

# SENATE . . . . . No. 02173

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Senate, March 12, 2012 – New draft of Senate, No. 185 and House, No. 142 and 1906 reported from the committee on Education.

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## The Commonwealth of Massachusetts

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

*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 and Recovery Act.”

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

7 SECTION 3. Section 1I of said chapter 69, as appearing in the 2010 Official Edition, is  
8 hereby amended by inserting, after line 58, the following paragraphs:-

9 All individual public schools that instruct students in kindergarten through grade 12 shall  
10 use the early warning indicator index system, or any successor data collection and tracking  
11 system, developed by the department to identify and track students at risk of not graduating on

12 time. Individual public schools shall collect all necessary data required for the use of the early  
13 warning indicator index system, or any successor data collection and tracking system, as  
14 determined by the department. The department shall offer school districts guidance and support  
15 on the collection, review, and use of the early warning indicator index system, or any successor  
16 data collection system, to best serve the needs of students, teachers, and school staff members.  
17 On an annual basis, the department shall compile and analyze the data submitted by individual  
18 schools and shall provide the compiled data and analysis to the applicable school. The  
19 department shall also make aggregated, de-identified data and analysis available to the public  
20 online on an annual basis in a machine readable format. The board may promulgate regulations  
21 relating to the implementation and use of the early warning indicator index system, or any  
22 successor data collection system, consistent with this paragraph. Notwithstanding anything to  
23 the contrary in this section, school districts may use data collection and tracking systems other  
24 than the data collection and tracking system offered by the department, subject to the approval of  
25 the department. School districts seeking to use data collection and tracking systems other than  
26 the data collection and tracking system offered by the department shall apply to the department  
27 for a waiver. The department shall grant a waiver to a school district if it determines that the data  
28 collection and tracking system of the school district meets or exceeds the criteria of the data  
29 collection and tracking system offered by the department. Any such waiver shall be contingent  
30 upon the school district agreeing to submit its data to the department. The school district and the  
31 department shall also determine who shall be responsible for compiling and analyzing the data  
32 and the system for categorizing students as at-risk, as required by section 22 of chapter 76.

33 SECTION 4. Section 2 of Chapter 70 of the General Laws, as appearing in the 2010  
34 Official Edition, is hereby amended by inserting after subparagraph (G) the following:-

35 (H) “At-risk enrollment”, the number of students between the ages of sixteen and  
36 eighteen enrolled in the district who are identified as “at-risk students” according to the early  
37 warning indicator index system, or any successor data collection and tracking system, as set forth  
38 in section 1I of chapter 69

39 SECTION 5. Section 1C of chapter 71 of the General Laws, as appearing in the 2010  
40 Official Edition, is hereby amended by inserting at the end thereof the following paragraph:-

41 Each school shall conduct, in cooperation with parents and teachers on the school  
42 advisory council, at least one workshop annually for parents and teachers on effective strategies  
43 for involving parents in the education of their child and parental involvement in the education of  
44 at-risk students. Each school district shall provide a model or guidance to its schools on carrying  
45 out the workshops, including, but not limited to, guidance on topics to be covered, outside parties  
46 who may be available to assist in the workshops, and strategies to involve parents with economic  
47 or linguistic barriers to full participation in the school community.

48 SECTION 6. Section 37H of chapter 71 of the General Laws, as appearing in the 2010  
49 Official Edition, is hereby amended by striking out the first sentence in the third paragraph and  
50 inserting in place thereof the following sentence:- In each school building containing any of the  
51 grades six to twelve, inclusive, the principal, in consultation with the school council, shall  
52 prepare and distribute to each student in grades six to twelve, inclusive, a student handbook  
53 setting forth the rules pertaining to the conduct of students.

54 SECTION 7. Said section 37H, as so appearing, is hereby further amended by striking  
55 out paragraph (e) and inserting in place thereof the following sentences:- Any school district that  
56 expels a student under the provisions of this section shall continue to provide educational

57 services to the student during the period of expulsion, as provided in section 21 of chapter 76. If  
58 the student moves to another district during the period of expulsion, the new district of residence  
59 shall either admit the student to its schools or provide educational services to the student under  
60 an education service plan, as provided in section 21 of chapter 76.

61 SECTION 8. Section 37H  $\frac{1}{2}$  of Chapter 71 of the General Laws, as appearing in the 2010  
62 Official Edition, is hereby amended by striking out the last paragraph and inserting in place  
63 thereof the following sentences:- Any school district that expels a student under the provisions of  
64 this section shall continue to provide educational services to the student during the period of  
65 expulsion, as provided in section 21 of chapter 76. If the student moves to another district during  
66 the period of expulsion, the new district of residence shall either admit the student to its schools  
67 or provide educational services to the student under an education service plan, as provided in  
68 section 21 of chapter 76.

