HOUSE . . . . . No. 4140

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

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:

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

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

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

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

24 SECTION 5. Said section 1 of said chapter 76, as so appearing, is hereby further
25 amended by 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
28 new section:-

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

34

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

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

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

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

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

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

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

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

79 Section 21. Principals shall ensure that students who are suspended from school for 10
80 or fewer consecutive days, whether in or out of school, shall have an opportunity to make
81 academic progress during the period of their suspension, to make up assignments and earn
82 credits missed, including, but not limited to, homework, quizzes, exams, papers, and projects
83 missed. Principals shall develop a school-wide education service plan for all students who are
84 suspended from school for more than 10 consecutive school days. Principals shall ensure these
85 students have an opportunity to make academic progress during the period of their suspension, to
86 make up assignments and earn credits missed, including, but not limited to, homework, quizzes
87 exams, papers, and projects missed. Education service plans may include, but are not limited to,
88 tutoring, alternative placement, Saturday school, and online or distance learning. In developing
89 the education service plan, principals may seek the cooperation or input of relevant public safety,
90 health and human service, housing and nonprofit agencies, and other service providers. Any
91 school or school district that expels a student or suspends a student for more than 10 consecutive
92 school days shall provide the student and his or her parent or guardian with a list of alternative
93 educational services. Upon selection of an alternative educational service by the student and his
94 or her parent or guardian, the school or school district shall facilitate and verify enrollment in
95 said service. Students exempt from attending school under section 1 of chapter 76 shall not be
96 subject to this provision.

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

103 Section 22. Every school district with an annual dropout rate greater than 2% shall
104 develop a district-wide action plan designed to reduce the dropout rate and to assist students who
105 have dropped out of school and want to return to complete their high school education. Action
106 plans shall be submitted to the department of elementary and secondary education and shall
107 include, but not be limited to, the following content:

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

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

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

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

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

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

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

123 Districts shall work with teams of community stakeholders to develop a comprehensive
124 approach to address the dropout issue. The comprehensive approach shall include the district
125 offering alternative options that enable students who have dropped out to return and receive a
126 full high school diploma. Such options may be delivered directly by the school district or by
127 non-profits approved by the school district. The department of elementary and secondary
128 education shall publish guidance for school districts to consider when creating their plans and
129 provide technical assistance to enhance the districts' ability to meet the diverse needs of its
130 student population. Technical assistance should include several research-based alternative
131 options and strategies.

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

134 “Expectant student”, a student who is pregnant or is the father of an expected child.

135 “Parenting student”, a male or female student who is the parent of a child.

136 (b) Each school district with students in grade 7 or higher shall develop, adhere to and
137 update an expectant and parenting student policy. When developing and updating such a policy,
138 a school district shall consult with teachers and other school staff members, formerly or currently
139 pregnant or parenting students, parents, guardians, relevant community-based organizations, and
140 teen parent advocates. Each district shall review and update the expectant and parenting student
141 policy at least every 5 years. Each district shall file its expectant and parenting student policy,
142 including any updates to it, with the department of elementary and secondary education. The
143 department shall post on its website a list of districts that have not filed an expectant and
144 parenting student policy and a list of districts that have not filed an updated policy at least every
145 5 years.

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

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

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

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

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

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

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

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

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

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

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

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

191 The duties of the expectant and parenting student liaison may be in addition to other
192 duties he may have. Notwithstanding any general or special law to the contrary, the expectant
193 and parenting student liaison shall have access to the school records necessary for the liaison to
194 assist the expectant or parenting student with the development of a plan for the student to
195 graduate from high school.

196 Each expectant and parenting student liaison shall, in close consultation with an
197 expectant or parenting student, create an individualized plan for graduation that (1) is designed to
198 ensure the student meets graduation requirements, (2) includes flexible class scheduling and
199 alternative credit accumulation options, as needed, and (3) furthers the student's post-graduation
200 college or career goals. As needed, the plan shall also include a proposed end date for the
201 student's maternity or paternity leave of absence. The liaison shall present the advantages and
202 disadvantages of each education option available to the student and work with the student to

203 determine which options best meet the student's needs. With the consent of the student, the
204 liaison shall make a reasonable attempt to engage a family member in the development of the
205 plan and any modifications to it. If such a family member is not available or if the student does
206 not consent to the involvement of a family member, the liaison shall make a reasonable attempt
207 to engage an adult outside of the student's family in the development or modification of the plan,
208 provided that the student consents to such involvement.

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

212 Before, during and after a student's maternity or paternity leave of absence, the liaison
213 shall attempt to connect a student with academic and social-emotional supports within and
214 outside of the school, including but not limited to child care, health care, transportation, flexible
215 scheduling, alternative credit accumulation options, and parenting classes. The liaison shall
216 follow up with the student to ensure he or she has obtained needed supports and shall, where
217 necessary, work in partnership with community-based organizations to assist and advocate for
218 the student in obtaining support services.

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

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

227 (e) The expectant and parenting student liaison shall annually report to the superintendent
228 the number of parenting students in the school, a summary of the academic achievement of said
229 students, the number who graduate from high school, the number who drop out of school, and
230 the number who enroll in post-secondary educational programs. Each superintendent shall
231 annually report such data for the school district to the department of elementary and secondary
232 education.

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

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

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

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

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

250 SECTION 12. Section 1 shall be effective as of September 1, 2014. From September 1,
251 2013 until August 31, 2014, all children under the age of 17 shall be required to attend school if
252 they have not graduated from high school.