

HOUSE No. 228

The Commonwealth of Massachusetts

PRESENTED BY:

Natalie M. Higgins and Jack Patrick Lewis

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 to eliminate disproportionality and inequities for at-risk children.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/18/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/18/2021</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>3/9/2021</i>

HOUSE No. 228

By Representatives Higgins of Leominster and Lewis of Framingham, a petition (accompanied by bill, House, No. 228) of Natalie M. Higgins, Jack Patrick Lewis and Frank A. Moran for legislation to eliminate disproportionality and inequities for at-risk children. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to eliminate disproportionality and inequities for at-risk children.

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 18C of the General Laws is hereby amended by inserting the
2 following section:

3 SECTION 15: Collection and Reporting of Information on Inequity in Child Serving
4 Entities

5 (a) As used in this chapter, the following words shall have the following meanings:

6 (1) “Disproportionality”, a situation in which the demographics of a particular group
7 differs substantially from the demographics of the population at large. Examples of demographic
8 categories for which disproportionality may exist include race, cultural background, ethnicity,
9 gender identity, sexual orientation, transgender status or disability.

10 (2) “Inequity”, a situation in which members of a particular group are given an
11 unequal share of treatment, status, or opportunity. Examples of group categories which may

12 experience inequities include race, ethnicity, cultural background, gender identity, sexual
13 orientation, transgender status, or disability.

14 (3) “Child Serving State Entities”, State entities that provide services to children,
15 including the executive office of health and human services, the department of children and
16 families, the department of developmental services, the department of mental health, the
17 commission for the deaf and hard of hearing, the department of youth services, the department of
18 public health, the department of transitional assistance, the department of early education and
19 care, masshealth, the department of elementary and secondary education, the trial court, and the
20 massachusetts probation service.

21 (b) Subject to appropriation, the child advocate shall produce a report on
22 disproportionality and inequity in services provided by child-serving state entities. The report
23 shall include, to the extent available, statistics on (1) the level and type of involvement of
24 children in various demographic groups in each of the state's child serving entities, including the
25 points of entry and exit, and at each point at which a critical decision is made; (2) the number of
26 children in low-income families involved in each of the state's child serving entities; (3) any
27 short and long-term outcomes of that involvement, including but not limited to the results of
28 critical decisions and any other outcomes identified by each child-serving state entity. The
29 demographic categories to be examined shall include, but are not limited to, race and ethnicity,
30 sexual orientation, gender identity, transgender status, and disability status. The report shall also
31 identify outcomes and how they are measured, The report shall provide a detailed description of
32 any relevant data that was not available to the child advocate in writing the report.

33 (c) The initial report shall be produced within one year of passage of this law and
34 updated annually thereafter. The report shall be submitted to the governor, the secretary of health
35 and human services, the house and senate chairs of the joint committee on children, families and
36 persons with disabilities and the chief justice of the trial court. The report shall also be made
37 publicly available on the child advocate's website.

38 (d) The child advocate shall request data from child-serving state entities holding data
39 necessary to complete the aforementioned report.

40 (e) The child advocate shall issue guidance or promulgate regulations for the
41 administration and enforcement of this section, including guidance or regulations establishing (1)
42 schedules for the submission, transmission and publication of the data (2) the format and form
43 that the aforementioned data from child-serving state entities shall take, including any
44 requirements that data should be available for manipulation or disaggregation, and the format
45 that transmission of the data shall take. The child advocate may request, and if such a request is
46 made all child-serving state entities shall provide, individual level data to facilitate analysis,
47 provided that the child advocate shall be bound by any limitations on the use or release of
48 information imposed by law upon the party furnishing such information as described in Section
49 12 of this chapter.

50 (f) The office of the child advocate shall annually produce a public report with
51 detailed recommendations for addressing inequities in child serving state entities. Topics that
52 may be examined include, but are not limited to, (1) statewide data reporting systems that
53 ensure child serving state entities collect accurate, consistent, and comprehensive data that
54 measures disproportionality and inequity; (2) Staff trainings on implicit bias, privilege, cultural

55 awareness and professional practice.; (3) Existing and new early intervention and preventive
56 programming services and curriculum for children involved with state care, not limited to, but
57 including: (i) strength-based approaches to engage and promote positive outcomes; (ii)
58 community based, wraparound services; (iii) educational advocacy and support services; (iv)
59 school based referrals to mental health care, DCF, DYS and DMH; (v) programming that
60 supports collaborative relationships among community, faith based, private, and public
61 organizations; (vi) home based prevention services in the child serving state entities; (vii)
62 transitional services for foster youth and former foster youth; (h) Child and family teams for
63 youth in state entities; (viii) Other early intervention and preventive programming services.(ix)
64 Model procurement language and contract oversight that support culturally accessible services
65 for children, youth and families; (4) a strategic plan to recruit and retain diverse professionals
66 and staff level employees throughout all service delivery systems; (5) recommendations on
67 existing policies that have reduced disproportionality and inequities for youth and children
68 within massachusetts, nationally, and in other states and localities including but not limited to:
69 blind removal meetings, accountability and quality assurance and improvements structures to
70 measure outcomes and ensure fidelity, nondiscrimination policies and implementation, and
71 recruitment of affirming foster parents and appropriate kin; (6) recommendations for
72 administrative and legislative actions related to appropriate programs and services to reduce and
73 eliminate disparities in the child serving state entities and improve the long-term outcomes for
74 children who are served by state entities; and (7) performance measures for implementing the
75 recommendations.

76 (g) The child advocate shall write the reports in subsection (b) and (f) in consultation
77 with individuals and groups with relevant expertise, including expertise in the operation of child-

78 serving entities, experience interacting with child-serving entities, and expertise in identifying
79 and addressing disproportionality and inequity in government policies and practices.

80 (h) Based on the findings of the report(s) from subsection (b) and (f), each child
81 serving state entity will be required to publicly produce a corrective action plan to ensure that it
82 (1) collects accurate, consistent, and comprehensive data that measures disproportionality and
83 inequity and (2) identifies and implements effective policies and practices for reducing
84 disproportionality and inequity – which may include recommendations from the report produced
85 from subsection (f). The office of the child advocate is required to review the corrective action
86 plans and make recommendations.