HOUSE DOCKET, NO. 2836 FILED ON: 1/21/2011

HOUSE . . . . . No. 1955

The Commonwealth of Massachusetts

PRESENTED BY:

Carl M. Sciortino, Jr. and James B. Eldridge

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 passage of the accompanying:

An Act to improve assessment and accountability to ensure students acquire 21st century skills.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Carl M. Sciortino, Jr.	*34th Middlesex*
James B. Eldridge	*[District]*
Elizabeth A. Malia	*11th Suffolk*
Denise Provost	*27th Middlesex*
Sean Garballey	*23rd Middlesex*

HOUSE DOCKET, NO. 2836 FILED ON: 1/21/2011

HOUSE . . . . . No. 1955

By Representative Sciortino of Medford and Senator Eldridge, a joint petition (accompanied by bill, House, No. 1955) of Carl M. Sciortino, Jr., James B. Eldridge and others for legislation to ensure that high school graduates possess a reasonable breadth and depth of knowledge and skills. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *3660* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to improve assessment and accountability to ensure students acquire 21st century skills.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Whereas, Massachusetts has yet to fully realize the letter and spirit of the Education Reform Act of 1993, which called for a comprehensive assessment system composed of a variety of instruments and methods that are sensitive to different learning styles and barriers to learning such as English language proficiency and learning disabilities; and,

Whereas, to reach our aspirations for educational quality and equity, Massachusetts public schools need balanced systems of: evaluation, which is based on information on the functioning of students, staff, and schools; assessment, which is based on information about learning outcomes and progress; and accountability, which is holding schools and districts responsible for their practices and results; and,

Whereas, we need a system that reflects and supports high and broad aspirations for our children, and measures the breadth and depth of all the skills required for success in our changing world; and,

Whereas, such skills include the “21st Century skills” of creativity, critical thinking, problem solving, communication and collaboration, media and information literacy, flexibility,

15 initiative, social and cross-cultural skills and understandings, leadership, self-motivation and
16 responsibility; and,

17 Whereas, these skills are needed for students to succeed in college and skilled
18 employment, but colleges and employers report that Massachusetts high school graduates still
19 largely lack these capacities; and,

20 Whereas, achievement gaps remain unacceptably large, and dropout rates, already high
21 before Education Reform, are rising among urban minority populations and among English
22 language learners and students with disabilities; and,

23 Whereas, our current accountability structure suffers from an imbalance that places too
24 much emphasis on standardized test outcomes and results in "goal distortion," i.e., a diversion of
25 attention from many important school goals to focus only on those that are measured by high
26 stakes tests; and,

27 Whereas, a consequence of this goal distortion has been less social studies, science, art,
28 music, and physical education, as well as lack of attention to the 21st century skills, particularly
29 for low-income children; and,

30 Whereas, the federal No Child Left Behind law does not require that standardized tests be
31 the form of assessment used by states and does not require test-based graduation requirements;
32 and,

33 Whereas, local classroom-based assessments combined with limited state-wide
34 assessments provide multiple sources of evidence of student learning and progress, together with
35 an accreditation process, are needed to eliminate the goal distortion and narrowing that has
36 resulted from the current system and ensure a balanced and comprehensive accountability system
37 that addresses the full range of academic and other 21st century skills;

38 Therefore, the following amendments to the Massachusetts General Laws should be
39 adopted to improve our education system, ensure that all students are afforded a quality
40 education, and ensure high school graduates possess a reasonable breadth and depth of
41 knowledge and skills.

42 SECTION 1. Section 1D of chapter 69 of the General Laws, as appearing in the 2008
43 Official Edition, is hereby amended by adding after the third paragraph the following new
44 paragraph:-

45 Before taking effect, the standards shall be reviewed and approved by the state affiliate of
46 the professional association representing the academic discipline, or its successor as the case may
47 be, for each standard as follows: in mathematics by the National Council of Teachers of
48 Mathematics; in English Language Arts by the National Council of Teachers of English, the
49 International Reading Association, and the National Association of Bilingual Educators; in

50 science and technology by the National Association of Science Teachers, the National
51 Technology Education Association and the Association for Career and Technical Education; in
52 health by the National Association for Health, Physical Education, Recreation and Dance, the
53 American School Counselors Association and the National Association of School Psychologists;
54 in the arts by the National Art Education Association, the National Alliance for the Arts and the
55 National Music Educators Association; in social studies by the National Council for the Social
56 Studies, the National Council for History Education and the National Geographic Alliance; and
57 in foreign languages by the National Foreign Language Association.

58 SECTION 2. Section 1D of chapter 69 of the General Laws, as so appearing, is hereby
59 amended by adding after the word "determination" in line 54 the following words:-

60 , according to the evaluation system established by the district or Commonwealth charter
61 school according to section one I of this chapter.

