

**SENATE . . . . . No. 00185**

---

The Commonwealth of Massachusetts

PRESENTED BY:

***Sonia Chang-Diaz***

*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 preventing students from dropping out of school..

PETITION OF:

| NAME:                      | DISTRICT/ADDRESS:                    |
|----------------------------|--------------------------------------|
| <i>Sonia Chang-Diaz</i>    | <i>Second Suffolk</i>                |
| <i>Denise Provost</i>      | <i>27th Middlesex</i>                |
| <i>Elizabeth A. Malia</i>  | <i>11th Suffolk</i>                  |
| <i>Karen E. Spilka</i>     | <i>Second Middlesex and Norfolk</i>  |
| <i>Stephen R. Canessa</i>  | <i>12th Bristol</i>                  |
| <i>James B. Eldridge</i>   | <i>Middlesex and Worcester</i>       |
| <i>Sal N. DiDomenico</i>   | <i>Middlesex, Suffolk, and Essex</i> |
| <i>Benjamin Swan</i>       | <i>11th Hampden</i>                  |
| <i>Linda Dorcena Forry</i> | <i>12th Suffolk</i>                  |

**SENATE . . . . . No. 00185**

By Ms. Chang-Diaz, petition (accompanied by bill, Senate, No. 185) of Spilka, Malia, Provost and other members of the General Court for legislation to prevent students from dropping out of school [Joint Committee on Education].

The Commonwealth of Massachusetts

\_\_\_\_\_  
In the Year Two Thousand Eleven  
\_\_\_\_\_

An Act preventing students from dropping out of school..

*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. SHORT TITLE

2 This act may be cited as the “Dropout Prevention Act.”

3 SECTION 2. Chapter 69 of the General Laws, as appearing in the 2008 Official  
4 Edition, is hereby amended by adding after section 1I, line 40, the following paragraphs:

5 All individual public schools that instruct students in grades kindergarten through  
6 grade 12 shall use the early warning indicator index system developed and piloted by the  
7 department of elementary and secondary education. Individual public schools shall collect all  
8 necessary data required for the use of the early warning indicator index system as decided by the  
9 department of elementary and secondary education, provided that specific data variables may  
10 change as the department of elementary and secondary education continues to update, improve,  
11 and refine the early warning indicator index. The department of elementary and secondary

12 education shall offer school districts guidance and support on how to collect, review, and use the  
13 early warning indicator index system to best serve the students, teachers, and school staff  
14 members. The department of elementary and secondary education has discretion on how to most  
15 effectively and efficiently communicate the above required information to individual schools and  
16 each school's leaders.

17           The department of elementary and secondary education shall implement a pilot  
18 program that expands the early warning indicator index system to include data collection  
19 regarding students currently enrolled in grade 3 through grade 12. The purpose of the pilot  
20 program is to identify students as early as those enrolled in grade 3 who may be at risk of not  
21 graduating on time from high school, to better enable the school to provide the student with  
22 additional appropriate services, supervision, or guidance. The pilot program shall begin within  
23 one year of passage of this act. The department of elementary and secondary education shall  
24 have discretion in deciding how the pilot program shall be constructed and administered,  
25 including, but not limited to, how many school districts to include in the pilot program, which  
26 schools to include in the pilot program, and what additional indicators will be piloted, if any.  
27 After the pilot program has been in place for one academic school year, the department of  
28 elementary and secondary education shall analyze the program and publish a report which shall  
29 include, but not be limited to, a recommendation whether to expand the early warning indicator  
30 index system for provision of analysis to all public schools as early as grade 3. This report shall  
31 be submitted to the joint committee on education no later than 30 months after passage of this  
32 act.

33           SECTION 3. Section 1C of chapter 71 of the General Laws, as appearing in the 2008  
34 Official Edition, is hereby amended by adding the following paragraph at the end thereof:-

35           Each school district shall conduct, in cooperation with the local parent advisory  
36 council, at least one workshop annually within the school district for parents and teachers on  
37 effective strategies for involving parents in the education of their child. Each school district shall  
38 conduct a second workshop annually on parental involvement in the education of at-risk  
39 students.

40           SECTION 4. The first sentence of the third paragraph of section 37H of chapter 71  
41 of the General Laws, as most recently amended by section 4 of chapter 92 of the acts of 2010, is  
42 hereby amended by striking out the word “nine” and replacing it with the word “seven.”

