SENATE DOCKET, NO. 981 FILED ON: 1/20/2011

SENATE . . . . . No. 185

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 adoption of the accompanying bill:

An Act preventing students from dropping out of school..

PETITION OF:

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

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SENATE . . . . . No. 185

By Ms. Chang-Diaz, a petition (accompanied by bill, Senate, No. 185) of Sonia Chang-Diaz, Denise Provost, Elizabeth A. Malia, Karen E. Spilka and other members of the General Court for legislation to prevent students from dropping out of school. 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:

SECTION 1. SHORT TITLE

This act may be cited as the "Dropout Prevention Act."

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

All individual public schools that instruct students in grades kindergarten through grade 12 shall use the early warning indicator index system developed and piloted by the department of elementary and secondary education. Individual public schools shall collect all necessary data required for the use of the early warning indicator index system as decided by the department of elementary and secondary education, provided that specific data variables may change as the department of elementary and secondary education continues to update, improve, and refine the early warning indicator index. The department of elementary and secondary 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
18 pilot 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
34 the 2008 Official Edition, is hereby amended by adding the following paragraph at the end
35 thereof:-

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

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

45 SECTION 5. Chapter 71 of the General Laws, as appearing in the 2008
46 Official Edition, is hereby amended by inserting after section 37H ½, the following section:

47 Section 37H ¾. Non-felony suspension and expulsion limitations.

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

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

58 notification of a right to appeal and the process for appealing such suspension or expulsion;
59 provided, however, that such suspension or expulsion shall remain in effect prior to any appeal
60 hearing conducted by the superintendent.

61 The student shall have the right to appeal the suspension or expulsion to the
62 superintendent. The student shall notify the superintendent in writing of a request for an appeal
63 no later than five calendar days following the effective date of the suspension or expulsion. The
64 superintendent or the superintendent's designee, shall hold a hearing with the student and the
65 student's parent or guardian within three calendar days of the student's request for an appeal. At
66 the hearing, the student shall have the right to present oral and written testimony, and shall have
67 the right to counsel. The superintendent shall

68 render a decision on the appeal within five calendar days of the hearing. Such decision
69 shall be the final decision of the city, town or regional school district with regard to the
70 suspension or expulsion.

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

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

77 (4) Any teacher, principal, hearing officer or other person acting as a
78 decision-maker at a student hearing, when deciding the punishment for the student, shall exercise

79 discretion; consider ways to re-engage the student in the learning process; and avoid using
80 expulsion as a punishment until other punishments have been employed.

81 (5) Any student who is 16 years of age or younger shall be offered alternative
82 educational options by the school district if suspended or expelled for a time period of more than
83 ten consecutive school days. Students exempt from attending school under section 1 of chapter
84 76 shall not be subject to this provision.

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

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

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

95 The graduation coach as described in section 21 shall convene the student,
96 parent or guardian, and a representative of the student’s school, which may include, but not be
97 limited to, a general education teacher serving the student, a special education teacher serving the
98 student, or a member of the school’s administrative team, to develop an “individualized family
99 engagement plan” with the goal of supporting, assisting and developing practical strategies for
100 strong family involvement in the student’s academic life and in the student’s school community.

101 Once developed, the "individualized family engagement plan" shall describe each of the
102 aforementioned party's responsibilities and shall be signed by the parties.

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

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

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

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

117 Section 21. Massachusetts Graduation Coach Initiative.

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

119 "Students-at-risk of dropping out of school" are any students deemed at-risk
120 according to the early warning indicator index system used by the department of elementary and

121 secondary education. For purposes of this act, “students at-risk of dropping out of school” may
122 also be referred to as “at-risk students.”

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

140 For hiring purposes, graduation coaches shall meet minimum state
141 employment qualifications and hold at least a four-year bachelor’s degree from an accredited
142 institution. Candidates for employment as a graduation coach also shall have some past
143 experience working effectively with youth. Graduation coaches’ responsibilities shall include,

144 but not be limited to, the following: identifying at-risk students; implementing school wide
145 support interventions; motivating students to focus on a graduation plan; negotiating extra help
146 for at-risk students; providing academic advice and student support; developing effective
147 transition programs to aid at-risk students moving between schools; connecting parents of at-risk
148 students with appropriate school and community resources; connecting at-risk students with
149 school and community resources; and encouraging parent and community involvement.

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

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

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

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

167 Section 52E. Family leave for academic activities.

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

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

175 "Academic year," the period allotted by a school for the completion of one
176 grade

177 level of study.

178 "Child," a biological, adopted, or foster child, stepchild, legal ward, or child
179 of a parent standing in loco parentis who attends a school.

180 "District" or "School district," the school department of a city or town, or a
181 regional school district.

182 "Employee," any person who performs services or previously performed
183 services for an employer for wages, remuneration, or other compensation. An independent
184 contractor is not considered an "employee" for purposes of this act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

232 (h) The attorney general shall enforce this section, and may obtain injunctive
233 or declaratory relief for this purpose. An employer who violates any provision of this section
234 shall be subject to a fine of not less than $1,000 or more than $5,000 for each violation.
235 Jurisdiction over violations of this section shall be in any court of competent jurisdiction.

236 SECTION 12. Section 9 shall apply commencing the academic school year
237 beginning 2012.