the student's district as showing mastery of
9 such skills, competencies and knowledge. A district also may include history and social science
10 and foreign languages in the requirements. Satisfaction of the requirements of the competency
11 determination shall be a condition for high school graduation. Students who fail to satisfy the
12 requirements of the competency determination or are determined by the district to be at risk of

not satisfying such requirements shall be eligible to receive an educational assistance plan designed within the confines of the foundation budget to impart the skills, competencies and knowledge required to attain the required level of mastery. The parent, guardian or person acting as parent of the student shall have the opportunity to review the educational assistance plan with representatives of the school district. Nothing in this section shall be construed to provide a parent, guardian, person acting as a parent or student with an entitlement to contest the proposed plan or with a cause of action for educational malpractice if the student fails to obtain a competency determination.

SECTION 2. Said chapter 69 is hereby further amended by striking out sections 1J and 1K, as so appearing, and inserting in place thereof the following section:-

Section 1J. (a) The commissioner of elementary and secondary education shall identify schools for comprehensive support and improvement using a formula developed by the department that complies with the criteria and processes in federal education law; provided that, under this formula, student growth shall be given at least as much weight as student achievement, and provided further that no more than five per cent of all schools statewide shall be designated as comprehensive support and improvement schools at one time.

(b) Within 30 days of a school being designated as in need of comprehensive support and improvement, the superintendent of the district shall convene a local stakeholder group of not more than 11 individuals to develop a support and improvement plan for the school. The district should strive to have the group membership represent the racial-ethnic and language diversity of the school. The group shall include: (1) the superintendent, or a designee; (2) a representative from the school committee selected by a majority of school committee members; (3) the

president of the local teachers union, or a designee; (4) an administrator from the school, who may be the principal, chosen by the superintendent; (5) two educators (who could be teachers or education support professionals) from the school, chosen by the school's educators; (6) a parent from the school, chosen by the local parent organization, provided that if the school or district does not have a parent organization or if the organization does not select a parent, the superintendent shall select a volunteer parent of a student from the school; (7) for high schools, a student selected by the students at the school, and for other schools, an individual selected by the superintendent who brings the appropriate grade-level perspective to the group (e.g., a representative from the early childhood or pre-kindergarten sector for an elementary school); (8) an educator or representative from the social services sector with expertise in students' mental health and social-emotional development, selected jointly by the group; (9) a member representing a community organization, selected jointly by the group; and 10) an individual who has specialized expertise in one or more of the evidence-based programs listed in subsection (c), selected jointly by the group.

(c) The local stakeholder group shall develop a support and improvement plan for the school, consistent with federal and state law, a final draft of which shall be submitted to the school committee within 45 days of its first meeting. Consistent with guidelines developed by the department, the group shall: (i) research, identify and analyze the root causes of the school's challenges; (ii) examine the adequacy of resources and equity in the distribution of those resources, including an assessment of the physical condition of the school building; and (iii) identify and catalog the school's strengths and assets. The final draft plan submitted to the school committee shall include a guiding vision of learning for the school; goals and objectives; and a description of the evidence-based programs, supports and interventions that the district shall

employ to address the root causes of the school’s challenges and capitalize on assets consistent with the guiding vision. Such evidence-based programs, supports and interventions may include: (1) reduced class sizes and student caseloads; (2) small-group instruction and/or one-on-one tutoring; (3) increased opportunity for common planning time for teachers; (4) implementation of a “Community Schools” or “Hub School” model or other strategies for expanding social and wraparound services to support students’ social-emotional and physical health; (5) additional hiring, increased compensation, and/or strategic deployment of school personnel (e.g, co-teaching to facilitate inclusion) to support student learning and to retain highly qualified staff; (6) increased or improved professional development, which may include mentoring and induction programs for new teachers, as well as training in trauma-informed and anti-racist best practices that are designed to limit school exclusion and maximize student engagement; (7) the use of effective curriculum materials that are culturally responsive and aligned with the statewide curriculum frameworks; (8) expanded early education and pre-kindergarten programming within the district in consultation or in partnership with community-based organizations; (9) diversifying the educator and administrator workforce; (10) developing additional pathways to strengthen college and career readiness; and (11) any other program determined to be evidence-based by the group that addresses root causes of challenges identified in its analysis.

(d) The local stakeholder group shall make every effort to reach consensus on the final draft plan and shall submit it to the school committee for review and approval. If consensus cannot be reached, a majority of the group shall submit its final draft plan to the school committee for review and approval. Dissenting members of the group may submit an alternative final draft plan to the school committee for consideration, clearly indicating the areas of dissent. Upon receipt of the final draft plan or plans, the school committee shall hold at least one public

hearing, giving at least 30 days' public notice. The school committee may make modifications to the final draft plan as necessary, consistent with federal and state law, and shall vote on the final draft plan within 30 days of the hearing. The final plan shall be shared publicly and filed with the commissioner. After confirming that the requirements of subsections (b) through (d) were complied with, the commissioner shall approve the final plan.

(e) The department shall prioritize comprehensive support and improvement schools for additional funding above and beyond chapter 70 allocations to support the evidence-based programs identified in the final approved plan. Before the local stakeholder group commences its work, the department shall provide the group with an estimate of future Chapter 70 aid for the district and available funds in excess of Chapter 70 aid for the school that shall support the final approved plan.

(f) The support and improvement plan shall be in effect for not more than four years, and shall be reviewed annually by the superintendent pursuant to guidelines developed by the department. Such progress reviews shall be shared publicly and filed with the commissioner, who may comment on the reviews.

