

SENATE No. 120

The Commonwealth of Massachusetts

PRESENTED BY:

Susan L. Moran

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:	
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/1/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/6/2023</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>3/6/2023</i>

SENATE No. 120

By Ms. Moran, a petition (accompanied by bill, Senate, No. 120) of Susan L. Moran, Joanne M. Comerford, James B. Eldridge and Mark C. Montigny 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-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:

25 (a) the level and type of involvement of children in various demographic groups in each
26 of the state's child serving entities, including the points of entry and exit, and at each point at
27 which a critical decision is made;

28 (b) the number of children in low-income families involved in each of the state's child
29 serving entities; and

30 (c) any short and long-term outcomes of that involvement, including but not limited to
31 the results of critical decisions and any other outcomes identified by each child-serving state
32 entity.

33 The demographic categories to be examined shall include, but are not limited to:

34 (a) race and ethnicity;

35 (b) sexual orientation;

36 (c) gender identity;

37 (d) transgender status; and

38 (e) disability status.

39 The report shall also identify outcomes and how they are measured. The report shall
40 provide a detailed description of any relevant data that was not available to the child advocate in
41 writing the report.

42 The initial report shall be produced within one year of passage of this law and updated
43 annually thereafter. The report shall be submitted to the governor, the secretary of health and
44 human services, the house and senate chairs of the joint committee on children, families and
45 persons with disabilities and the chief justice of the trial court. The report shall also be made
46 publicly available on the child advocate's website.

47 The child advocate shall request data from child-serving state entities holding data
48 necessary to complete the aforementioned report.

49 The office of the child advocate shall additionally annually produce a public report with
50 detailed recommendations for addressing inequities in child serving state entities. Topics that
51 may be examined include, but are not limited to:

- 52 (a) statewide data reporting systems that ensure child serving state entities collect
53 accurate, consistent, and comprehensive data that measures disproportionality and inequity;
- 54 (b) staff trainings on implicit bias, privilege, cultural awareness and professional practice;
- 55 (c) existing and new early intervention and preventive programming services and
56 curriculum for children involved with state care including, but not limited to:
- 57 (1) strength-based approaches to engage and promote positive outcomes;
- 58 (2) community based, wraparound services;
- 59 (3) educational advocacy and support services;
- 60 (4) school based referrals to mental health care, the department of children and families,
61 the department of youth services and the department of mental health;
- 62 (5) programming that supports collaborative relationships among community, faith based,
63 private, and public organizations;
- 64 (6) home based prevention services in the child serving state entities;
- 65 (7) transitional services for foster youth and former foster youth;
- 66 (8) child and family teams for youth in state entities; and
- 67 (9) other early intervention and preventive programming services;
- 68 (d) model procurement language and contract oversight that supports culturally accessible
69 services for children, youth and families;

70 (e) a strategic plan to recruit and retain diverse professionals and staff level employees
71 throughout all service delivery systems;

72 (f) recommendations on existing policies that have reduced disproportionality and
73 inequities for youth and children within Massachusetts, nationally, and in other states and
74 localities including but not limited to:

75 (1) blind removal meetings;

76 (2) accountability, quality assurance, and improvements structures to measure outcomes
77 and ensure fidelity;

78 (3) nondiscrimination policies and implementation; and

79 (4) recruitment of affirming foster parents and appropriate kin;

80 (g) recommendations for administrative and legislative actions related to appropriate
81 programs and services to reduce and eliminate disparities in the child serving state entities and
82 improve the long-term outcomes for children who are served by state entities; and

83 (h) performance measures for implementing the recommendations.

84 The child advocate shall write both reports in consultation with individuals and groups
85 with relevant expertise, including expertise in the operation of child-serving entities, experience
86 interacting with child-serving entities, and expertise in identifying and addressing
87 disproportionality and inequity in government policies and practices.

88 Based on the findings of either report, each child serving state entity will be required to
89 publicly produce a corrective action plan to ensure that it collects accurate, consistent, and

90 comprehensive data that measures disproportionality and inequity, and identifies and implements
91 effective policies and practices for reducing disproportionality and inequity – which may include
92 recommendations from the report. The office of the child advocate shall review the corrective
93 action plans and make recommendations for their improvement.

94 The child advocate shall issue guidance or promulgate regulations for the administration
95 and enforcement of this section, including guidance or regulations establishing schedules for the
96 submission, transmission and publication of the data and the format and form that the data from
97 child-serving state entities shall take, including any requirements that data should be available
98 for manipulation or disaggregation, and the format that transmission of the data shall take. The
99 child advocate may request, and if such a request is made all child-serving state entities shall
100 provide, individual level data to facilitate analysis, provided that the child advocate shall be
101 bound by any limitations on the use or release of information imposed by law upon the party
102 furnishing such information as described in section 12 of this chapter.