69 SECTION 9. Chapter 71 of the General Laws, as appearing in the 2010 Official Edition,  
70 is hereby amended by inserting after section 37H  $\frac{1}{2}$  the following section:-

71 Section 37H  $\frac{3}{4}$ . Other suspensions and expulsions.

72 This section regulates the suspension and expulsion of students enrolled in a public  
73 school in the commonwealth who are not charged with a violation of paragraph (a) or (b) of  
74 Section 37H or with a felony in accordance with Section 37H  $\frac{1}{2}$ .

75 (1) For any suspension or expulsion under this section, the principal or headmaster of a  
76 school in which the student is enrolled, or his or her designee, shall provide, to the student and to  
77 the parent or guardian of the student, a written notification of the charges and the reasons for the  
78 suspension or expulsion in English and in the primary language of the home. The student shall

79 receive the written notification and shall have the opportunity to meet with the principal or  
80 headmaster, or his or her designee, to discuss the charges and reasons for suspension or  
81 expulsion prior to the suspension or expulsion taking effect. The principal or headmaster, or his  
82 or her designee, shall also make reasonable efforts to include the parent or guardian of the  
83 student in the meeting. If a decision is made to suspend or expel the student after the meeting, the  
84 principal or headmaster, or his or her designee, shall update the notification of the reasons for the  
85 suspension or expulsion to reflect the meeting with the student. If a student has been suspended  
86 or expelled from school for more than 10 school days for a single infraction or for more than 10  
87 school days cumulatively for multiple infractions in any school year, the student and the parent  
88 or guardian of the student shall also receive, at the time of the suspension or expulsion decision,  
89 written notification of a right to appeal and the process for appealing the suspension or expulsion  
90 in English and in the primary language of the home; provided, however, that the suspension or  
91 expulsion shall remain in effect prior to any appeal hearing. The principal or headmaster shall  
92 notify the superintendent in writing, including, but not limited to, by electronic means, of any  
93 out-of-school suspension imposed on a student enrolled in kindergarten through grade 3 prior to  
94 such suspension taking effect. Such notification shall describe the student's alleged misconduct  
95 and the reasons for suspending the student out-of-school. For the purposes of this section, the  
96 term "out-of-school suspension" shall mean a disciplinary action imposed by school officials to  
97 remove a student from participation in school activities for 1 day or more.

98         A student who has been suspended or expelled from school for more than 10 school days  
99 for a single infraction or for more than 10 school days cumulatively for multiple infractions in  
100 any school year shall have the right to appeal the suspension or expulsion to the superintendent.  
101 The student or his or her parent or guardian shall notify the superintendent in writing of a request

102 for an appeal no later than 5 calendar days following the effective date of the suspension or  
103 expulsion; provided that a student and his or her parent or guardian may request, and if so  
104 requested, shall be granted an extension of up to 7 calendar days. The superintendent or his or  
105 her designee shall hold a hearing with the student and his or her parent or guardian within 3  
106 calendar days of the student's request for an appeal; provided that a student or his or her parent  
107 or guardian may request and, if so requested, shall be granted an extension of up to 7 calendar  
108 days; provided, further, that the superintendent, or his or her designee, may proceed with a  
109 hearing without a parent or guardian if the superintendent, or his or her designee, makes a good  
110 faith effort to include the parent or guardian. At the hearing, the student shall have the right to  
111 present oral and written testimony, cross-examine witnesses, and shall have the right to counsel.  
112 The superintendent shall render a decision on the appeal in writing within 5 calendar days of the  
113 hearing. Such decision shall be the final decision of the city, town or regional school district with  
114 regard to the suspension or expulsion.

115 (2) Under this section, no student shall be suspended or expelled from a school or school  
116 district for a time period that exceeds 180 school days, beginning the first day the student is  
117 removed from an assigned school building.

118 (3) Any principal, headmaster, superintendent, or or other person acting as a decision-  
119 maker at a student meeting or hearing, when deciding the consequences for the student, shall  
120 exercise discretion; consider ways to re-engage the student in the learning process; and avoid  
121 using expulsion as a consequence until other remedies and consequences have been employed.

