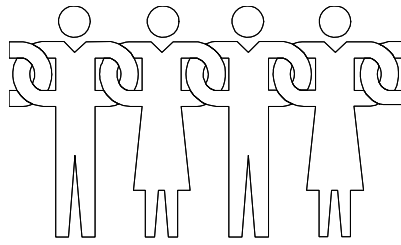


American Civil Liberties Union- MA
American Jewish Committee
Bill of Rights Education Project
Boston NAACP
Brookline Educators Association
Brookline School Committee
Cape Codders Against the MCAS
Cape Cod Green Party
Cape Cod NAACP
Center for Collaborative Education
Central Labor Council - Pioneer Valley
Citizens for Public Schools
Citywide Parents Council
Coalition for Authentic Reform in
Education (CARE)
Educators for Social Responsibility
FairTest
Greater Boston Civil Rights Coalition
Healing Imagery
Hispanic Office for Planning &
Evaluation (HOPE)
JALSA
Learning Disabilities Association of
Massachusetts
Lexington Education Association
Massachusetts Administrators for
Special Education (ASE)
Mass Advocacy Center
Massachusetts AFL-CIO
Massachusetts Association of School
Committees
Massachusetts Association of School
Superintendents
Massachusetts Association of Special
Education Parent Advisory
Councils (MASSPAC)
Massachusetts Coalition for Equitable
Education
Mass English Plus Coalition
Massachusetts Federation of Teachers
Massachusetts Green Party
MA Jobs With Justice
Massachusetts PTA
Mass Parents for Education Not MCAS
Massachusetts Teachers Association
Metropolitan Council for Educational
Opportunity (METCO)
New Bedford NAACP
New England Association for College
Admission Counseling
POWE²R
Quincy Education Association
Springfield Education Association
State Student Advisory Council to the
Board of Education
Student Coalition for Alternatives to
MCAS (SCAM)
Teen Empowerment
Third Eye Unlimited
Urban League of Eastern MA
Yesodot

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Alliance for High Standards **NOT** High Stakes

March 18, 2003

To all concerned parents, educators, and elected officials:

Over 6000 students statewide have failed to pass either the MCAS mathematics test, the English language arts test, or both. Over 1100 students in Boston alone are in danger of not graduating because of a failing MCAS score. Even if these students have met all other graduation requirements and their schools feel that they are competent and ready for a diploma, unless the hurdle of the MCAS scores are overcome, these students may not be able to graduate.

While Mass English Plus Coalition supports high standards in education, we oppose the high stakes use of the MCAS as a high school graduation requirement. As part of the Alliance for High Standards, Not High Stakes, we will continue to fight for legislation to repeal the MCAS as a one-size-fits-all high stakes graduation requirement, but that will take time. In the interim, we must continue to do everything in our power to guarantee that deserving students graduate in spite of the MCAS. One underutilized method to secure student rights, which still is available to educators, is the MCAS appeals process. While the appeals process is sometimes arduous and even unfair, in the short run, it may be the only hope that some students in the class of 2003 have of graduating on time.

At a recent hearing before the State Legislature's Joint Committee on Education, Jeff Nellhaus, the Department of Education's expert on student assessment and state testing director said, "no student in this state will be denied a diploma simply because that student has failed to pass the MCAS." He clarified this statement noting that the appeals process was intended to carry out the wishes of the state legislature and to allow students a means to prove that they had subject matter competency equivalent to a passing score of 220 on the MCAS. The only way students in schools will be allowed access to use the appeals process is if school superintendents aggressively advocate for students based on their "in school" performance, in spite of any score they might have made on the MCAS.

Many students who are potentially eligible for an MCAS Performance Appeal may unfortunately be denied access to this system because superintendents either do not have an understanding of the appeals process or lack sufficient staff resources to prepare the necessary documentation to apply for an appeal for all the students in their schools whose "in school" performance shows that they each have sufficient educational competence to merit a high school diploma. To date only 588 appeals have even been applied for. The good news is that over 50% of these appeals were granted (313 total), giving some hope that this may be an option for many students

Attached you will find a Frequently Asked Questions (FAQ) memorandum regarding the MCAS appeals process. The Mass English Plus Coalition

prepared it. Feel free to review it and contact us with any questions or comments.