62 SECTION 3. Section 1D of chapter 69 of the General Laws, as so appearing, is hereby
63 amended by adding after the fifth paragraph, the following new paragraph:-

64 To fulfill the high school graduation competency determination, the state shall require
65 students to pass a course in tenth grade English, a math course, a science or technology course,
66 and a U.S. or world history course. The student's grade in each said course shall include an end-
67 of-course examination developed by the board. Any such examination shall count for no more
68 than twenty percent of a student's final grade in the course and shall have no other consequences
69 for individual students. In any such examination, the state shall ensure that no more than twenty-
70 five percent of the score will be obtained through use of multiple-choice or short-answer items,
71 and at least seventy-five percent of the score in that examination will be obtained through
72 performance assessment items appropriate to the subject. Performance assessment items shall
73 include essays, tasks, projects, performances, exhibits, laboratory experiments, or other similar
74 performance assessment items that are intended in significant part to assess student acquisition of
75 21st century skills, as defined in Section 1I. Such items may be scored by teachers in the local
76 district where the student attends school. The board shall ensure quality control and
77 comparability of scoring across schools and districts. Local school districts may be allowed to
78 use their own assessments and not use the state end-of-course exams provided, however, that
79 local assessments meet the other criteria in this chapter, are based on state standards, and are
80 approved by the department.

81 SECTION 4. Section 1E of chapter 69 of the General Laws, as so appearing, is hereby
82 amended by adding the following new paragraph at the end thereof:-

83 Before taking effect, the standards shall be reviewed and approved by the state affiliate of
84 the professional association representing the academic discipline, or its successor as the case may
85 be, for each standard as follows, as described in Section 1D.

86 SECTION 5. Section 1I of chapter 69 of the General Laws, as so appearing, is hereby
87 amended by striking the first through fourth paragraphs, and inserting in place thereof the
88 following paragraphs:-

89 Every ten years all public schools, including Commonwealth and Horace Mann charter
90 schools, shall take the steps necessary to become accredited by the New England Association of
91 Schools and Colleges, hereinafter referred to as NEASC. The governing school authority, if any,
92 shall take all steps necessary to assist each school in its jurisdiction to achieve such accreditation.
93 If, after four years from the beginning of the accreditation process, a school fails to achieve
94 accreditation, fails to make significant progress toward accreditation, or is placed on probation
95 status by the NEASC, the commissioner may initiate proceedings pursuant to section 1J of this
96 chapter.

97 Each school district shall develop and adopt a system for evaluating on an annual basis
98 the overall performance and progress of both the district and individual public schools within the
99 district, including Horace Mann charter schools. Each Commonwealth charter school shall
100 develop and adopt a system for evaluating on an annual basis the overall performance of the
101 school. Each local evaluation system shall be designed to help improve the overall quality of the
102 school and district in educating the whole child, measure outcomes and results regarding student
103 learning and progress, and improve the effectiveness of curriculum and instruction. These would
104 include outcomes in eight broad categories: basic academic knowledge and skills, critical
105 thinking and problem-solving, appreciation of the arts and literature, preparation for skilled
106 employment, social skills and work ethic, citizenship and community responsibility, physical
107 health and emotional health. In its design and application, each evaluation system shall strike a
108 balance among considerations of accuracy, fairness, expense and administration.

109 In both district and Commonwealth charter schools, the evaluation system shall include a
110 criterion-referenced assessment system designed to measure current student academic status and
111 the extent to which the school or district has succeeded in improving or has failed to improve
112 student academic performance. Said performance shall be defined as student acquisition of the
113 skills, competencies and knowledge called for by the academic standards and embodied in the
114 curriculum frameworks established by the board pursuant to sections 1D and 1E, in the areas of
115 mathematics, science and technology, history and social science, English, foreign languages, the
116 arts, and health. The district may include other gauges of student learning judged by the district
117 to be relevant and meaningful to students, parents, teachers, administrators, and taxpayers.

118 The local assessment system shall gather and report information about student learning
119 on either a comprehensive or statistically valid sampling basis. To ensure quality and
120 comparability across districts, the assessment system shall meet the NEASC standards on
121 assessment. In addition, the board may establish other means for ensuring comparability across
122 districts and for providing feedback to districts and schools aimed at improving assessment,
123 teaching and learning, including rescoring samples of student work.

124 The local assessment system shall be comprised primarily of work samples and portfolios
125 that predominantly include performance assessment items, and shall facilitate authentic and
126 direct gauges of student performance. Performance assessment items include essays, tasks,
127 projects, performances, exhibits, laboratory experiments, or other similar performance
128 assessment items, administered on demand or as part of the ongoing student work in the class,
129 that are intended in significant part to assess student acquisition of 21st century skills, defined as
130 including the following: creativity, critical thinking, problem solving, communication and
131 collaboration, media and information literacy, flexibility, initiative, social and cross-cultural
132 skills and understandings, leadership, self-motivation and responsibility.

