PROPOSED AMENDMENTS TO REGULATIONS ON MCAS AND COMPETENCY DETERMINATION, 603 CMR 30.00

- Presented to the Board of Elementary and Secondary Education for initial review and vote to solicit public comment: **April 26, 2022**
- Period of public comment through: **June 3, 2022**
- Final action by the Board of Elementary and Secondary Education anticipated: **June 28, 2022**

The proposed amendment would establish a new competency determination standard in English language arts, mathematics, and science and technology/engineering for students in the classes of 2026-2029.

The proposed amendment is indicated by underline (new language) and ~~strikethrough~~ (deleted language) in 603 CMR 30.03, with corresponding changes in other sections. For the complete text of the current regulations, 603 CMR 30.00, see http://www.doe.mass.edu/lawsregs/603cmr30.html

603 CMR 30.00: Massachusetts Comprehensive Assessment System and Standards for Competency Determination

30.01: Scope and Purpose

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 Elementary and Secondary Education, appointed in accordance with M.G.L. c. 15, § 1E.

Commissioner shall mean the Commissioner of Elementary and Secondary Education.

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(4). Legal authority of the parent shall transfer to the student when the student reaches eighteen (18) years of age.

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~~ meeting grade level expectations in English language arts and/or mathematics and shall include those elements described in 603 CMR 30.03 ~~(5)~~(7). Such plans and any updates to such plans must be shared with a student's parents or guardians in a timely fashion.

Graduating Class For purposes of 603 CMR 30.00, students are assigned to the graduating class of the cohort of students they join when they first enter grades 9–12 in a Massachusetts public

school system. For example, a student first entering 9th grade in fall 2022~~17~~ belongs to the class of 2026~~1~~, a student entering as a 10th grader in fall of 2022~~17~~ belongs to the class of 2025~~0~~, and so forth. Once a student is assigned a particular cohort, the student's graduating class for purposes of 603 CMR 30.00 never changes.

Individualized education program (IEP) and IEP team shall have the same meaning as described in 603 CMR 28.02.

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.

(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.

(a) meet or exceed the Proficient threshold scaled score of 240 on the English Language Arts and Mathematics grade 10 MCAS tests, or

(b) 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 Educational Proficiency Plan.

(3) Students in the graduating classes of 2021 through 2025 must satisfy one of the following two conditions in both English language arts and mathematics to earn a competency determination.

(a) meet or exceed the threshold scaled score ~~threshold~~ on the English Language Arts and Mathematics grade 10 MCAS tests administered in 2019 or later that has been determined by the Commissioner to be comparable to the threshold scaled score ~~threshold~~ of 240 on the grade 10 MCAS tests administered before 2019, or

(b) meet or exceed the threshold scaled score ~~threshold~~ on the English Language Arts and Mathematics grade 10 MCAS tests administered in 2019 or later that has been determined by the Commissioner to be comparable to the threshold scaled score ~~threshold~~ of 220 on the grade 10 MCAS tests administered before 2019 and fulfill the requirements of an Educational Proficiency Plan.

(4) Students in the graduating classes of 2026 through 2029 must satisfy one of the following two conditions in both English language arts and mathematics to earn a competency determination:

(a) meet or exceed the threshold scaled score of 486 on the English Language Arts and Mathematics grade 10 MCAS tests, or

(b) meet or exceed the threshold scaled score of 470 on the English Language Arts and Mathematics grade 10 MCAS tests and fulfill the requirements of an Educational Proficiency Plan.

(54) Students starting with the graduating class of 2010 shall, in addition to meeting the requirements found in 603 CMR 30.03(2), ~~or~~ (3) or (4), take a discipline-specific high school Science and Technology/Engineering MCAS test approved by the Board, by grade 10. To earn a competency determination:

(a) Students in the graduating classes of 2010 through 2024 shall meet or exceed the Needs Improvement threshold scaled score of 220 on a discipline-specific high school Science and Technology/Engineering MCAS test.

(b) Students in the graduating class of 2025 shall meet or exceed the scaled score threshold on a discipline-specific high school Science and Technology/Engineering MCAS test administered in 2022~~0~~ or later that has been determined by the Commissioner to be comparable to the scaled score threshold of 220 on the high school Science and Technology/Engineering MCAS tests administered before 2022~~0~~.

(c) Students in the graduating classes of 2026 through 2029 shall meet or exceed the threshold scaled score of 470 on a discipline-specific high school Science and Technology/Engineering test.

(d) 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.

(65) 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) through (54), students shall meet or exceed the passing standard on the History and Social Science high school assessment.

(76) Educational Proficiency Plans for each required content area shall be updated at least annually while students are enrolled and shall include, at a minimum:

(a) A review of a student's strengths and weaknesses in the content area.

(b) The full-year courses the student will be required to take and successfully complete in both grades 11 and 12 that will move the student toward meeting grade level expectations ~~proficiency~~ on the grade 10 curriculum framework standards as well as on grade 11~~and~~ -12 standards in English language arts or Algebra II or Model Mathematics III standards ~~grade 11 and 12 grade span standards or Algebra II standards~~ in mathematics, and a description of the tutoring or other individualized academic supports the student will receive.