Best regards,

Lee Valentine
Language Rights Policy Director
Mass English Plus Coalition
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(617) 227-3000

Mass English Plus is a Massachusetts-wide coalition of concerned individuals and organizations dedicated to helping communities confront the problem of racism (as it is linked to language-based discrimination) through advocacy, coalition-building and educational activities. Our mission is to fight against all forms of language-based discrimination and to promote better services for language minorities. Mass English Plus is a member of the Alliance For High Standards NOT High Stakes.

P.S. Electronic copies of this document are available online at the following web address:

http://www.massenglishplus.org/content/MCAS_and_the_Schools/MCAS_Appeals/_MCAS_Appeals_FAQ.PDF

FREQUENTLY ASKED QUESTIONS ABOUT MCAS APPEALS

This memorandum is intended to provide current, accurate information on the MCAS appeals process. This document should not be considered an official legal opinion or legal advice from Mass English Plus Coalition. You should consult the DOE website to verify this document's accuracy, and you may wish to consult legal counsel. Email additional questions or comments regarding this memo to the address at the top of this page.

1) What is an MCAS appeal, and where can I find general guidelines on the MCAS appeals process?

Each student has a unique way of thinking, learning, and expressing what he or she has learned. Because of this, Massachusetts General Laws anticipate that no one type of assessment can adequately determine the educational competency of all students. State law anticipates that some students will be "difficult to assess" if the Department of Education (DOE) relies on a single measure of student performance like the MCAS. As such, as much as possible, the DOE must strive to use multiple forms of performance evaluation to assess the educational competency of students, and particularly in the cases of those students who may be difficult to assess using the MCAS alone.

The DOE has created an appeals process to guarantee deserving students access to the multiple forms of assessment that state law promises them, which might otherwise be denied to them if the state relied on the MCAS alone for its assessments. Students who fail the MCAS, but meet normal high school graduation requirements and successfully apply for an appeal will be still granted a high school diploma.

2) If I am a parent, can I file an MCAS appeal for my own child directly with the DOE? If my child's superintendent of schools will not file an appeal, who else can I go to for help filing an appeal?

Only the superintendent for a district or the school committee for a district can file an appeals submission to the DOE. Parents cannot file on their own. If a superintendent refuses to file an MCAS appeal with the DOE, parents do have the right to ask their local school committee to file an appeal on behalf of their child, in spite of the superintendent's decision.

3) What is a waiver? What is a Performance Appeal? What is a Scoring Appeal?

The category of appeals that applies to most students seeking an appeal is called a "Performance Appeal." The press sometimes calls a successfully granted Performance Appeal "a waiver". In a Performance Appeal a superintendent contends that a given student has sufficient educational competency to merit a diploma, but that the MCAS was too limited an instrument to adequately report the student's true level of competency. Performance Appeals are available only for seniors who, except for their MCAS scores, are otherwise eligible for graduation.

Another type of appeal is called a "Scoring Appeal". A Scoring Appeal is filed when there is doubt about the accuracy of the grade given to a given student on the MCAS, either because the people who graded the student's essay questions gave too little credit to a that student for his or her responses, or because the validity of one or more of the questions on the MCAS exam is in doubt. A Scoring Appeal involves scrutinizing a specific students test answers in detail, something most superintendents do not have the resources to handle themselves. Parents have the right to see their child's test and their child's answers. For more information about Scoring Appeals contact the DOE's MCAS Appeals Hotline at (781) 338-3333.

4) How many appeals may be filed for a single student? What options exist if an appeal is rejected?

A school district may file one Performance Appeal for a student for English language arts and another for mathematics (these are the only two MCAS exam scores which count for graduation at this point in time), creating two simultaneous appeals in different subjects.

Another way that exists to generate multiple appeals for a single student occurs when the student's initial appeal is not granted. The superintendent who filed the appeal then has 21 days to contact the Commissioner of Education (the Commissioner) to request reconsideration of the student's appeal, and try to encourage the DOE to take a second look at the student's academic record.

If you are a superintendent, you may also have to resubmit an appeal if you get back a message from the DOE that there has been "no determination" for a given student's appeal. When "no determination" is made more information on student performance is necessary before the DOE will grant the appeal.

