

HOUSE No. 525

The Commonwealth of Massachusetts

PRESENTED BY:

Martha M. Walz

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 enhancing the educational outcomes of expectant and parenting students.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Martha M. Walz</i>	<i>8th Suffolk</i>	<i>1/15/2013</i>
<i>Ruth B. Balse</i>	<i>12th Middlesex</i>	
<i>Cory Atkins</i>	<i>14th Middlesex</i>	
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	
<i>Denise Andrews</i>	<i>2nd Franklin</i>	
<i>Gloria L. Fox</i>	<i>7th Suffolk</i>	
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>	
<i>Cheryl A. Coakley-Rivera</i>	<i>10th Hampden</i>	

HOUSE No. 525

By Ms. Walz of Boston, a petition (accompanied by bill, House, No. 525) of Martha M. Walz and others relative to enhancing the educational opportunities for expectant and parenting students. Education.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act enhancing the educational outcomes of expectant and parenting students.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to increase the high school graduation rate among expectant and parenting students, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. Chapter 76 of the General Laws is hereby amended by inserting after
2 section 21 the following section:-

3 Section 22. (a) As used in this section the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:-

5 “Department”, the department of elementary and secondary education.

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

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

8 “Parenting student liaison”, the position established under subsection (d).

9 “Title IX”, Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq.

10 “Title IX coordinator”, the school district employee designated under the requirements of
11 Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq. and its implementing
12 regulations, 34 C.F.R. pt 106.

13 (b) Each school district with students in grade 7 or higher shall develop, adhere to and
14 update an expectant and parenting student policy. When developing and updating the policy, a
15 school district shall consult with teachers and other school staff members, formerly or currently
16 expectant or parenting students, parents, guardians, relevant community-based organizations and
17 teen parent advocates. Each district shall review and update the expectant and parenting student
18 policy at least every 5 years. Each district shall file its expectant and parenting student policy,
19 including any updates to it, with the department. The department shall post on its website a list of
20 districts that have not filed an expectant and parenting student policy and a list of districts that
21 have not filed an updated policy at least every 5 years. The department shall make any district's
22 policy available to the public upon request without requiring compliance under chapter 66.

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

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

26 (2) a maternity and paternity leave of absence policy, including a statement that the
27 amount of leave for each student shall be reasonable and determined in compliance with federal
28 law and in consultation with: (i) the student; (ii) the expectant and parenting student liaison, if
29 applicable; (iii) the student's health care providers, as needed; and (iv) any other adults the
30 student may consent to involve;

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

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

35 (5) a statement that students must give informed consent to the inclusion of their
36 expectant or parenting status in their school records and, as part of that informed consent, be
37 informed of all people who have access to their student records, including the students' parents
38 or guardians;

39 (6) a statement on accommodations for student parents who are nursing; and

40 (7) an explanation of students' Title IX protections and how the district will ensure
41 its compliance with Title IX that shall include, but not be limited to, the following:

42 (i) a statement that no student shall, on the basis of expectant or parenting student status,
43 be excluded from participation in, denied the benefits of, or be subjected to discrimination under
44 any educational program, award opportunity, or activity;

45 (ii) a statement that the school will treat pregnancy and related conditions as it treats any
46 other medical condition or temporary disability;

47 (iii) a statement that any school employee who becomes aware of discrimination against
48 an expectant or parenting student shall report such discrimination; and

49 (iv) a statement on how and to whom a report of discrimination must be made to facilitate
50 prompt and equitable resolution of any grievances.

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

53 Each school with students in grade 7 or higher shall provide staff members with annual
54 written notice of the expectant and parenting student policy and include the policy or a summary
55 of the policy in its student handbook. Each district with students in grade 7 or higher shall post
56 the policy on its website and the name, title, phone number, email address and work address of
57 each school district's Title IX coordinator as well as an explanation of how each district informs
58 students of their Title IX protections. When any teacher, administrator or counselor in a school
59 with students in grade 7 or higher becomes aware that a student is pregnant, expecting or
60 parenting he shall notify the school principal or the person who is responsible for the
61 implementation and oversight of the expectant and parenting student policy within 7 school days,
62 that person shall provide the student with a copy of the district's policy and a description of
63 expectant and parenting students' rights under state and federal law, and with the student's
64 permission, inform the Title IX coordinator or parenting student liaison, if applicable.

65 (c) The department, after consultation with relevant state agencies and appropriate
66 community partners including the Massachusetts Alliance on Teen Pregnancy shall: (i) publish a
67 model expectant and parenting student policy; and (ii) compile and post on its website a list of
68 resources, best practices and research for schools to use to help expectant and parenting students
69 stay in school and to increase graduation rates for expectant and parenting students. These
70 materials shall be incorporated into the training of expectant and parenting student liaisons, as
71 described in subsection (d). The department shall update the model plan and the list of resources,
72 best practices and research at least every 3 years.

