

HOUSE No. 04140

The Commonwealth of Massachusetts

HOUSE, March 20, 2012

The committee on Education, reports, on House, Nos. 1083 and 1964,
a Bill relative to dropout prevention (House, No. 4140). May 31, 2012.
Alice Hanlon Peisch, for the committee.

For the committee,

ALICE HANLON PEISCH.

The Commonwealth of Massachusetts

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In the Year Two Thousand Twelve
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An Act relative to dropout prevention.

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. Section 1B of chapter 69 of the General Laws, as appearing in the 2010 Official
2 Edition, is hereby amended by inserting after the word “attendance”, in line 113, the following
3 words:- ; “provided, however, that all children under the age of 18 shall be required to attend
4 school if they have not graduated from high school”.

5 SECTION 2. Section 1 of chapter 76 of the General Laws, as appearing in the 2010 Official
6 Edition, is hereby amended by striking out, in lines 2 to 13, inclusive, the words “by the board of
7 education, except a child between fourteen and sixteen who meets the requirements for the
8 completion of the sixth grade of the public school as established by said board and who holds a
9 permit for employment in private domestic service or service on a farm, under section eighty-six
10 of chapter one hundred and forty-nine, and is regularly employed there under for at least six
11 hours per day, or a child between fourteen and sixteen who meets said requirements and has the
12 written permission of the superintendent of schools of the town where he resides to engage in
13 non-wage-earning employment at home, or a child over fourteen who holds a permit for
14 employment in a cooperating employment, as provided in said section eighty-six.”.

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16 SECTION 3. Said section 1 of said chapter 76, as so appearing, is hereby further amended by
17 striking out, in line 14, the word “said” and inserting in place thereof the word:- his.

18 SECTION 4. Said section 1 of said chapter 76, as so appearing, is hereby further amended by
19 inserting at the end of the third paragraph the following sentence:- Notwithstanding the
20 expectations that school districts set for student attendance and the manner in which districts
21 hold students accountable for their attendance, each district shall ensure students have the
22 opportunity within the same academic term to make up assignments and earn credits for
23 assignments missed due to unexcused and excused absences.

24 SECTION 5. Said section 1 of said chapter 76, as so appearing, is hereby further amended by
25 striking out the fourth paragraph.

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27 SECTION 6. Said chapter 76 is hereby amended by adding after section 1A the following new
28 section:-

29 Section 1B. The school committee of each city, town or regional school district shall have a pupil
30 absence notification program in each of its schools. The program shall be designed to ensure
31 that each school notifies a parent or guardian of his child’s absence if the school has not received
32 notification of the absence from the parent or guardian within three days of said absence.

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34 Each school committee shall have a policy of notifying the parent or guardian of a student who
35 has at least 5 days in which he or she has missed 2 or more periods unexcused in a school year or

36 who has missed 5 or more school days unexcused in a school year, whichever is less. The
37 notification policy shall require that the school principal or his designee make a reasonable effort
38 to meet with the parent or guardian of a student who has 5 or more unexcused absences to
39 develop action steps for student attendance. The action steps shall be developed jointly and
40 agreed upon by the school principal or his designee, the student, and the student's parent or
41 guardian, and with input from other relevant school personnel and officials from relevant public
42 safety, health and human service, housing and nonprofit agencies.

43 SECTION 7. Section 18 of said chapter 76, as so appearing, is hereby amended by striking out
44 the first paragraph and inserting in place thereof the following new paragraphs:-

45 No student who has not graduated from high school shall be considered to have
46 permanently left public school unless an administrator of the school which such student last
47 attended has sent notice within a period of 5 days from the student's tenth consecutive absence to
48 the student and the parent or guardian of such student in both the primary language of such
49 parent or guardian, to the extent practicable, and English. The notice shall initially offer at least
50 two dates and times for an exit interview between the superintendent or his designee and the
51 student and his parent or guardian to occur prior to the student permanently leaving school, and
52 shall include contact information for scheduling said exit interview. The notice shall indicate that
53 the parties shall agree upon a date and time for the exit interview, provided that said interview
54 shall occur within 10 days after the sending of the notice. The time for said exit interview may be
55 extended at the request of the parent or guardian, provided no extension shall be for longer than
56 14 days. The superintendent, or his or her designee, may proceed with any such interview
57 without a parent or guardian if the superintendent, or his or her designee, makes a good faith
58 effort to include the parent or guardian. The exit interview shall be for the purpose of discussing

59 the reasons for the student permanently leaving school and to consider alternative education or
60 other placements.

