

**HOUSE . . . . . No. 236**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Kay Khan and David Henry Argosky LeBoeuf***

*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 creating an electronic backpack for foster children.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/3/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/8/2021</i>
<i>Suzanne M. Bump (Auditor of the Commonwealth)</i>	<i>State House,</i>	<i>2/4/2021</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>2/3/2021</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>2/5/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/9/2021</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/9/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/9/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>2/10/2021</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/10/2021</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/11/2021</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>2/11/2021</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/23/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/23/2021</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>2/23/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/25/2021</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/25/2021</i>

<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>2/26/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>2/26/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>4/8/2021</i>

**HOUSE . . . . . No. 236**

By Representatives Khan of Newton and LeBoeuf of Worcester, a petition (accompanied by bill, House, No. 236) of Kay Khan, David Henry Argosky LeBoeuf and others for legislation to authorize the Department of Children and Families to establish an electronic repository of foster youths educational records. Children, Families and Persons with Disabilities.

**The Commonwealth of Massachusetts**

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

An Act creating an electronic backpack for foster 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 71 of the General Laws, as appearing in the 2018 Official Edition,  
2 is hereby amended by inserting at the end thereof the following section:-

3 Section 98. (a) As used in this section, the following terms shall, unless the context  
4 requires otherwise, have the following meanings:-

5 “Department”, shall mean the department of children and families.

6 “Foster child or youth”, shall mean a child under the care or custody of the department of  
7 children and families or a young adult who has signed a voluntary placement agreement with the  
8 department of children and families.

9 “Electronic backpack”, shall mean an electronic repository of a foster child or youth’s  
10 educational records.

11 (b) Notwithstanding any general or special law to the contrary, the commissioner of the  
12 department, in consultation with the office of the child advocate and the commissioner of the  
13 department of elementary and secondary education, shall develop and implement an electronic  
14 backpack system for the educational stability of foster child or youth.

15 (c) The department shall create an electronic backpack for each foster child or youth. The  
16 department, in conjunction with the department of elementary and secondary education, shall  
17 promulgate regulations on the format and function of the electronic backpack system. Each  
18 electronic backpack system shall contain, but is not limited to, the educational records of the  
19 foster child or youth, including the names and addresses of educational providers, the foster child  
20 or youth's grade-level performance, transcript, the foster child or youth's school attendance  
21 records, individual education plan if applicable and any other educational information that the  
22 department requires. The department shall maintain the electronic backpack as part of the  
23 department's records for the foster child or youth as long as the foster child or youth remains in  
24 foster care.

25 (d) The department shall make the electronic backpack available to:

26 (i) Any person authorized by law to make educational decisions for the foster child or  
27 youth;

28 (ii) The teacher/teachers, school and school district that the child or youth is enrolled in;

29 (iii) Any person authorized to consent to medical care for the foster child or youth; and

30           (iv) Any provider of medical care to the foster child or youth if access to the foster child  
31 or youth's educational information is necessary for the provision of medical care and is not  
32 prohibited by law.

33           (e) The department shall collaborate with the department of education to develop policies  
34 and procedures to ensure that the needs of foster child or youths are met in every school district.

35           SECTION 2. The department shall implement the electronic backpack program within  
36 one year of the passage of this act.