73 (d) A public school with students in grade 7 or higher in either (i) a municipality with an
74 annual birth rate to women ages 13 to 19, inclusive, greater than 40 births per 1,000 women, or
75 (ii) a municipality with an annual total number of births to women ages 13 to 19, inclusive,
76 greater than 150 shall have an expectant and parenting student liaison.

77 Each school shall post on its website the name and contact information of its expectant
78 and parenting student liaison. The duties of the expectant and parenting student liaison may be in
79 addition to other duties the liaison may have. Notwithstanding any general or special law to the
80 contrary, the expectant and parenting student liaison shall have access to the school records
81 necessary for the liaison to assist the expectant or parenting student with the development of a
82 plan for the student to graduate from high school.

83 The department of public health shall calculate the annual birth rate and annual total
84 number of births to women ages 13 to 19, inclusive, of each municipality. No later than April 1,
85 the department of public health shall notify the department of its findings. No later than May 1,
86 the department shall notify those school districts whose annual birth rate or annual total number
87 of births to women ages 13 to 19, inclusive, require the designation of an expectant and parenting
88 student liaison in the upcoming school year.

89 Each expectant and parenting student liaison shall, in close consultation with an
90 expectant or parenting student, create an individualized plan for graduation that (i) is designed to
91 ensure the student meets graduation requirements, (ii) includes flexible class scheduling and
92 alternative credit accumulation options, as needed, and (iii) furthers the student's post-graduation
93 college or career goals. As needed, the plan shall also include a proposed end date for the
94 student's maternity or paternity leave of absence. The liaison shall present the advantages and
95 disadvantages of each education option available to the student, without coercing or steering the
96 student in any direction, and work with the student to determine which options best meet the
97 student's needs. If flexible class scheduling and alternative credit accumulation options are not
98 available in the student's school or district, the liaison shall work with the student to find such
99 options. With the consent of the student, the liaison shall make a reasonable attempt to engage a
100 family member in the development of the plan and any modifications to it. If such a family
101 member is not available or if the student does not consent to the involvement of a family
102 member, the liaison shall make a reasonable attempt to engage an adult outside of the student's
103 family in the development or modification of the plan, provided that the student consents to such
104 involvement.

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

108 Before, during and after a student's maternity or paternity leave of absence, the liaison
109 shall attempt to connect a student with academic and social-emotional supports within and
110 outside of the school, including but not limited to child care, health care, transportation, flexible
111 scheduling, alternative credit accumulation options, and parenting and life skills classes. The
112 liaison shall follow up with the student to ensure he or she has obtained needed supports and
113 shall, where necessary, work in partnership with community-based organizations to assist and
114 advocate for the student in obtaining support services. The expectant and parenting student
115 liaison shall inform each expectant and parenting student of the student's rights under Title IX.

116 Each school district shall ensure that each expectant and parenting student liaison
117 receives training from an organization with expertise in the needs and rights of expectant and
118 parenting students. This training shall include but not be limited to the rights of expectant and
119 parenting students under federal law, information on graduation requirements, flexible

120 scheduling options, alternative education options, community resources for expectant and
121 parenting teens, and the importance of encouragement and support of their educational success.

122 (e) The expectant and parenting student liaison or Title IX coordinator shall annually
123 report to the superintendent the known number of parenting students in the school, a summary of
124 the academic achievement of these students, the number who graduate from high school, the
125 number who drop out of school, and the number who enroll in post-secondary educational
126 programs. Each superintendent shall annually report this data for the school district to the
127 department. The department shall use its existing data collection tools to obtain this information
128 from districts and shall modify those tools, as necessary, to obtain the information. The
129 department shall post on its website aggregate statewide data and shall make district level data
130 available upon request except for data from districts that report fewer than 5 parenting students.

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

133 (g) Nothing in this section shall supersede or replace rights or remedies under any other
134 general or special law, nor shall this section create a private right of action.

135 SECTION 2. Each public school with students in grade 7 or higher that is required to
136 have an expectant and parenting student liaison shall identify and train a liaison, as defined under
137 section 22 of chapter 76, no later than September 1, 2015. No later than September 1, 2015, each
138 public school with students in grade 7 or higher shall have and shall file with the department of
139 elementary and secondary education an expectant and parenting student policy. No later than
140 September 1, 2015, the department of elementary and secondary education shall specify a
141 method for districts and schools to report the information required by subsection (e) of section 22
142 of chapter 76.