

603 CMR: DEPARTMENT OF EDUCATION

603 CMR 30.00: MASSACHUSETTS COMPREHENSIVE ASSESSMENT SYSTEM AND STANDARDS FOR COMPETENCY DETERMINATION

Section

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30.01: Authority, Scope and Purpose

(1) 603 CMR 30.00 is promulgated pursuant to the authority of the Board of Education under M.G.L. c. 69, §§ 1B and 1D.

(2) 603 CMR 30.00 establishes standards relating to the Competency Determination required by M.G.L. c. 69, § 1D.

30.02: Definitions

Board shall mean the Board of Education, appointed in accordance with M.G.L. c. 15, § 1E.

Competency Determination shall have the same meaning as described in M.G.L. c. 69, § 1D(i). In accordance with M.G.L. c. 69, § 1D(i), satisfaction of the requirements of the Competency Determination shall be a condition for high school graduation. A school committee (including the board of trustees of a charter school and, for publicly-funded Massachusetts special education students, the governing board of a private day or residential special education program) shall award the high school diploma or any other document connoting high school graduation only to a student who has satisfied the Competency Determination requirement and who has met local graduation requirements.

Consent shall have the same meaning as described in 603 CMR 28.02: Consent. Legal authority of the parent shall transfer to the student when the student reaches the age of 18.

Educational Proficiency Plan shall mean a plan developed for a student by his/her high school principal or designee designed to help the student move toward proficiency in English language arts and/or mathematics and shall include those elements described in 603 CMR 30.03(5).

Individual Education Plan Team shall have the same meaning as described in 603 CMR 28.02(22).

Local Graduation Requirements shall mean graduation criteria established by the student's school district including attendance, course completion and satisfactory grades.

MCAS shall mean the Massachusetts Comprehensive Assessment System, the statewide assessment of individual students' academic performance, as required by M.G.L. c. 69, § 1I.

Student with a Disability shall mean a student who has been determined to be eligible for special education services in accordance with the federal Individuals with Disabilities Education Act or M.G.L. c. 71B and 603 CMR 28.00 (special education), or who has been determined to be an individual with disabilities under Section 504 of the federal Rehabilitation Act of 1973 or the Americans with Disabilities Act.

30.03: Standards for Competency Determination

(1) Students in the graduating classes of 2003 through 2009 shall meet or exceed the Needs Improvement threshold scaled score of 220 on both the English Language Arts and the Mathematics MCAS grade 10 tests in order to satisfy the requirements of the Competency Determination.

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- (2) Students starting with the graduating class of 2010 must satisfy one of the following two conditions in both English language arts and mathematics to earn a competency determination.
- meet or exceed the Proficient threshold scaled score of 240 on the English Language Arts and Mathematics grade 10 MCAS tests; or
  - meet or exceed the Needs Improvement threshold scaled score of 220 on the English Language Arts and Mathematics grade 10 MCAS tests and fulfill the requirements of an Education Proficiency Plan.
- (3) Students starting with the graduating class of 2010 shall, in addition to meeting the requirements found in 603 CMR 30.03(2), take a discipline specific high school Science and Technology/Engineering MCAS test (Biology, Chemistry, Introductory Physics or Technology/Engineering) and shall meet or exceed the Needs Improvement threshold scaled score of 220 on the test in order to satisfy the requirements of the Competency Determination.
- Students starting with the graduating class of 2010 shall take a discipline specific high school Science and Technology/Engineering MCAS test (Biology, Chemistry, Introductory Physics or Technology/Engineering) by grade 10.
  - The Commissioner may waive the requirement to take the test by grade 10 for an individual student for good cause. Good cause for such a waiver may include a student's illness or a student's transfer into the Massachusetts public schools after grade 10.
- (4) Starting in the third consecutive year that the History and Social Science high school assessment is administered, in addition to meeting the requirements contained in 603 CMR 30.02(2) and (3), students shall meet or exceed the passing standard on the History and Social Science high school assessment.
- (5) Educational Proficiency Plans for each required content area shall include, at a minimum:
- A review of a student's strengths and weaknesses in the content area.
  - The courses the student will be required to take and successfully complete in grades 11 and 12 that will move the student toward proficiency on the grade 10 curriculum framework standards as well as on grade 11 and 12 standards in English language arts or grade 11 and 12 grade span standards or Algebra II standards in mathematics.
  - A description of the assessments the school will administer on at least an annual basis to determine whether the student is making progress toward proficiency, or has become proficient on the grade 10 standards. These assessments must include MCAS tests or other tests identified by the Department of Education for this purpose.
- (6) A student achieving a scaled score of 240 or higher on an MCAS test or a score determined by the Department of Education on another approved test will be deemed to have achieved proficiency in the subject area and to have fulfilled the Educational Proficiency Plan in that subject. For students who have not achieved this score threshold, the principal or head of school (or his or her designee) will determine whether the student has fulfilled the Educational Proficiency Plan.

