

HOUSE No. 3395

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:
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</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.