- 5) *I have heard that there are minimum requirements for a student who wishes to apply for an appeal, which are: a 95% attendance rating, a scaled score of 216 on the MCAS subject matter exam in question, the student has to have taken the MCAS test 3 times, and the student has to have availed himself or herself of all available remediation resources. Is this true? Some children might merit a school diploma, but have not yet passed the MCAS and don't meet these requirements -- can they still be considered for an MCAS appeal?***

While these are the eligibility criteria set by the DOE in 603 C.M.R. 30.00, those regulations notes that if the superintendent requests special consideration for a student who has failed to meet one or all of these requirements, it is within the powers of the Commissioner to waive any or even all of these requirements. Theoretically, any student is potentially eligible for an MCAS appeal if the student's superintendent and the Commissioner agree to consider the student's appeal.

Superintendents may check a special box on the MCAS Performance Appeal Form they file with each student's appeal if they believe there are "extenuating circumstances" affecting a student's ability to meet some or all of the eligibility requirements. A detailed explanation must be attached to the form. The Commissioner will make final determination regarding a student's eligibility.

- 6) *What kinds of factors might constitute "extenuating circumstances" for purposes of eligibility for the Performance Appeals process?***

One example might be that a student meets the eligibility requirements except for the 95% attendance requirement, and the student was absent from school due to a long illness or disability, the superintendent may submit that information as an extenuating circumstance. Similarly, a student who was a recent transfer into the state might be eligible for a Performance Appeal (see the web links section). There may also be special factors for some Limited English Proficient students (see question 13 for more information on LEP children).

- 7) *What is the role of teachers in the Performance Appeals process?***

Students applying for a Performance Appeal will need the recommendation of one of the student's teachers in the subject matter area for which the Performance Appeal is being sought. Teacher recommendations for the subject area (English or math) being appealed are important, but recommendations from other subject matter areas will be treated by the DOE as irrelevant to the appeal in question.

Additionally, some student appeals will involve filing a portfolio of samples of that student's work. Because of this, teacher involvement will be integral, in many cases, to filing a successful Performance Appeal. Parents and teachers should plan ahead in the 10th, 11th, and particularly the 12th grade, to make sure that samples of each student's work will be available should they be called for by the DOE.

Portfolio assessment is most likely to enter into the Performance Appeals process for smaller schools. The nature of some of the DOE standards for the appeals process makes it easier for them to gauge student performance in a school if that student has many peers who have taken the same series of subject matter courses that the student in question has taken. In smaller schools, where there may be few students who have taken exactly the same sequence of courses, the DOE may require a sample of the student's work to gauge the student's true level of competency. Some students in Watertown recently faced just this dilemma. They were disappointed to find out that although the superintendent had filed for Performance Appeals, their applications for appeals were rejected pending a submission of additional information on the part of the schools because the Cohort Worksheet alone (see answer #8) was insufficient to allow the DOE to make the appeals determination. Make sure that this does not happen in your schools.

- 8) *Other than a teacher recommendation, approval by the superintendent, and perhaps a student work portfolio, is there some other paperwork that goes along with filing a Performance Appeal?***

Yes. One form is called the MCAS Performance Appeals form. Another more complicated form is also required; it is called the MCAS Performance Appeals "Cohort Worksheet". It is an electronic spreadsheet

that the superintendent must prepare listing all the students who are grade level peers of the student filing an appeal, who have taken the same series of subject matter courses, in approximately the same sequence, that the student in question took. It requires the superintendent to list all the course grades for this "cohort" of students in the area of appeal as well as the MCAS scores of those students.

As this can be a lot of information to process, it is probably in the school's best interest to track this type of data (who is in each student's cohort, what types of grades each student is getting, etc.) in a computer database program so that this data can be extracted, because a separate Cohort Worksheet must be filed with each student appeal.

If there is limited data available on a student cohort, the superintendent should note this to the DOE as part of the student's appeal, and other required performance evidence may be given more weight. This is particularly true for students who have recently transferred into the district (see the web links).

If a superintendent needs technical assistance with this Cohort Worksheet, either in tracking the data, or in filling it out, then the superintendent should contact the MCAS Appeals Office and inform that office well in advance of the need for additional technical support services. A lack of good student tracking data should never be an excuse not to file a Performance Appeal for a student who otherwise deserves a diploma. Web links to both the Cohort Worksheet and the MCAS Performance Appeals Form are available at the end of this memorandum.