30.04: Score Appeals

- (1) A score appeal addresses a claim concerning:
- mis-scoring of a student's response to one or more MCAS grade 10 English Language Arts or Mathematics test items (multiple choice, short answer, composition); or
  - miscalculation of a student's total raw score, scaled score, or both, for the MCAS grade 10 English Language Arts or Mathematics test.
- (2) A score appeal on behalf of a student may be filed only by the superintendent of schools for the school district in which the student is enrolled, or by the superintendent's designee. For a student who is enrolled in a public education program that is not part of a school district, including but not limited to a charter school, an approved special education day or residential school, an educational collaborative, or a state-operated school or institutional program, the administrator of the school or program who is equivalent to the superintendent of schools shall file the score appeal. The score appeal shall be available to any student who has taken the grade 10 MCAS test or the grade 10 MCAS Alternate Assessment in English Language Arts or Mathematics. If the superintendent declines to file a score appeal on behalf of a student, the student's parent or guardian may appeal the superintendent's decision to the school committee.

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- (3) The superintendent shall include in the score appeal the following documentation:
- (a) If the appeal concerns possible mis-scoring of test items, the superintendent submits a rationale for the request to re-score the student's responses.
    1. If the appeal concerns the student's score on the English Language Arts composition, the rationale shall be supported by evidence from the student's composition and the MCAS Scoring Guide and student compositions (benchmarked papers) posted by the Department of Education to represent each of the composition score points.
    2. If the appeal is based on results reported in the *MCAS Final Test Item Analysis Report* other than the English Language Arts composition, the rationale shall include specific evidence of the student's prior performance on the particular learning standard(s) addressed by the test item(s) at issue in the appeal.
  - (b) If the appeal concerns possible miscalculation of the total raw score, scaled score, or both, the superintendent submits a copy of the student's *MCAS Final Test Item Analysis Report*.
  - (c) The names and positions of district or school personnel who conducted the initial evaluation of the student's score;
  - (d) The student's name, state-assigned student identification number (SASID), gender and date of birth;
  - (e) Written consent from the student's parent or guardian to submit the score appeal;
  - (f) The name and code of the student's school and district;
  - (g) The date (month and year) of MCAS test administration for which re-scoring is requested;
  - (h) The student's grade level at time of testing; and
  - (i) The name and signature of the superintendent.
- (4) The superintendent shall send the score appeal to the Commissioner of Education as soon as possible and no later than 60 calendar days (not counting summer vacation) after the school receives the student's test results.
- (a) For the English Language Arts composition test, the superintendent shall send the score appeal no later than 60 calendar days after the date the school receives the student's actual composition, via the School Composition CD.
  - (b) For the English Language Arts Language and Literature test, and for the Mathematics test, the superintendent shall send the score appeal no later than 60 calendar days after the school receives the student's *MCAS Final Test Item Analysis Report*.
- (5) The Commissioner of Education shall review the score appeal request to ensure that it meets the requirements of 603 CMR 30.04 and any guidelines issued by the Commissioner. The Commissioner shall determine whether the student's response(s) shall be re-scored based upon the information presented by the superintendent. If the Commissioner decides that the student's response(s) should be re-scored, two professional MCAS test scorers using the established scoring method for all MCAS grade 10 English Language Arts and Mathematics tests will re-score the response(s). The re-scoring process may result in a score increase, a score decrease, or no change in score. The decision of the Commissioner shall be final.
- (6) The Commissioner of Education will, within 30 calendar days after he receives the completed score appeal request from the superintendent, notify the superintendent of his decision and the results of the re-scoring, if any. Within 21 calendar days after receipt of the Commissioner's decision, the superintendent may respond, including seeking reconsideration of the Commissioner's decision. If the re-scoring results in an increase or decrease in the student's score, the Commissioner shall correct and re-issue the *MCAS Student Report for Parents/Guardians*.