43           SECTION 5. Chapter 71 of the General Laws, as appearing in the 2008 Official  
44 Edition, is hereby amended by inserting after section 37H  $\frac{1}{2}$ , the following section:

45           Section 37H  $\frac{3}{4}$ . Non-felony suspension and expulsion limitations.

46           This section regulates the suspension and expulsion of students enrolled in a public  
47 school in the commonwealth, who are being punished by the school for a non-felonious act,  
48 including, but not limited to, truancy, poor attendance, class disruption, or breaking other  
49 published school rules.

50           (1) Under this section, the principal or headmaster of a school in which the student is  
51 enrolled shall provide a written explanation of the reason for the suspension or expulsion to a  
52 student and the student’s parent or guardian if the student has been suspended or expelled from  
53 school for more than five consecutive days for a non-felonious act. The student shall receive  
54 written notification of the charges and the reasons for such suspension or expulsion prior to such  
55 suspension or expulsion taking effect. The student also shall receive written notification of a  
56 right to appeal and the process for appealing such suspension or expulsion; provided, however,

57 that such suspension or expulsion shall remain in effect prior to any appeal hearing conducted by  
58 the superintendent.

59           The student shall have the right to appeal the suspension or expulsion to the  
60 superintendent. The student shall notify the superintendent in writing of a request for an appeal  
61 no later than five calendar days following the effective date of the suspension or expulsion. The  
62 superintendent or the superintendent's designee, shall hold a hearing with the student and the  
63 student's parent or guardian within three calendar days of the student's request for an appeal. At  
64 the hearing, the student shall have the right to present oral and written testimony, and shall have  
65 the right to counsel. The superintendent shall  
66 render a decision on the appeal within five calendar days of the hearing. Such decision shall be  
67 the final decision of the city, town or regional school district with regard to the suspension or  
68 expulsion.

69           (2) Under this section, no student shall be suspended or expelled from school for a  
70 time period that exceeds 365 days, beginning the first day the student is removed from an  
71 assigned school building.

72           (3) No student in grade 3 and below and no student who is assessed as reading at a  
73 grade 3 level and below shall be suspended or expelled from school for a time period of ten  
74 consecutive school days or more without access to alternative educational options.

75           (4) Any teacher, principal, hearing officer or other person acting as a decision-maker  
76 at a student hearing, when deciding the punishment for the student, shall exercise discretion;  
77 consider ways to re-engage the student in the learning process; and avoid using expulsion as a  
78 punishment until other punishments have been employed.

79 (5) Any student who is 16 years of age or younger shall be offered alternative  
80 educational options by the school district if suspended or expelled for a time period of more than  
81 ten consecutive school days. Students exempt from attending school under section 1 of chapter  
82 76 shall not be subject to this provision.

83 SECTION 6. Section 18 of chapter 76 of the General Laws, as appearing in the 2008  
84 Official Edition, is hereby amended by inserting after the word "notice" in line 9, the following  
85 sentence:-

86 Such notice shall include information listing alternative educational options,  
87 resources, and addresses, and informing the student and parent or guardian of the right to meet  
88 with the school committee or its designee to discuss the reasons for the student dropping out and  
89 alternative educational options.

90 SECTION 7. Said section 18 of said chapter 76 of the General Laws, as so  
91 appearing, is hereby further amended by inserting after the first paragraph the following  
92 paragraphs:-

93 The graduation coach as described in section 21 shall convene the student, parent or  
94 guardian, and a representative of the student's school, which may include, but not be limited to, a  
95 general education teacher serving the student, a special education teacher serving the student, or  
96 a member of the school's administrative team, to develop an "individualized family engagement  
97 plan" with the goal of supporting, assisting and developing practical strategies for strong family  
98 involvement in the student's academic life and in the student's school community. Once  
99 developed, the "individualized family engagement plan" shall describe each of the  
100 aforementioned party's responsibilities and shall be signed by the parties.

101           When a student drops out of school, the district from which a student dropped out  
102 shall transfer an amount equal to the district’s per pupil spending for that student to any  
103 accredited educational program in which the student enrolls, as long as the district is receiving  
104 chapter 70 aid for that student’s enrollment. If a student transfers to an alternative educational  
105 program midyear, the district shall transfer funds on a prorated basis to the new program. If a  
106 student enrolls in a charter school, the provisions of the Education Reform Act of 1993 shall  
107 supersede this section.