(c) A description of the assessments the school will administer on at least an annual basis to inform changes to a student's Educational Proficiency Plan, identify opportunities for additional tutoring or other individualized academic supports, and determine whether the student is making progress toward ~~proficiency~~ meeting expectations, or has met expectations ~~become proficient~~ on the grade 10 standards. These assessments must

include applicable MCAS tests or other diagnostic or summative tests ~~identified~~ approved by the Department of Elementary and Secondary Education as aligned to the curriculum frameworks and appropriate for this purpose. For students yet to achieve a scaled score of 470 on any MCAS test required for high school graduation, assessments must include multiple opportunities to retake applicable MCAS tests until a scaled score of at least 470 has been achieved.

(d) The Educational Proficiency Plan for a student who is actively enrolled and successfully progressing in the Mass Core curriculum, an approved Chapter 74 vocational-technical program, or a designated Early College or Innovation Pathway program does not need to separately include the requirements of 603 CMR 30.03(7)(b) and (c).

(e) The Educational Proficiency Plans for adult learners, students who have exited high school without a Competency Determination, seniors who have already completed all their required courses in the relevant subject matter, students who are not continuously enrolled or are enrolled in an alternative program, and students who enroll in senior year, do not need to include the full-year courses described in 603 CMR 30.03(7)(b) or the assessments described in 603 CMR 30.03(7) (c).

(8~~7~~) A student in the graduating classes of 2010 through 2025 achieving a scaled score of or comparable to 240 or higher on an MCAS test or a score determined by the Department of Elementary and Secondary 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. A student in the graduating classes of 2026 through 2029 achieving a scaled score of 486 or higher on an MCAS test will be deemed to have met expectations 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.

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30.05: Performance Appeals

(1) A performance appeal addresses a claim that a student's knowledge and skills in English ~~L~~language ~~A~~arts, ~~M~~mathematics, or ~~S~~science and ~~T~~technology/~~E~~engineering, meet or exceed a performance level equivalent to the score 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 on the MCAS test, necessary for eligibility for the Competency Determination. For English ~~L~~language ~~A~~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 the age of 18, 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 the age of 18.

(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 ~~M~~mathematics or English ~~L~~language ~~A~~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 ~~S~~science and ~~T~~technology/~~E~~engineering, evidence that the student has taken a Science and Technology/Engineering MCAS test and is currently enrolled in a ~~S~~science and ~~T~~technology/Eengineering class or has completed 12th 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 for an appeal in ~~ELA~~ English language arts or mathematics, and at least once in science and technology/engineering, 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 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 at least once each year on any such waivers that have been granted, provided that the identity of the student(s) shall remain confidential.

(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) 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 IEP team, if any, supports the student's graduation, as documented on the IEP form;

(d) for appeals in English ~~L~~language ~~A~~arts and ~~M~~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 at the same time as the student who is the subject of the appeal.

(e) for appeals in ~~S~~science and ~~T~~technology/~~E~~engineering, the grade of the student for the course in the content area of the appeal and the grades and MCAS scores in the content area of the appeal of other students in the school who took the same course at the same time 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)-(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.

(g) If the student has a disability, the superintendent shall include in the performance appeal any other information the student's IEP 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 IEP 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~~ competency determination in 603 CMR 30.03(2)(b), (3)(b), (4)(b), 30.03 (5)(a) (5)(b), or (5)(c), as applicable (220) or the comparable score

on MCAS grade 10 tests administered beginning in 2019 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~~ competency determination for the student's graduating class in 603 CMR 30.03(2)(b), (3)(b), (4)(b), 30.03 (54)(a) ~~or~~(54)(b), or (5)(c), as applicable. 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.

(6) The superintendent shall send the performance appeal to the Commissioner, 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 consist primarily of teachers and department heads with experience and expertise in the Massachusetts standards for English ~~L~~language ~~A~~arts, ~~M~~mathematics, or ~~S~~science and ~~T~~technology/~~E~~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 of Elementary and Secondary Education shall coordinate and assist the work of each Performance Appeals Board. The Performance Appeals Board shall have the following duties:

(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 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:

1. (a) grant the appeal;
2. (b) deny the appeal; or
3. (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) 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 for the passing standard for the performance appeal in 603 CMR 30.03(2)(b), (3)(b), (4)(b), 30.03 (5)(a) (5)(b), or (5)(c), as applicable. ~~(220) or the comparable score on MCAS grade 10 tests administered beginning in 2019.~~

(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 ~~S~~science and ~~T~~technology/~~E~~engineering, a student must first take a subsequent MCAS test in either the same or a different discipline.

(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 IEP team in connection with a performance appeal shall not constitute modification of the student's IEP 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; St. 2003, c.140, §119.

The remaining sections of the regulations are unchanged. **For the complete text of the current regulations, 603 CMR 30.00, see http://www.doe.mass.edu/lawsregs/603cmr30.html**