133 Each local evaluation and assessment system shall be approved by the school committee,
134 or by the governing board of any school not under the direction and control of a school
135 committee. Every school district or school must submit its proposed evaluation and assessment
136 systems to the Department of Elementary and Secondary Education for review and approval
137 prior to the implementation of said systems. The department shall establish criteria to use in its
138 review and approval process. Local evaluation and assessment information may be used in any
139 evaluation of school or district performance or progress, such as that described in Sections 1J and
140 1K of this Chapter.

141 In addition, each district or Commonwealth charter school, under procedures and
142 guidelines established by the department, shall administer the following statewide standardized
143 tests as part of its assessment system: reading or language arts tests in grades 3, 5 and 7 only;
144 math tests in grades 4, 6 and 8 only; and the standardized end-of-course assessments described in
145 Section 3. No other statewide standardized tests shall be given and the administration of such
146 statewide standardized tests shall be limited to no more than five school days total in any school
147 year; provided further, that the school, district and individual student scores for any statewide
148 standardized tests must be reported to the school and district no later than the end of the school
149 year in which the test was taken. Said statewide standardized tests shall be used for purposes of
150 diagnosis, remediation, and assessment of the extent to which the school's students have
151 acquired the skills, competencies and knowledge called for by the academic standards and
152 embodied in the curriculum frameworks established by the board pursuant to sections 1D and
153 1E. They shall not be used to deny any student graduation, except as included in the competency
154 determination described in Section D, or promotion to the next grade, except as one component
155 of a comprehensive evaluation, or any other benefit of public education. Test scores shall be
156 reported to each student and to his or her parents or guardians and shall be reported in the
157 aggregate at the school and district level. Aggregate scores may be used as one component of
158 any evaluation of school or district progress, such as that described in Section 1J of this Chapter.

159 Prior to the use of any state tests described in the previous paragraph, the tests shall be
160 reviewed and approved by the state affiliate of the professional association representing the
161 academic discipline, or their successors as the case may be, for each test, as described in Section
162 1D.

163 Notwithstanding any provision of this chapter to the contrary, reporting by the
164 department of performance levels on the statewide standardized tests shall not include the term
165 "failing" or any similar pejorative term.

166 The department shall provide professional development and training to teachers in the
167 construction, use and scoring of performance assessment items. The department shall provide
168 technical assistance to schools and school districts to develop performance assessments, as
169 required by this section, including the development of models for local assessment systems. The
170 department also shall work with schools, districts, colleges and universities, and other states, to
171 develop collections of high-quality performance assessment items that schools and districts may
172 use in classroom instruction and assessment.

173 The department shall provide technical assistance to schools and school districts to
174 achieve the accreditation and implement the evaluation systems required by this section,
175 including the development of models for local evaluation systems. The department shall fund
176 the costs associated with achieving and maintaining accreditation by the NEASC, including
177 teacher reassign time, substitute teachers and other staff participation costs associated with the
178 accreditation process, as well as the costs associated with the performance evaluation systems
179 required by this section.

180 SECTION 6. Section 1I of chapter 69 of the General Laws, as so appearing, is hereby
181 amended by inserting the following paragraph at the end thereof:-

182 Each public school, including Commonwealth and Horace Mann charter schools, shall
183 annually report to the public how all its students have performed under the assessment system
184 established by the district, or by the school in the case of a Commonwealth charter school. Each
185 district shall report how each of its schools and the district as a whole have performed under the
186 evaluation and assessment systems, and each Commonwealth charter school shall similarly
187 report. The reports shall be in a uniform format within each school district, or within the school
188 in the case of a Commonwealth charter school, and shall break down the data by student status,
189 including economically disadvantaged, race, gender, disability, English proficiency, and such
190 other categories as the district or school deems useful. The school report shall include how each
191 school's performance relates to its school improvement plan. The report also shall include the
192 school's progress in obtaining or renewing accreditation by the NEASC and results of the
193 statewide standardized test.

194 Each district shall compile and review the reports of each school. It shall evaluate the
195 strengths, progress, problems and needs for each school and the district as a whole, and submit a
196 report to the department. Each Commonwealth charter school shall submit its school evaluation
197 report to the department. The department shall review each district and Commonwealth charter
198 school report and where it deems appropriate make recommendations to the district or school and
199 ensure the provision of resources and other assistance designed to help each district or school

200 improve. The department shall focus on providing assistance to schools that are not accredited
201 and or schools or districts whose reports indicate a particularly urgent need for assistance. The
202 nature and results of such recommendations and assistance shall be included in subsequent
203 school and district reports. These reports may be used as one component of any evaluation of
204 school or district progress, such as that described in Section 1J of this Chapter.