9) *Are students participating in the MCAS Alternate Assessment eligible for appeals?*

A student who has participated in the MCAS Alternate Assessment is eligible for a Performance Appeal if the student has submitted at least two portfolios in the subject area of the appeal, one in grade 10 and one in grade 11, and has achieved a minimum performance level of "Progressing."

10) *May Performance Appeals be submitted for students in other grades or for subjects other than English or mathematics?*

No. The Performance Appeal is designed only for students who have not yet achieved the competency determination required for graduation from high school. Therefore, only those students who repeatedly have been unable to achieve the 220 level on the grade 10 MCAS in ELA or Mathematics are eligible to file a Performance Appeal. Performance Appeals are not available for other grade levels or for subjects other than English and mathematics.

11) *How likely is a Performance Appeal to be granted?*

If a student has approximately average grades compared to other students in the same cohort who have passed the MCAS, then an appeal is likely to be granted. See the web link at the end of this memorandum concerning how the DOE handles MCAS Performance Appeals calculations in most cases.

12) *How long will it take for the Department of Education to review the appeal and notify the superintendent of the decision?*

Given the DOE's current shortage of resources coupled with uncertainty regarding the number of appeals that may be filed, the DOE refuses to make any commitments as to how long the review process will take. However, the DOE has promised to make every effort to expedite the review process for submitted appeals that contain all of the required elements. Once the Performance Appeals Board has made a recommendation, the Commissioner will normally notify the superintendent who filed the appeal of his final decision within 10 business days.

13) *Is there anything special I should know about Performance Appeals for Limited English Proficient (LEP) children?*

A student who has limited English proficiency and is having trouble passing the MCAS math test in the English language may be eligible for a Performance Appeal, because such a math test in English is serving more as a test of that student's English language proficiency than of the student's competency in mathematics. Moreover, the state is required to offer most LEP students MCAS math exams in their native language, but only offers the exam in English and Spanish, violating the rights of some students -- this alone may be grounds for a Performance Appeal or for a more significant form of parental action.

14) What else can I do to help my child?

Get in touch with your state senator and representative to ask for additional assistance. Ask them to repeal the high stakes graduation requirement, or, at the very least, to pass laws to streamline the appeals process for both parents and educators alike.

LIST OF KEY RESOURCES REGARDING MCAS APPEALS

Online Location of This Document

http://www.massenglishplus.org/content/MCAS_and_the_Schools/MCAS_Appeals/_MCAS_Appeals_FAQ.PDF

Progress Report of Students Passing MCAS by School District

<http://www.doe.mass.edu/mcas/results.html>

DOE MCAS Appeals Process Question Submission Webpage

<http://www.doe.mass.edu/contact/qanda.asp?orgcode=MA>

Guidelines for Performance Appeals

<http://www.doe.mass.edu/mcasappeals/guidelines.html>

Appeals Regulations

<http://www.doe.mass.edu/lawsregs/603cmr30.html>

Performance Appeals Form (to Be Submitted with Each Appeal)

<http://www.doe.mass.edu/mcasappeals/filing/app.pdf>

Performance Appeals Cohort Worksheet Info

<http://www.doe.mass.edu/mcasappeals/filing/>

Performance Appeal Calculations -- How the DOE Decides Who Gets an Appeal

http://www.doe.mass.edu/mcasappeals/filing/cohort_analyze.html

Performance Appeals Portfolio Submission Process

<http://www.doe.mass.edu/mcasappeals/filing/portfolio/>

Special Education Alternative Assessment

<http://www.doe.mass.edu/mcas/alt/>

<http://www.methuen.k12.ma.us/mps/Central/Parent%20Handbook.pdf>

State Regulations Regarding Student Records & Information

http://www.doe.mass.edu/lawsregs/603cmr23/cmr23_regs.html

Frequently Asked Questions About Student Records

http://www.doe.mass.edu/lawsregs/603cmr23/cmr23_qa.html

Summary of Regulations Pertaining to Student Records

http://www.doe.mass.edu/lawsregs/603cmr23/cmr23_summary.html

Performance Appeals for Students Who Have Recently Transferred into the MA Public Schools

http://www.massenglishplus.org/content/MCAS_and_the_Schools/MCAS_Appeals/_transfer_appeals.pdf

DOE MCAS Appeals Hotline Phone Number

(781) 338-3333

DOE MCAS Parent Information Hotline Phone Number

(886) 622-7220

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