30.05: Performance Appeals

- (1) A performance appeal addresses a claim that a student's knowledge and skills in English Language Arts, Mathematics, or Science and Technology/Engineering meet or exceed a performance level equivalent to 220 on the MCAS high school tests required for the Competency Determination, even though the student has not demonstrated attainment of that standard on the MCAS grade 10 test(s). The performance appeal provides an opportunity to establish that a student has attained the equivalent of a scaled score of 220 on the MCAS test for

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the purposes of eligibility for the Competency Determination. For English Language Arts and Mathematics, a student meeting this standard must also fulfill the requirements of an Educational Proficiency Plan in order to be eligible for a Competency Determination.

(2)(a) A performance appeal on behalf of a student may be filed only by the superintendent of schools for the school district in which the student is enrolled, or by the superintendent's designee. For a student who is enrolled in a public education program that is not part of a school district, including but not limited to a charter school, an approved special education day or residential school, an educational collaborative, or a state-operated school or institutional program, the administrator of the school or program who is equivalent to the superintendent of schools shall file the performance appeal. If the superintendent declines to file a performance appeal on behalf of a student, the student's parent or guardian may appeal the superintendent's decision to the school committee.

(b) If the school committee denies the request or takes no action on it within 30 days from the date it was submitted, and the student's parent or guardian alleges that the superintendent acted for reasons unrelated to the student's eligibility or academic achievement in not filing the performance appeal, the parent or guardian may ask the Commissioner to review the matter. If the Commissioner determines that the superintendent in fact acted for such unrelated reasons in not filing the appeal, he shall direct the superintendent to submit promptly the material required by 603 CMR 30.05(3) through (5), and he shall then proceed as set forth in 603 CMR 30.05(4), if applicable, and 603 CMR 30.05(6)

(c) The superintendent shall file a performance appeal on behalf of a student with a disability upon the request of the student's parent or guardian or the student who has reached 18 years of age, provided that the student meets the eligibility requirements listed in 603 CMR 30.05(3). For any performance appeal filed on behalf of a student with a disability, the superintendent must obtain consent from the parent or guardian or the student who has reached 18 years of age.

(3) The superintendent shall include in the performance appeal evidence that the student meets the eligibility requirements for a performance appeal, by submitting documentation as follows:

(a) 1. For a Mathematics or English Language Arts performance appeal, evidence that the student has taken the grade 10 MCAS test or retest in the subject area of the appeal at least three times;

2. For a performance appeal in Science and Technology/Engineering, evidence that the student has taken a Science or Technology/Engineering MCAS test (Biology, Chemistry, Introductory Physics, or Technology/Engineering) and is currently enrolled in a Science or Technology/Engineering class or has completed 12<sup>th</sup> grade.