205 SECTION 7. Chapter 69 of the General Laws, as so appearing, is hereby amended by
206 striking section 1J and inserting in place thereof the following section:-

207 Section 1J. If, after four years from the beginning of the accreditation process, a school
208 fails to achieve accreditation required by section 1D, fails to make significant progress toward
209 accreditation, or is placed on probation status by the NEASC, the commissioner may appoint an
210 independent fact-finding team to assess the reasons for the non-accreditation, failure to make
211 progress or probation status, and the prospects for improvement. Upon review of the conclusions
212 of the fact-finding team, the board may, according to regulations established by the board,
213 declare the school chronically under-performing.

214 Upon a determination that a school is chronically under-performing, the following steps
215 may be taken:

216 (1) The principal of the school may be immediately removed and may not be assigned to
217 the school for the following school year if the board finds that the principal played a significant
218 role in the under-performance of the school;

219 (2) The superintendent may designate a new principal for the school;

220 (3) If the school does not receive funding from the district at least equal to the average
221 per pupil funding received for students of the same classification and grade level in the district,
222 the district shall provide additional funding sufficient to bring funding for that school to such
223 level;

224 (4) Such other actions determined by the board of elementary and secondary education,
225 to be reasonably calculated to significantly increase the number of students attending the school
226 who satisfy the student performance standards.

227 The department shall monitor the efforts and results of any actions taken pursuant to this
228 section and continue to intervene, as it deems appropriate, until it determines that the school has
229 made sufficient progress and is capable of continuing sufficient progress.

230 SECTION 9. Chapter 69 of the General Laws, as so appearing, is hereby amended by
231 striking section 1K and inserting in place thereof the following section:-

232 Section 1K. If, after four years from the beginning of the accreditation process, more
233 than one-third of the schools in a district fail to achieve accreditation required by section 1D, fail

234 to make significant progress toward accreditation, or are placed on probation status by the
235 NEASC, the commissioner shall appoint an independent fact-finding team to assess the reasons
236 for the non-accreditation, failure to make progress or probation status, and the prospects for
237 improvement. Upon review of the conclusions of the fact-finding team, the board may,
238 according to regulations established by the board, declare the district chronically under-
239 performing. Following such a declaration, the board shall designate a receiver for the district
240 with all the powers of the superintendent and school committee or other applicable executive
241 officer and governing board. The receiver shall report directly to the commissioner. At its
242 option, the board may revoke the charter of the Commonwealth charter school. For purposes of
243 this section, the term "district" shall include a Commonwealth charter school. Said receivership
244 shall continue until the board determines that the district or Commonwealth charter school has
245 made sufficient progress and is capable of continuing sufficient progress.

246 If a municipality has failed to fulfill its fiscal responsibilities to education under chapter
247 seventy, the commissioner shall recommend to the board that the district be declared chronically
248 under-performing. The municipality's mayor or chairman of the board of selectmen shall have
249 the opportunity to present evidence to the board. A vote by the board that a school district is
250 chronically under-performing for fiscal reasons shall authorize the commissioner to petition the
251 commissioner of revenue to require an increase in funds for the school district, alleging that the
252 amount necessary in said community for the support of public schools has not been included in
253 the annual budget appropriations. The commissioner of revenue shall determine the amount of
254 any deficiency pursuant to the sums required under chapter seventy, if any, and issue an order
255 compelling the community to provide a sum of money equal to such deficiency. If the
256 community does not provide a sum of money equal to such deficiency, the commissioner of
257 revenue, in accordance with his powers in section twenty-three of chapter fifty-nine, shall not
258 approve the tax rate of the community for the fiscal year until the deficiency is alleviated. This
259 section shall not be construed to create a cause of action for educational malpractice by students
260 or their parents, guardians or persons acting as parents.

261 SECTION 10. The Commissioner of Elementary and Secondary Education shall select a
262 panel of three experts from a list of nationally qualified experts in educational assessment
263 provided by the National Research Council of the National Academy of Sciences, and two
264 educators, one an elementary teacher and the other a secondary school teacher, from a list of
265 experienced teachers provided by the Massachusetts Teachers Association and the AFT-
266 Massachusetts, to perform a study of the validity, reliability, quality and age and language
267 appropriateness of the statewide standardized tests established in section 1I. .

268 The Commissioner of Elementary and Secondary Education shall enter into a contract on
269 behalf of the Department of Elementary and Secondary Education, with the selected panel of
270 experts to conduct such a study. The Commissioner and the Department of Elementary and
271 Secondary Education shall assist the panel in obtaining all information, documents or other
272 evidence necessary to conduct the study.

273 The findings, conclusions and recommendations of the Commission shall be presented to
274 the Board of Elementary and Secondary Education and to the Joint Committee on Education.