108           SECTION 8. Said section 18 of said chapter 76 of the General Laws, as so  
109 appearing, is hereby further amended by adding the following sentences at the end thereof:-

110           The auditor of the commonwealth shall conduct an audit of cities and towns to  
111 determine compliance with the provisions of this section. The audit shall be conducted within  
112 eighteen months of passage of this act.

113           SECTION 9. Chapter 76 of the General Laws, as appearing in the 2008 Official  
114 Edition, is hereby amended by inserting after section 20, the following section:

115           Section 21. Massachusetts Graduation Coach Initiative.

116           As used in this section, the following term shall have the following meaning:

117           “Students-at-risk of dropping out of school” are any students deemed at-risk  
118 according to the early warning indicator index system used by the department of elementary and  
119 secondary education. For purposes of this act, “students at-risk of dropping out of school” may  
120 also be referred to as “at-risk students.”

121           The purpose of the Massachusetts graduation coach initiative is to provide at-risk  
122 students with a caring adult who will encourage, mentor, and challenge students to academic  
123 success. The Massachusetts graduation coach initiative shall match at-risk students with  
124 graduation coaches who will monitor the students' attendance and provide advice and  
125 intervention services, or connection to intervention services, such as, but not limited to, peer  
126 tutoring, credit recovery session, and academic remediation. Graduation coaches shall ensure  
127 successful transition of at-risk students from middle school to high school, connecting these  
128 students with the students' new school. The Massachusetts graduation coach initiative shall  
129 place coaches in every public middle school and high school, that for a high school, has a total  
130 annual dropout rate of 5% or more or an annual dropout rate of 5% or more in any of the gender  
131 or race/ethnicity sub-groups tracked by the department of elementary and secondary education;  
132 and that, for grades 7 and 8, has a total annual incidence of at-risk students of 10% or more in  
133 those grades or an annual incidence of at-risk students of 10% or more in those grades in any of  
134 the gender or race/ethnicity sub-groups tracked by the department of elementary and secondary  
135 education. The department of elementary and secondary education shall promulgate regulations  
136 as to an appropriate coach to student ratio, by which to guide placement of coaches in the  
137 respective schools.

138           For hiring purposes, graduation coaches shall meet minimum state employment  
139 qualifications and hold at least a four-year bachelor's degree from an accredited institution.  
140 Candidates for employment as a graduation coach also shall have some past experience working  
141 effectively with youth. Graduation coaches' responsibilities shall include, but not be limited to,  
142 the following: identifying at-risk students; implementing school wide support interventions;  
143 motivating students to focus on a graduation plan; negotiating extra help for at-risk students;



144 providing academic advice and student support; developing effective transition programs to aid  
145 at-risk students moving between schools; connecting parents of at-risk students with appropriate  
146 school and community resources; connecting at-risk students with school and community  
147 resources; and encouraging parent and community involvement.

148           The Massachusetts graduation coach initiative shall be administered by the  
149 department of elementary and secondary education in consultation with hosting school districts  
150 and school administrators. Each school district or school districts, if the school districts wish to  
151 partner with other neighboring school districts, shall provide the graduation coach with  
152 professional development opportunities and administrative and technical support in concert with  
153 existing district professional development, administrative, and technical support services for  
154 district staff. The department of elementary and secondary education shall coordinate and lead  
155 annual regional meetings to allow graduation coaches to network and share best practices,  
156 strategies, and problem solving methods.

157           The department of elementary and secondary education shall submit an annual report  
158 to the joint committee on education, evaluating the impact of the Massachusetts graduation coach  
159 initiative on statewide and local dropout rates, no later than six months after the end of each  
160 academic year in which the program was administered.

161           SECTION 10. Section 52D of chapter 149 of the General Laws, as appearing in the  
162 2008 Official Edition, is hereby amended by striking out lines 17 through 19.