(b) evidence that the student has maintained at least a 95% attendance level (no more than nine days of absence from school in a 180-day school year) during the school year prior to and the year of the appeal, provided that the superintendent may present evidence of extenuating circumstances such as a student's disability, serious illness, or child care or other family responsibilities, that would justify an exemption from this requirement;

(c) evidence that the student has satisfactorily participated in the tutoring and other academic support services made available by or approved by the school under an individual student success plan or under any other plan designed to strengthen the student's knowledge and skills in the subject(s) at issue, provided that the superintendent may present evidence of extenuating circumstances, such as a student's disability, serious illness, or child care or other family responsibilities, that would justify an exemption from this requirement;

(d) A student who has participated in the MCAS Alternate Assessment shall be eligible for a performance appeal if the student has participated in the MCAS-Alt in the subject area of the appeal at least twice, in *lieu* of meeting the eligibility requirements listed in 603 CMR 30.05(3)(a).

(4) Upon the written request of the superintendent, the Commissioner of Education may for good cause waive one or more of the eligibility requirements listed in 603 CMR 30.05(3). The Commissioner shall report to the Board of Education at least once each year on any such waivers that have been granted, provided that the identity of the student(s) shall remain confidential.

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(5) The superintendent shall include in the performance appeal evidence of the student's knowledge and skills in the subject area(s) for which the appeal is to be filed (English Language Arts, Mathematics, or Science and Technology/Engineering) by submitting:

(a) the recommendation of one or more of the student's teachers in the area(s) of appeal, assessing the level of the student's knowledge and skills in the subject area(s) at issue;

(b) for a student with a disability, a statement that the student has completed or is on track to complete local graduation requirements during grade 12 or after;

(c) for a student with a disability, a statement that the individual education plan team, if any, supports the student's graduation, as documented on the IEP form.

(d) for appeals in English Language Arts and Mathematics, the grades or grade point average of the student for courses taken in the subject area(s) of the appeal in grade 9 (at the discretion of the superintendent), grades 10, 11, and, if available, grade 12 and the grades or grade point average and MCAS scores in the area of the appeal of other students in the school who took the same courses as the student who is the subject of the appeal.

(e) for appeals in Science and Technology/Engineering, the grade of the student for the course in the content area of the appeal (Biology, Chemistry, Introductory Physics, or Technology/Engineering) and the grades and MCAS scores in the content area of the appeal of other students in the school who took the same course as the student who is the subject of the appeal.

(f) Where there is no identifiable appropriate set of students to enable a meaningful comparison of the student's knowledge and skills in the subject area of the appeal as described in 603 CMR 30.05(5)(d) and (e), the superintendent shall submit a portfolio of the student's work in the subject area of the appeal sufficient to demonstrate the student's level of performance. In the case of a student with a disability, the superintendent may submit a portfolio as specified by the Commissioner if the portfolio has been maintained by the school district.

(g) If the student has a disability, the superintendent shall include in the performance appeal any other information the student's individual education plan team or Section 504 team (if any) asks to be included, with the consent of the student's parent or guardian, that indicates in the judgment of the individual education plan team or Section 504 team that the student's knowledge and skills in the subject area of the appeal meet or exceed the performance level established by the Board for the performance appeal (220) and that the student's MCAS scores do not accurately reflect the student's knowledge and skills for the content area of the appeal.

(h) The superintendent may, and in the case of a student with disabilities the superintendent shall, also include in the performance appeal other supporting information relevant to the determination as to whether the student's knowledge and skills in the subject area of the appeal meet or exceed the performance level established by the Board for the passing standard for the performance appeal (220). In order to be relevant to the determination, the supporting information shall provide evidence of the student's work that specifically and directly addresses the state academic performance standard in the subject area of the appeal. Supporting information includes a collection of the student's work samples sufficient to demonstrate the student's level of performance in relation to the learning standards established by the Board. The superintendent also may submit additional supporting information such as scores of the student on other standardized tests in the subject area, evidence of acceptance to college courses, or other evidence of academic achievement which demonstrates that the student's knowledge and skills meet or exceed the passing standard required for the performance appeal (220).