122 (4) Districts shall report to the department of elementary and secondary education the  
123 specific reasons for all suspensions and expulsions, regardless of duration or type. The

124 department of elementary and secondary education shall use its existing data collection tools to  
125 obtain this information from districts, and shall modify those tools, as necessary, to obtain the  
126 information. On an annual basis, the department of elementary and secondary education shall  
127 make district-level de-identified data and analysis, including the total number of days each  
128 student is excluded during the school year, available to the public online in a machine readable  
129 format.

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

140 SECTION 11. Said section 1, as so appearing, is hereby further amended by striking out,  
141 in line 14, the word “said” and inserting in place thereof the word:- his.

142 SECTION 12. Said section 1, as so appearing, is hereby further amended by inserting, at  
143 the end of the third paragraph, the following new words:-

144 ; provided that no student, regardless of age, shall face criminal liability or be subject to criminal  
145 penalties for failure to attend school through the mandatory age for school attendance

146 SECTION 13. Said section 1, as so appearing, is hereby further amended by striking out  
147 the fourth paragraph.

148 SECTION 14. Said chapter 76 is hereby further amended by adding after section 1A the  
149 following new section:-

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

155 Each school committee shall have a policy of notifying the parent or guardian of a  
156 student who has at least 5 days in which he or she has missed 2 or more periods unexcused in a  
157 school year or who has missed 5 or more school days unexcused in a school year, whichever is  
158 less. The notification policy shall require that the school principal or his designee make a  
159 reasonable effort to meet with the parent or guardian of a student who has 5 or more unexcused  
160 absences to develop action steps for student attendance. The action steps shall be developed  
161 jointly and agreed upon by the school principal or his designee, the student, and the student's  
162 parent or guardian, and with input from other relevant school personnel and officials from  
163 relevant public safety, health and human service, housing and nonprofit agencies.

164 SECTION 15. Section 18 of said chapter 76, as so appearing, is hereby amended by  
165 striking out the first paragraph and inserting in place thereof the following new paragraphs:-

166 No student who has not graduated from high school shall be considered to have  
167 permanently left public school unless an administrator of the school which such student last



168 attended has sent notice within a period of 5 days from the student's tenth consecutive absence to  
169 the student and the parent or guardian of such student in both the primary language of such  
170 parent or guardian, to the extent practicable, and English. The notice shall initially offer at least  
171 two dates and times for an exit interview between the superintendent or his designee and the  
172 student and his parent or guardian to occur prior to the student permanently leaving school and  
173 shall include contact information for scheduling the interview. The notice shall indicate that the  
174 parties shall agree upon a date and time for any such interview and hold any such interview  
175 within 10 days after the sending of the notice. The time for said exit interview may be extended  
176 at the request of the parent or guardian, provided no extension shall be for longer than 14 days.  
177 The superintendent, or his or her designee, may proceed with any such interview without a  
178 parent or guardian if the superintendent, or his or her designee, makes a good faith effort to  
179 include the parent or guardian. The exit interview shall be for the purpose of discussing the  
180 reasons for the student permanently leaving school and to consider alternative education or other  
181 placements.

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

188         The department of elementary and secondary education shall: (i) publish a model  
189 protocol for conducting exit interviews with students and parents and guardians of students; and  
190 (ii) compile and maintain a list of research and information relative to the consequences of

191 dropping out, the benefits of earning a high school diploma and a list of alternative education  
192 resources and programs available to the student, in addition to those that the district may provide,  
193 that schools shall present at the exit interview.

194 SECTION 16. Said section 18, as so appearing, is hereby further amended by striking  
195 out, in line 17, the word “sixteen” and inserting in place thereof the following word:- eighteen.

196 SECTION 17. Said chapter 76, as so appearing, is hereby further amended by inserting  
197 after section 20 the following sections:-

198 Section 21. Principals shall ensure that students who are suspended from school for 10 or  
199 fewer consecutive days, whether in or out of school, shall have an opportunity to make academic  
200 progress during the period of their suspension, to make up assignments and earn credits missed,  
201 including, but not limited to, homework, quizzes, exams, papers, and projects missed. Principals  
202 shall develop a school-wide education service plan for all students who are expelled or  
203 suspended from school for more than 10 consecutive school days, whether in or out of school.  
204 Principals shall ensure these students have an opportunity to make academic progress during the  
205 period of their suspension or expulsion, to make up assignments and earn credits missed,  
206 including, but not limited to, homework, quizzes exams, papers, and projects missed. Education  
207 service plans may include, but are not limited to, tutoring, alternative placement, Saturday  
208 school, and online or distance learning. In developing the education service plan, principals may  
209 seek the cooperation or input of relevant public safety, health and human service, housing and  
210 nonprofit agencies, and other service providers. Any school or school district that expels a  
211 student or suspends a student for more than 10 consecutive school days shall provide the student  
212 and his or her parent or guardian with a list of alternative educational services. Upon selection of

213 an alternative educational service by the student and his or her parent or guardian, the school or  
214 school district shall facilitate and verify enrollment in said service. Students exempt from  
215 attending school under section 1 of chapter 76 shall not be subject to this provision.