163           SECTION 11. Chapter 149 of the General Laws, as appearing in the 2008 Official  
164 Edition, is hereby amended by inserting after section 52D the following section:-

165           Section 52E. Family leave for academic activities.

166 (a) As used in this section, the following terms shall have the following meanings,  
167 notwithstanding any contrary provision in section 1 of this chapter:

168 “Academic activity,” any school meeting, conference, or other activity directly  
169 related to the educational advancement of a child of an employee, including, but not limited to, a  
170 parent-teacher conference; an interview for a new school; a meeting related to special education  
171 services, as defined in chapter 71B; or a meeting related to dropout prevention, attendance,  
172 truancy, or disciplinary issues.

173 “Academic year,” the period allotted by a school for the completion of one grade  
174 level of study.

175 “Child,” a biological, adopted, or foster child, stepchild, legal ward, or child of a  
176 parent standing in loco parentis who attends a school.

177 “District” or “School district,” the school department of a city or town, or a regional  
178 school district.

179 “Employee,” any person who performs services or previously performed services for  
180 an employer for wages, remuneration, or other compensation. An independent contractor is not  
181 considered an “employee” for purposes of this act.

182 “Employer,” any individual, corporation, partnership or other entity, including any  
183 agent thereof, who engages the services of an employee or employees for wages, remuneration,  
184 or other compensation.

185 “Federal act,” sections 101 to 105, inclusive, of the Family and Medical Leave Act of  
186 1993, 29 U.S.C. sections 2611 to 2615, inclusive, as it may be amended.

187           “School,” a public or private elementary or secondary school; a Head Start program  
188 assisted under the Head Start Act, 42 U.S.C. section 9831 et seq.; and a children’s child care  
189 facility licensed under chapter 15D.

190           (b) In addition to any leave available under the federal act, an employee shall be  
191 entitled to a total of 24 hours of paid leave during any academic year to attend academic  
192 activities; provided that subject to an employer’s approval, an employee who has exhausted the  
193 time allowed may begin to use the employee’s next immediate academic year’s allotted 24 hours  
194 of leave; or use hours of leave transferred to the employee in need of more hours by another  
195 employee or employees.

196           (c) An employer may expand the definition of “academic activity” to include other  
197 school-related events, such as school functions and parent association meetings.

198           (d) (1) If the necessity for leave under this section is foreseeable, the employee shall  
199 provide the employer with not less than five days’ notice before the date the leave is to begin. If  
200 the necessity for leave is not foreseeable, the employee shall provide such notice as is  
201 practicable.

202           (2) An employer may require that a request for leave under this section be supported  
203 by a certification issued at such time and in such manner as the attorney general may by  
204 regulation require.

205           (e) An employee shall make a reasonable attempt to schedule leave for academic  
206 activities outside of regular work hours. When scheduling academic activities for which leave  
207 may be taken, a school or school district shall, if at all possible, accommodate the schedule of an  
208 employee with a child in the school or school district.

209 (f) Notwithstanding subsection (b) of this section, an employer may limit the ability  
210 of an

211 employee to take leave under this section in the following situations:

212 (1) in cases of emergency or other situations that may endanger a person's health or  
213 safety if the employee were to take leave at the provided time of the academic activity; or

214 (2) if the employer employs ten or fewer employees working at one location at a  
215 given time. In this instance, the employer may limit the number of employees who may take  
216 leave for academic activities on a given day.

217 (g) (1) It shall be unlawful for an employer to interfere with, restrain, or deny the  
218 exercise of, or the attempt to exercise, the rights provided under this section or to withhold  
219 benefits provided in this section.

220 (2) It shall be unlawful for an employer to discharge or discriminate against an  
221 employee for acting within the employee's rights to take leave under this section.

222 (3) It shall be unlawful for an employer to discharge or discriminate against an  
223 employee because the employee has filed a charge, or has instituted or caused to be instituted a  
224 proceeding, under or related to this section; has given or is about to give information in  
225 connection with an inquiry or proceeding relating to a right provided under this section; or has  
226 testified or is about to testify in an inquiry or proceeding relating to a right provided under this  
227 section.

228 (h) The attorney general shall enforce this section, and may obtain injunctive or  
229 declaratory relief for this purpose. An employer who violates any provision of this section shall

230 be subject to a fine of not less than \$1,000 or more than \$5,000 for each violation. Jurisdiction  
231 over violations of this section shall be in any court of competent jurisdiction.

232 SECTION 12. Section 9 shall apply commencing the academic school year  
233 beginning 2012.