

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

**Frank I. Smizik**

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*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 bill:

An Act relative to the rights of students, teachers and legal guardians to diagnostic use of MCAS test scores and to the MCAS appeals process.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
Frank I. Smizik	15th Norfolk
David P. Linsky	5th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 565 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
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AN ACT RELATIVE TO THE RIGHTS OF STUDENTS, TEACHERS AND LEGAL GUARDIANS  
TO DIAGNOSTIC USE OF MCAS TEST SCORES AND TO THE MCAS APPEALS PROCESS.

*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 is hereby amended by adding the following  
2 new section:—

3  
4 SECTION 1N. Any standardized test of achievement of aptitude to be administered under the  
5 laws of the Commonwealth or any office, board, department, agency or authority thereof to  
6 students in any public school of the Commonwealth, including, but not limited to, the so-called  
7 MCAS test, shall be subject to certain requirements enumerated in this section. For the purposes  
8 of this section, the term “test” shall mean such a standardized test.

9  
10 (a) All standard accepted answers to test questions that are used in test scoring, together with  
11 copies of the actual test booklets and scores of test takers for each question shall be transmitted  
12 to parents, and or legal guardians, and teacher of test takers prior to public disclosure of scores  
13 thereon and within three months after test administration.

14 (b) Written notification of procedures for Score Appeals (set forth in 603 CMR 30.04) and  
15 Performance Appeals (as set forth in 603 CMR 40.05) must be provided to parents and/or legal  
16 guardians of test takers as part of the so-called Guide to the MCAS Parent/Guardian Report.

17 (c) A score or performance appeal on behalf of a student may be filed by the student, parent,  
18 legal guardian or superintendent of the school district in which the student is enrolled, or by the  
19 superintendent’s designee.