216           Instructional costs associated with implementing an education service plan pursuant to  
217 this section shall be eligible for reimbursement under section 5A of chapter 71B, subject to  
218 appropriation. Said reimbursements shall be in addition to amounts distributed pursuant to  
219 chapter 70 and shall not be included in the calculation of base aid, as defined in said chapter 70,  
220 for any subsequent fiscal year. Instructional costs eligible for reimbursement shall include only  
221 those costs directly attributable to providing alternative educational services under an education  
222 service plan, such as salary of educational personnel, salary of related services personnel, costs  
223 for specialized books, materials, or equipment, tuition costs, if the student is receiving services  
224 from other than the local public school, consultant costs if directly attributable to the student's  
225 instructional program, and instructional costs of extended day or year services if such services  
226 are a part of the education service plan. Such costs shall be prorated as appropriate to reflect  
227 group activities or costs for part time services. Instructional costs shall not include transportation  
228 costs, administrative or overhead costs, the costs of adapting classrooms or materials that are  
229 used by more than one student, the costs of fringe benefits of personnel employed by the school  
230 district, nor the costs associated with the development of the education service plan, or service  
231 coordination for the student. Instructional costs associated with an education service plan shall be  
232 reported to and approved by the department, and shall be reimbursed according to the formula  
233 and procedures set forth in section 5A of chapter 71B.

234           Section 22. Massachusetts Graduation Coach Initiative.

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

236 “Students-at-risk of dropping out of school” are any students deemed borderline, high  
237 risk, or very high risk, or students that fall under corresponding risk levels in any successor  
238 system, according to the early warning indicator index system used by the department of  
239 elementary and secondary education, or any successor data collection and tracking system, as set  
240 forth in section 11 of chapter 69. For purposes of this act, “students at-risk of dropping out of  
241 school” may also be referred to as “at-risk students.”

242 The Massachusetts graduation coach initiative shall match at-risk students in grades 7  
243 through 12 who attend schools that qualify for a graduation coach under this section with  
244 graduation coaches who will monitor the students’ attendance and provide advice and  
245 intervention services, or connection to intervention services, such as, but not limited to, peer  
246 tutoring, credit recovery, and academic remediation. Graduation coaches shall leverage the  
247 resources and assistance of community organizations working successfully in the field of dropout  
248 intervention and recovery. Graduation coaches shall ensure successful transition of at-risk  
249 students from middle school to high school, connecting these students with the students’ new  
250 school.

251 The department of elementary and secondary education shall provide resources for  
252 districts to hire and place graduation coaches in every public middle school and high school that,  
253 for a high school, has a total annual dropout rate of 10% or more and that, for grades 7 and 8, has  
254 a total annual incidence of at-risk students of 10% or more in those grades; provided, however,  
255 that a district shall not receive resources for a school with fewer than 20 students who fall into  
256 the foregoing categories. The department of elementary and secondary education shall

257 promulgate regulations that set forth an appropriate trigger for graduation coach resources for  
258 schools with disproportionate dropout rates and incidences of at-risk students for demographic  
259 subgroups. The department of elementary and secondary education shall also promulgate  
260 regulations as to an appropriate coach to student ratio, by which to guide placement of coaches in  
261 the respective schools. Districts that share graduation coaches shall develop an interagency  
262 services agreement that sets forth such issues as hiring, oversight and supervision, and payment.  
263 The department of elementary and secondary education shall promulgate regulations on what the  
264 agreement shall cover. Nothing herein shall prohibit a school district or districts from partnering  
265 with an external nonprofit agency with experience and proven results in youth development to  
266 staff a graduation coach in a qualifying school or schools. The department of elementary and  
267 secondary may establish regulations setting forth criteria for qualifying agencies.