(g) The department shall establish exit criteria for schools in need of comprehensive support and improvement using a formula that complies with federal education law. Upon expiration of the final approved plan, the commissioner shall review the school's progress and determine, based solely on the exit criteria established by the department, whether: (1) the school is exited from comprehensive support and improvement status; or (2) the status and plan shall continue for up to four additional years. If the commissioner determines that the status and plan shall continue, the local stakeholder group shall be reconvened to revise the final approved plan,

consistent with subsections (b) through (d) and subject to approval by the commissioner. If not approved, the commissioner shall return the plan to the group with a directive to add specific evidence-based programs, supports and interventions listed in (1) through (10) of subsection (c). Within 30 days, the group shall submit the plan to the school committee for review and approval. Within 30 days of receipt of the plan from the group, the school committee shall submit the final plan to the commissioner.

(h) Upon the expiration of any continued or revised plan, the process in subsection (g) shall be replicated.

(i) The board shall adopt regulations to implement this section, including provisions that allow features of a support and improvement plan to continue for up to two years after a school is exited from comprehensive support and improvement status. The department shall also make every effort to continue additional funding during any transitional period.

SECTION 3. The school committee of any district in receivership shall develop a transition plan for ending the receivership and hiring a superintendent. The transition plan shall be implemented and the receivership shall end within 1 year of the effective date of this Act. The department shall provide the school committee with the necessary funding and technical assistance to develop and implement the transition plan.

SECTION 4. (a) There shall be a special commission to study and make recommendations for a more authentic and accurate system for assessing students, schools and school districts. The commission shall examine: (i) the requirements of the Every Student Succeeds Act of 2015, codified at 20 U.S.C. § 6301 et. seq., and potential waivers; (ii) alternative assessment and accountability systems in place or being considered nationwide; and

125 research data on the knowledge and skills that parents, elementary and secondary educators,
126 higher education educators, and business leaders want students to have upon high school
127 graduation.

128 Regarding the assessment of students, the special commission shall consider assessments
129 other than conventional methods, including, but not limited to: work samples, projects and
130 portfolios, performance assessments and other authentic and direct gauges of student
131 performance that encourage effective instruction, use strategies for avoiding racial and ethnic
132 biases, and recognize the strengths of all students.

133 Regarding the assessment of schools and districts, the special commission shall consider
134 the inclusion of a broader range of measures, beyond standardized test scores, that align with
135 public values and are less tied to student demography. The commission shall also research best
136 practices for facilitating stakeholder-driven improvement processes in schools identified under
137 federal law as needing comprehensive support, such as the creation of community schools.

138 The commission shall recommend strategies for assessing students, schools and districts
139 that comply with current federal law. The commission also may make recommendations for
140 changes in or waivers from federal law that would facilitate the implementation of effective
141 assessment strategies.

142 (b) The commission shall consist of: 1 member who shall be appointed by the president
143 of the senate, who shall serve as co-chair; 1 member who shall be appointed by the speaker of
144 the house of representatives, who shall serve as co-chair; 1 member who shall be appointed by
145 the minority leader of the senate; 1 member who shall be appointed by the minority leader of the
146 house of representatives; the secretary of education, or a designee; the commissioner of

147 elementary and secondary education, or a designee; 1 member who shall be appointed by the
148 Massachusetts Association of School Committees, Inc.; 1 member who shall be appointed by the
149 Massachusetts Teachers Association; 1 member who shall be appointed by the American
150 Federation of Teachers, Massachusetts; 1 member who shall be appointed by the Massachusetts
151 Association of School Superintendents, Inc.; 1 member who shall be appointed by the
152 Massachusetts Education Justice Alliance (MEJA); 1 member who shall be appointed by the
153 NAACP; 1 member who shall be appointed by the Massachusetts Immigrant and Refugee
154 Advocacy (MIRA) Coalition; 1 member who shall be appointed by Multicultural Education,
155 Training, and Advocacy, Inc; 1 member who shall be appointed by the Massachusetts
156 Consortium for Innovative Education Assessment; 1 member who shall be appointed by the
157 Black Educators Alliance of Massachusetts; 1 member who shall be appointed by the
158 Massachusetts Asian American Educators Association; 1 member who shall be appointed by the
159 Gaston Institute for Latino Community Development and Public Policy of the University of
160 Massachusetts Boston; 1 member who shall be appointed by the Massachusetts Advocates for
161 Children; 1 member who shall be appointed by the Center for Law and Education; 1 member
162 who shall be appointed by the Center for Antiracist Research at Boston University; 1 of whom
163 shall be the student representative on the State Board of Education, or a designee; 1 of whom
164 shall be the parent representative on the State Board of Education, or a designee; 1 member who
165 shall be appointed by the Rural Policy Advisory Commission; 1 member who shall be appointed
166 by GLSEN Massachusetts; and 1 member who shall be a researcher from a public university
167 with expertise in the area of assessment, selected jointly by the members of the commission.
168 Members shall not receive compensation for their services but may receive reimbursement for
169 reasonable expenses incurred in carrying out their responsibilities as members of the

170 commission. The commissioner of elementary and secondary education shall furnish reasonable
171 staff and other support for the work of the commission.

172 (c) The commission shall hold not less than 5 public meetings across the regions of the
173 commonwealth and may hold additional hearings and other forums as necessary. The
174 commission shall file its report and recommendations with the clerks of the senate and the house
175 of representatives, the chairs of the joint committee on education and the rural policy advisory
176 commission not later than August 31, 2024.