(6) The superintendent shall send the performance appeal to the Commissioner of Education, who shall review the submission to ensure that it meets the requirements of 603 CMR 30.05 and any guidelines issued by the Commissioner. If the submission meets the requirements, the Commissioner shall refer it to the Performance Appeals Board.

(7) The Commissioner shall appoint members to one or more Performance Appeals Boards. Each board shall be chaired by a high school principal and shall consist primarily of teachers and department heads with experience and expertise in the Massachusetts standards for English Language Arts, Mathematics, or Science and Technology/Engineering. Each member shall be appointed for a three-year term, provided that the initial terms may be staggered as the Commissioner deems appropriate. The Department shall coordinate and assist the work of each Performance Appeals Board. The Performance Appeals Board shall have the following duties:

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- (a) to review each performance appeal submitted to it by the Commissioner, in accordance with these regulations and any guidelines issued by the Commissioner;
- (b) to review the information submitted by the superintendent under 603 CMR 30.05(5) and determine whether it provides sufficient evidence that the student has the required knowledge and skills; and
- (c) to make a recommendation to the Commissioner regarding whether or not the appeal should be granted.

(8) The materials relating to a performance appeal that the Commissioner submits to the Performance Appeals Board shall identify the student only by number and shall not include information that would enable board members to identify the individual student. If the Performance Appeals Board decides that it needs additional information on a particular student in order to fulfill its duties, the chair of the Performance Appeals Board shall contact the Commissioner's Office to request the information, which shall be provided to the Performance Appeals Board with only the student number as an identifier.

(9) Based upon the recommendation of the Performance Appeals Board and any other information that he deems relevant, the Commissioner shall decide whether to:

- (a) grant the appeal;
- (b) deny the appeal; or
- (c) make no determination and request that the superintendent submit additional information for further consideration by the Performance Appeals Board. The Commissioner shall make a decision after the Performance Appeals Board reports back to him.

(10) For a student with a disability, the Commissioner shall grant the appeal if the cohort analysis as described in 603 CMR 30.05(5)(d) or (e), or the portfolio as described in 603 CMR 30.05(5)(f), or the collection of work samples produced by the student and any additional supporting information submitted with the appeal as required in 603 CMR 30.05(5)(g) and (h), demonstrates by a preponderance of the evidence that the student's knowledge and skills in the subject area of the appeal meet or exceed the performance level established by the Board of Education for the passing standard for the performance appeal (220).

(11) The Commissioner will notify the superintendent in writing of his decision and the reasons for it within ten business days after he receives the recommendation of the Performance Appeals Board. The superintendent shall notify the student, parent or guardian of the decision. Within 21 calendar days after receipt of the Commissioner's decision, the superintendent may respond, including seeking reconsideration of the Commissioner's decision. The decision of the Commissioner shall be final. If the appeal is granted, the student will be deemed to have met the performance appeal standard on the MCAS high school test that was the subject of the performance appeal. If the appeal is denied, the superintendent may submit a subsequent appeal on behalf of the student, as long as the student meets the eligibility requirements. To be eligible for a subsequent appeal in Science and Technology/Engineering, a student must first take a subsequent MCAS test in either the same or a different discipline (Biology, Chemistry, Introductory Physics or Technology/Engineering).

(12) Nothing in 603 CMR 30.00 shall be interpreted to limit or expand a student's rights under the Individuals with Disabilities Education Act, M.G.L. c. 71B and 603 CMR 28.00, or Section 504 of the Rehabilitation Act of 1973. Any documentation submitted to the Department at the request of the student's individual education plan team in connection with a performance appeal shall not constitute modification of the student's individual education plan under state or federal special education law and may not be appealed to the Bureau of Special Education Appeals under the Individuals with Disabilities Education Act or M.G.L. c. 71B.

#### REGULATORY AUTHORITY

603 CMR 30.00: M.G.L. c. 69, §§ 1B and 1D and St. 2003, c. 140, § 119.