61 The superintendent or his designee shall convene a team of school personnel, such as the
62 principal, guidance counselor, teachers, attendance officer and other relevant school staff, to
63 participate in the exit interview with the student and his parent or guardian. During the exit
64 interview, the student shall be given information about the detrimental effects of early
65 withdrawal from school, the benefits of earning a high school diploma and the alternative
66 education programs and services available to the student.

67 The department of elementary and secondary education shall: (i) publish a model protocol for
68 conducting exit interviews with students; and (ii) compile and maintain a list of research and
69 information relative to the consequences of dropping out, the benefits of earning a high school
70 diploma and a list of alternative education resources and programs available to the student, in
71 addition to those that the district may provide, that schools shall present at the exit interview.

72 SECTION 8. Said section 18 of said chapter 76, as so appearing, is hereby further amended by
73 striking out, in line 17, the word “sixteen” and inserting in place thereof the word:- eighteen.

74 SECTION 9. Said chapter 76, as so appearing, is hereby further amended by inserting after
75 section 20 the following three sections:-

76 Section 21. Principals shall ensure that students who are suspended from school for 10 or fewer
77 consecutive days, whether in or out of school, shall have an opportunity to make academic
78 progress during the period of their suspension, to make up assignments and earn credits missed,
79 including, but not limited to, homework, quizzes, exams, papers, and projects missed. Principals
80 shall develop a school-wide education service plan for all students who are suspended from

81 school for more than 10 consecutive school days. Principals shall ensure these students have an
82 opportunity to make academic progress during the period of their suspension, to make up
83 assignments and earn credits missed, including, but not limited to, homework, quizzes exams,
84 papers, and projects missed. Education service plans may include, but are not limited to,
85 tutoring, alternative placement, Saturday school, and online or distance learning. In developing
86 the education service plan, principals may seek the cooperation or input of relevant public safety,
87 health and human service, housing and nonprofit agencies, and other service providers. Any
88 school or school district that expels a student or suspends a student for more than 10 consecutive
89 school days shall provide the student and his or her parent or guardian with a list of alternative
90 educational services. Upon selection of an alternative educational service by the student and his
91 or her parent or guardian, the school or school district shall facilitate and verify enrollment in
92 said service. Students exempt from attending school under section 1 of chapter 76 shall not be
93 subject to this provision.

94 Districts shall report to the department of elementary and secondary education the specific
95 reasons for all suspensions, regardless of duration or type, and all permanent exclusions if the
96 student's infraction is unrelated to controlled substances, violence or possession or sale of a
97 firearm. The department of elementary and secondary education shall use its existing data
98 collection tools to obtain this information from districts and shall modify those tools, as
99 necessary, to obtain the information.

100 Section 22. Every school district with an annual dropout rate greater than 2% shall develop a
101 district-wide action plan designed to reduce the dropout rate and to assist students who have
102 dropped out of school and want to return to complete their high school education. Action plans

103 shall be submitted to the department of elementary and secondary education and shall include,
104 but not be limited to, the following content:

105 (i) the percentage by which the school district anticipates reducing the student dropout rate
106 and the timeline for achieving the reductions;

107 (ii) the percentage by which the school district anticipates increasing the graduation rate and
108 student attendance rates in grades 8-12 and the timeline for achieving the increases;

109 (iii) other objectives that the school district identifies that are designed to result in improved
110 dropout prevention, improved student attendance, and improved student engagement and re-
111 engagement within the school district;

112 (iv) how the school district will measure success in achieving the goals and objectives of the
113 district-wide action plan;

114 (v) what steps school staff and parents will take to address the factors that indicate a student
115 is at risk of dropping out of school;

116 (vi) a description of the outreach and referral strategies the school district will use for students
117 at risk of dropping out and for those who have dropped out of school; and

118 (vii) a comprehensive listing of alternative education options and other opportunities to earn a
119 diploma offered by the school district.

