

HOUSE No. 153

The Commonwealth of Massachusetts

PRESENTED BY:

Paul J. Donato

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>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>1/20/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/7/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>3/13/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>3/13/2023</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>3/13/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>3/13/2023</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>3/13/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/13/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/13/2023</i>
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>3/22/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>7/20/2023</i>

HOUSE No. 153

By Representative Donato of Medford, a petition (accompanied by bill, House, No. 153) of Paul J. Donato and others that the Child Advocate report on disproportionality and inequity in services provided by child-serving state entities. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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. Section 1 of chapter 18C of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by inserting after the eighth paragraph the following
3 paragraphs:-

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

8 Inequity”, a situation in which members of a particular group are given an unequal share
9 of treatment, status, or opportunity. Examples of group categories which may experience
10 inequities include race, ethnicity, cultural background, gender identity, sexual orientation,
11 transgender status, or disability.

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

19 SECTION 2. Chapter 18C of the General Laws is hereby amended by inserting after
20 section 14 the following section:-

21 Section 15: Collection and Reporting of Information on Inequity in Child Serving Entities

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

34 shall be produced within one year of passage of this law and updated annually thereafter. The
35 report shall be submitted to the governor, the secretary of health and human services, the house
36 and senate chairs of the joint committee on children, families and persons with disabilities and
37 the chief justice of the trial court. The report shall also be made publicly available on the child
38 advocate's website. The child advocate shall request data from child-serving state entities
39 holding data necessary to complete the aforementioned report. The office of the child advocate
40 shall additionally annually produce a public report with detailed recommendations for addressing
41 inequities in child serving state entities. Topics that may be examined include, but are not limited
42 to: (a) statewide data reporting systems that ensure child serving state entities collect accurate,
43 consistent, and comprehensive data that measures disproportionality and inequity; (b) staff
44 trainings on implicit bias, privilege, cultural awareness and professional practice; (c) existing and
45 new early intervention and preventive programming services and curriculum for children
46 involved with state care including, but not limited to: (1) strength-based approaches to engage
47 and promote positive outcomes; (2) community based, wraparound services; (3) educational
48 advocacy and support services; (4) school based referrals to mental health care, the department
49 of children and families, the department of youth services and the department of mental health;
50 (5) programming that supports collaborative relationships among community, faith based,
51 private, and public organizations; (6) home based prevention services in the child serving state
52 entities; (7) transitional services for foster youth and former foster youth; (8) child and family
53 teams for youth in state entities; and (9) other early intervention and preventive programming
54 services; (d) model procurement language and contract oversight that supports culturally
55 accessible services for children, youth and families; (e) a strategic plan to recruit and retain
56 diverse professionals and staff level employees throughout all service delivery systems; (f)

57 recommendations on existing policies that have reduced disproportionality and inequities for
58 youth and children within Massachusetts, nationally, and in other states and localities including
59 but not limited to: (1) blind removal meetings; (2) accountability, quality assurance, and
60 improvements structures to measure outcomes and ensure fidelity; (3) nondiscrimination
61 policies and implementation; and (4) recruitment of affirming foster parents and appropriate kin;
62 (g) recommendations for administrative and legislative actions related to appropriate programs
63 and services to reduce and eliminate disparities in the child serving state entities and improve the
64 long-term outcomes for children who are served by state entities; and (h) performance measures
65 for implementing the recommendations. The child advocate shall write both reports in
66 consultation with individuals and groups with relevant expertise, including expertise in the
67 operation of child-serving entities, experience interacting with child-serving entities, and
68 expertise in identifying and addressing disproportionality and inequity in government policies
69 and practices. Based on the findings of either report, each child serving state entity will be
70 required to publicly produce a corrective action plan to ensure that it collects accurate,
71 consistent, and comprehensive data that measures disproportionality and inequity, and identifies
72 and implements effective policies and practices for reducing disproportionality and inequity –
73 which may include recommendations from the report. The office of the child advocate shall
74 review the corrective action plans and make recommendations for their improvement. The child
75 advocate shall issue guidance or promulgate regulations for the administration and enforcement
76 of this section, including guidance or regulations establishing schedules for the submission,
77 transmission and publication of the data and the format and form that the data from child-serving
78 state entities shall take, including any requirements that data should be available for
79 manipulation or disaggregation, and the format that transmission of the data shall take. The child

80 advocate may request, and if such a request is made all child-serving state entities shall provide,
81 individual level data to facilitate analysis, provided that the child advocate shall be bound by any
82 limitations on the use or release of information imposed by law upon the party furnishing such
83 information as described in section 12 of this chapter