268         The department of elementary and secondary education shall establish employment  
269 qualifications and program design criteria with which districts must comply as a condition of  
270 receiving funding through the Massachusetts graduation coach initiative; provided that  
271 graduation coaches shall meet employment qualifications equal to or greater than minimum state  
272 employment qualifications and shall hold at least a four year bachelor's degree from an  
273 accredited institution. Candidates for employment as a graduation coach also shall have some  
274 past experience working effectively with youth. Districts that meet these conditions shall have  
275 the authority to hire and place graduation coaches in qualifying schools. The department of  
276 elementary and secondary education may provide a standardized orientation to graduation  
277 coaches. The responsibilities of graduation coaches shall include, but not be limited to, the  
278 following: identifying at-risk students; implementing school wide support interventions;  
279 motivating students to focus on a graduation plan; negotiating extra help for at-risk students;

280 providing academic advice and student support; developing effective transition programs to aid  
281 at-risk students moving between schools; connecting parents of at-risk students with appropriate  
282 school and community resources; connecting at-risk students with school and community  
283 resources; encouraging parent and community involvement; assisting in the reenrollment of  
284 students who recently left school; and identifying and addressing barriers to learning resulting  
285 from specific risk factors. Districts with high numbers of dropouts may choose to focus the  
286 responsibilities of a coach on outreach and re-engagement of dropouts and students with five or  
287 more absences unexcused.

288         Each school district shall provide the graduation coach with professional development  
289 opportunities and administrative and technical support in concert with existing district  
290 professional development and administrative and technical support services for district staff.  
291 School districts may partner together to provide professional development opportunities and  
292 administrative and technical support services. The professional development and support  
293 services shall include guidance for graduation coaches on how to best integrate their work with  
294 the efforts of school counselors and school social workers in the schools and districts in which  
295 they are placed so as to achieve efficient and effective provision of services and to avoid  
296 duplication of work. School districts and school administrators shall consider existing needs and  
297 programs when determining the placement of individual coaches. The department of elementary  
298 and secondary education may coordinate and lead annual regional meetings to allow graduation  
299 coaches to network and share best practices, strategies, and problem solving methods.

300         The graduation coach shall develop and implement an individualized family engagement  
301 plan for at-risk students to identify and support practical strategies for strong family involvement  
302 in the student's academic life and in the student's school community. The graduation coach shall

303 convene and develop the plan jointly with the student; his or her parent or guardian or any other  
304 family member or caretaker involved in the student's academic life; and a representative of the  
305 student's school, which may include, but not be limited to, a general education teacher serving  
306 the student, a special education teacher serving the student, or a member of the school's  
307 administrative team. The individualized family engagement plan shall describe each of the  
308 aforementioned parties' responsibilities and expectations for supporting the student's educational  
309 progress and shall be signed by the parties. The individualized family engagement plan may be  
310 developed in conjunction with or as part of an individual student success plan or an  
311 individualized education plan; provided, however, that the individualized family engagement  
312 plan, as required under this section, must be clearly and separately delineated.

313           SECTION 18. The department of elementary and secondary education shall track and  
314 study the impact on levels of parent engagement and academic success of students in an  
315 employer-sponsored pilot program that provides paid leave for employees to participate in  
316 academic activities. Any employer in the Commonwealth shall be eligible for the pilot program  
317 and, if interested, shall inform the department of elementary and secondary education of its intent  
318 to participate in the pilot program. The department shall commence said pilot program upon the  
319 availability of a statistically significant number of employer and potential employee participants.  
320 Prior to implementation of a program, the department of elementary and secondary education  
321 and the employer shall enter into an agreement to outline the terms of the program and the  
322 department's study. The agreement shall specify the amount of time, on an annualized basis, to  
323 be offered to employees and any limitations or conditions on the use of time, including, but not  
324 limited to, requirements for notice, limitations in cases of emergency, and rules for evidence of  
325 attendance at an academic activity. The agreement shall also specify the length of time that the

326 program shall run and shall outline the data reporting and collection responsibilities of each  
327 party. The agreement shall include a statement that it shall be unlawful for an employer to  
328 discharge or discriminate against an employee for taking leave under the program. The  
329 department of elementary and secondary education shall report the results and findings of the  
330 study to the clerks of the House of Representatives and the Senate within six months of  
331 completion of the study or at the conclusion of the second year of the study, whichever is less,  
332 who shall convey the results and findings to the chairs of the joint committee on education and  
333 the chairs of the joint committee on labor and workforce development.

334 SECTION 19. Chapter 741 of the Acts of 1965 is hereby repealed.

335 SECTION 20. Section 2 shall be effective as of September 1, 2014. From September 1,  
336 2013 until August 31, 2014, all children under the age of 17 shall be required to attend school if  
337 they have not graduated from high school.

338 SECTION 21. Section 3 shall apply commencing the academic school year beginning  
339 2012.

340 SECTION 22. In Section 15, proposed section 22 of chapter 76 of the General Laws, as  
341 appearing in the 2010 Official Edition, shall apply commencing the academic school year  
342 beginning 2013.