120 Districts shall work with teams of community stakeholders to develop a comprehensive approach
121 to address the dropout issue. The comprehensive approach shall include the district offering
122 alternative options that enable students who have dropped out to return and receive a full high
123 school diploma. Such options may be delivered directly by the school district or by non-profits

124 approved by the school district. The department of elementary and secondary education shall
125 publish guidance for school districts to consider when creating their plans and provide technical
126 assistance to enhance the districts' ability to meet the diverse needs of its student population.
127 Technical assistance should include several research-based alternative options and strategies.

128 Section 23. (a) As used in this section the following words shall, unless the context clearly
129 requires otherwise, have the following meanings:-

130 "Expectant student", a student who is pregnant or is the father of an expected child.

131 "Parenting student", a male or female student who is the parent of a child.

132 (b) Each school district with students in grade 7 or higher shall develop, adhere to and update an
133 expectant and parenting student policy. When developing and updating such a policy, a school
134 district shall consult with teachers and other school staff members, formerly or currently
135 pregnant or parenting students, parents, guardians, relevant community-based organizations, and
136 teen parent advocates. Each district shall review and update the expectant and parenting student
137 policy at least every 5 years. Each district shall file its expectant and parenting student policy,
138 including any updates to it, with the department of elementary and secondary education. The
139 department shall post on its website a list of districts that have not filed an expectant and
140 parenting student policy and a list of districts that have not filed an updated policy at least every
141 5 years.

142 The expectant and parenting student policy shall include the following:

143 (1) a statement that sets forth the expectation that every expectant and parenting student will
144 stay in school other than during a maternity or paternity leave of absence;

145 (2) a maternity and paternity leave of absence policy, including a statement that the amount
146 of leave for each student shall be reasonable and determined in compliance with federal law and
147 with the student, the expectant and parenting student liaison, and, as appropriate, medical
148 professionals, and, with the student's consent, other adults the student may wish to involve;

149 (3) procedures for ensuring students are provided with school work while on a leave of
150 absence;

151 (4) a statement that school staff will make every effort to keep personal information and
152 health records confidential within the boundaries of applicable law;

153 (5) a statement that students must give informed consent to the inclusion of their expectant
154 and parenting status in their school records and, as part of that informed consent, be informed of
155 all people who have access to their student records;

156 (6) a statement that no student shall, on the basis of expectant or parenting student status, be
157 excluded from participation in, denied the benefits of, or be subjected to discrimination under
158 any educational program, award opportunity, or activity and that the school will treat pregnancy
159 and related conditions as it treats any other medical condition or temporary disability; and

160 (7) a statement that any school employee who becomes aware of discrimination against an
161 expectant or parenting student shall report such discrimination and the policy shall explain how
162 and to whom such a report is made.

163 Each school principal or the person who holds a comparable position shall be responsible for the
164 implementation and oversight of the policy at his school.

165 Each school shall provide staff members with annual written notice of the expectant and
166 parenting student policy. Any teacher, administrator, or counselor who becomes aware that a
167 student is pregnant, expecting or parenting, shall be required to provide said student, within 2
168 school days, with a copy of the district's plan and a description of expectant and parenting
169 students' rights under state and federal law, and with the student's permission, inform the student
170 liaison.

171 (c) The department of elementary and secondary education, after consultation with the
172 department of public health, the department of children and family services, the department of
173 transitional assistance, the department of early education and care and experts including the
174 Massachusetts Alliance on Teen Pregnancy shall: (i) publish a model expectant and parenting
175 student policy; and (ii) compile and post on its website a list of resources, best practices and
176 research for schools to use to help expectant and parenting students stay in school and to increase
177 graduation rates for expectant and parenting students. These materials shall be incorporated into
178 the training of expectant and parenting student liaisons. The department of elementary and
179 secondary education shall update the model plan and the list of resources, best practices and
180 research at least every three years.

