

How does a student win an appeal?

The state Commissioner of Education reviews all appeals and must grant a student's appeal if there is a "preponderance of evidence" that shows the student's English or math skills meet the state standards for passing MCAS.

The state Commissioner must provide the student, parents, and school with notice of the appeal results, and must provide written notice of a denial.

What about the class of '03?

All students with disabilities are allowed to file an appeal, including students in the class of '03. The superintendent can also resubmit an appeal seeking reconsideration of a previous denial with new information.

What can you do as a Team member?

- Be sure to collect math and English work samples to submit with an appeal (including papers written by the student, tests, homework, projects, etc.).
See DOE website at www.doe.mass.edu/mcasappeals/ for more details
- Start saving the student's work as soon as you are notified that the student failed the grade 10 MCAS test in order to have enough examples to submit in case the student fails the MCAS test a third time.
- Review assignments, tests, and homework to make sure that the student is being taught the math and English skills necessary to pass MCAS.
- Work with other IEP Team members to provide additional information supporting the student's appeal. For example, the IEP Team can note whether the student received necessary MCAS testing accommodations, and the Team can provide vital information regarding the competencies and skills of the student.
- Take steps to make sure the IEP Team, including parent and student, thoughtfully considers the student's transition services, proposed graduation date and consequent termination of special education services.

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Este folleto también está disponible en español en nuestra página de internet www.massadvocates.org.

STUDENTS WITH DISABILITIES WHO FAIL GRADE 10 MCAS

MCAS APPEALS OPTIONS

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What is an MCAS appeal?

The Massachusetts MCAS Appeals process provides students who have repeatedly failed grade 10 MCAS tests with another way to demonstrate that they have, in fact, achieved the math and English skills necessary to pass, through an appeal to the State Commissioner of Education.

Who decides to file an appeal?

- New state law allows parents of students with disabilities (or students if 18) to request that the superintendent file an appeal. Superintendents must file an appeal if requested by the parent or student.
- The superintendent can also decide to file an appeal with consent of the parent/student if 18.

Who is eligible for an appeal?

- A student who has failed the grade 10 MCAS at least 3 times (or submitted an MCAS alternate assessment portfolio twice) is eligible for an appeal.
- Students with disabilities (with an IEP or a 504 plan) no longer must score 216 or higher to be eligible for an appeal. (This is because lawmakers recognize that some students with disabilities may not have had a fair opportunity to demonstrate their skills on the MCAS test.) However, to win an appeal, students need to show they have skills equivalent to a student with a 220 passing score.
- Students with disabilities must have maintained an adequate school attendance rate, not counting excused absences.
- Students with disabilities must be able to show they participated in MCAS remedial and instructional services offered by the school, unless the student has been unable to attend because of his or her disability.
- A superintendent may also request a waiver of any of the above eligibility requirements.

What must the superintendent include in the appeal?

- Documentation that the student will meet local graduation requirements (e.g., required credits).
- Recommendation from a math and/or English teacher attesting to the student's skill level.
- Documentation that the IEP Team, with parent approval, supports the student's graduation.
- Any other information provided by the Team showing that the MCAS scores do not accurately reflect the student's math or English skills, and that the student meets state standards for passing MCAS.
- A comparison of the appealing student's grades with the grades of at least five other students (called a "cohort") who passed MCAS and took the same English or math classes.
- If the school cannot identify a group of students for comparison purposes, then the superintendent can submit a portfolio of the student's school work. (NOTE: If the school failed to collect a portfolio of work samples, the appeal must go forward based on work samples and other information provided.)
- Other information showing that the student's English or math skills meet or exceed state standards for passing MCAS, such as work samples, academic awards, standardized test scores, or acceptance to college courses.