181 (d) A public school serving students in grade 7 or higher shall have an expectant and parenting
182 student liaison. When a vacancy in this position occurs, a new liaison shall be in place within 30
183 days and shall be trained within 60 days. Each such school shall post on its website the name and
184 contact information of its expectant and parenting student liaison.

185 The duties of the expectant and parenting student liaison may be in addition to other duties he
186 may have. Notwithstanding any general or special law to the contrary, the expectant and

187 parenting student liaison shall have access to the school records necessary for the liaison to assist
188 the expectant or parenting student with the development of a plan for the student to graduate
189 from high school.

190 Each expectant and parenting student liaison shall, in close consultation with an expectant or
191 parenting student, create an individualized plan for graduation that (1) is designed to ensure the
192 student meets graduation requirements, (2) includes flexible class scheduling and alternative
193 credit accumulation options, as needed, and (3) furthers the student's post-graduation college or
194 career goals. As needed, the plan shall also include a proposed end date for the student's
195 maternity or paternity leave of absence. The liaison shall present the advantages and
196 disadvantages of each education option available to the student and work with the student to
197 determine which options best meet the student's needs. With the consent of the student, the
198 liaison shall make a reasonable attempt to engage a family member in the development of the
199 plan and any modifications to it. If such a family member is not available or if the student does
200 not consent to the involvement of a family member, the liaison shall make a reasonable attempt
201 to engage an adult outside of the student's family in the development or modification of the plan,
202 provided that the student consents to such involvement.

203 The liaison shall review the plan with the student at designated points during the school year and
204 assess the student's progress toward each graduation requirement and post-graduation goal. The
205 liaison and student shall modify the plan from time to time as appropriate.

206 Before, during and after a student's maternity or paternity leave of absence, the liaison shall
207 attempt to connect a student with academic and social-emotional supports within and outside of
208 the school, including but not limited to child care, health care, transportation, flexible scheduling,

209 alternative credit accumulation options, and parenting classes. The liaison shall follow up with
210 the student to ensure he or she has obtained needed supports and shall, where necessary, work in
211 partnership with community-based organizations to assist and advocate for the student in
212 obtaining support services.

213 The expectant and parenting student liaison shall inform each expectant and parenting student of
214 his or her right not to be discriminated against and shall explain the process by which the student
215 may report a violation of that right.

216 Each school district shall ensure that each expectant and parenting student liaison receives
217 training. This training shall include but not be limited to the rights of expectant and parenting
218 students under federal law, information on graduation requirements, flexible scheduling options,
219 alternative education options, and community resources for expectant and parenting teens.

220 (e) The expectant and parenting student liaison shall annually report to the superintendent the
221 number of parenting students in the school, a summary of the academic achievement of said
222 students, the number who graduate from high school, the number who drop out of school, and
223 the number who enroll in post-secondary educational programs. Each superintendent shall
224 annually report such data for the school district to the department of elementary and secondary
225 education.

226 (f) School staff shall encourage but shall not force or coerce an expectant or parenting student to
227 inform his or her parents or guardians of the student's status.

228 (g) Nothing in this section shall supersede or replace rights or remedies under any other general
229 or special law and neither shall this section create a private right of action.

230 (h) The department of early education and care shall provide early education and care benefits to
231 each child of a parent who is under 20 years of age and currently enrolled in a public school, an
232 alternative education program, or a general educational development program. The early
233 education and child care placement shall be as close as possible to the parent's home, school or
234 program.

235 SECTION 10. Each public school with students in grade 7 or higher shall identify and train an
236 expectant and parenting student liaison, as defined under section 23 of chapter 76, no later than
237 September 1, 2013. No later than September 1, 2013, each public and private school with
238 students in grade 7 or higher shall have and shall file with the department of elementary and
239 secondary education an expectant and parenting student policy. No later than September 1, 2013,
240 the department of elementary and secondary education shall specify a method for districts and
241 schools to report the information required by paragraph (e) of section 23 of chapter 76.

242 SECTION 11. Chapter 741 of the Acts of 1965 is hereby repealed.

243 SECTION 12. Section 1 shall be effective as of September 1, 2014. From September 1, 2013
244 until August 31, 2014, all children under the age of 17 shall be required to attend school if they
245 have not graduated from high school.